

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

Marshall R. Newman

Cynthia D. Calderon

Patricia A. Taylor

Joseph D. Calderón

Garry A. Buie

Don R. Gerth

City Manager

J. J. Murphy

May 1, 2017



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

Monday, May 1, 2017 - 6:00 p.m.

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner - District 1

Cynthia D. Calderon
Commissioner - District 2

Patricia A. Taylor
Commissioner - District 3

Joseph D. Calderón
Commissioner - District 4

Garry A. Buie
Commissioner - District 5

Don R. Gerth
Commissioner - District 6

A G E N D A

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

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the April 17, 2017, Regular Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming the Month of May, 2017, as "*Building Safety Month*" (*Ben Maynes, City of Hobbs Building Official, and Fire Chief Manny Gomez*)

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

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

3. Resolution No. 6540 - Determining that Certain Structures are Ruined, Damaged and Dilapidated Requiring Removal from the Municipality (309 West Berry) *(Raymond Bonilla)*

DISCUSSION

None

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

4. **PUBLICATION:** Proposed Ordinance Repealing Resolution No. 5329 Code of Ethics/Related Party Policy for the City of Hobbs and Adopting an Ordinance Amending Chapter 2 of the Hobbs Municipal Code Which Shall be the City of Hobbs Code of Conduct *(Efren Cortez)*
5. Consideration of RFP No. 492-17 to Provide Golf Instruction Services at Rockwind Community Links Golf Course and Recommendation to Accept Proposal from Camren Bergman d/b/a CJB Golf, LLC *(Doug McDaniel, Linda Howell)*
6. Resolution No. 6541 - Consideration of RFP No. 493-17 for Comprehensive Financial Audit Services and Recommendation to Accept Proposal from Moss Adams, LLP *(Toby Spears)*
7. Resolution No. 6542 - Approving the FY 2017 3rd Quarter Lodgers' Tax Financial Report for the New Mexico Department of Finance and Administration (DFA) *(Toby Spears)*
8. Resolution No. 6543 - Approving the FY 2017 3rd Quarter Financial Report for the New Mexico Department of Finance and Administration (DFA) *(Deb Corral)*
9. **FINAL ADOPTION:** Ordinance No. 1102 - Approving a Real Estate Purchase Agreement to Sell and Convey Property Located at 105 West Broadway to Richard Martin for the Purchase Price of \$86,000.00 *(J. J. Murphy)*
10. Resolution No. 6544 - Approving a Development Agreement with ALJO Development, LLC, Concerning the Development of Market Rate Single Family Housing Located Within the Tanglewood Unit 2 Subdivision *(Kevin Robinson)*

11. Resolution No. 6545 - Approving an Infrastructure Oversize Development Agreement with ALJO Development, LLC, Concerning the Oversizing of Municipal Infrastructure Within the Tanglewood Unit 2 Subdivision (*Todd Randall*)
12. Consideration of Approval of Bid No. 1555-17 for the Phase 10 Waterline Replacement Project and Recommendation to Accept Bid from Entrench, Inc., in the Amount of \$695,574.00 Not Including GRT (*Todd Randall*)
13. Resolution No. 6546 - Consideration of Affirmation or Denial of a Decision of the City of Hobbs Planning Board Regarding Issuance of a Tower Permit in Compliance with Hobbs Municipal Code 18.12 for a Cell Tower to be Located Northwest of the Intersection of Bender Blvd. and Lovington Highway Upon Property Owned by City Commissioner Garry Buie d/b/a Buie Capital Ventures, LLC (*Kevin Robinson*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

14. Next Meeting Date:

- ▶ Regular Meeting - ***Monday, May 15, 2017***, at 6:00 p.m.

ADJOURNMENT

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



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2017

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: April 27, 2017
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of April 17, 2017

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

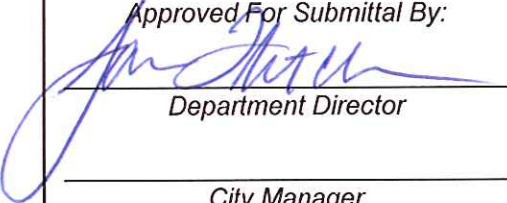
Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, April 17, 2017, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

Call to Order and Roll Call

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

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

Also present:

J. J. Murphy, City Manager
Mike Stone, City Attorney
Efren Cortez, Assistant City Attorney
Chris McCall, Police Chief
Charles Cunningham, Police Captain
Manny Gomez, Fire Chief
Barry Young, Deputy Fire Chief
Max Brown, Battalion Chief
Todd Randall, City Engineer
Shelia Baker, Senior Staff Engineer
Kevin Robinson, Development Coordinator
Ronny Choate, General Services Director
Tim Woomer, Utilities Director
Toby Spears, Finance Director
Nicholas Goulet, Human Resources Director
Ron Roberts, Information Technology Director
Doug McDaniel, Parks and Recreation Director
Matt Hughes, Golf Superintendent
Britt Lusk, Administrative Services Director
Meghan Mooney, Director of Communications
Sandy Farrell, Library Director
Ann Betzen, Risk Manager/Executive Assistant
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
96 citizens

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Taylor moved that the minutes of the regular meeting held on April 3, 2017, be approved as presented. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman abstain, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Presentation of the Library Patrons of the Year Award to Necia Asbill and Sidney Bishop

Mr. J. J. Murphy, City Manager, and Ms. Sandy Farrell, Library Director, presented the Library Patrons of the Year Award to Ms. Necia Asbill and Ms. Sidney Bishop. Ms. Farrell stated that Ms. Asbill and Ms. Bishop are sisters who have been patrons of the Hobbs Public Library for over ten years. They utilize many of the Library's resources and the Library staff is proud to present them this award.

Public Comments

Ms. Judy Cabina, representing members of Somos Lea County, addressed comments to the Commission regarding concerns for the protection of immigrant workers and their rights under the current Presidential Administration.

Mayor Cobb stated the City has not encouraged the Hobbs Police Department (HPD) to engage in immigration matters. He stated immigration is a role of the Federal Government and the City should not be involved in the enforcement.

Mr. Mike Stone, City Attorney, directed Ms. Cabina, and any others with specific questions, to speak to Police Chief Chris McCall.

In response to Commissioner Joseph Calderón's inquiry, several citizens spoke, via Spanish translator, relating stories of family members being questioned about immigration while incarcerated at the Hobbs Detention Facility. These citizens spoke of a lack of trust in the City government and HPD.

Mr. Stone encouraged the citizens to bring their specific issues to Police Chief McCall for further discussion. Police Chief McCall provided Ms. Cabina with a business card containing his contact information.

Consent Agenda

There were no items listed on the Consent Agenda.

Discussion

There were no items presented for discussion.

Action Items

Consideration of Approval of Bid No. 1556-17 for Janitorial Services for the City of Hobbs and Recommendation to Accept Bid from Kleen-Tech Services Corp. in the Amount of \$169,572.00

Ms. Shelia Baker, Senior Staff Engineer, explained the bid and stated the bid contract will consist of janitorial services for the following City-owned buildings: City Hall, Police Department, Forensic Lab, District Attorney's Office, Animal Adoption Center, Library, Utilities, Hobbs Express and the Parks Operations Center. She added that each building would have their own contract based on services needed. Ms. Baker stated the bid packet was mailed to 16 companies and three companies submitted a response. She stated it is the staff recommendation to award the bid to Kleen-Tech Services in the amount of \$169,572.00 not including GRT.

In answer to Commissioner Gerth's question, Ms. Baker stated Kleen-Tech is currently contracted to clean six of these buildings. She further responded that the contract is for a term of one year but there is an option to renew for three additional years.

In response to Mr. Murphy's inquiry, Ms. Baker stated bids were received from Divine Janitorial Services, LLC, at \$307,625.00 and American Renovation, Inc., at \$255,255.00.

There being no further discussion, Commissioner Joseph Calderón moved to approve Bid No. 1556-17 for janitorial services for the City of Hobbs and accept the bid from Kleen-Tech Services Corp. in the amount of \$169,572.00. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Consideration of Approval of a Work Order to Ramirez & Sons Under the Annual Paving Agreement for Intersection Improvements at Calle Sur and Joe Harvey Blvd. in the Amount of \$83,346.67

Mr. Ronny Choate, General Services Director, explained the work order and stated the project will consist of the removal of the median on Calle Sur at the Joe Harvey intersection and repaving the entire street to create new turn lanes. He stated the intersection is

currently very confusing between the shopping centers. He added this work will improve the flow of traffic and decrease the number of accidents and near-miss accidents at this intersection. Mr. Choate stated this work order will be performed under the current annual contract and paving agreement with Ramirez & Sons.

Mayor Cobb stated the intersection does have a high volume of traffic and is very confusing.

There being no further discussion, Commissioner Buie moved to approve the Work Order to Ramirez & Sons under the annual paving agreement for intersection improvements at Calle Sur and Joe Harvey Blvd., in the amount of \$83,346.67. Commissioner Joseph Calderón seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Resolution No. 6536 - Approving the New Mexico State Fire Protection Fund Application for FY 18

Fire Chief Manny Gomez explained the resolution and stated the application for the New Mexico Fire Protection Fund Grant is due by April 30, 2017. He stated that 3% of all home and auto insurance premium tax goes to this fund and it is granted to fire departments throughout the state based on their individual ISO Ratings and the number of fire stations. Fire Chief Gomez stated the City of Hobbs has requested New Mexico State Fire Protection funds since its establishment in 1978.

In response to Mayor Cobb's inquiry, Fire Chief Gomez stated the ISO rating is measured by the number of manned fire stations and the types of equipment available to mitigate any potential threats. He also explained the importance of open communications between dispatch and the fire stations. Chief Gomez added that water supply is also an important part of the rating. He stated Hobbs is at the maximum-allowable points for communications and water supply, due in part to the steps taken to ensure an adequate supply of effluent water. He further stated the City has had an ISO2 rating since 2001.

There being no further discussion, Commissioner Buie moved to approve Resolution No. 6536 approving the New Mexico State Fire Protection Fund Application for FY 18. Commissioner Joseph Calderón seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6537 - Consideration of an Appeal by the Hawkins Companies to a Decision of the City of Hobbs' Planning Board Regarding a Front Yard Setback Variance for a Proposed Structure to be Located North of Holiday Inn Express at 4000 North Lovington Highway

Mayor Cobb stated this is an appeal to a decision made by the Planning Board and will be handled as a public hearing. He asked Mr. Mike Stone, City Attorney, to handle the hearing.

Mr. Stone stated it has come to his attention that Commissioner Buie will recuse himself from the discussion and vote on this item.

Commissioner Buie stated he expressed his opinion on this matter at the recent Planning Board meeting, and he will abstain from discussion and vote on this item.

Mr. Stone called for any witnesses in the audience to forward. Mr. Kevin Robinson, Development Coordinator, Mr. Brandon Whallon of Hawkins Companies, and Ms. Rachel Flippen of the Holiday Inn Express came forward to address the Commission during this hearing.

At the request of Mr. Stone, Ms. Jan Fletcher, City Clerk, administered the oath to the witnesses.

Mr. Whallon addressed the Commission and stated that his company, Hawkins Companies, is requesting a minor setback variance to the property at 4000 North Lovington Highway. He stated they applied for a variance from the Planning Board in December, 2016, but were unable to attend the meeting so the request was denied. He stated the company decided to proceed with a larger development area to include approximately 30 businesses within the shopping area and re-applied for the variance. Mr. Whallon described the scenario in which denial of the variance would be seen as a detriment to potential commercial development in that location. He stated the Planning Board granted conditional approval of the variance. He further stated after the conditional variance was granted, the company was unable to secure the three commercial vendors needed for the retail center so Hawkins Companies re-applied to the Planning Board with the original variance which was again denied, thus bringing him to the City Commission with an appeal.

Mr. Whallon spoke at length regarding the details of the variance and identified many of the potential questions regarding this variance and the property involved.

In response to Mr. Stone's questions, Mr. Whallon stated the original variance was for a single parcel of land. He stated the second request included the entire shopping center and the variance received conditional approval based on the following conditions: the

Hawkins Companies had to develop the property back to Magnolia Street and they needed to own all of the property involved in the development. He added the third request was for the original parcel which is property owned by Hawkins Companies.

Mr. Stone clarified that while the New Mexico Department of Transportation may have noted they did not see any potential problems with the site, they also pointed out that municipalities may be more stringent on their approach to this type of development.

In answer to Mr. Stone's inquiry, Mr. Whallon acknowledged the buildings that are outside the current setbacks are older buildings that were constructed prior to the adoption of the Major Thoroughfare Plan.

In response to a question by Mayor Cobb, Mr. Robinson confirmed the Planning Board did not deny Mr. Whallon's original variance based on his lack of presence at the Planning Board meeting. Mayor Cobb stated the decision was consistent with current City policy.

In response to Mr. Stone's inquiry, Ms. Rachel Flippen, General Manager of the Holiday Inn Express, stated she was in attendance at the Planning Board meeting; however she did not make a presentation to the Board.

Ms. Flippen stated the opposition by the Holiday Inn Express has nothing to do with the visibility of their three-story building. She stated their concern is for the safety of the employees and guests entering and exiting the property. Ms. Flippen stated she does not feel this variance should be considered. She added the City has put these policies in place for the safety of the citizens and the policies should be followed.

In answer to Mr. Stone's question, Mr. Robinson stated he is the Development Director and has been with the City for approximately eight years. Mr. Robinson confirmed that the Hawkins Companies originally came to the Planning Board to request a variance to reduce the front setback from 40' to 20' on a single parcel.

In further response to Mr. Stone's inquiry, Mr. Robinson stated he was in attendance at the Planning Board during the original request. He stated the variance failed to pass in keeping adherence to the developmental rules and regulations set forth in the Major Thoroughfare Plan. He further stated the desire is to keep the corridor consistent.

Mr. Stone verified that the second request, which included the entire shopping center, was approved conditionally based on property ownership and development of the property. In response to Mr. Stone's inquiry, Mr. Robinson stated the development of the entire property was approved because, as the Planning Board stated, there were a lot of issues that could be mitigated based on the ownership of the property. There were

certain negative factors that could not be corrected with a single developer working with a single parcel.

Mr. Robinson stated another issue with the property was the ingress and egress at the property. He explained one of the conditions of the Planning Board's approval was the limiting of traffic lanes into and out of the property.

In answer to Mr. Stone's question, Mr. Robinson agreed that inconsistencies in property setbacks has the potential to adversely affect the neighboring businesses and properties.

Mr. Stone stated that looking at historical trends, the buildings located south of the proposed development appear to be compliant to the Major Thoroughfare setbacks. Mr. Robinson agreed. He stated that while there was originally some concern over the discrepancies between the location and stats from Google Earth, they were able to pull the original site plans to find the PetSmart building is in fact more than 40' back from the thoroughfare. He confirmed in the last ten years, all new developments to the south are in compliance. He further stated buildings that were noncompliant on these properties were actually removed.

Mr. Whallon addressed the Commission stating in his recollection of the discussion with Mr. Duane Lackey and his wife, they were not strictly against the variance, but they wanted the developer to purchase their property as well and they would be in agreement. He added the overall design of the area is to transition from a more rural setting to an urban setting. He stated the development of the C.O.R.E. will create more pedestrian foot traffic in this location and the urban setting will be more fitting.

Mr. Stone reminded the Commission that the Planning Board has traditionally passed on a variance unless the entire subdivision or shopping center is included. He stated the motion will be to accept or deny the variance.

There being no further discussion, Commissioner Gerth moved to deny the request for variance and affirm the decision of the Planning Board. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie abstain, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes

Consideration of Approval of an Amended and Restated Joint Powers Agreement with the Lea County Communications Authority for Consolidated Emergency Communications in Lea County

Police Chief Chris McCall presented the Amended and Restated Joint Powers Agreement (JPA) and stated this amendment will remove the section of the JPA that

applies to other agencies joining the Lea County Communications Authority (LCCA). He stated it makes changes to the ability to vote by proxy if someone is unable to attend the meeting and specifies who can call an emergency meeting. He added the rest of the agreement will remain the same.

In response to Mayor Cobb's request, Police Chief McCall briefly described the various actions of the LCCA.

In response to Commissioner Newman's inquiry, Police Chief McCall stated Lea County has also approved this agreement.

Mr. Stone stated it has come to his attention that Commissioner Cynthia Calderon's daughter works at the LCCA. He stated while he is not sure that a conflict of interest exists, in the interest of disclosure, it would be best if she abstain from this vote.

Commissioner Cynthia Calderon stated her daughter is a dispatcher at the LCCA.

There being no further discussion, Commissioner Joseph Calderón moved to approve the Amended and Restated Joint Powers Agreement with the Lea County Communications Authority for Consolidated Emergency Communications in Lea County as requested. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon abstain, Taylor yes, Joseph Calderón yes, Buie 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. 1101 - Repealing Chapter 3.20 of the Hobbs Municipal Code and Enacting a New Chapter 3.20 Establishing a Revised City Procurement Policy.

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

1. Changes to the evaluation criteria for non-qualification based RFP's requiring a minimum cost factor of 20%.
2. Requires all proposers and bidders to sign: (1) An affidavit of non-collusion; (2) a related party form disclosing any financial interests with the City of Hobbs; and (3) a Debarment certificate disclosing any debarment from the State of New Mexico, Federal government or the City of Hobbs.

3. Adds additional language on multi-year contracts requiring task orders to be evaluated and justified by a Department Head committee.
4. Adds language to professional service contracts between \$20,000 and \$60,000 thresholds requiring three written quotes with justification (when applicable).
5. Changes languages of purchases from elected officials or employees to the City of Hobbs shall follow the New Mexico Governmental Conduct Act as it relates to purchases from elected officials or employees. The changes also enact a new Section XII Procedures for related party expenditures requiring City of Hobbs employees and elected officials to submit an employee financial disclosure form.
6. Changes Section IV on public works contracts.
7. Changes Section VI of the fixed asset policy adding additional language on definitions, procedures for auctions, annexing and donations of property.
8. Changes procedures for receiving on a purchase order requiring scanning of receiving documents within the electronic accounting software (when applicable).
9. Updates veteran resident bidders/proposer preferences.

Mr. Stone stated this ordinance will only make changes to the City's Procurement Policy. He further stated the City is currently working with the State Auditor to review and correct the Ethics Policy. Mr. Stone added he will attempt to have the Ethics Policy ready for review at the next Commission Meeting.

In response to Commissioner Buie's inquiry, Mr. Stone stated this is a policy change and the Procurement Policy Ordinance is not a conflict of interest to individual companies who have done business with the City in the past.

In answer to Commissioner Taylor's question, Mr. Stone stated the Procurement Policy will apply to everyone doing business with the City and will provide a disclosure ensuring that the City is transparent in its actions with future vendors.

In response to a question from Ms. Helen Houston, a citizen, Mr. Stone stated this Procurement Policy Ordinance will not directly affect any one person as it is a citywide policy.

Mayor Cobb stated this vote does not enter anyone into a specific contract with the City. He added the Procurement Policy will ensure that should the City enter into a future

contract, the proper disclosures will be made in order for the contractor to recuse himself or herself.

In response to Ms. Houston's inquiry, Mr. Spears stated the changes are related to annual audit findings. Based on the audit findings, it was suggested that the City follow the Governmental Conduct Act regarding procurement.

In reply to a question by Mr. Nick Maxwell, Mr. Stone said the City will follow the Governmental Conduct Act which was adopted in 2011. He further stated the City will be addressing the ethics issue as well.

In response to Mr. Maxwell's inquiries, Mr. Stone stated the current ordinance does prohibit the City from doing business with the Commissioners and the Governmental Conduct Act does not prohibit business as long as it has been disclosed.

Mr. Maxwell addressed several comments to the Commission regarding the Procurement Policy and stated his concern that by adopting the Governmental Conduct Act, the need for corrective action regarding the need for financial disclosure forms basically goes away.

Mr. Stone corrected Mr. Maxwell stating the disclosure forms were not being left out as they will become a part of the Ethics Policy to be discussed in a future meeting.

Mr. Maxwell distributed a copy of a letter to the Commission from the State Auditor dated January 30, 2017, which stated the City needs to take immediate corrective actions regarding financial disclosures. He encouraged the Commission to sign the proper disclosures before they are no longer required.

There being no further discussion or comments from the public, Commissioner Joseph Calderón moved that Ordinance No. 1101 repealing Chapter 3.20 of the Hobbs Municipal Code and enacting a new Chapter 3.20 establishing a revised City Procurement Policy be adopted. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor abstain, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the ordinance and supporting documents are attached and made a part of these minutes.

Resolution No. 6538 - Authorizing an Allocation of Lodgers' Tax Funds to Fund Various Annual Events for FY 2018

Mr. Spears presented the resolution for the allocation of Lodgers' Tax funds to fund various events for FY 2018. He stated the Lodgers' Tax Board met on April 12, 2017, to

discuss the funding requests. He explained the approved lodgers' tax allocation percentages based on the City current ordinance as follows:

- ▶ 15% for public safety and City incurred sanitation cost;
- ▶ 20% advertising and promotion of events for non-profit and for-profit organizations and public entities with no one event exceeding \$25,000.00;
- ▶ 25% support of Airport Commercial Air Service at the Lea County Airport; and
- ▶ 40% for advertising, promoting, marketing of events for the City of Hobbs and Lea County.

Mr. Spears presented a financial forecast and revenue fund balance report reviewing the allocation percentages based on the City's ordinance and the 2017 proposed revenue projections. He stated the Lodgers' Tax cash balance is in the amount of \$115,651.55 as of March 31, 2017. He stated the proposed revenue for FY 18 is approximately \$825,000.00. Mr. Spears stated the total amount requested by organizations is \$1,718,530.36 and the City Manager's recommendation is \$940,651.55.

Mr. Murphy stated the City has engaged in conversations with the lodging community to better utilize funds to make sure the events were putting heads in beds. He further explained it is a walkthrough process that is not perfect. He added there are approximately \$406,000.00 in requests with approximately \$100,000.00 in funds available. Mr. Murphy stated the requested amount for marketing the C.O.R.E. is a placeholder. He stated the amounts being requested by the City for funds to market Rockwind and the C.O.R.E. are based on the allocations written into the current ordinance. He added the funding percentages can be changed to reflect the direction of the Commission.

Mayor Cobb stated the request for marketing the C.O.R.E. at approximately \$336,000.00 jumps off the page at him.

In response to Mayor Cobb's inquiry, Mr. Murphy stated changing the funding caps would require a change to the ordinance.

Mayor Cobb stated the City needs to review the ordinance and keep in mind long term affects. He also suggested reviewing the airline subsidies and possibly dealing with them separately.

Mr. Murphy stated making changes to the ordinance is something that can be done; however, there are decisions to make on the current requests before the Commission. He added the funds allocated to the C.O.R.E. will not be utilized. He also pointed out that staff has followed the direction of the City Commission for all of the allocations.

Mayor Cobb stated the hotel industry is no longer being used for workforce housing so it is time to look at revising the ordinance.

In response to Commissioner Buie's question, Mr. Murphy stated the ordinance currently designates 25% of the lodgers' tax funds to be allocated to the Economic Development Corporation of Lea County (EDC) for the airline subsidy and 40% is designated for use by the local government.

Commissioner Buie expressed concern for the lack of funds designated to Lea County for the Fair and Rodeo. He stated while the cowboys may not lodge in Hobbs, they do eat at the restaurants and use other amenities in Hobbs.

Commissioner Taylor suggested waiting to proceed on the allocations.

Commissioner Cynthia Calderon requested additional time to review the past ordinances.

Mr. Murphy reminded the Commission that the amount allocated to the C.O.R.E. is just a placeholder. He added the City staff is open to changes in the ordinance.

Mr. Spears reminded the Commission that the financial statement is based on projections from May 1, 2017, to June 30, 2018. He stated the cash balance can change at any time and adjustments can be made to the allocations. He further stated the City budget is due to the Department of Finance and Administration (DFA) by June 1, 2017.

Mr. Murphy suggested leaving the placeholder for the C.O.R.E. marketing in place and moving forward with the other requested allocations. He stated an amendment can be made to the ordinance and reallocating can be done as necessary.

Commissioner Gerth agreed with Mayor Cobb's comments on the use of hotels for workforce lodging. He stated the airline does not put heads in beds. He suggested figuring out a system for tracking the use of hotels during events.

Mayor Cobb requested a motion to approve the requests as recommended by the Lodgers' Tax Board.

Mr. Murphy requested the Commission review the requests submitted by the Hispano Chamber of Commerce. He stated the Lodgers' Tax Board recommended the lesser amount and he would like to see his amount funded for the Fiestas de Septiembre and Mariachi Christmas.

In response to Commissioner Taylor's inquiry, Mr. Oscar Gonzalez, representing the Hispano Chamber of Commerce, stated the performance for Fiestas de Septiembre is booked one year in advance.

Commissioner Joseph Calderón moved to fund the City Manager's recommendation in the amount of \$16,000.00 to the Hispano Chamber of Commerce for the Fiestas de Septiembre. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

In answer to Commissioner Buie's question, Mr. Spears clarified the Juneteenth Committee request was only partially funded in FY 2016-17. The remaining amount is for the event to be held in June, 2017, is being requested in this FY 2017-18 annual request.

Commissioner Buie stated the Juneteenth Committee was not awarded funds by either the City Manager or the Lodgers' Tax Board. He further stated he would like to see the event funded at 50% bringing the amount to \$3,716.00.

Commissioner Buie moved to approve funding in the amount of \$3,716.00 to the Juneteenth Committee for the Juneteenth Celebration. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Commissioner Gerth stated it is imperative to figure out a system to determine what events are bringing heads in beds.

In response to the question from Commissioner Buie, Mr. Gonzalez stated the lodging industry has been working to obtain some sort of code to indicate the visitors that are coming in as a result of an event funded by lodgers' tax. He stated nothing has yet been implemented.

Ms. Houston, speaking on behalf of the African American Chamber of Commerce, stated that even if their group suggests a hotel, it does not guarantee that the visitors will lodge there. She stated there have been improvements in regards to tracking guests over the last three years.

Ms. Geni Cavanaugh of the Southwest Symphony agreed with the Commission in the need to review the current ordinance. She suggested there may be a conflict of interest on the Lodgers' Tax Board as two of the Board members are hoteliers. She stated there is also conflicting numbers being given by the hotel committee. Ms. Cavanaugh stated that the hotel association stated there were approximately 20 rooms booked by the Southwest Symphony; however, she has receipts and records for over 240 rooms booked by event participants and guests.

Mayor Cobb stated the appropriate guidelines are in place and the City will work to make an even playing field for the allocation of lodgers' tax funds.

In answer to Ms. Cavanaugh's question, Mayor Cobb stated the hotels do not submit a portion of their GRT with the Lodgers' Tax to the City.

Ms. Cavanaugh stated the hoteliers need to be held accountable for their taxes reported. She also stated the Lodgers' Tax funds should be used for events bringing visitors to Hobbs.

Mayor Cobb stated the resolution cannot be tabled based on the need for funds from other entities; however, he would like to earmark the funds requested by the City for C.O.R.E. and Rockwind and require them to be subject to changes made to the allocations written into the ordinance. He further stated the other requests should be funded at the allocations recommended by the Lodgers' Tax Board.

There being no further discussion, Commissioner Joseph Calderón moved that Resolution No. 6538 be adopted based on the funding recommendations by the Lodgers' Tax Board and earmarking the funds requested by the City to be subject to change based on upcoming changes to the ordinance. Commissioner Cynthia Calderon seconded the motion.

In response to Commissioner Newman's inquiry, Mayor Cobb stated the Lea County Fair and Rodeo Board will not be allocated funds at this time. He also stated the funds allocated to marketing the C.O.R.E. will be scrutinized pending a change to the lodgers' tax ordinance. He added funds can be reallocated to organizations at a later time.

There being no further discussion, the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documents are attached and made a part of these minutes.

Resolution No. 6539 - Adopting Budgetary Adjustment #6 for FY 16-17

Mr. Spears stated the budget is prepared prior to the beginning of the fiscal year and it becomes necessary to adjust the budget for items not contemplated at the time of its preparation, or for issues that arise during the fiscal year. He stated the budgetary adjustment includes a decrease in expenditures of \$11,080,491.05, changing the expenditures from \$220,574,772.80 to \$209,494,281.75. He stated total revenues increased by \$100,000.00, changing the total revenues from \$137,751,199.89 to \$137,851,199.89. He stated the overall budget adjustment brings the General Fund reserve balance to 27%. Mr. Spears added that once approved by the Commission, the resolution must be forwarded to the DFA for its approval.

There being no discussion, Commissioner Gerth moved that Resolution No. 6539 be adopted as presented. Commissioner Joseph Calderón seconded the motion and the

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

Closed Session

Mayor Cobb stated the City Commission convened in closed session on Thursday, April 13, 2017, at 4:30 p.m. for discussion of limited personnel matters, specifically the City Manager's employment contract. The matters discussed in the closed meeting were limited only to discussion of limited personnel matters, specifically the City Manager's employment contract. No action was taken during the meeting.

Comments by City Commissioners, City Manager

Commissioner Joseph Calderón expressed his concern for the citizens with Somos Lea County who presented their stories and concerns earlier. He stated he understands their issues and sympathizes with their situations.

Commissioner Taylor also expressed understanding for those who do not make it back home to their loved ones. She stated we are a nation of immigrants and should take care of each other without ethnic boundaries.

Commissioner Cynthia Calderon agreed with Commissioners Joseph Calderón and Taylor. She stated she wants everyone to feel safe.

Adjournment

There being no further discussion or business, Commissioner Gerth moved that the meeting adjourn. Commissioner Cynthia Calderon seconded the motion. The vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 8:15 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, the City of Hobbs is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and

WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry; and

WHEREAS, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety – our local code officials – who assures of safe, efficient and livable buildings that are essential to keep America great ; and

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

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

"BUILDING SAFETY MONTH"

With the theme, "**Code Officials – Partners in Community Safety and Economic Growth**", I encourage the community to join with the City of Hobbs in participation in Building Safety Month activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of May, 2017, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, MAYOR

ATTEST:



JAN FLETCHER, CITY CLERK





CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2017

SUBJECT: Condemnation Recommendation Structure Contained on Attachment "A"

DEPT. OF ORIGIN: Community Services

DATE SUBMITTED: April 25, 2017

SUBMITTED BY: Raymond Bonilla, Community Services Department Head

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 one structure which presents safety and fire hazards which warrant its destruction. This structure is in dire need of repair. Attachment A contains information of the property.

Fiscal Impact:

Reviewed By: 

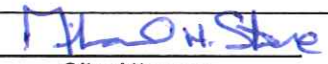
Finance Department

The demolition and clean up of this property will cost approximately \$20,000.00. 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. Photo of Structure contained in Attachment A.

Legal Review:

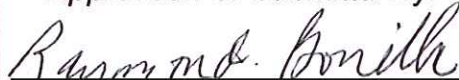
Approved As To Form: 

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. _____
Ordinance No. _____
Approved _____
Other _____

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

CITY OF HOBBS

RESOLUTION NO. 6540

**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 1st day of May, 2017.

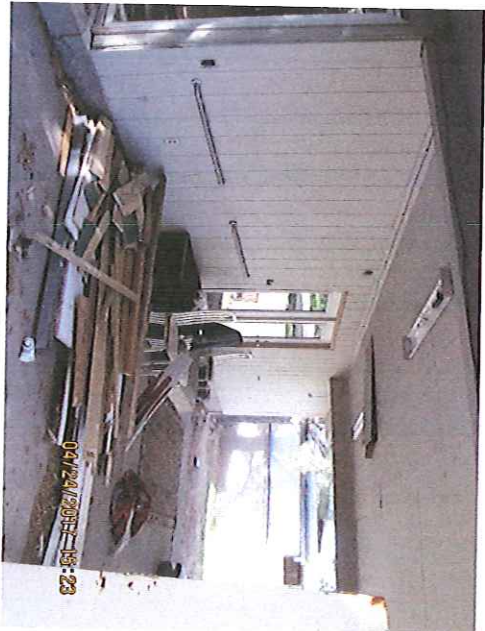
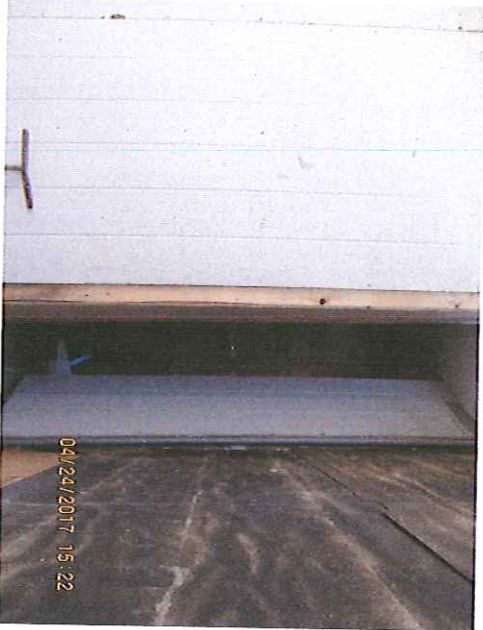
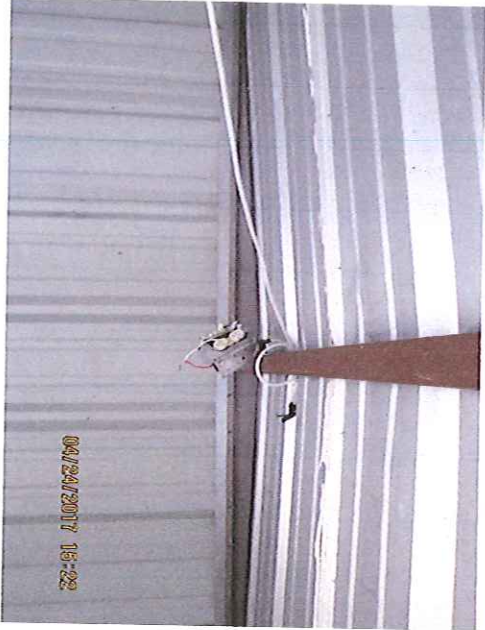
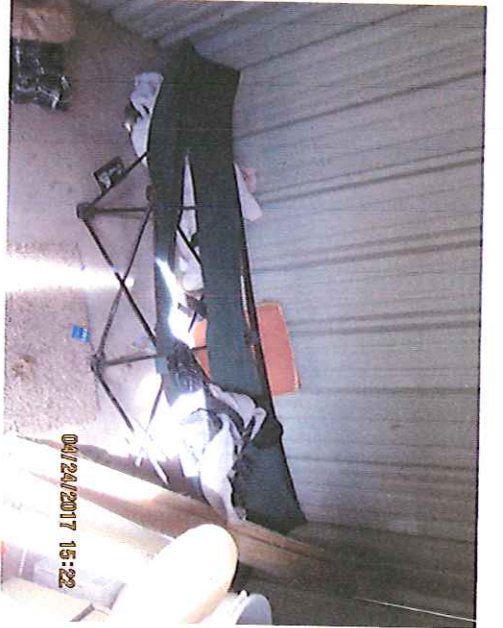
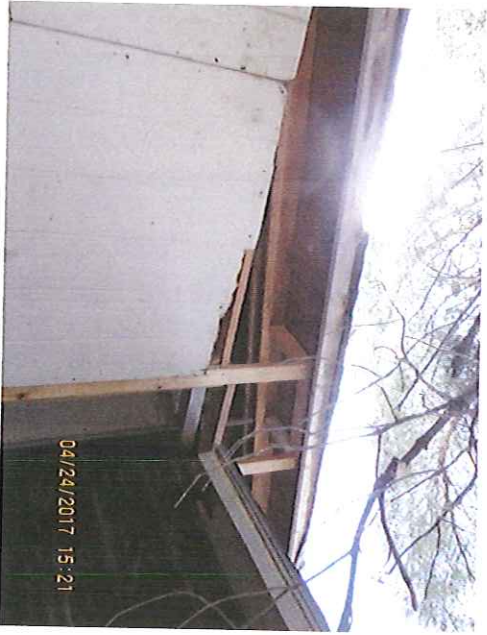
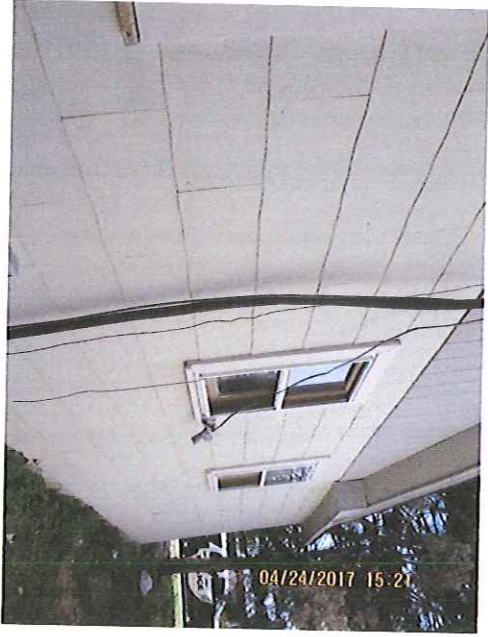
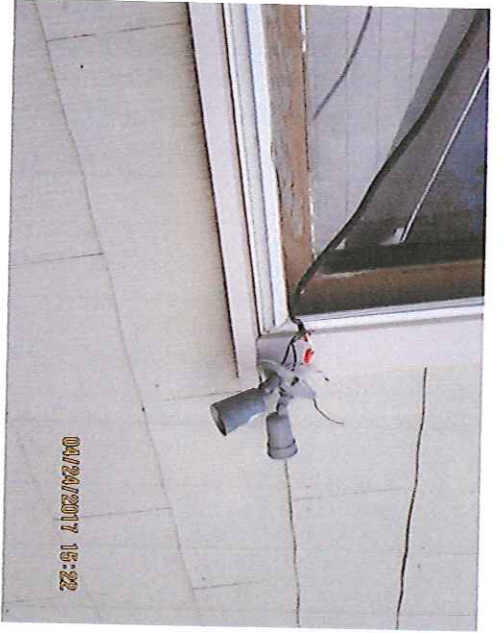
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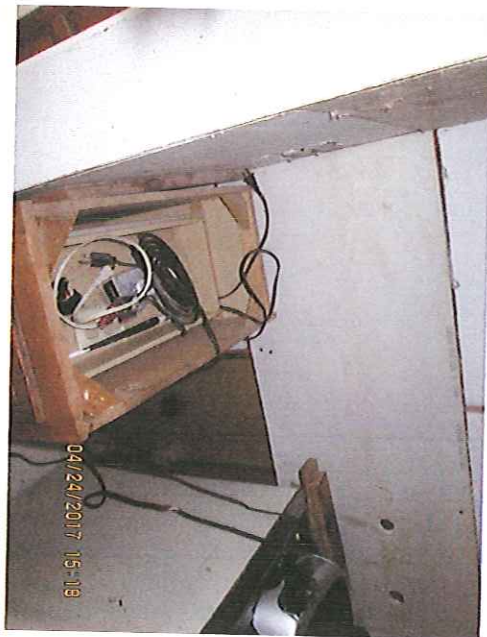
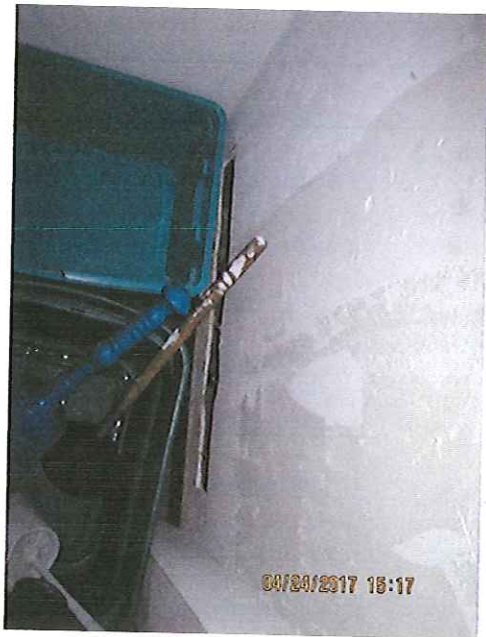
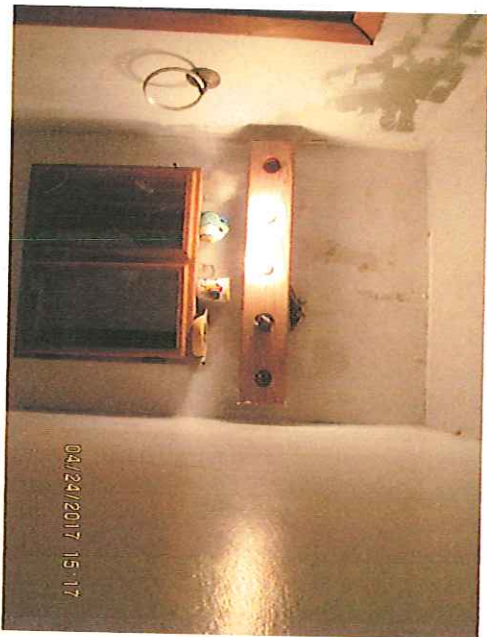
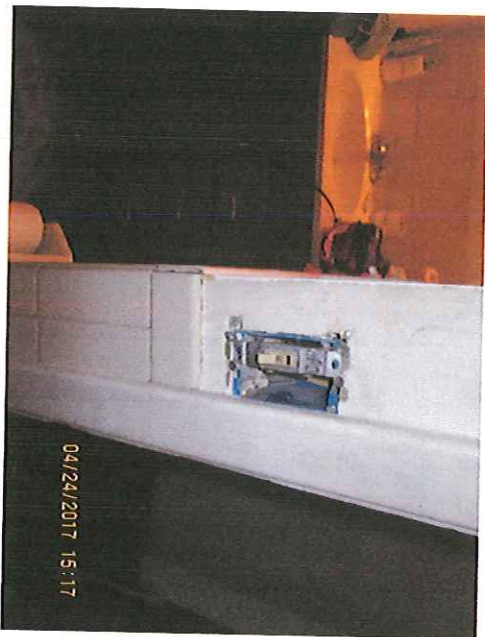
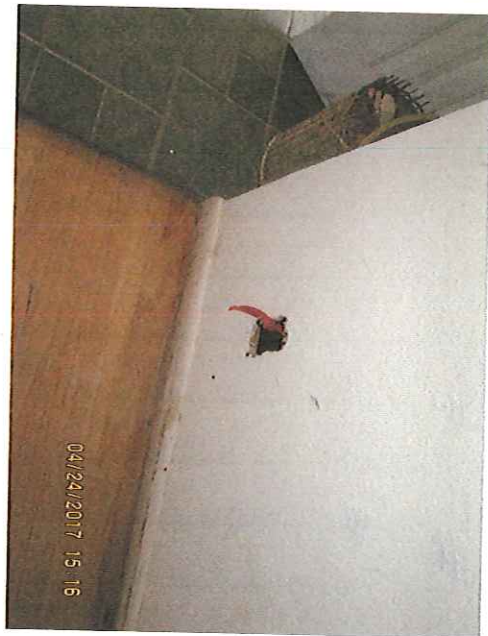
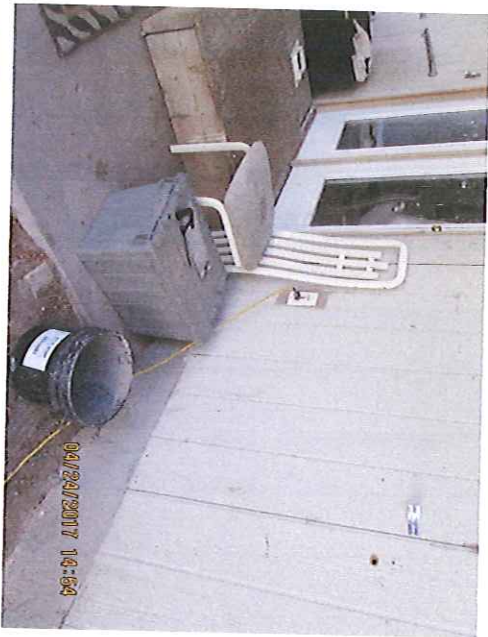
SAM D. COBB , Mayor

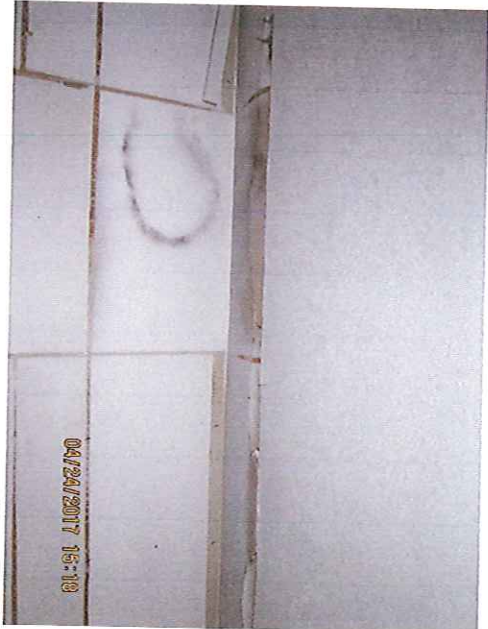
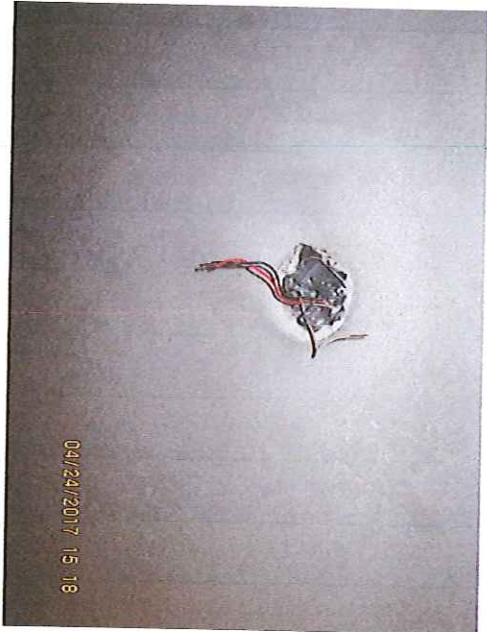
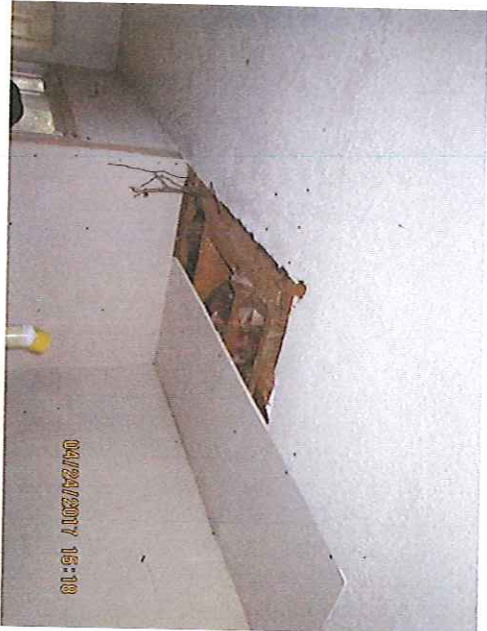
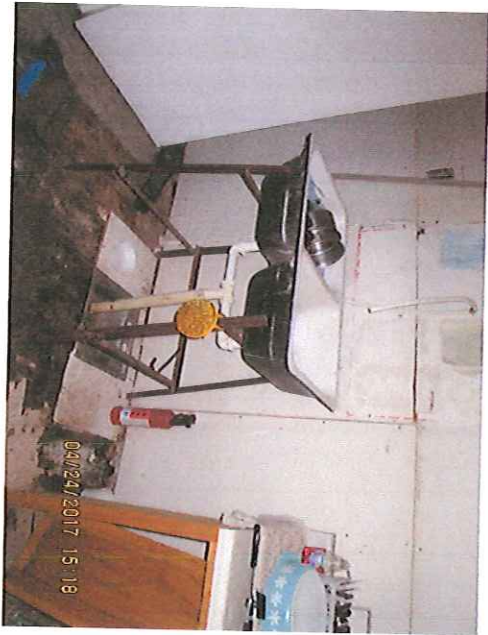
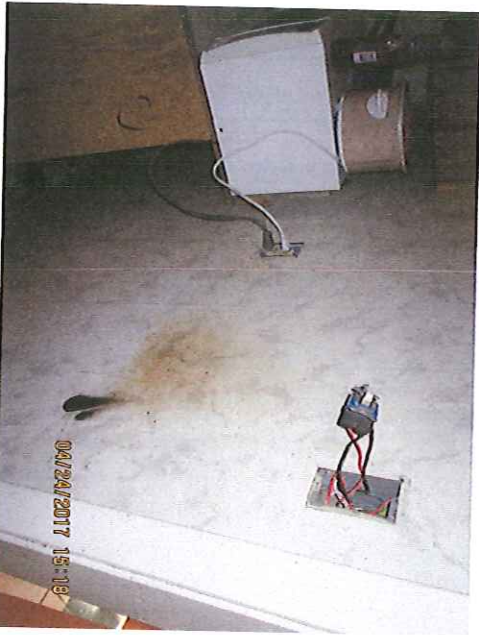
JAN FLETCHER, City Clerk

Attachment A

	Address	Owner	Owner's Address	Estimated Cost of Demolition
1	309 W. Berry Lot 23, Block 13B, Unit 7 Broadmoor Addition Hobbs, Lea County, New Mexico	William Clayton Pilley	1906 N. Rojo Hobbs, NM 88240	\$ 20,000.00











ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM


MEETING DATE: May 1, 2017

SUBJECT: PUBLICATION OF AN ORDINANCE REPEALING RESOLUTION 5329 CODE OF ETHICS/RELATED PARTY POLICY FOR THE CITY OF HOBBS AND ADOPTING AN ORDINANCE AMENDING CHAPTER 2 OF THE HOBBS MUNICIPAL CODE WHICH SHALL BE THE CITY OF HOBBS CODE OF CONDUCT.

DEPT. OF ORIGIN: Legal
DATE SUBMITTED: April 25, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary: The City's Code of Ethics/Related Party Policy was adopted via Resolution 5329 on June 1, 2009. The State of New Mexico Legislature made changes to the State's ethics statute, the Governmental Conduct Act, which made the Act applicable to municipalities as of July 1, 2011. The proposed ordinance very closely tracks the language of the Governmental Conduct Act as the same applies to municipalities and shall serve to replace Resolution 5329. This matter comes before the Commission for approval of publication of the new Code of Conduct.

Fiscal Impact:

Reviewed By: 

Finance Department

No foreseeable fiscal impact.

Attachments:

Proposed Ordinance and accompanying Public Officer Disclosure Form and Employee Disclosure Form

Legal Review:

Approved As To Form: 

City Attorney

Recommendation:

Approve the Ordinance for publication.

Approved For Submittal By:



Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____

Continued To: _____

Ordinance No. _____

Referred To: _____

Approved _____

Denied _____

Other _____

File No. _____

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE REPEALING RESOLUTION 5329 CODE OF ETHICS/RELATED PARTY POLICY FOR THE CITY OF HOBBS AND ADOPTING AN ORDINANCE AMENDING CHAPTER 2 OF THE HOBBS MUNICIPAL CODE WHICH SHALL BE THE CITY OF HOBBS CODE OF CONDUCT

WHEREAS, on June 1, 2009, the City of Hobbs adopted Resolution 5329 titled Code of Ethics/Related Party Policy to serve as the ethics laws that governed the City of Hobbs; and

WHEREAS, on or about July 1, 2011, the New Mexico Legislature made the State ethics statute, commonly referred to as the Governmental Conduct Act NMSA 1978, § 10-16-1, et seq., applicable to municipalities; and

WHEREAS, the City of Hobbs wishes to implement many of the requirements of the Governmental Conduct Act as the ethics laws that govern the City of Hobbs, as the same applies to municipalities; and

WHEREAS, NMSA 1978, §10-16-11.1, allows a municipality to implement rules and standards that are more stringent than those required by the Governmental Conduct Act; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Resolution 5329 is hereby repealed in its entirety; and

BE IT FURTHER ORDAINED that Chapter 2 of the Hobbs Municipal Code shall be amended to include the City of Hobbs Code of Conduct as is more specifically described as follows:

Chapter 2.01 – Code of Conduct

2.01.010 - Purpose.

The proper administration of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government. In recognition of these goals, the following City of Hobbs Code of Conduct shall apply to all Public Officers and Employees.

2.01.020 – Definitions.

The following definitions shall apply to the City of Hobbs Code of Conduct:

"Anything of value" means any money, property, service, loan or promise, but does not include food and refreshments with a value of less than one hundred dollars (\$100) consumed in a day;

"Business" means a corporation, partnership, sole proprietorship, firm organization or individual carrying on a business;

"Confidential information" means information that by law or practice is not available to the public;

"Contract" means an agreement or transaction having a value of more than one thousand dollars (\$1,000) with the City of Hobbs for:

- (a) The rendition of services, including professional services;
- (b) The furnishing of any material, supplies or equipment;
- (c) The construction, alteration or repair of any public building or public work;
- (d) The acquisition, sale or lease of any land or building;
- (e) A licensing agreement;
- (f) A loan or loan guarantee; or the purchase of financial securities or instruments;

"Contribution" means a donation or transfer to a recipient for the personal use of the recipient, without commensurate consideration;

"Employment" means rendering of services for compensation in the form of salary as an employee;

"Family" means an individual's spouse, parents, children or siblings, by consanguinity or affinity;

"Financial interest" means an interest held by an individual or the individual's family that is:

- (a) An ownership interest in business or property; or
- (b) Any employment or prospective employment for which negotiations have already begun;

"Honorarium" means payment of money, or anything of value in excess of one hundred dollars (\$100), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making a speech or rendering a service, or payment or compensation for services rendered in the normal course of a private business pursuit.

"Official act" means an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority;

"Public officer or employee" means any elected or appointed official or employee of the City of Hobbs who receives compensation in the form of salary or is eligible for per diem or mileage;

"Substantial interest" means an ownership interest that is greater than twenty percent.

2.01.030 – Public Trust.

- A. A public officer or employee shall treat the public officer's or employee's government position as a public trust and as such shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.
- B. A public officer or employee shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.
- C. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.

2.01.040 – Improper Influence and Gifts.

- A. A public officer or employee shall not request or receive, and no person may offer a public officer or employee, any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act. A violation of this section, pursuant to NMSA 1978, §10-16-3, may constitute a fourth degree felony under the laws of the State of New Mexico.
- B. A business that contracts with the City of Hobbs to provide financial services involving the investment of public money or issuance of bonds for public projects shall not knowingly contribute anything of value to a public officer or employee who has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects.
- C. A public officer or employee that has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects, shall not knowingly accept a contribution of anything of value from a business that contracts with the City of Hobbs to provide financial services involving the investment of public money or issuance of bonds for public projects.

2.01.050 – Conflicts of Interests.

- A. A public officer or employee shall not take an official act for the primary purpose of directly enhancing the public officer's or employee's financial interest or financial position. A violation of this section, pursuant to NMSA 1978, §10-16-4, may constitute a fourth degree felony under the laws of the State of New Mexico.
- B. A public officer or employee shall be disqualified from engaging in any official act directly affecting the public officer's or employee's financial interest, except a public officer or employee shall not be disqualified from engaging in an official act if the financial benefit of the financial interest to the public officer or employee is proportionately less than the benefit to the general public.
- C. A public officer during the term for which elected and a public employee during the period of employment shall not acquire a financial interest when the public officer or employee believes or should have reason to believe that the new financial interest will be directly affected by the officer's or employee's official act.
- D. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to an employee supervised by the public officer or employee.

This section does not apply if the employee is not supervised by the public officer or employee that is otherwise the seller.

- E. A public officer or employee shall not receive a commission or shall not profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to an employee supervised by the public officer or employee. This section does not apply if the employee is not supervised by the public officer or employee that is the recipient of the commission or profit.
- F. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property, directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to a person over who the public officer or employee has regulatory authority.
- G. A public officer or employee shall not receive a commission or profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to a person over whom the public officer or employee has regulatory authority.
- H. The City of Hobbs shall not enter into a contract with a public officer or employee, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest unless the public officer or employee has disclosed the public officer's or employee's substantial interest through public notice and unless a contract is awarded pursuant to a competitive process.

This subsection does not apply to a contract of official employment with the City of Hobbs. A person negotiating or executing a contract on behalf of the City of Hobbs shall exercise due diligence to ensure compliance with the provisions of this section.

- I. A public officer or employee shall not use or disclose confidential information, acquired by virtue of the public officer's or employee's position with the City of Hobbs, for the public officer's or employee's or another person's private gain.
- J. A public employee who is participating directly or indirectly in the contracting process shall not become, while such an employee, the employee of the outside person or business contracting with the City of Hobbs.
- K. A public officer or employee shall not accept from a person over whom the public officer or employee has regulatory authority an offer of employment or an offer of a contract in which the public officer or employee provides goods, services, construction, items of tangible personal property or other things of value to the person over whom the public officer or employee has regulatory authority.
- L. A public officer or employee shall not request or receive an honorarium for a speech or service rendered that relates to the performance of public duties.
- M. The City of Hobbs shall not accept a bid or proposal from a person who directly participated in the preparation of specifications, qualifications or evaluation criteria on which the specific competitive bid or proposal was based. A person accepting a bid or proposal on behalf of the City of Hobbs shall exercise due diligence to ensure compliance with this section.

2.01.060 – Former Public Employees.

- A. The City of Hobbs shall not enter into a contract with, or take any action favorably affecting, any person or business that is:
 - 1. represented personally in the matter by a person who has been a public officer or employee of the City of Hobbs within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by that former public officer or employee; or
 - 2. assisted in the transaction by a former public officer or employee of the City of Hobbs whose official act, while in employment with the City, directly resulted in the City making the contract or taking the action.
- B. A former public officer or employee shall not represent a person in the person's dealings with the City of Hobbs on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee.
- C. A former public officer or employee shall not represent for pay a person before the City of Hobbs, including any City division, for a period of one year after leaving public service or employment with the City.

2.01.070 – Political Activity.

- A. A public officer or employee shall not directly or indirectly coerce or attempt to coerce another public officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose.
- B. A public officer or employee shall not threaten to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities.
- C. A public officer or employee shall not use the property of the City of Hobbs for their benefit as it relates to any political purpose.

2.01.080 – Implementation.

- A. The City of Hobbs Code of Conduct shall be reviewed at least once every four years from the time of its adoption.
- B. Within thirty (30) days after the City of Hobbs Code of Conduct is adopted, a copy shall be given to and reviewed with all public officers and employees. All new public officers and employees shall review the City of Hobbs Code of Conduct prior to or at the time of assuming office (public officer) or being hired (employee).
- C. The City Manager shall adopt ongoing education programs to advise public officers and employees about the City of Hobbs Code of Conduct.
- D. Nothing in the City of Hobbs Code of Conduct shall relieve any member of the City Commission or the Mayor from the obligations imposed by Section 2.04.060(H) of the Hobbs Municipal Code.

2.01.090 – Required Disclosures.

- A. Every public officer shall complete a "Public Officer Disclosure Form," as the same may be amended from time to time, upon taking office or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public officer shall be required to file the same with the Office of the City Clerk for the City of Hobbs.
- B. Every public officer shall complete a "City of Hobbs Financial Disclosure Form," as the same may be amended from time to time, upon taking office or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public officer shall be required to file the same with the Office of the City Clerk for the City of Hobbs.
- C. Every public employee shall complete an "Employee Disclosure Form," as the same may be amended from time to time, upon hire or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public employee shall be required to return the same to the Human Resources office for the City of Hobbs.
- D. Every public employee shall complete a "City of Hobbs Financial Disclosure Form," as the same may be amended from time to time, upon hire or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public employee shall be required to return the same to the Human Resources office for the City of Hobbs.
- E. Every public officer and employee shall be required to complete and file/return the forms outlined herein every December of every year thereafter.
- F. Every public officer and employee has a duty to update their individual forms outlined herein as their individual circumstances may change.
- G. The forms outlined herein shall constitute "Public Records" for the purposes of the Inspection of Public Records Act (NMSA 1978, §§14-2-1, et seq.).

2.01.100 – Enforcement.

- A. It shall be the responsibility of every individual public officer and employee to adhere to the City of Hobbs Code of Conduct.
- B. A violation of the City of Hobbs Code of Conduct by any public officer may be referred to the State of New Mexico's Attorney General's Office or the District Attorney's Office for investigation and/or legal action.
- C. A violation of the City of Hobbs Code of Conduct by any public employee is grounds for discipline, including suspension, demotion or dismissal.
- D. Any violation of the City of Hobbs Code of conduct may be subject to the enforcement procedures outlined in NMSA 1978, §§10-16-14, 10-16-17, and 10-16-18, which include both criminal and civil penalties in a court of competent jurisdiction in the State of New Mexico if the same is determined to have been a violation of the Governmental Conduct Act.
- E. Any individual, other than an individual suspected of committing a violation, who cooperates as a fact witness or reporting party in an investigation of a violation of the City of Hobbs Code of Conduct shall not be dismissed, threatened with dismissal, or otherwise retaliated against by any public officer or employee on the basis of their cooperation.

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

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**CITY OF HOBBS
GOVERNMENTAL CONDUCT ACT AND
FINANCIAL DISCLOSURE ACT
PUBLIC OFFICER DISCLOSURE FORM – 2017**

Effective July 1, 2011, the State of New Mexico amended the Governmental Conduct Act, NMSA 1978, § 10-16-1, et seq., to apply to officers of local governments. Public Officers are defined as any elected or appointed official of a local government who is eligible for per diem or mileage. The Per Diem and Mileage Act defines a public officer as every elected or appointed officer of the local public body including member of advisory boards appointed by a local public body. The Governmental Conduct Act states that public officers shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests. It also states, "Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service." NMSA 1978, § 10-16-3.

Pursuant to NMSA 1978, §10-16-4.2, "A public officer or employee shall disclose in writing to the officer's or employee's respective office or employer all employment engaged in the by the officer or employee other than the employment with or service to a state agency or local government agency." The Act defines employment as meaning the "rendering of services for compensation in the form of salary as an employee." This includes being self-employed. It does not include being an unpaid volunteer for an organization.

1. Please provide a list of all employment you hold other than with the City of Hobbs:

A. _____
 (Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

B. _____
 (Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

C. _____
 (Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

I have no employment other than my employment with the City of Hobbs.

The State of New Mexico has adopted the Financial Disclosure Act, NMSA 1978, §10-16A-1, et seq., which requires disclosure of financial interests by state officials and employees, particularly when they may influence official actions. The City of Hobbs seeks to require the following additional information.

2. Spouse of Reporting Individual:

Last Name	First Name	Middle
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Name of Spouse's Employer

Address of Spouse's Employer

City	State	Zip
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Spouses Title or Position Held	Nature of Business or Occupation
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3. Real estate interest owned in Lea County, New Mexico: (other than personal residence)

Name	Address	General Description
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4. Any other business interests not previously disclosed herein in Lea County, New Mexico of \$10,000 or more:

Name of Business	Position Held	By Whom (individual or spouse)	Business Purpose
------------------	---------------	--------------------------------	------------------

5. Memberships held by reporting individual (or his/her spouse) on boards for **for-profit** businesses in Lea County, New Mexico:

Name of Business

Board Member (individual or spouse)

_____	_____
_____	_____
_____	_____
_____	_____

6. Provide whatever other financial interest or additional information you believe should be noted to describe potential areas of interest that should be disclosed, or (as applicable) you believe or have reason to believe, may be affected by your official acts:

PLEASE ATTACH ADDITIONAL SHEETS OF PAPER IF MORE SPACE IS NEEDED.

I understand that (Please initial):

_____ Missing, incomplete, misleading, or false information may be grounds for disciplinary action, including, but not limited to suspension, demotion, and/or dismissal.

_____ I must inform the City in writing any time there are changes to the information I have given above.

_____ The Governmental Conduct Act imposes civil and criminal penalties for its violation.

I hereby swear or affirm under penalty of perjury that the foregoing information is true, correct and complete to the best of my knowledge.

Printed Name

Public Officer's Signature

Job Title / Classification

Date

**CITY OF HOBBS
GOVERNMENTAL CONDUCT ACT AND
FINANCIAL DISCLOSURE ACT
EMPLOYEE DISCLOSURE FORM – 2017**

Effective July 1, 2011, the State of New Mexico amended the Governmental Conduct Act, NMSA 1978, § 10-16-1, et seq., to apply to employees of local governments. The Act states that public employees shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests. It also states, "Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service." NMSA 1978, § 10-16-3.

Pursuant to NMSA 1978, §10-16-4.2, "A public officer or employee shall disclose in writing to the officer's or employee's respective office or employer all employment engaged in the by the officer or employee other than the employment with or service to a state agency or local government agency." The Act defines employment as meaning the "rendering of services for compensation in the form of salary as an employee." This includes being self-employed. It does not include being an unpaid volunteer for an organization.

1. Please provide a list of all employment you hold other than with the City of Hobbs:

A. _____
(Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

B. _____
(Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

C. _____
(Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

I have no employment other than my employment with the City of Hobbs.

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-----------	------------	--------

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Address of Spouse's Employer

City	State	Zip
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Spouses Title or Position Held	Nature of Business or Occupation
--------------------------------	----------------------------------

3. Real estate interest owned in Lea County, New Mexico: (other than personal residence)

Name	Address	General Description
------	---------	---------------------

4. Any other business interests not previously disclosed herein in Lea County, New Mexico of \$10,000 or more:

Name of Business	Position Held	By Whom (individual or spouse)	Business Purpose
------------------	---------------	--------------------------------	------------------

5. Memberships held by reporting individual (or his/her spouse) on boards for **for-profit** businesses in Lea County, New Mexico:

Name of Business

Board Member (individual or spouse)

_____	_____
_____	_____
_____	_____
_____	_____

6. Provide whatever other financial interest or additional information you believe should be noted to describe potential areas of interest that should be disclosed, or (as applicable) you believe or have reason to believe, may be affected by your official acts:

PLEASE ATTACH ADDITIONAL SHEETS OF PAPER IF MORE SPACE IS NEEDED.

I understand that (Please initial):

_____ Missing, incomplete, misleading, or false information may be grounds for disciplinary action, including, but not limited to suspension, demotion, and/or dismissal.

_____ I must inform the City in writing any time there are changes to the information I have given above.

_____ The Governmental Conduct Act imposes civil and criminal penalties for its violation.

I hereby swear or affirm under penalty of perjury that the foregoing information is true, correct and complete to the best of my knowledge.

Printed Name

Employee's Signature

Job Title / Classification

Date



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2017

SUBJECT: CONSIDER AWARD OF RFP 492-17 FOR PROVIDING GOLF INSTRUCTION AT ROCKWIND COMMUNITY LINKS
DEPT. OF ORIGIN: Parks and Recreation / Legal
DATE SUBMITTED: April 25, 2017
SUBMITTED BY: Doug McDaniel, Parks & Recreation Director
Linda Howell, Rockwind Community Links General Manager/PGA Golf Professional

Summary:

RFP 492-17 calling for proposals for providing golf instruction at Rockwind Community Links was sent out on April 2, 2017. Responses were due on April 12, 2017. One proposal was received by the Finance Department and was determined to be responsive. An evaluation committee, which was comprised of staff from Finance, Parks & Recreation, Golf and the City Manager's Office, reviewed, evaluated and scored the proposal. The score sheet is attached. The proposal had an average score, as indicated below:

CJB GOLF, LLC **Avg. Score: 88.25**

CJB Golf LLC, has submitted a comprehensive plan for providing golf instruction and custom club fittings at Rockwind Community Links. Included in the plan is the creation and implementation of a player development program that will focus on developing the skills of local youth golfers to participate on high school golf teams, preparation to play college golf and obtaining scholarships to do so, and mentoring those who aspire to play on the PGA Tour. A variety of adult golf clinics/player development opportunities will also be provided. Boosting club sales via custom club fittings while working closely with the Rockwind General Manager is also a cornerstone of this proposal.

Fiscal Impact

Reviewed by: 
Finance Department

Funds are available but will need to be re-classed into 180-4316-010-42601(Professional Services) in both the FY2017 and FY2018 budgets to fund this expenditure.

Club fittings will be billed at the rate of \$40.00 per hour. Additional services that CJB Golf LLC provides for the City such as youth/adult clinics, player development classes, playing with VIP's, etc., will be billed at the rate of \$80.00 per hour. All billable hours will be re-capped and submitted monthly to the City for payment, not to exceed \$20,000 per year. For the privilege of using the golf course, driving range, practice areas, range balls, golf carts, Flight Scope and other equipment agreed to by the Rockwind Community Links General Manager, CJB Golf LLC will pay the City 7.5% of the fees billed to the City (maximum of \$20,000 per year) which will result in a maximum total payment to the City of \$1,500.00 annually. Staff estimates that CJB Golf can expect to earn approximately \$50,000 per year in golf lesson revenue in addition to the \$20,000 annual contract.

Attachments: RFP Evaluation Criteria Score Sheet with average score, CJB Golf LLC Proposal for Golf Instruction at Rockwind Community Links.

Legal Review:

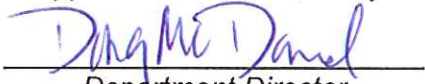
Approved As To Form:


City Attorney

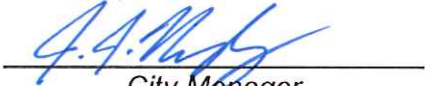
Recommendation:

Staff recommends that the Commission consider awarding RFP 492-17 to CJB Golf LLC, for providing golf instruction at Rockwind Community Links at a cost not to exceed \$20,000 per year. Contract forthcoming.

Approved For Submittal By:



Department Director



City Manager

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

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

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

RFP No. 492-17

**PROVIDING GOLF INSTRUCTION AT
ROCKWIND COMMUNITY LINKS
GOLF COURSE**

	MAX PNTS	CJB GOLF LLC		
1. Proposer qualifications and experience Proposer's qualifications and experience in providing golf instruction to players of all levels. Experience playing at the collegiate level and/or professionally PGA status.	10	8		
2. Familiarity with the location Proposer's familiarity with the City of Hobbs, the Community, and Rockwind Community Links Golf Course.	35	33.75		
3. Proposed golf instruction services and player development program The proposer's plans to create and implement a player development program with a strong focus on growing the game as well as providing high level coaching/mentoring for youth aspiring to play collegiate golf and beyond.	10	7.75		
4. Club fitting experience and use of Launch Monitor Proposer's experience providing expert club fittings, knowledge of golf equipment and experience using a launch monitor. Proven success in positive results in retail sales.	25	23.25		
5. Financial Proposal Proposer's financial proposal for providing golf instruction and club fitting services for Rockwind Community Links	20	15.5		
6. Resident Bidder/Veterans Preference	10	0		
<u>TOTAL</u>	110	88.25		

CJB Golf, LLC

Camren Bergman

CEO

Golf Teaching Instructor

camrenbergman@outlook.com

(575) 390-4218

1330 W Calle Sur St

Hobbs, NM 88240

PROVIDING GOLF INSTRUCTION AT ROCKWIND COMMUNITY LINKS GOLF
COURSE

1. Proposer Qualification and Experience

Golf has been my entire life's work. Personally I have been playing golf for over 20 years and playing competitively for roughly 16 years at every level possible within a golf career. Growing up in Hobbs I competed throughout the state of New Mexico as a junior player winning numerous events and leading up to my prep career for Hobbs High School. Playing for Hobbs and as a junior golfer I achieved a storied career winning several events while changing the immediate culture of the program for Hobbs Eagles golf.

After my prep career finished I entered my amateur career and joined on the New Mexico Junior College golf team on full scholarship. It was here at NMJC that I earned a world amateur ranking having several top finishes in my career. Also as an amateur golfer I continued having success playing in all sorts of amateur events and national qualifiers, including several top finishes in USGA qualifying events. This allowed me an opportunity to join the University of New Mexico golf team. After winning multiple tournaments and championships at UNM and being a part of a national championship contending, top 5 ranked program, I had the decision to make about what I would do after amateur golf. This is when I decided to turn professional and accept the First Assistant Golf Professional position for the City of Hobbs and Rockwind Community Links.

Professionally my experience is second to none especially considering how early I am in my career. Having the opportunity to open a brand new golf course, one that is as highly reviewed and regarded as Rockwind, my career was kick-started from the day I walked through the doors. Although my successful playing career continued throughout the Sun Country Section,

it was here at Rockwind that I became a polished instructor and master club fitter. Instruction was a major factor during my time in Hobbs. In the 22 months while I worked for the city I averaged 15 hours of paid instruction per week. This equates to more than 1400 hours of golf instruction while still completing my other duties as First Assistant. I worked alongside Linda Howell in multiple group lessons and clinics, initiated several different instructional programs such as Get in the Game, The First Tee, Camren's Corner, and a stable of junior golfers that show promise for the future of golf in Hobbs.

It was here at Rockwind where I created RTRRY Golf which is the process of golf and instruction that has been amazingly successful that I created from the ground floor. Even The First Tee of Southeastern New Mexico has incorporated different aspects of my teaching philosophy that they continue to use in their instruction today. I worked with players who have never picked up a golf club before in their life all the way to players that have achieved USGA Championship success. I worked with juniors all the way up to senior adults no matter the skill level. I am highly skilled in using current technology and I would say that it is because of my influence that golfers in the area now have access to industry leading technology when they play at Rockwind.

I have been in the PGA program and am a current PGA Apprentice in good standing. The value that the PGA badge possesses is something that should not be taken lightly. While I am currently an apprentice I have a written timeline goal for achieving full certification and becoming a Class A Member of the PGA.

2. Familiarity with the Location

Having lived in Hobbs for more than 20 years my familiarity is unmatched. You will be hard pressed to find an individual with more passion for Hobbs and New Mexico as a whole than

myself. I am to my core a native Hobbs American and I continue to hold the values of our community dear to my heart. Although I have lived in Hobbs nearly my entire life, I have been lucky enough to experience different communities through golf and lived in a few different places which have confirmed my feelings for Hobbs.

A few places I have lived outside of Hobbs are Roswell and Albuquerque, and most recently in Jupiter, Florida which many people claim as the unofficial golf capital of the world. Although golf is an important economic and quality of life enricher in all of these communities; nothing compares to what golf means to the City of Hobbs and its' community. I have never experienced in any other golf facility the amazing relationships that not only I personally have created because of golf in Hobbs, but that so many others have created as well. I can estimate that I have been to over 100 different golf facilities in my life, and I still can say with absolute certainty that Hobbs is now in a league of its' own.

I grew up playing golf at Ocotillo Park Golf Course. It was where I hit my first golf ball and where I fell in love with the game. I worked part-time at Ocotillo and Hobbs Country Club as well while I was a junior player. Because of these two facilities I can say that I truly, almost more than anyone else, appreciate the culture that Rockwind Community Links presents. I have never been to a more welcoming golf facility, with the staff as excited, and the community as appreciative as Rockwind Community Links. I am just extremely proud to say that I helped create the new culture of golf and have helped influenced that culture moving forward. I just hope that I will have the opportunity to come back and continue those efforts and provide juniors an opportunity in Hobbs that was not available for me.

One main reason that I have such a passion for this position is exactly what I just mentioned. Hobbs has never had the opportunity that is now being provided by the City of Hobbs.

While growing up in Hobbs and starting my golf career, there was never any place that I could get true golf instruction and development. There has been so much golfing talent in Hobbs and the surrounding area that goes unnoticed or undeveloped. My purpose in this is to make sure that kids growing up will have that opportunity I did not have, and the City of Hobbs has already helped so much by investing in Rockwind. My goal is that they will learn from me and all of the golf knowledge I have attained and can pass on, and that I can help these juniors play golf at a higher level and get recruited to play golf collegiately. To earn scholarships and help these juniors and their families through golf is an absolute possibility. I truly believe that is my purpose in this life and that will be my goal at Rockwind as the lead golf instructor.

3. Proposed Golf Instruction Services and Player Development Program

If selected I will install a player development program that is highly effective for players of all ages and abilities. My ultimate goal will be to bring more enjoyment to golfers in the community; therefore, to also bring in more revenue and golfers to Rockwind which directly affects your bottom line. Each one of my programs will bring in more people to play more golf which in return helps the overall goal to reach 30,000 rounds per year. My programs will bring revenue into the golf shop through bringing in new customers that will need new equipment, apparel, and accessories, as well as using all of the amenities provided.

My development programs will include all ages and levels of players. I plan to continue the efforts previously started with Get in the Game lessons. The goal for these group lessons is to reach out into the community and bring new golfers into the game by introducing beginners to quality golf instruction to help these players start on the right foot. Historically these lessons have been majority attended by women and couples. For every GIG group lesson offered there is potential to bring in new revenue. Directly because of the lessons these players will purchase items

from the golf shop, frequent Rockwind Grill, and add rounds played to the goal, especially Lil' Rock.

I also plan to put into place specialty group clinics for people looking for more localized golf instruction. These can be offered to groups in the community, junior players including local high school teams, and companies looking to reward their employees and grow their business. These will be structured individually, but have the ability to bring in revenue into the City of Hobbs with the opportunity of people traveling into the city and staying overnight.

My focus on private lessons will be a key factor in producing junior players that will be proud to say they learned in Hobbs. Through my various contacts in college golf and my expertise in recruiting and the next level, I will be able to steer these juniors in the right direction to make the leap into college and amateur golf. I will not only be able to help these players physically with their game, but also by having the knowledge and ability to help them in creating the right schedule to help them, and by having the contacts to get them into certain nationally ranked events. This is an absolute passion of mine because these services were not there for me when I was growing up, and now I will have the ability to help the next generation.

The area that I excel in is the ability to teach high level athletes. Through setting up short term and long term lesson plans, helping each player achieve their personal golfing goals, and through physical combines that challenge each player day to day, I will entice players from all over to come learn. I can relate to these players since I have been there myself and I have such a passion for a player that is willing to put the time and work in to reach this elite level. Through RTRRY Golf and specialized short game and putting knowledge I have the knowledge to get these players to where they want to be not only physically but mentally as well.

One goal I have is to create a website for CJB Golf that my players can access and keep track of their lessons and progress. This will help my brand and let marketing be an easier tool so my reach can extend outside of Hobbs. This in return will directly effect Rockwind's business and bring in people who otherwise would not have come to Rockwind. I will market through multiple social media platforms, both personal and business, and through all physical platforms offered in the Sun Country. Golfers will be able to contact me on multiple websites including PGA.org, suncountrygolf.com, and will plan to have a link to my social media profiles on rockwindgolfcourse.com. Also I will provide a hard copy schedule to Rockwind where we can reach out to current customers as they enter the facility.

One other program I would love to create would be a golf fitness course whether it be at Rockwind or one of the other local facilities. The CORE could ultimately be the site for these classes if possible. The goal for this class would be not only to help create a healthier community, but to show golfers that their specialized fitness regarding golf can make a huge difference in their results. Our focus would be on difference muscle groups, strength and explosion drills, and balance and stability exercises. These classes will help our players reach the next level of their golf game and give them a great tool in developing golf and body awareness.

4. Club Fitting Experience and use of Launch Monitor

I have always considered myself a "golf nerd." I have always been fascinated with the science of golf and the evolution of technology in the game. I am a certified use of doppler and radar technology such as the Flightscope X2 Elite the City of Hobbs currently owns. My history in club fitting while at Rockwind was historic mainly because of my push to purchase this machine and passion to use it. These numbers were absolutely amazing when it came to golf club sales and hard good sales numbers. Nationally, the average for a public facility was around 20%

of merchandise sales being hard goods and while I was at Rockwind we nearly TRIPLED that figure along with our average dollars per round of golf in merchandize sales (the stat the PGA recognizes most valuable in this category) nearly 4 times more than the national average. Because of my influence in the community and trust they have in me, I expect to excel even higher from the record numbers we achieved and therefore proving the worth of contracting a Teaching Instructor and Master Club Fitter.

While I was employed at Rockwind, golf club fitting was something I took over. We were deliberate in how we used our budget to provide the right demo and fitting equipment for our customers and I invested a lot of time into perfecting the art of club fitting. This goes back to me being a golf nerd. I have the knowledge about all components of the golf club and their design. I have a passion for learning about all the new shafts for drivers, woods, irons, and wedges. I have been certified by Titleist, TaylorMade Golf, and the TPI Institute as a master club fitter. I have proven myself over and over in club fitting and roughly 75% of customers who came to see me for the sole purpose of being fit for a driver came back to get fit for more equipment. There are many new opportunities in club fitting technology that have been developed and I look forward to helping Hobbs and Rockwind become THE place to go for golf equipment.

5. Financial Proposal

I know the area and community in golf perhaps better than anyone else. It is because of my knowledge that I understand the economy in ups and down, and I understand what people are willing to pay for quality golf instruction in our region. Although some areas of the country would charge nearly double what I am offering, I know the significance and opportunity being offered not just to me but to our region as a whole. The opportunity to contract someone to teach full time is simply something our area has never had before and I relish the fact that I could be trailblazing

the opportunity for golf's future in our area. That is why I will continue to charge what I offered while employed at the City of Hobbs. Although some clinics will have different rates because of the time being invested, the rates I will offer are as follows.

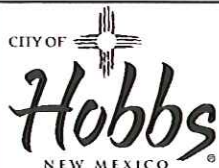
	C.B. Gol. LLC Rates		
Number of Lessons	Juniors	Adults	Couples
1 hour	\$60	\$80	\$100
5 hours	\$240	\$320	\$400
10 hours	\$450	\$560	\$700

Other group clinics, such as Get in the Game lessons, will be 5 week, 1 lesson per week at \$100 per player. All other clinics will be subject for negotiation with the intended participants.

As far as the terms laid out by the City of Hobbs, I will charge \$40 per club fitting for my time with customers whether or not they purchase at the time of the fitting. In regards to the other terms laid out in the RFP, I will charge the City \$80 per hour for services back to the City of Hobbs, the community, or Rockwind Community Links including, but not limited to, instructional clinics, educational or instructional workshops, sales time or workshops (i.e. Demo Days), time dedicated to VIP's in the City of Hobbs whether that be entertaining, playing with, or instruction to, time spent with customers, on the golf course whether it be the championship course, practice facilities, or Lil' Rock as long as it pertains to instruction and/or promotion of Rockwind Community Links and the City of Hobbs, up to the fair price of \$20,000 or the maximum annual dollar amount agreed on between all parties.

I will agree to provide a fee to lease Rockwind Community Links and all that it entails, including but not limited to golfing privileges, use of facility in its' entirety, golf cart usage, range ball usage, driving range teeing area usage, full FlightScope launch monitor access, and any other

usage of equipment agreed by all parties, of 7.5% of the \$20,000 or maximum annual dollar amount agreed on by all parties, paid out on a monthly basis of 12 installments per year through the length of the contract, provided it not be terminated for any reason.



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2017

SUBJECT: Award of Proposal #493-17 for audit services for FY 2017
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: April 24, 2017
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

The request for proposals was advertised on March 31, 2017 and 7 firms were mailed a copy. Proposals were opened on April 21, 2017, with the City of Hobbs having received four proposals from the Independent Public Accounting firms:

- Moss Adams, LLP
- Johnson, Miller, & Co., CPA's PC
- Hinkle + Landers
- Griego Professional Services, LLP

The proposal was for a one year contract to conduct audit services with two options to extend (by mutual agreement), each for a one-year period at the **price, terms and conditions as stated on the original proposal** in accordance with section 2.2.2.8 of 2.2.2 NMAC .

Due to Griego Professional Services, LLP not providing the requested signed forms included with the RFP, such as the Non-Collusion Affidavit and the Related Party Disclosure Form, they were deemed nonresponsive. The evaluation team consisted of Toby Spears, Finance Director, Deborah Corral, Assistant Finance Director, and Todd Randall, City Engineer. The team evaluated Moss Adams as the highest rated proposer. The average ratings of firms evaluated were as follows based on a 110 point scale:

- Moss Adams, LLP 102
- Johnson, Miller, & Co., CPA's PC 91
- Hinkle + Landers 98

Fiscal Impact:

Award to Moss Adams includes costs as follows

- FY2017 Audit will be \$56,100 (\$59,922 Including GRT)
- FY2018 Audit will be \$56,700 (\$60,563 including GRT)
- FY2019 Audit will be \$57,290 (\$61,193 including GRT)

Reviewed By: _____

Deborah Corral
Finance Department

Attachments: Resolution & Scoring Sheet

Legal Review:

Approved As To Form: _____

Theresa H. Stae
City Attorney

Recommendation:

Approve the resolution to make a recommendation to the New Mexico State Auditor to award proposal #493-17 for audit services to Moss Adams, LLP.

Approved For Submittal By:

Deborah Corral
Department Director
J.J. Harty
City Manager

CITY CLERK=S USE ONLY
COMMISSION ACTION TAKEN

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

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

CITY OF HOBBS

RESOLUTION NO. 6541

A RESOLUTION AUTHORIZING THE MAYOR TO AWARD
PROPOSAL NO 493-17 FOR FY2017 AUDIT SERVICES TO
Moss Adams, LLP

WHEREAS, a request for proposals (RFP) was advertised on March 31, 2017 to provide audit services to the City of Hobbs for a one year contract with two options to extend; and

WHEREAS, the City of Hobbs mailed a copy of the RFP to seven firms; and

WHEREAS, the city received four proposals from: Moss Adams, LLP; Johnson, Miller, & Co., CPA's PC; Hinkle + Landers; and Griego Professional Services, LLP; and

WHEREAS, Moss Adams, LLP is qualified and competent to furnish audit services to the City of Hobbs; and

WHEREAS, the amount of the FY17 Audit Contract with Moss Adams, LLP is \$59,922.00 including gross receipts taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is, authorized and directed to award on behalf of the City of Hobbs Proposal # 493-17 for audit services to Moss Adams, LLP.

PASSED, ADOPTED AND APPROVED this 1st day of May, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

City of Hobbs
 Evaluation for Proposal for Audit Services # 493-17

AVERAGE

Item #	Available Points	Johnson & Miller	Griego	Moss Adams	Hinkle Landers
1 Firm Capabilities (maximum 30 points)					
A The firms resources to perform the type and size of audit required	5	4		5	4
B Reference Checks including past performance for the City of Hobbs	12	11		10	9
C The firm's most recent external quality control reviews (peer review)	10	10		10	10
D The organization and completeness of the proposal submitted	3	2		3	3
2 Work Requirements and Audit Approach (maximum 15 points)			N		
A The firm's knowledge of audit objectives, agency needs and product to be delivered	5	4	O	5	5
B The firm's technical plan and realistic time estimates to complete the audit	5	4	R	5	5
C The firm's plans to utilize City of Hobbs Finance Department staff	3	2	E	3	3
D The firm's approach for planning and conducting the work efforts of subsequent years	2	2	S	2	2
3 Technical Experience (maximum 30 points)			P		
A The firm's governmental audit experience	10	9	O	10	10
B Team audit experience or specialization with municipalities	15	13	N	15	14
C Continuing professional education directly related to the local governments	5	4	S	5	5
4 Firm Strengths or Weaknesses (maximum 5 points)	5	5	I	5	5
Cost (maximum 20 points)	20	16	V	20	19
Resident/Veterans Bidder Preference (maximum 10 points)	10	5	E	5	5
TOTAL	110	91	NON RESPONSIVE	102	98



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1st, 2017

SUBJECT: Approving the 3rd quarter fiscal year 2017 DFA Report for Lodgers' Tax.

DEPT. OF ORIGIN: Finance
DATE SUBMITTED: April 25th, 2017
SUBMITTED BY: Toby Spears, Finance Director

Summary:

The NM Department of Finance Administration recommends approving the City of Hobbs quarterly lodgers' tax process. The following attachment is for the 3rd quarter 2017 DFA report.

Fiscal Impact:

Reviewed By: 
Finance Department

The March 31st, 2017 Cash Balance for the Lodgers' Tax Fund is \$367,191.73.

Note: transfers for NMML, Rockwind Marketing, National Fast Pitch, Hobbs Slam & Jam and Security (15%) in the amount of \$251,539.98 will be transferred at the end of the fiscal year to the General and Golf Special Revenue.

Attachments:

Resolution
3-31-2017 Financial Report

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

To be determined by City Commission.

Approved For Submittal By:


Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS
RESOLUTION NO. 6542

A RESOLUTION APPROVING THE FY2017
LODGERS' TAX DFA 3rd QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the 3rd quarter Lodgers' Tax DFA Financial Report to be approved annually, they now recommend that all quarterly financial reports be approved.

WHEREAS, the ending cash balance for the period ended March 31, 2017 was \$367,191.73 for lodgers' tax funds; and

WHEREAS, the City of Hobbs actual year-to-date lodgers' tax revenue and expenditures for fiscal year 2017 crosswalk the amounts to the DFA 3rd quarter financial report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 3rd quarter lodgers' tax financial report be approved.

PASSED, ADOPTED AND APPROVED this 1st day of May, 2017

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

INSTRUCTIONS

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

REPORTING ENTITY: City of Hobbs 5 (PERCENT IMPOSED) QUARTER ENDING: 3/31/2017
MONTH/YEAR

1. REVENUE SUMMARY:		2. REVENUE ALLOCATION:	
	QUARTERLY AMOUNT <small>(THIS REPORTING PERIOD)</small>	YEAR-TO-DATE (Y-T-D) AMOUNT <small>(SUM OF ALL QUARTERS)</small>	
LODGERS' TAX PROCEEDS	\$ 212,126	\$ 673,231	NON-PROMOTIONAL FUND \$ 0 \$ 0
INVESTMENT INCOME	794	3,374	PROMOTIONAL FUND \$ 212,920 \$ 676,605
LATE PENALTIES			ADMINISTRATIVE COST \$ 0 \$ 0
CONVENTION CENTER FINANCING FEES			{ 10% IS THE MAXIMUM OF GROSS TAX PROCEEDS,
HOSPITALITY FEE ACT FEES			i.e. 10% OF QUARTERLY AMOUNT FOR THIS REPORTING PERIOD)
1. _____			
2. _____			
TOTAL REVENUE	\$ 212,920	\$ 676,605	

4. TRANSFERS: IN

INTERGOVERNMENT, INTERFUND TRANSFERS - IN

(e.g. JPAs, GRANTS TRANSFERRED TO LODGERS' TAX FUND)

1. _____	\$ _____	\$ _____
2. _____		
	\$ 0	\$ 0

3. CASH BALANCES:

Carryover From Previous Fiscal Year: Non-Promotional	\$ 15,511
Carryover From Previous Fiscal Year: Promotional	173,443
(Note: 2 years maximum carryover before money must be spent).	
NON-PROMOTIONAL FUND	\$ 0 \$ 0
PROMOTIONAL FUND	\$ _____ \$ 193,749
Grand Total (Non-Promo)	\$ _____ \$ 15,511
Grand Total (Promo)	\$ _____ \$ 367,192

TRANSFERS:OUT

NON-PROMOTIONAL FUND

INTERFUND TRANSFERS - (OUT)

(e.g. FROM NON-PROMOTIONAL TO VENDOR OR PROMOTIONAL)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

INTERGOVERNMENTAL TRANSFERS - (OUT)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

PROMOTIONAL FUND

INTERFUND TRANSFERS - (OUT)

(e.g. FROM PROMOTIONAL TO VENDOR OR NON-PROMOTIONAL)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

INTERGOVERNMENTAL TRANSFERS - (OUT)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

CITY OF HOBBS
EVENT SUMMARIES
3/31/2017

PROMOTIONAL
ITEMS

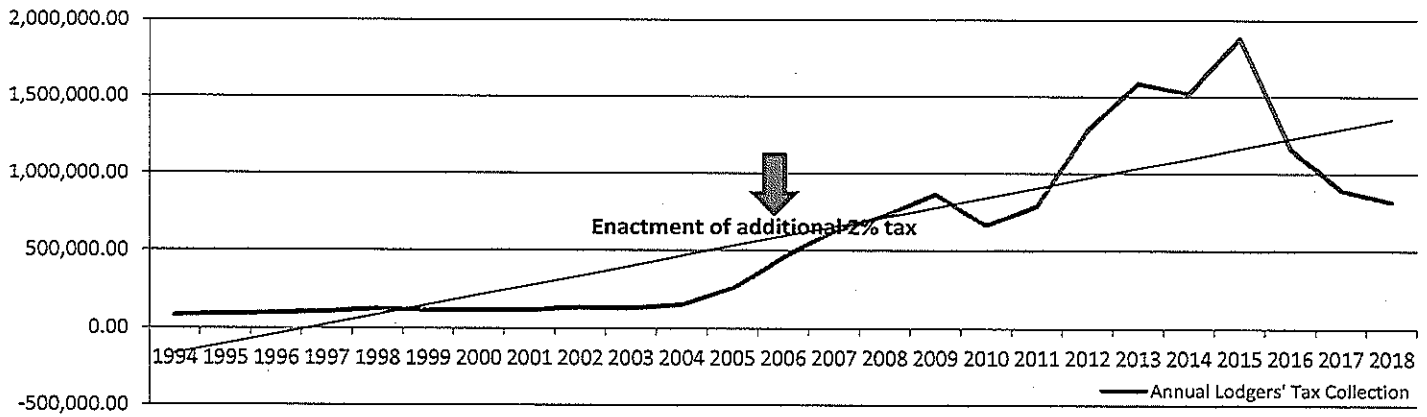
16-10	HOBBS USSSA (17 EVENTS)	20,000.00
17-02	HOBBS CHAMBER OF COMMERCE - HOBBS HOLIDAY TOURNEY	8,141.92
17-03	HISPANO CHAMBER OF COMMERCE - MARIACHI CHRISTMAS	13,450.00
17-04	HISPANO CHAMBER OF COMMERCE - FIESTA DE SEPTIEMBRE	17,314.72
17-05	HOBBS KENNEL CLUB - 2017	1,750.00
17-06	LEA COUNTY COMMISSION OF THE ARTS	5,000.00
17-07	LIGHT OF LEA COUNTY	8,902.54
17-08	SOUTHWEST SYMPHONY	25,000.00
17-09	HOBBS USSSA	40,444.27
17-10	WESTERN HERITAGE MUSEUM COMPLEX	20,000.00
17-12	CYCLE CITY PROMOTIONS	35,000.00
17-17	LEA COUNTY EVENT CENTER 2017	25,000.00
	EDC - 2017 AIRLINE SUBSIDY (\$220,502.38 GENERAL FUND)	<u>278,364.62</u>
		<u>498,368.07</u>

3/31/17

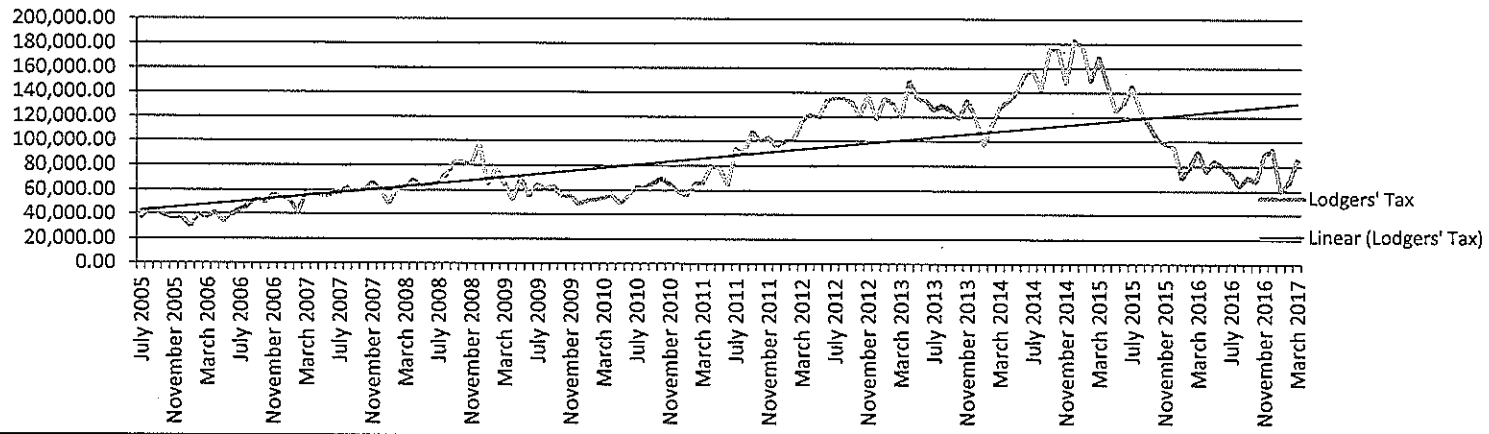
CITY OF HOBBS LODGERS' TAX PROGRAM
EXPENDITURE REPORT FOR THE 3rd QUARTER OF 2016 - 2017

		PROMO	NON PROMO	TOTAL
CASH BAL.	6/30/16	173,443.28	15,511.46	188,954.74
FIRST QUARTER INCOME		209,875.23		209,875.23
FIRST QUARTER INTEREST		815.54		815.54
	TOTAL REVENUE	210,690.77	0.00	210,690.77
FIRST QUARTER EXPENSES		70,375.27		70,375.27
CASH BAL.	9/30/16	313,758.78	15,511.46	329,270.24
SECOND QUARTER INCOME		251,229.76		251,229.76
SECOND QUARTER INTEREST		1,764.45		1,764.45
	TOTAL REVENUE	252,994.21	0.00	252,994.21
SECOND QUARTER EXPENSES		123,786.28		123,786.28
CASH BAL.	12/31/16	442,966.71	15,511.46	458,478.17
THIRD QUARTER INCOME		212,126.46		212,126.46
THIRD QUARTER INTEREST		793.62		793.62
	TOTAL REVENUE	212,920.08	0.00	212,920.08
THIRD QUARTER EXPENSES		304,206.54		304,206.54
CASH BAL.	3/31/17	351,680.25	15,511.46	367,191.71
FOURTH QUARTER INCOME(FORCE EXTRA TO PROMO)				0.00
FOURTH QUARTER INTEREST				0.00
	TOTAL REVENUE	0.00	0.00	0.00
FOURTH QUARTER EXPENSES**				0.00
CASH BAL.	6/30/17	351,680.25	15,511.46	367,191.71
YEAR TO DATE INCOME		673,231.45	0.00	673,231.45
YEAR TO DATE INTEREST		3,373.61	0.00	3,373.61
	TOTAL REVENUE	676,605.06	0.00	676,605.06
YEAR TO DATE EXPENSES		498,368.09	0.00	498,368.09
YEAR TO DATE CASH BALANCES		351,680.25	15,511.46	367,191.71

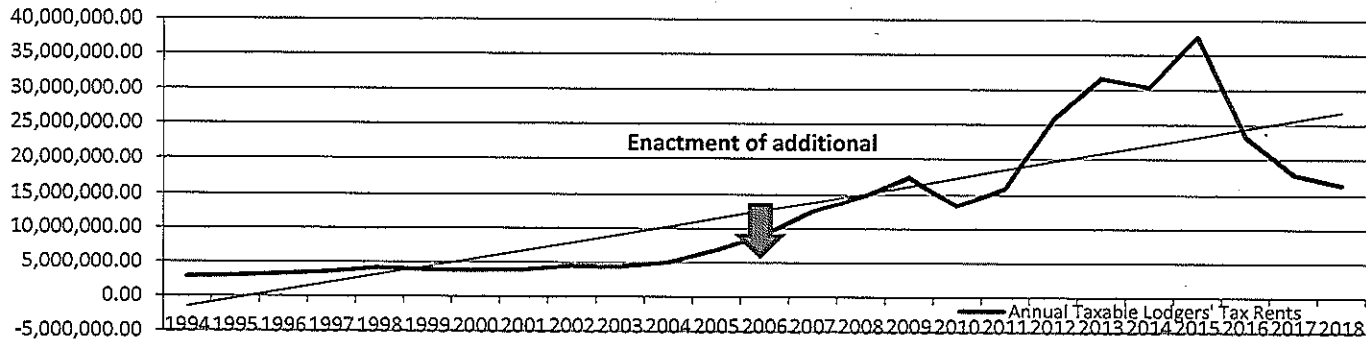
Annual Lodgers' Tax Collection



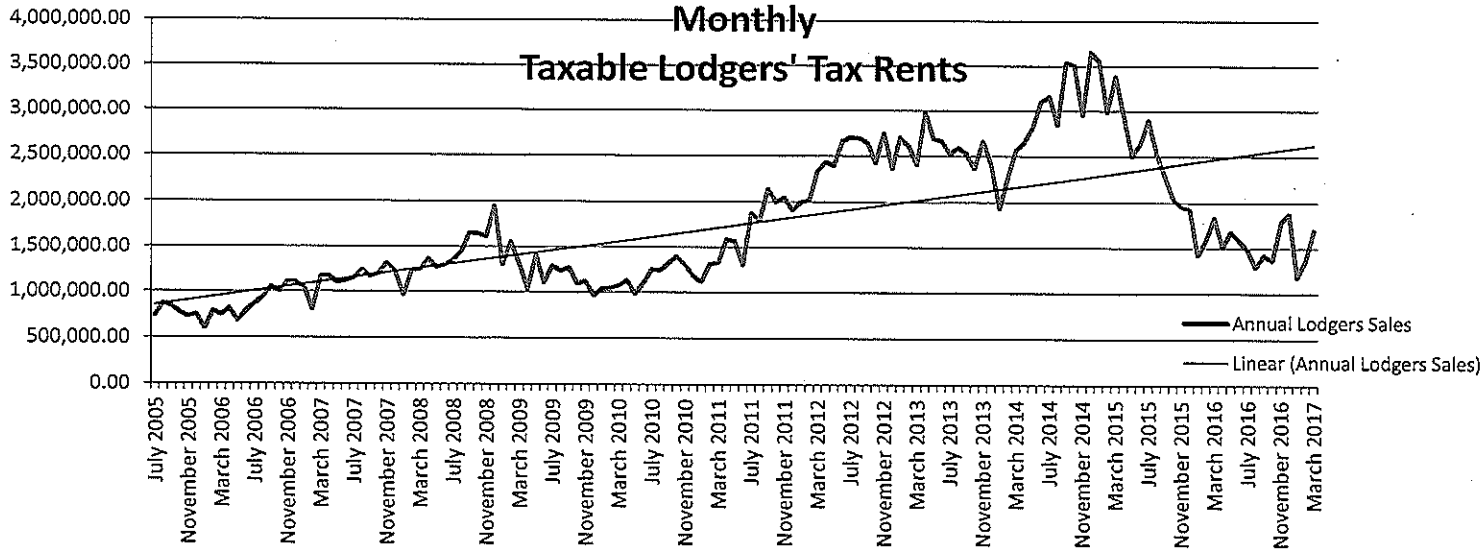
Monthly Lodgers' Tax Collection



Annual Taxable Lodgers' Tax Rents



Monthly Taxable Lodgers' Tax Rents





CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2017

SUBJECT: Resolution approving the FY2017 DFA 3rd Quarter (March 2017) Financial Report
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: March 25, 2017
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

Submitting the FY 2017 3rd Quarter DFA Financial Report for the approval of the governing body. While the Department of Finance and Administration requires that the 4th Quarter DFA Report is approved by resolution, it is recommended that all other quarterly reports are also approved. The ending cash balance represents actual revenue and expenditure activity from July 1, 2016 – March 31, 2017

Fiscal Impact:

Reviewed By: 

Finance Department

Ending Cash Balance at 03/31/17 is \$109,083,649.98 for all funds (restricted and unrestricted). The City of Hobbs year-to-date actual revenues and expenditures for the period are \$79,554,000.31 and \$87,017,743.57 respectively.

Attachments:

- 3rd Quarter DFA Report
- Cash Balance By Fund Report
- Resolution approving 3rd Quarter DFA Report

Legal Review:

Approved As To Form: 

City Attorney

Recommendation:

Motion to approve the resolution.

Approved For Submittal By:


Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

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

CITY OF HOBBS
RESOLUTION NO. 6543

A RESOLUTION APPROVING THE FY2017
DFA 3rd QUARTER FINANCIAL REPORT

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

WHEREAS, the ending cash balance for the period ended March 31, 2017 was \$109,083,649.98 for all funds; and

WHEREAS, the City of Hobbs actual year-to-date revenue and expenditures for fiscal year 2017 crosswalk the amounts to the DFA 3rd Quarter Financial Report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 3rd Quarter Financial Report be approved.

PASSED, ADOPTED AND APPROVED this 1st day of May, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

City of Hobbs
Cash Balance by Fund
03/31/2017

	ENDING CASH June 30, 2016	JULY - JUNE FY2017 REVENUES	ACTUAL Cash TRANSFERS	JULY - JUNE FY2017 EXPENDITURES	FY17 BALANCE SHEET ADJUSTMENTS	ENDING CASH March 31, 2017
GOVERNMENTAL FUNDS						
001 GENERAL	58,340,110.88	39,081,695.55	(2,423,819.79)	41,017,571.38	(339,063.09)	54,319,478.35
002 LAND ACQUISITION	500,000.00	82,542.64		256,350.17	-	326,192.47
	<u>58,840,110.88</u>	<u>39,164,238.19</u>	<u>(2,423,819.79)</u>	<u>41,273,921.55</u>	<u>(339,063.09)</u>	<u>54,645,670.82</u>
SPECIAL REVENUES						
110 LOCAL GOV CORR	208,018.04	200,631.20		62,819.27	-	345,829.97
120 POLICE PROTECTION	66,756.22	87,000.00		40,438.60	-	113,317.62
130 P D N (parif, drug, narcotics)	1,918.75				-	1,918.75
140 SAFER Grant	-		55,908.30	54,908.30	-	1,000.00
150 COPS GRANT	1,000.00	87,161.64	253,579.41	340,741.05	-	1,000.00
160 HWLC	21,855,151.47	10,950,000.00		15,705,020.00	-	17,100,131.47
170 OLDER AMERICAN	1,000.00	178,003.20	479,163.36	657,166.56	-	1,000.00
180 GOLF	1,000.00	623,797.60	1,226,839.15	1,849,173.70	1,463.04	1,000.01
190 CEMETERY	1,000.00	109,347.27	210,227.23	319,574.50	-	1,000.00
200 AIRPORT	295,033.20	29,308.10		30,009.49	-	294,331.81
230 LODGERS' TAX	188,954.74	676,605.06		498,368.07	-	367,191.73
270 PUBLIC TRANSPORTATION	1,000.00	377,073.35	198,102.34	575,418.34	(242.65)	1,000.00
280 FIRE PROTECTION	567,070.62	509,048.73		256,234.55	-	819,884.80
290 EMER MEDICAL SERV	11.00	26,365.40		24,912.28	-	1,464.12
370 COMM DEVE CONST	1,000.00			550.53	-	449.47
	<u>23,188,914.04</u>	<u>13,854,341.55</u>	<u>2,423,819.79</u>	<u>20,415,335.24</u>	<u>1,220.39</u>	<u>19,050,519.75</u>
CAPITAL PROJECTS FUNDS						
460 BEAUTIFICATION IMPROVEME.	1,732,739.94			8,477.71	-	1,724,262.23
480 STREET IMPROVEMENTS	1,555,269.56	1,248,613.64		999,945.57	-	1,803,937.63
490 CITY COMM. IMPROVEMENTS	1,000.00	1,559,743.03			-	1,560,743.03
	<u>3,289,009.50</u>	<u>2,808,356.67</u>	<u>-</u>	<u>1,008,423.28</u>	<u>-</u>	<u>5,088,942.89</u>
DEBT SERVICE FUNDS						
510 UTILITY BOND	-		306,941.21	306,941.21	-	-
530 2005 WASTEWATER BOND ISSI	1,989,842.96		1,921,489.12	1,921,489.12	-	1,989,842.96
	<u>1,989,842.96</u>	<u>-</u>	<u>2,228,430.33</u>	<u>2,228,430.33</u>	<u>-</u>	<u>1,989,842.96</u>
TOTAL GOVERNMENTAL FUNDS	87,307,877.38	55,826,936.41	2,228,430.33	64,926,110.40	(337,842.70)	80,774,976.42
ENTERPRISE FUNDS						
100 SOLID WASTE	1,149,697.45	4,719,252.36		4,422,954.33	-	1,445,995.48
440 JOINT UTILITY EXTENSIONS CA	3,159,027.63	8,300.00		1,100,938.99	-	2,066,388.64
600 JOINT UTILITY	3,908,278.93			2,837,932.95	-	1,070,345.98
610 JOINT UTILITY CONST	-	22,948.82	454,716.92	476,665.74	-	1,000.00
620 WASTE WATER PLANT CONST	1,946,302.44	846,399.32	227,306.64	3,019,008.40	-	1,000.00
630 JOINT UTILITY - WASTEWATER	7,308,981.80			1,972,485.87	-	5,336,495.93
650 JOINT UTILITY INCOME - WAST	0.00	4,550,744.77	(2,616,280.04)	-	-	1,934,464.73
660 JOINT UTILITY INCOME	(0.00)	4,188,037.34	(306,941.21)		56.88	3,881,039.25
680 METER DEPOSIT RES	714,835.12	351,028.93		73,988.69	(44.70)	991,920.06
TOTAL ENTERPRISE FUNDS	18,187,123.37	14,686,711.54	(2,241,197.69)	13,903,974.97	12.18	16,728,650.07
INTERNAL SERVICE FUNDS						
640 MEDICAL INSURANCE	203,976.07	4,956,583.62		3,761,730.76	(36.24)	1,398,865.17
670 WORKERS COMP TRUST	946,447.33	510,800.19		446,916.44	-	1,010,331.08
690 INTERNAL SUPPLY	-	260,610.43	12,767.36	240,418.23	(1,510.00)	34,469.56
TOTAL INTERNAL SERVICE FUNDS	1,150,423.40	5,727,994.24	12,767.36	4,449,065.43	(1,546.24)	2,443,665.81
TRUST AND AGENCY FUNDS						
700 MOTOR VEHICLE	1,346.72	2,428,451.89		2,420,335.61	1,590.70	7,872.30
710 MUNI JUDGE BOND FUND	175,016.84				(27,558.00)	202,574.84
720 RETIREE HEALTH INSURANCE T	9,000,000.00	792,558.05		1,229,475.86	(12,321.79)	8,575,403.98
730 CRIME LAB FUND	74,570.55	88,091.00		87,785.76	-	74,875.79
750 FORECLOSURE TRUST FUND	71.88				-	71.88
760 RECREATION TRUST	103,032.51				-	103,032.51
770 LIBRARY TRUST	5,029.12	1,194.06		383.65	-	5,839.53
780 SENIOR CITIZEN TRUST	8,053.05	1,560.00		209.85	-	9,403.20
790 PRAIRIE HAVEN MEM	5,353.80	62.41			-	5,416.21
800 COMMUNITY PARK TRUST	1,432.05	16.71			-	1,448.76
820 EVIDENCE TRUST FUND	122,464.85	(979.25)			-	121,485.60
830 HOBBS BEAUTIFUL	22,684.49	264.36			-	22,948.85
860 CITY AGENCY TRUST	5,247.38	1,138.89		402.04	-	5,984.23
TOTAL TRUST AND AGENCY FUNDS	9,524,303.24	3,312,358.12	-	3,738,592.77	(38,289.09)	9,136,357.68
GRAND TOTAL ALL FUNDS	116,169,727.39	79,554,000.31	(0.00)	87,017,743.57	(377,665.85)	109,083,649.98

MUNICIPALITY: City of Hobbs

DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION

Period Ending: 03/31/2017

SUBMIT TO LOCAL GOVERNMENT DIVISION NO LATER THAN 30 DAYS
AFTER THE CLOSE OF EACH QUARTER.

Prepared By: Deborah Corral

I HEREBY CERTIFY THAT THE CONTENTS IN THIS REPORT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT THIS REPORT DEPICTS ALL FUNDS:

Signature

Date

YEAR-TO-DATE TRANSACTIONS

Fund #	FUND NAME	BEGINNING	YEAR-TO-DATE TRANSACTIONS				QTR ENDING	INVESTMENTS	CASH + INVESTMENTS	REQUIRED RESERVES	AVAILABLE CASH
		CASH BALANCE CURRENT FY	REVENUES TO DATE	TRANSFERS TO DATE	EXPENDITURES TO DATE	ADJUSTMENTS	CASH BALANCE (1)+(2)-(3)+(4)+(5)				
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(8) - (9)
101	GENERAL FUND (GF)	\$58,340,111	39,081,696	(2,423,820)	41,017,571	339,063	\$54,319,478	0	\$54,319,478	3,418,131	\$50,901,347
201	CORRECTION	\$208,018	200,631	0	62,819	0	\$345,830	0	\$345,830		\$345,830
202	ENVIRONMENTAL GRT	\$0	0	0	0	0	\$0	0	\$0		\$0
206	EMS	\$11	26,365	0	24,912	0	\$1,464	0	\$1,464		\$1,464
207	ENHANCED 911	\$0	0	0	0	0	\$0	0	\$0		\$0
209	FIRE PROTECTION FUND	\$567,071	509,049	0	256,235	0	\$819,885	0	\$819,885		\$819,885
211	LEPF	\$66,756	87,000	0	40,439	0	\$113,318	0	\$113,318		\$113,318
214	LODGERS' TAX	\$188,955	676,605	0	498,368	0	\$367,192	0	\$367,192		\$367,192
216	MUNICIPAL STREET	\$1,555,270	1,248,614	0	999,946	0	\$1,803,938	0	\$1,803,938		\$1,803,938
217	RECREATION	\$21,855,151	10,950,000	0	15,705,020	0	\$17,100,131	0	\$17,100,131		\$17,100,131
218	INTERGOVERNMENTAL GRANTS	\$0	0	0	0	0	\$0	0	\$0		\$0
219	SENIOR CITIZEN	\$1,000	178,003	479,163	657,167	0	\$1,000	0	\$1,000		\$1,000
223	DWI PROGRAM	\$0	0	0	0	0	\$0	0	\$0		\$0
299	OTHER	\$503,919	546,778	507,590	1,227,418	243	\$331,111	0	\$331,111		\$331,111
300	CAPITAL PROJECT FUNDS	\$4,893,768	1,568,043	0	1,109,967	0	\$5,351,843	0	\$5,351,843		\$5,351,843
401	G. O. BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
402	REVENUE BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
403	DEBT SERVICE OTHER	\$1,989,843	0	2,228,430	2,228,430	0	\$1,989,843	0	\$1,989,843		\$1,989,843
500	ENTERPRISE FUNDS										
	Water Fund	\$4,623,114	4,562,015	147,776	3,388,587	(12)	\$5,944,305	0	\$5,944,305		\$5,944,305
	Solid Waste	\$1,149,697	4,719,252	0	4,422,954	0	\$1,445,995	0	\$1,445,995		\$1,445,995
	Waste Water	\$9,255,284	5,397,144	(2,388,973)	4,991,494	0	\$7,271,961	0	\$7,271,961		\$7,271,961
	Airport	\$295,033	29,308	0	30,009	0	\$294,332	0	\$294,332		\$294,332
	Ambulance	\$0	0	0	0	0	\$0	0	\$0		\$0
	Cemetery	\$1,000	109,347	210,227	319,575	0	\$1,000	0	\$1,000		\$1,000
	Housing	\$0	0	0	0	0	\$0	0	\$0		\$0
	Parking	\$0	0	0	0	0	\$0	0	\$0		\$0
	Golf	\$1,000	623,798	1,226,839	1,849,174	(1,463)	\$1,000	0	\$1,000		\$1,000
	Other Enterprise (enter fund	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund	\$0	0	0	0	0	\$0	0	\$0		\$0
600	INTERNAL SERVICE FUNDS	\$1,150,423	5,727,994	12,767	4,449,065	1,546	\$2,443,666	0	\$2,443,666		\$2,443,666
700	TRUST AND AGENCY FUNDS	\$9,524,303	3,312,358	0	3,738,593	38,289	\$9,136,358	0	\$9,136,358		\$9,136,358
GRAND TOTAL		\$116,169,727	\$79,554,000	(\$0)	\$87,017,744	\$377,666	\$109,083,650	\$0	\$109,083,650	\$3,418,131	\$105,665,519

GENERAL FUND - MUNICIPALITY

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Taxes:							
Property Tax - Current Year	2,438,717	\$0	\$2,438,717	\$1,906,554		(\$532,163)	78.18%
Property Tax - Delinquent	0	\$0	\$0	\$0		\$0	n/a
Property Tax - Penalty & Interest	0	\$0	\$0	\$0		\$0	n/a
Oil and Gas - Equipment	31,545	\$0	\$31,545	\$32,184		\$639	102.03%
Oil and Gas - Production	165,121	\$0	\$165,121	\$139,066		(\$26,055)	84.22%
Franchise Fees	1,015,000	\$0	\$1,015,000	\$698,937		(\$316,063)	68.86%
Gross receipts - Local Option	20,000,000	(\$1,000,000)	\$19,000,000	\$15,893,406		(\$3,106,594)	83.65%
Gross Receipts - Infrastructure	0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - Environment	0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - Hold Harmless	0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - Other Dedication	0	\$0	\$0	\$0		\$0	n/a
Intergovernmental -State Shared:							
Gross receipts	19,975,000	(\$1,000,000)	\$18,975,000	\$15,761,916		(\$3,213,084)	83.07%
Cigarette Tax	0	\$0	\$0	\$0		\$0	n/a
Gas Tax [1 cent]	0	\$0	\$0	\$0		\$0	n/a
Gas Tax [2 cent]	0	\$0	\$0	\$0		\$0	n/a
Motor Vehicle	387,000	\$0	\$387,000	\$255,213		(\$131,787)	65.95%
Grants - Federal	56,695	\$4,035	\$60,730	\$26,361		(\$34,369)	43.41%
Grants - State	106,523	\$426,545	\$533,068	\$448,431		(\$84,637)	84.12%
Grants - Local	250,000	\$3,900,000	\$4,150,000	\$25,000		(\$4,125,000)	0.60%
Legislative Appropriations	0	\$0	\$0	\$0		\$0	n/a
Small Cities Assistance	0	\$0	\$0	\$0		\$0	n/a
Licenses and Permits	12,000	\$0	\$12,000	\$3,500		(\$8,500)	29.17%
Charges for Services	3,405,350	\$0	\$3,405,350	\$1,475,021		(\$1,930,329)	43.31%
Fines and Forfeits	424,000	\$0	\$424,000	\$434,629		\$10,629	102.51%
Interest on Investments	90,000	\$0	\$90,000	\$214,184		\$124,184	237.98%
Miscellaneous	857,220	\$673,236	\$1,530,456	\$1,767,293		\$236,837	115.47%
TOTAL GENERAL FUND REVENUES	\$49,214,171	\$3,003,816	\$52,217,986	\$39,081,696		(\$13,136,291)	74.84%
EXPENDITURES							
Executive-Legislative	8,216,576	\$241,302	\$8,457,878	\$3,254,382	\$0	\$5,203,496	38.48%
Judicial	495,598	\$4,422	\$500,020	\$370,247	\$0	\$129,773	74.05%
Elections	0	\$0	\$0	\$0	\$0	\$0	n/a
Finance & Administration	1,077,591	\$219,790	\$1,297,380	\$790,789	\$0	\$506,591	60.95%
Public Safety	17,887,304	\$5,830,363	\$23,717,667	\$11,958,308	\$0	\$11,759,359	50.42%
Highways & Streets	3,882,255	\$0	\$3,882,255	\$2,906,278	\$0	\$975,977	74.86%
Senior Citizens	0	\$0	\$0	\$0	\$0	\$0	n/a
Sanitation	0	\$0	\$0	\$0	\$0	\$0	n/a
Health and Welfare	9,465,028	(\$54,923)	\$9,410,105	\$6,668,628	\$0	\$2,741,477	70.87%
Culture and Recreation	16,113,819	\$2,000,000	\$18,113,819	\$4,584,180	\$0	\$13,529,639	25.31%
Economic Development & Housing	0	\$0	\$0	\$0	\$0	\$0	n/a
Airport	0	\$0	\$0	\$0	\$0	\$0	n/a
Other - Miscellaneous	19,916,875	\$817,500	\$20,734,375	\$10,484,759	\$0	\$10,249,615	50.57%
TOTAL GENERAL FUND EXPENDITURES	\$77,055,045	\$9,058,454	\$86,113,499	\$41,017,571	\$0	\$45,095,928	47.63%
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	(\$4,389,002)	(\$9,834,671)	(\$14,223,673)	(\$2,423,820)		\$11,799,853	17.04%
TOTAL - OTHER FINANCING SOURCES	(\$4,389,002)	(\$9,834,671)	(\$14,223,673)	(\$2,423,820)		\$11,799,853	17.04%
Excess (deficiency) of revenues over expenditures				(\$4,359,696)			

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS		Budget Balance	Budget Variance %
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
CORRECTIONS REVENUES	201							
Correction Fees	201	215,000	50,000	265,000	197,443		(67,557)	74.51%
Miscellaneous	201	338	0	338	3,188		2,850	943.11%
TOTAL Revenues		215,338	50,000	265,338	200,631		(64,707)	75.61%
EXPENDITURES	201	167,000	0	167,000	62,819	0	104,181	37.62%
OTHER FINANCING SOURCES								
Transfers In	201	0	0	0	0		0	n/a
Transfers (Out)	201	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	201				137,812			
ENVIRONMENTAL REVENUES	202							
GRT - Environmental	202	0	0	0	0		0	n/a
Miscellaneous	202	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	202	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	202	0	0	0	0		0	n/a
Transfers (Out)	202	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	202				0			
EMS REVENUES	206							
State EMS Grant	206	20,000	6,365	26,365	26,365		0	100.00%
Miscellaneous	206	0	0	0	0		0	n/a
TOTAL Revenues		20,000	6,365	26,365	26,365		0	100.00%
EXPENDITURES	206	20,000	6,365	26,365	24,912	0	1,453	94.49%
OTHER FINANCING SOURCES								
Transfers In	206	0	0	0	0		0	n/a
Transfers (Out)	206	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	206				1,453			
E911 REVENUES	207							
State-E-911 Enhancement	207	0	0	0	0		0	n/a
Network & Data Base Grant	207	0	0	0	0		0	n/a
Miscellaneous	207	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	207	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	207	0	0	0	0		0	n/a
Transfers (Out)	207	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	207				0			
FIRE PROTECTION REVENUES	209							
State - Fire Marshall Allotment	209	385,430	112,395	497,825	509,049		11,224	102.25%
Miscellaneous	209	0	0	0	0		0	n/a
TOTAL Revenues		385,430	112,395	497,825	509,049		11,224	102.25%

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS		Budget Balance	Budget Variance %
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
EXPENDITURES	209	223,800	112,395	336,195	256,235	0	79,960	76.22%
OTHER FINANCING SOURCES								
Transfers In	209	0	0	0	0		0	n/a
Transfers (Out)	209	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	209				252,814			
LAW ENFORCEMENT PROTECTION REVENUES	211							
State-Law Enforcement Protection	211	87,000	0	87,000	87,000		0	100.00%
Miscellaneous	211	0	0	0	0		0	n/a
TOTAL Revenues		87,000	0	87,000	87,000		0	100.00%
EXPENDITURES	211	87,000	0	87,000	40,439	0	46,561	46.48%
OTHER FINANCING SOURCES								
Transfers In	211	0	0	0	0		0	n/a
Transfers (Out)	211	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	211				46,561			
LODGERS' TAX REVENUES	214							
Lodgers' Tax	214	950,000	(150,000)	800,000	673,231		(126,769)	84.15%
Miscellaneous	214	1,200	0	1,200	3,374		2,174	281.13%
TOTAL Revenues		951,200	(150,000)	801,200	676,605		(124,595)	84.45%
EXPENDITURES	214	855,491	0	855,491	498,368	0	357,123	58.26%
OTHER FINANCING SOURCES								
Transfers In	214	0	0	0	0		0	n/a
Transfers (Out)	214	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	214				178,237			
MUNICIPAL STREET REVENUES	216							
GRT - Infrastructure (1/8 cent)	216	0	0	0	0		0	n/a
GRT - Municipal	216	0	0	0	0		0	n/a
Gasoline Tax - (1 cent / 2 cent)	216	785,000	0	785,000	595,971		(189,029)	75.92%
Motor Vehicle - Registration (all)	216	0	0	0	0		0	n/a
State Grants	216	687,500	40,790	728,290	277,929		(450,361)	38.16%
Federal Grants	216	363,612	0	363,612	356,544		(7,068)	98.06%
Miscellaneous	216	2,000	0	2,000	18,169		16,169	908.47%
TOTAL Revenues		1,838,112	40,790	1,878,902	1,248,614		(630,289)	66.45%
EXPENDITURES	216	2,965,473	0	2,965,473	999,946	0	1,965,528	33.72%
OTHER FINANCING SOURCES								
Transfers In	216	0	0	0	0		0	n/a
Transfers (Out)	216	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	216				248,668			
RECREATION REVENUES	217							
Cigarette Tax - (1 cent)	217	0	0	0	0		0	n/a
Miscellaneous	217	36,000,000	2,500,000	38,500,000	10,950,000		(27,550,000)	28.44%
TOTAL Revenues		36,000,000	2,500,000	38,500,000	10,950,000		(27,550,000)	28.44%
EXPENDITURES	217	57,847,867	2,500,000	60,347,867	15,705,020	0	44,642,847	26.02%

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS		Budget Balance	Budget Variance %
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
OTHER FINANCING SOURCES								
Transfers In	217	41,215	0	41,215	0		(41,215)	0.00%
Transfers (Out)	217	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		41,215	0	41,215	0		(41,215)	0.00%
Excess (deficiency) of revenues over expen	217				(4,755,020)			
INTERGOVERNMENTAL GRANTS REVENUES	218							
State Grants	218	0	0	0	0		0	n/a
Federal Grants	218	0	0	0	0		0	n/a
Miscellaneous	218	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	218	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	218	0	0	0	0		0	n/a
Transfers (Out)	218	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	218				0			
SENIOR CITIZENS REVENUES	219							
State Grants	219	100,030	1,241	101,271	83,943		(17,328)	82.89%
Federal Grants	219	58,948	0	58,948	48,590		(10,358)	82.43%
Miscellaneous	219	52,110	0	52,110	45,469		(6,641)	87.26%
TOTAL Revenues		211,088	1,241	212,329	178,003		(34,326)	83.83%
EXPENDITURES	219	948,229	5,212	953,441	657,167	0	296,274	68.93%
OTHER FINANCING SOURCES								
Transfers In	219	737,141	3,971	741,112	479,163		(261,948)	64.65%
Transfers (Out)	219	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		737,141	3,971	741,112	479,163		(261,948)	64.65%
Excess (deficiency) of revenues over expen	219				0			
DWI REVENUES	223							
State - Formula Distribution (DFA)	223	0	0	0	0		0	n/a
State - Local Grant (DFA)	223	0	0	0	0		0	n/a
State Other	223	0	0	0	0		0	n/a
Federal Grants	223	0	0	0	0		0	n/a
Miscellaneous	223	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	223	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	223	0	0	0	0		0	n/a
Transfers (Out)	223	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	223				0			
OTHER - SPECIAL REVENUES	299							
REVENUES	299	1,008,378	397,456	1,405,833	546,778		(859,056)	38.89%
EXPENDITURES	299	2,100,636	519,304	2,619,940	1,227,418	0	1,392,522	46.85%
TOTAL - OTHER FINANCING SOURCES	299	592,258	274,932	867,190	507,590		(359,600)	58.53%
Excess (deficiency) of revenues over expen	299				(173,050)			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS			
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
Public Transportation							
REVENUES	805,731	0	805,731	377,073		(428,658)	46.80%
EXPENDITURES	1,245,502	0	1,245,502	575,418	0	670,084	46.20%
OTHER FINANCING SOURCES							
Transfers In	439,771	0	439,771	198,102		(241,669)	45.05%
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	439,771	0	439,771	198,102		(241,669)	45.05%
Excess (deficiency) of revenues over expenditures				(243)			
Land Acquisition							
REVENUES	0	100,000	100,000	82,543		(17,457)	82.54%
EXPENDITURES	500,000	0	500,000	256,350	0	243,650	51.27%
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				(173,808)			
COPS Grant							
REVENUES	202,647	138,889	341,536	87,162		(254,374)	25.52%
EXPENDITURES	355,134	305,814	660,948	340,741	0	320,207	51.55%
OTHER FINANCING SOURCES							
Transfers In	152,487	219,009	371,496	253,579		(117,916)	68.26%
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	152,487	219,009	371,496	253,579		(117,916)	68.26%
Excess (deficiency) of revenues over expenditures				0			
PDN (Parif, drug, narcotics)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	54,908	0	(54,908)	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	55,908		55,908	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	55,908		55,908	n/a
Excess (deficiency) of revenues over expenditures				1,000			
SAFER Grant							
REVENUES	0	158,567	158,567	0		(158,567)	0.00%
EXPENDITURES	0	213,490	213,490	0	0	213,490	0.00%
OTHER FINANCING SOURCES							
Transfers In	0	55,923	55,923	0		(55,923)	0.00%
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	55,923	55,923	0		(55,923)	0.00%
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS			
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS			
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
FUND 299 SUMMARY							
Revenue - TOTAL	\$1,008,378	\$397,456	\$1,405,833	\$546,778		(859,056)	38.89%
Expenditures - TOTAL	\$2,100,636	\$519,304	\$2,619,940	\$1,227,418	\$0	1,392,522	46.85%
TOTAL - OTHER FINANCING SOURCES	\$592,258	\$274,932	\$867,190	\$507,590		(\$359,600)	58.53%

CAPITAL PROJECTS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
GRT- Dedication	\$0	\$0	\$0	\$0		\$0	n/a
GRT- Hold Harmless	\$0	\$0	\$0	\$0		\$0	n/a
GRT- Infrastructure	\$2,126,582	\$0	\$2,126,582	\$1,559,743		(\$566,839)	73.35%
Bond Proceeds	\$0	\$0	\$0	\$0		\$0	n/a
Local Grants	\$0	\$0	\$0	\$0		\$0	n/a
CDBG funding	\$500,000	\$0	\$500,000	\$0		(\$500,000)	0.00%
State Grants	\$0	\$0	\$0	\$0		\$0	n/a
Federal Grants (other)	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriations	\$0	\$0	\$0	\$0		\$0	n/a
Investment Income	\$0	\$0	\$0	\$0		\$0	n/a
Miscellaneous	\$1,300,000	\$0	\$1,300,000	\$8,300		(\$1,291,700)	0.64%
TOTAL CAPITAL PROJECTS REVENUES	\$3,926,582	\$0	\$3,926,582	\$1,568,043		(\$2,358,539)	39.93%
EXPENDITURES							
Parks/Recreation	\$1,126,179	\$0	\$1,126,179	\$8,478	\$0	\$1,117,702	0.75%
Housing	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Equipment & Buildings	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Facilities	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Transit	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Utilities	\$4,352,654	\$0	\$4,352,654	\$1,100,939	\$0	\$3,251,715	25.29%
Airports	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Infrastructure	\$1,000,000	\$0	\$1,000,000	\$551	\$0	\$999,449	0.06%
Debt Service Payments (P&I)-GO Bonds	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Debt Service Payments (P&I)-Rev. Bonds	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Other	\$0	\$0	\$0	\$0	\$0	\$0	n/a
TOTAL CAPITAL PROJECTS EXPENDITURE	\$6,478,834	\$0	\$6,478,834	\$1,109,967	\$0	\$5,368,867	17.13%
OTHER FINANCING SOURCES							
Transfers In	\$500,000	\$0	\$500,000	\$0		(\$500,000)	0.00%
Transfers (Out)	(\$2,018,982)	\$0	(\$2,018,982)	\$0		\$2,018,982	0.00%
TOTAL - OTHER FINANCING SOURCES	(\$1,518,982)	\$0	(\$1,518,982)	\$0		\$1,518,982	0.00%
Excess (deficiency) of revenues over expenditures				\$458,076			

DEBT SERVICE

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget	
	Approved Budget	Budget Adjustments	Adjusted Budget			Positive (Negative)	
						\$	%
GENERAL OBLIGATION BONDS [FUND 401]							
REVENUES:							
General Obligation - (Property tax)	\$0	\$0	\$0	\$0		\$0	n/a
Investment Income	\$0	\$0	\$0	\$0		\$0	n/a
Other - Misc	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
General Obligation - Principal	\$0	\$0	\$0	\$0	\$0	\$0	n/a
General Obligation - Interest	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Other Costs (Fiscal Agent Fees/Other Fees/Misc)	\$0	\$0	\$0	\$0	\$0	\$0	n/a
TOTAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures [401]				\$0			
REVENUE BONDS [FUND 402]							
REVENUES:							
Bond Proceeds	\$0	\$0	\$0	\$0		\$0	n/a
Revenue Bonds - GRT	\$0	\$0	\$0	\$0		\$0	n/a
Investment Income	\$0	\$0	\$0	\$0		\$0	n/a
Revenue Bonds - Other	\$0	\$0	\$0	\$0		\$0	n/a
REVENUE BOND REVENUE - TOTAL	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Revenue Bonds - Principal	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Revenue Bonds - Interest	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Other Revenue Bond Payments	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Other Costs (Fiscal Agent Fees/Other Fees/Misc)	\$0	\$0	\$0	\$0	\$0	\$0	n/a
TOTAL DEBT SERVICE FUND EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures [402]				\$0			
OTHER DEBT SERVICE [FUND 403]							
REVENUES:							
Investment Income	\$0	\$0	\$0	\$0		\$0	n/a
Loan Revenue	\$0	\$0	\$0	\$0		\$0	n/a
OTHER DEBT SERVICE REVENUE - TOTAL	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
NMFA Loan Payments	\$2,400,126	\$0	\$2,400,126	\$2,228,430	\$0	(\$171,696)	92.85%
Board of Finance Loan Payments	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Other Debt Service - Misc	\$0	\$0	\$0	\$0	\$0	\$0	n/a
TOTAL DEBT SERVICE FUND EXPENDITURES	\$2,400,126	\$0	\$2,400,126	\$2,228,430	\$0	(\$171,696)	92.85%
OTHER FINANCING SOURCES							
Transfers In	\$2,400,126	\$0	\$2,400,126	\$2,228,430		(\$171,696)	92.85%
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL - OTHER FINANCING SOURCES	\$2,400,126	\$0	\$2,400,126	\$2,228,430		(\$171,696)	92.85%
Excess (deficiency) of revenues over expenditures [403]				\$0			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Water Fund							
Charges for Services	\$5,500,500	\$0	\$5,500,500	\$4,122,142		(\$1,378,358)	74.94%
Interest on Investments	\$3,500	\$0	\$3,500	\$65,896		\$62,396	1882.73%
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$238,000	\$0	\$238,000	\$22,949		(\$215,051)	9.64%
Other	\$400,000	\$0	\$400,000	\$351,029		(\$48,971)	87.76%
TOTAL REVENUES - Water Fund	\$6,142,000	\$0	\$6,142,000	\$4,562,015		(\$1,579,985)	74.28%
EXPENDITURES							
Water Fund	\$9,185,759	\$0	\$9,185,759	\$3,388,587	\$0	\$5,797,172	36.89%
OTHER FINANCING SOURCES							
Transfers In	\$6,934,072	\$0	\$6,934,072	\$454,717		(\$6,479,355)	6.56%
Transfers (Out)	(\$5,504,000)	\$0	(\$5,504,000)	(\$306,941)		\$5,197,059	5.58%
TOTAL-OTHER FINANCING SOURCES	\$1,430,072	\$0	\$1,430,072	\$147,776		(\$1,282,297)	10.33%
Excess (deficiency) of revenues over expenditures				\$1,321,203			
REVENUES							
Solid Waste							
Charges for Services	\$6,050,000	\$0	\$6,050,000	\$4,719,252		(\$1,330,748)	78.00%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Solid Waste Fund	\$6,050,000	\$0	\$6,050,000	\$4,719,252		(\$1,330,748)	78.00%
EXPENDITURES							
Solid Waste	\$6,050,000	\$0	\$6,050,000	\$4,422,954	\$0	\$1,627,046	73.11%
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$296,298			
REVENUES							
Waste Water							
Charges for Services	\$4,925,000	\$0	\$4,925,000	\$3,770,908		(\$1,154,092)	76.57%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$1,063,291	\$0	\$1,063,291	\$779,837		(\$283,454)	73.34%
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$3,521,290	(\$101,440)	\$3,419,850	\$836,993		(\$2,582,857)	24.47%
Legislative Appropriation	\$731,000	\$0	\$731,000	\$9,407		(\$721,593)	1.29%
Other	\$1,059,040	(\$152,160)	\$906,880	\$0		(\$906,880)	0.00%
TOTAL REVENUES - Waste Water Fund	\$11,299,621	(\$253,600)	\$11,046,021	\$5,397,144		(\$5,648,877)	48.86%
EXPENDITURES							
Waste Water	\$15,211,109	\$9,550,000	\$24,761,109	\$4,991,494	\$0	\$19,769,615	20.16%
OTHER FINANCING SOURCES							
Transfers In	\$2,466,189	\$9,550,000	\$12,016,189	\$227,307		(\$11,788,882)	1.89%
Transfers (Out)	(\$4,826,406)	\$549,000	(\$4,277,406)	(\$2,616,280)		\$1,661,126	61.17%
TOTAL-OTHER FINANCING SOURCES	(\$2,360,217)	\$10,099,000	\$7,738,783	(\$2,388,973)		(\$10,127,756)	(30.87%)
Excess (deficiency) of revenues over expenditures				(\$1,983,324)			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Airport							
Charges for Services	\$38,000	\$0	\$38,000	\$25,960		(\$12,040)	68.32%
Interest on Investments	\$300	\$0	\$300	\$3,348		\$3,048	1116.01%
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Airport Fund	\$38,300	\$0	\$38,300	\$29,308		(\$8,992)	76.52%
EXPENDITURES							
Airport	\$36,000	\$0	\$36,000	\$30,009	\$0	\$5,991	83.36%
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				(\$701)			
REVENUES							
Ambulance							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Ambulance Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Ambulance	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Cemetery							
Charges for Services	\$168,690	\$0	\$168,690	\$109,347		(\$59,343)	64.82%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Cemetery Fund	\$168,690	\$0	\$168,690	\$109,347		(\$59,343)	64.82%
EXPENDITURES							
Cemetery	\$528,581	\$0	\$528,581	\$319,575	\$0	\$209,007	60.46%
OTHER FINANCING SOURCES							
Transfers In	\$359,891	\$0	\$359,891	\$210,227		(\$149,664)	58.41%
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$359,891	\$0	\$359,891	\$210,227		(\$149,664)	58.41%
Excess (deficiency) of revenues over expenditures				\$0			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Housing							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Housing Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Housing	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Parking Facilities							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Parking Facilities	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Parking Facilities	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Golf							
Charges for Services	\$857,613		\$857,613	\$623,798		(\$233,815)	72.74%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REV. - Other Enterprise Fund	\$857,613	\$0	\$857,613	\$623,798		(\$233,815)	72.74%
EXPENDITURES							
Other Enterprise Fund	\$3,016,110	\$5,768	\$3,021,878	\$1,849,174	\$0	\$1,172,704	61.19%
OTHER FINANCING SOURCES							
Transfers In	\$2,158,497	\$5,768	\$2,164,265	\$1,226,839		(\$937,426)	56.69%
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$2,158,497	\$5,768	\$2,164,265	\$1,226,839		(\$937,426)	56.69%
Excess (deficiency) of revenues over expenditures				\$1,463			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Other Enterprise (enter fund name)							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REV. - Other Enterprise Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Other Enterprise Fund	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Other Enterprise (enter fund name)							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REV. - Other Enterprise Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Other Enterprise Fund	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			

INTERNAL SERVICE / TRUST & AGENCY FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative)			
	Approved Budget	Budget Adjustments	Adjusted Budget					\$	%
INTERNAL SERVICE FUNDS [600]									
REVENUES									
Charges for Services	\$7,723,960	\$26,923	\$7,750,883	\$5,727,994		(\$2,022,888)	73.90%		
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a		
Miscellaneous revenues	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL REVENUES	\$7,723,960	\$26,923	\$7,750,883	\$5,727,994		(\$2,022,888)	73.90%		
EXPENDITURES									
Operating Expenditures	\$7,723,960	\$37,923	\$7,761,883	\$4,449,065	\$0	\$3,312,817	57.32%		
Miscellaneous	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
TOTAL EXPENDITURES	\$7,723,960	\$37,923	\$7,761,883	\$4,449,065	\$0	\$3,312,817	#REF!		
OTHER FINANCING SOURCES									
Transfers In	\$549,000	(\$549,000)	\$0	\$12,767		(\$12,767)	n/a		
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL - OTHER FINANCING SOURCES	\$549,000	(\$549,000)	\$0	\$12,767		\$12,767	n/a		
Excess (deficiency) of revenues over expenditures				\$1,291,696					
TRUST AND AGENCY FUNDS [700]									
REVENUES									
Investments	\$0	\$0	\$0	\$0		\$0	n/a		
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a		
Tax Revenues	\$0	\$0	\$0	\$0		\$0	n/a		
Miscellaneous revenues	\$1,878,332	\$4,000,000	\$5,878,332	\$3,312,358		(\$2,565,974)	56.35%		
TOTAL REVENUES	\$1,878,332	\$4,000,000	\$5,878,332	\$3,312,358		(\$2,565,974)	56.35%		
EXPENDITURES									
General Government/Benefits	\$914,407	\$0	\$914,407	\$1,135,063	\$0	(\$220,656)	124.13%		
Capital Outlay	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Debt Service	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Miscellaneous	\$963,924	\$4,000,000	\$4,963,924	\$2,603,529	\$0	\$2,360,395	52.45%		
TOTAL EXPENDITURES	\$1,878,332	\$4,000,000	\$5,878,332	\$3,738,593	\$0	\$2,139,739	63.60%		
OTHER FINANCING SOURCES									
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a		
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a		
Excess (deficiency) of revenues over expenditures				(\$426,235)					



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2017

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

DEPT. OF ORIGIN: Legal Division
DATE SUBMITTED: April 24, 2017
SUBMITTED BY: JJ Murphy - City Manager

Summary: Final Adoption of the Ordinance to sell and convey property located at 105 W. Broadway, to Richard Martin for the purchase price of \$86,000.00. The City of Hobbs is proposing to sell a municipally owned property located at 105 W. Broadway to Richard Martin for the purchase price of \$86,000. The Commission approved publication of this Ordinance at the April 3 regular meeting.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

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

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

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Staff recommends consideration to approve publication of the Ordinance.

Approved For Submittal By:

Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS, NEW MEXICO

ORDINANCE NO. 1102

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

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

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

WHEREAS, inclusive in this Ordinance are the following:

1. **Terms of Sale:** The City proposes to sell a property located at 105 W. Broadway for the purchase price of \$86,000.00.

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

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

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

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

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

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

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

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

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

(I)

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

LEGAL DESCRIPTION

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

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

(II)

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

(III)

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

(IV)

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

PASSED, APPROVED AND ADOPTED this 1st day of May, 2017.

CITY OF HOBBS, NEW MEXICO

By _____
Sam D. Cobb, Mayor

ATTEST:

By _____
JAN FLETCHER, City Clerk

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

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

RECITALS:

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

LEGAL DESCRIPTION

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

NOW THEREFORE THE FOLLOWING IS AGREED BY THE PARTIES:

1. Earnest Money Deposit.

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

2. Purchase Price.

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

3. Closing Date.

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

4. Review of Title.

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

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

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

5. Title.

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

6. Risk of Loss.

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

7. Default and Remedy.

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

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

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

8. Costs and Fees.

The closing costs shall be paid as follows:

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

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

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

9. Notice.

All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by certified mail, postage prepaid, to the City, at City of Hobbs, ATTN: City Manager, 200 East Broadway, Hobbs, NM 88241; and to Purchaser, at 201 E. Broadway, Hobbs, NM 88240, or to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

10. Attorney's Fees and Costs.

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

11. Counterparts.

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

12. Successors and Assigns.

This Section refers to assignability of this Purchase Agreement and not to assignability of the Property after the land purchase has been completed. This Agreement may not be assigned by Purchaser without the prior written consent of the City. Subject to the foregoing provision, this Agreement shall inure to the benefit of and be binding upon the parties to this Agreement and their respective successors and assigns; provided that upon any assignment of this Agreement by either party, the other party shall not be released from any obligation under, or liability accruing pursuant to this Agreement. Except that Purchaser is permitted, upon City approval, to assign its interest to a Partnership or Corporation in which he is the principal party. Consent shall not unreasonably be withheld by either party.

13. Compliance with New Mexico State Statutes.

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

14. Governing Laws.

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

15. Termination.

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

16. Conditions For Completing The Purchase.

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

- A. The City Commission must have approved the necessary Ordinance for the Sale of the Property, subject only to the referendum election issue as specified in 3-54-1 et. seq., NMSA, as amended.
- B. There shall be no material adverse change in the condition of the Property as of closing.
- C. The representations and warranties contained in this Agreement are true and correct as of the date of closing.
- D. If any of the conditions set forth in this Section are not satisfied to the sole discretion of the Purchaser prior to closing, or waived by the time specified therefor, or, if no time is specified, then by the closing date, then the Purchaser shall receive a refund of the earnest money deposit plus interest earned.

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

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

- A. The City owns title to the Property subject only to easements, restrictions and reservations of record as disclosed in the title commitment.
- B. There are no public improvements which have been commenced or completed for which special real property tax assessments may be or have been levied against the Property.
- C. There are no known existing violations of applicable law with respect to the Property.
- D. There is no litigation pending or threatened against the Property which might result in a lien on the Property, or might interfere with the City's ability to sell or convey the Property, or which might have a material adverse change upon the Property.
- E. The execution and delivery of the Purchase Agreement and closing of the sale by the City will not result in the breach of any agreement, decree or order to which the City is a party or by which the Property is bound.
- F. There are no condemnation proceedings pending or threatened with respect to all or any portion of the Property.

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

18. Time of Essence.

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

19. Additional Documents.

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

20. Entire Document.

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

Done and approved on the date first written above.

THE CITY OF HOBBS

PURCHASER
RICHARD MARTIN

Mayor Sam Cobb



ATTEST:

APPROVED AS TO FORM:

Jan Fletcher, City Clerk

Mike H. Stone, City Attorney

Subject Property

S Shipp St

S Turner St

E Broadw

©2016 Google
Google earth

200 ft

ENma



**KUNKEL &
ASSOCIATES**

Providing Real Estate Valuation Solutions for Southeastern New Mexico

March 6, 2017

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

Re: 105 West Broadway Street, Hobbs, New Mexico

Dear Mr. Robinson,

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

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

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

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

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

Eighty-Six Thousand Dollars

(\$86,000.00)

Respectfully Submitted,



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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2017

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

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: April 24, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: ALJO, LLC has requested a Development Agreement concerning the development of single-family housing units located within the Tanglewood Unit 2 Subdivision. The developer proposes to produce market rate single-family units within the 42 lot Tanglewood Unit 2 Subdivision and is requesting infrastructure incentives of \$420,000.00. The terms of the attached DA is based on the 2014 Housing Incentive Development Agreement issued to Black Gold Estates with the exception of a 2 year termination. The attached DA would allow a fair share reimbursement of installed public infrastructure for any unit obtaining a Certificate of Occupancy within the term of the agreement.

Fiscal Impact:

Reviewed By:

[Signature]
Finance Department

Approval of this agreement would encumber \$420,000.00 in the Single Family Housing Budget Account #010100-44901-170.

Attachments: 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. 6544

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

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with ALJO, LLC 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 1st day of May, 2017.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

**HOUSING DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF HOBBS AND SINGLE FAMILY HOUSING DEVELOPER**

THIS AGREEMENT is entered into on this _____ day of _____ 2017 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and ALJO, LLC, 3311 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 Housing 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 Housing Developer Services work for the development of market rate single-family units, to be produced within 2 Years after acceptance of all public infrastructures, public infrastructures installed will be accepted via the issuance of an acceptance letter from the City of Hobbs Engineer after receipt of the Engineer of Records Certification that all municipal infrastructures are in place and have been installed as per plans and City of Hobbs Standards. Such Certification shall be in a form acceptable to the City Engineer, within Tanglewood Unit 2 Subdivision located within the Municipal Boundaries.

** Any outstanding Development Agreements between the Developer and the City of Hobbs concerning the production of Market Rate 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 Hobbs Single Family Housing Project. All single family structures completed under this agreement shall be located within the Tanglewood Unit 2 Subdivision (pending Final Plat approval) and shall have received a certificate of occupancy after ratification of this agreement as per the incentive proposal, which is attached hereto and made a part of this Agreement as Exhibit #1.

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 Single Family Market Rate Housing Units within the Tanglewood Unit 2 Subdivision (pending Final Plat approval). 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. The Developer shall build market rate housing on the property herein identified.

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.

Incentives are available for installed public municipal infrastructure only. Development Agreement must be in place prior to Municipal Acceptance of infrastructure. Existing Developments that have received DA's prior to 2017 are eligible through 12/31/2017. The City's infrastructure incentive may include any or all of the following funding assistance from the City:

- 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 with 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 housing project. 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 and the Developer's proposal, 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 Four Hundred Twenty Thousand Dollars (\$420,000.00), unless the Agreement is amended by the City Commission.
- 3) City subsidy shall be paid when each individual single family unit is complete and certificate of occupancy is issued, provided the certificate of occupancy for the unit is issued after ratification of this agreement. Payment will be made within fifteen (15) days following a written request from the Developer and upon City inspection of project completion.

4) Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time. Such usage either now or in the future, for a period not to exceed 10 years from date of issuance of a C.O., shall require Developer to return any incentive funds received for any unit thus utilized, upon demand by the City. Developer shall record a "Declaration of Restrictive Covenants", attached hereto as Exhibit 2, to restrict such usage and to notify parties involved in future conveyances.

C. Construction Requirements.

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

D. Assignment of Agreement.

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

E. Insurance Requirements and Hold Harmless Provision.

1. Developer agrees to obtain and maintain appropriate insurance during the course of the work program 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. Developer will provide a current Certificate of Insurance to be attached to this agreement, with the City of Hobbs as shown as an additional insured party.

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 2 Years from date that the City accepts all public infrastructures, public infrastructures installed will be accepted via the issuance of an acceptance letter from the City of Hobbs Engineer after receipt of the Engineer of Records Certification that all municipal infrastructures are in place and have been installed as per plans and City of Hobbs Standards. Such Certification shall be in a form acceptable to the City Engineer. This contract shall terminate immediately, if all public infrastructures are not installed and accepted by the City of Hobbs by 12-31-17. A request for infrastructure reimbursement, for a qualified unit produced within the terms of this agreement, received after the Termination Date of this agreement will not be eligible for payment.

L. Notice.

All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by regular mail, postage prepaid, to the City, ATTN: City Attorney, 200 E. Broadway, Hobbs, NM 88240; to Developer ALJO, LLC, 3311 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

Mike H. Stone, City Attorney



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1st, 2017

SUBJECT: APPROVAL OF A RESOLUTION APPROVING AN INFRASTRUCTURE OVERSIZE DEVELOPMENT AGREEMENT BETWEEN ALJO, LLC AND THE CITY OF HOBBS.

DEPT. OF ORIGIN: Engineering Division
DATE SUBMITTED: April 24, 2017
SUBMITTED BY: Todd Randall – City Engineer

Summary: The City of Hobbs Planning Board, on January 17, 2017, gave preliminary plat approval to Tanglewood Unit 2 Subdivision, located northwest of the termination of Ranchland and creating 42 single family residential lots upon final plat approval. The proposed Infrastructure Development Agreement would allow the Developer to receive reimbursement for oversizing sewer, water and a hybrid Major Collector Roadway Section on a pro rata basis. The oversized trunk lines would eliminate the possibility of the infrastructure reaching capacity when surrounding properties are developed. Additionally, the hybrid Major Collector would maintain the flow line of a standard Major Collector allowing for economical expansion opportunities in the future as densities and usage increases. Total reimbursement to the developer under this agreement would not exceed \$68,500. Reimbursement for oversize infrastructures would occur upon final plat approval of Tanglewood Unit 2 Subdivision. Final plat approval requires all infrastructures to be in place and an engineer certification that all public infrastructures meets or exceeds municipal standards.


Fiscal Impact:

Reviewed By: 
Finance Department

Budget Available: \$394,300 (44-4044-44901-00073)
Development Agreement: \$ 68,500.00 (City's Liability)

Attachments: Resolution, Development Agreement, Preliminary Subdivision Plat.

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Consideration of the Resolution Approving the Development Agreement.

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. 6545

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN ALJO LLC AND THE CITY OF HOBBS CONCERNING THE OVERSIZING OF MUNICIPAL INFRASTRUCTURE WITHIN THE TANGLEWOOD UNIT 2 SUBDIVISION.

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with ALJO, LLC concerning the oversizing of sewer, water and a hybrid Major Collector Roadway Section; and

WHEREAS, the aforementioned Development Agreement allows for the reimbursement to the Developer for the oversized municipal infrastructures upon final plat approval in an amount not to exceed \$68,500.00, 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 1st day of May, 2017.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

**TANGLEWOOD UNIT 2
DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made and entered into this ___ day of _____, 2017, between the City of Hobbs, New Mexico, a New Mexico Municipal Corporation, (hereafter called the "City"); and ALJO DEVELOPMENT, LLC 3311 N. Grimes Street, Hobbs, NM 88240 (hereafter called "Developer").

RECITALS:

WHEREAS, "Developer" has received Preliminary Plat Approval for Tanglewood Unit 2 Subdivision containing the projection of a portion of Ranchland within the subdivisions boundary. Said projection to contain municipal infrastructure to include sewer, water, Major Collector Roadway improvements, sidewalk, curb and gutter; and

WHEREAS, that portion of Ranchland previously developed was initially developed with infrastructure exceeding the required minimums for a Major Collector, specifically the installation of a 12" water main and a 12" sewer main; and

WHEREAS, the municipality has determined that it is beneficial to oversize the municipal infrastructure located within the projection of Ranchland thereby increasing capacity for future development; specifically the installation of a 12" water main and a 12" sewer main. Therefore, it has been determined by City and agreed by Developer that the required infrastructure located within the projection of Ranchland shall be oversized from the required minimums to be specifically a 12" water main and a 12" sewer main; and

WHEREAS, that portion of Ranchland located south of the proposed projection was previously developed as a Major Collector Roadway Section, as specified within the City of Hobbs Major Thoroughfare Plan; and

WHEREAS, the municipality has determined that the installation of a Major Collector Roadway Section is not warranted today, based on current population densities for the area and proposed usage of the roadway, but could be warranted in the near future as the area is further developed. Furthermore, the municipality has determined that the installation of a hybrid Minor Collector Roadway Section would lead to reduced maintenance costs for the municipality while maintaining the outside flowlines of a Major Collector. Therefore, it has been determined by City and agreed by Developer that the required infrastructure located within the projection of Ranchland shall be oversized from the required minimums, a Minor Residential Urban Section, to be specifically a hybrid Minor Collector Roadway Section, representation of a cross section and plan view attached hereto.

WHEREAS, the Developer may choose to add live elements to the hardscaped median area created in the development of the hybrid Minor Collector Roadway Section and such elements shall need care and maintenance by the Developer at time of installation following acceptance of the dedicated public infrastructures within Tanglewood Unit 2. Therefore, it has been determined by City and agreed by Developer that any live elements placed within the median area by the developer shall be supplied with water from a irrigation meter installed by the developer supplying an automatic irrigation system to each live item. Developer shall provide care and maintenance, including the payment of meter charges, for the median area, if developer so chooses to place live items therein.

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

1. The Developer shall install infrastructures as specified in the Construction Plans that received Preliminary Plat approval from the City of Hobbs Planning Board on January 17, 2017, more specifically the installation of a 12" water main and a 12" sewer main within the projection of Ranchland.

2. The Municipality shall reimburse to the Developer, pending Engineer of Record Certification and Final Plat Approval, the actual cost difference between the water and sewer infrastructures required within a Major Collector Roadway and the 12" infrastructures so installed. Providing said amount shall not exceed \$21,000.00.

3. The Municipality shall reimburse to the Developer, pending Engineer of Record Certification and Final Plat Approval, the actual cost difference between the Minor Collector Roadway Section required and the hybrid Minor Collector Roadway Section so installed. Providing said amount shall not exceed \$47,500.00.

4. The Developer shall submit for approval to the Municipality a landscape plan set for the median area. Plan set to include location and detail of each landscape item and location and detail of any irrigation system.

5. **Responsibilities of the parties hereto are as follows:**

A. The Developer shall:

- 1) Pay for all costs associated with developing Tanglewood Unit 2 as per the Construction Plans, fully compliant with Municipal Code Title 16.
- 2) Submit to the Municipality Certification of Compliance from the Engineer of Record certifying that all municipal infrastructures are in place and has been installed as per plans and City of Hobbs Standards. Such certification shall be in a form acceptable to the City Engineer.
- 3) Submit to the Municipality the actual costs for those infrastructures oversized as per this agreement as well as the Engineer of Records cost estimate for installation of required minimum infrastructures.

B. The City shall:

- 1) Provide as needed timely and responsive consultation and coordination assistance by the City Engineer and other City staff members regarding City design and construction issues for Subdivision development.
- 2) Reimburse to the Developer the actual cost difference between the infrastructures required and the 12" infrastructures so installed. Providing said amount shall not exceed \$21,000.00.
- 3) Reimburse to the Developer the actual cost difference between the Minor Residential Roadway Section required and the hybrid Minor Collector Roadway Section so installed. Providing said amount shall not exceed \$47,500.00.

6. All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by regular mail, postage prepaid, to the City, ATTN: Planning Department, 200 E. Broadway, Hobbs, NM 88240; to Developer – Entrench Inc., 3311 N. Grimes Street, Hobbs, NM 88240, or to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

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

8. This Agreement shall be subject to 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.

9. Representations of City.

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

B. City will continue review and processing of the development plans in a forthright manner and with due diligence.

10. Representations of Developer.

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

11. BREACH

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

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

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

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

12. REMEDIES UPON BREACH.

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

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

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

14. **TERMINATION.** This Agreement shall be terminated upon the completion of all installation and construction defined herein or one (1) year from the date of Ratification of this Agreement.

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

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

CITY OF HOBBS

DEVELOPER – ALJO DEVELOPMENT, LLC

Sam D. Cobb - Mayor

BY:

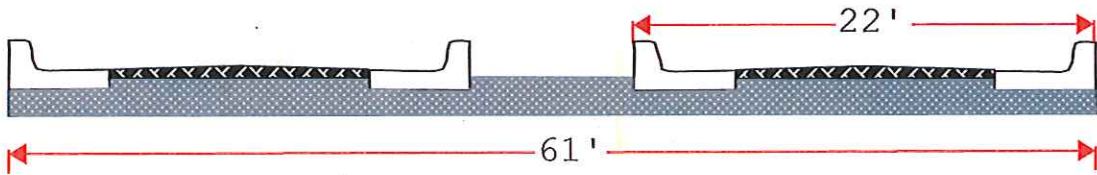
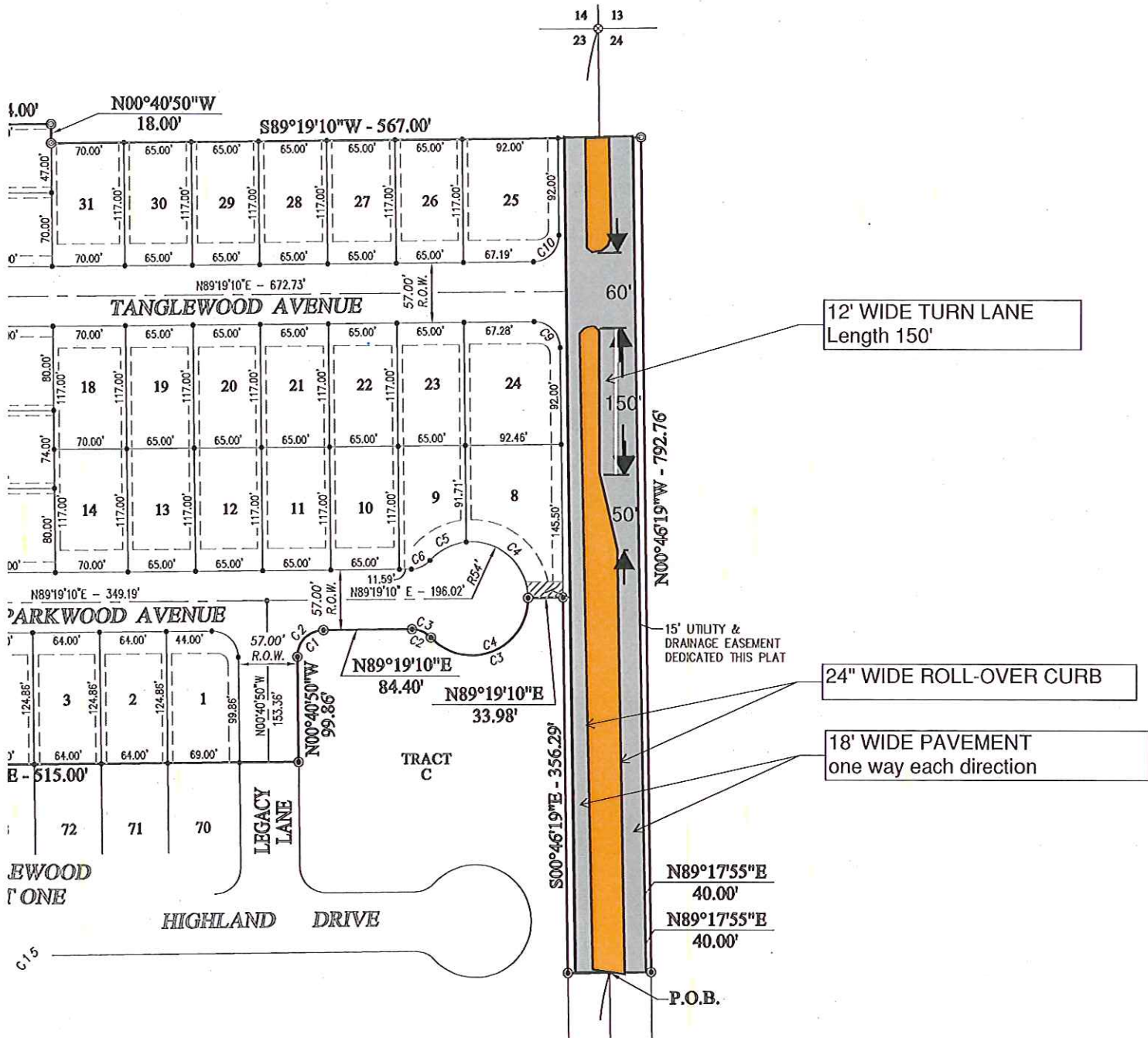
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ATTEST:

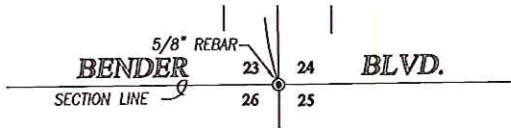
Jan Fletcher, City Clerk

APPROVED AS TO FORM:

Michael Stone, City Attorney



337 C38





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1st, 2017

SUBJECT: Award Bid No. 1555-17 - PHASE 10 WATERLINE REPLACEMENT PROJECT
DEPT. OF ORIGIN: Engineering & Utility Department
DATE SUBMITTED: April 24th, 2017
SUBMITTED BY: Todd Randall, City Engineer

Summary:

Bids were opened at 10:00 AM on Tuesday, April 18th, 2017 for the Phase 10 Waterline Replacement Project, Bid No. 1552-17. The scope of work includes the installation of 6" (10,800') and 8" (1,310') waterline, fire hydrants, new water service laterals and misc. concrete and pavement patches at various locations throughout Hobbs (see attached location map). Sixteen (16) digital plans and specification were sent to plan rooms, material suppliers and potential sub or prime contractors.

Notice to Bidders was published in the Hobbs News Sun on March 26, 2016. Three (3) bids were received and opened publically On April 28th, 2017 (see attached bid tabulation sheet). All bids were deemed response.

Table with 2 columns: Company, Base Bid. Rows include Entrench Inc. (\$695,574.00), Desert Utility & Paving, LLC (\$901,709.00), and File Construction, LLC (\$1,210,190.50).

Entrench Inc. is the lowest bidder, properly licensed and their registration with the NMDWS is current.

The Engineering/Utilities Department recommends the award to Entrench Inc. as the low bidder in the amount of \$695,574.00 not including NMGRT.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

Available Funds: \$1.5M (Fund 61 - Project 00094)
Admin/Testing: \$15,000
Project Cost: \$695,574 (\$742,959.98 including GRT)

Attachments: Bid Tabulation / Location Map

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation: Consideration to award Bid 1557-17 Phase 10 Waterline Replacement Project to Entrench Inc.

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. _____

VICINITY / LOCATION MAP



N.T.S.



PHASE 10 WATER LINE REPLACEMENT PROJECT - BID TABULATION FORM				Entrench, Inc.		Desert Utility & Paving, LLC		File Construction, LLC	
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Roadway Excavation	C.Y.	210	\$20.00	\$4,200.00	\$16.00	\$3,360.00	\$14.00	\$2,940.00
2	Fill Construction	C.Y.	110	\$40.00	\$4,400.00	\$50.00	\$5,500.00	\$50.00	\$5,500.00
3	Subgrade Preparation	S.Y.	2,485	\$6.00	\$14,910.00	\$9.50	\$23,607.50	\$3.60	\$8,946.00
4	Furnish and install 6" of base course, complete in place.	S.Y.	2,440	\$17.00	\$41,480.00	\$18.00	\$43,920.00	\$20.00	\$48,800.00
5	3" Asphalt concrete pavement, complete in place	S.Y.	1,300	\$25.00	\$32,500.00	\$37.00	\$48,100.00	\$36.00	\$46,800.00
6	6" Asphalt concrete pavement, complete in place (2 x 3" Lifts)	S.Y.	100	\$45.00	\$4,500.00	\$71.00	\$7,100.00	\$82.00	\$8,200.00
7	Install 4" concrete sidewalk, complete in place	S.Y.	45	\$50.00	\$2,250.00	\$140.00	\$6,300.00	\$60.00	\$2,700.00
8	Install 6" concrete drive pad, complete in place	S.Y.	420	\$55.00	\$23,100.00	\$115.00	\$48,300.00	\$85.50	\$35,910.00
9	Install 8"x 60" valley gutter, complete in place	S.Y.	45	\$85.00	\$3,825.00	\$100.00	\$4,500.00	\$80.00	\$3,600.00
10	Install 8" Fillets, complete in place	S.Y.	50	\$85.00	\$4,250.00	\$85.00	\$4,250.00	\$91.00	\$4,550.00
11	Install barrier curb and gutter, complete in place, as specified	L.F.	155	\$17.00	\$2,635.00	\$40.00	\$6,200.00	\$39.50	\$6,122.50
12	Install laydown curb and gutter, complete in place, as specified	L.F.	310	\$17.00	\$5,270.00	\$35.00	\$10,850.00	\$34.00	\$10,540.00
13	Install mountable curb and gutter, complete in place, as specified	L.F.	60	\$17.00	\$1,020.00	\$25.00	\$1,500.00	\$36.00	\$2,160.00
14	Remove and dispose of asphalt pavement	S.Y.	1,100	\$1.25	\$1,375.00	\$9.00	\$9,900.00	\$12.00	\$13,200.00
15	Remove and dispose of concrete curb & gutter	L.F.	700	\$3.00	\$2,100.00	\$8.00	\$5,600.00	\$3.30	\$2,310.00
16	Remove and dispose of 4" concrete sidewalk and driveways	S.Y.	135	\$7.00	\$945.00	\$11.00	\$1,485.00	\$16.00	\$2,160.00
17	Remove and dispose of 6" concrete sidewalks & driveways	S.Y.	417	\$7.00	\$2,919.00	\$35.00	\$14,595.00	\$16.00	\$6,672.00
18	Remove and dispose of 8" concrete valley gutter	S.Y.	55	\$8.00	\$440.00	\$48.00	\$2,640.00	\$19.00	\$1,045.00
19	Remove and reset 6' Chain Link Fence	L.F.	370	\$7.00	\$2,590.00	\$19.50	\$7,215.00	\$29.00	\$10,730.00
20	Furnish and install 4" water line, complete in place.	L.F.	40	\$18.00	\$720.00	\$20.00	\$800.00	\$50.00	\$2,000.00
21	Furnish and install 6" water line, complete in place.	L.F.	10,820	\$24.00	\$259,680.00	\$26.75	\$289,435.00	\$53.00	\$573,460.00
22	Furnish and install 8" water line, complete in place.	L.F.	1,310	\$30.00	\$39,300.00	\$29.00	\$37,990.00	\$55.00	\$72,050.00
23	Remove and dispose of existing 2" steel water lines	L.F.	840	\$4.00	\$3,360.00	\$11.00	\$9,240.00	\$7.00	\$5,880.00
24	Remove and dispose of existing water line greater than 2", pipe type, and size vary	L.F.	340	\$8.00	\$2,720.00	\$15.00	\$5,100.00	\$13.00	\$4,420.00
25	Furnish and install ductile iron fittings	LBS.	1,650	\$4.50	\$7,425.00	\$5.50	\$9,075.00	\$4.80	\$7,920.00
26	Furnish and install 6" Gate Valve (Mueller Resilient Wedge or equal)	EA	30	\$1,250.00	\$37,500.00	\$850.00	\$25,500.00	\$687.00	\$20,610.00

27	Furnish and install 8" Gate Valve (Mueller Resilient Wedge or equal)	EA	2	\$1,800.00	\$3,600.00	\$2,500.00	\$5,000.00	\$976.00	\$1,952.00
28	Furnish and install valve box, and concrete adjustment, complete as specified	EA	32	\$250.00	\$8,000.00	\$235.00	\$7,520.00	\$340.00	\$10,880.00
29	Furnish and install 6" fire hydrant (Kennedy Guardian K81D, 5-1/4" Main Valve)	EA	6	\$3,500.00	\$21,000.00	\$5,500.00	\$33,000.00	\$4,557.00	\$27,342.00
30	Furnish and install 2" blow-off assembly, as specified	EA	1	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00	\$1,046.00	\$1,046.00
31	Dry connect to existing 2" water line.	EA	7	\$550.00	\$3,850.00	\$225.00	\$1,575.00	\$712.00	\$4,984.00
32	Dry connect to existing 4" water line.	EA	3	\$850.00	\$2,550.00	\$750.00	\$2,250.00	\$932.00	\$2,796.00
33	Dry connect to existing 6" water line.	EA	18	\$950.00	\$17,100.00	\$1,950.00	\$35,100.00	\$1,061.00	\$19,098.00
34	Furnish and install 6" x 6" tapping sleeve.	EA	3	\$1,800.00	\$5,400.00	\$5,600.00	\$16,800.00	\$749.00	\$2,247.00
35	Furnish and install 8" x 6" tapping sleeve.	EA	2	\$2,200.00	\$4,400.00	\$5,700.00	\$11,400.00	\$870.00	\$1,740.00
36	Furnish and install 1" polyethylene lateral tubing, complete in place	L.F.	2,500	\$15.00	\$37,500.00	\$18.50	\$46,250.00	\$19.00	\$47,500.00
37	Furnish and install 1" water service connection, as specified, complete in place.	EA	145	\$400.00	\$58,000.00	\$530.00	\$76,850.00	\$875.00	\$126,875.00
38	Furnish and install 2" polyethylene lateral tubing, complete in place	L.F.	120	\$18.00	\$2,160.00	\$24.00	\$2,880.00	\$26.00	\$3,120.00
39	Furnish and install 2" water service connection, as specified, complete in place.	EA	6	\$1,350.00	\$8,100.00	\$2,000.00	\$12,000.00	\$1,356.00	\$8,136.00
40	Concrete encasement of existing sewer main	L.F.	40	\$55.00	\$2,200.00	\$86.00	\$3,440.00	\$64.00	\$2,560.00
41	Temporary traffic control for construction	L.S.	1	\$7,500.00	\$7,500.00	\$18,431.50	\$18,431.50	\$37,161.00	\$37,161.00
42	Illuminated arrow board, for temporary traffic control, as specified	EA	1	\$7,000.00	\$7,000.00	\$1,650.00	\$1,650.00	\$3,528.00	\$3,528.00
TOTAL BID PRICE						\$695,574.00	\$907,709.00		\$1,210,190.50



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2017

SUBJECT: RESOLUTION TO CONSIDER AN AFFIRMATION OR DENIAL OF A DECISION OF THE CITY OF HOBBS PLANNING BOARD ISSUING A TOWER PERMIT IN COMPLIANCE WITH MUNICIPAL CODE 18.12 FOR A CELL TOWER TO BE LOCATED NORTHWEST OF THE INTERSECTION OF BENDER AND LOVINGTON HIGHWAY UPON PROPERTY OWNED BY BUIE CAPITAL VENTURES, LLC.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: April 24, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Planning Department received an application for a Tower Permit for a new cell tower to be located northwest of the intersection of Bender and Lovington Highway. Upon receipt of a complete application surrounding property owners were notified and notifications were published as required per Municipal Code 18.12. The City of Hobbs Planning Board held a public meeting on April 17, 2017 and voted 4 to 1 to issue a tower permit at this location. (see Planning Board Packet and Draft Minutes attached)
The Resolution is written so that a YES Vote to approve the Resolution affirms the decision of the Planning Board and allows the tower permit to be issued.
Options for the City Commission to consider are 1) Vote YES to Approve the Resolution and affirm the Planning Boards decision; 2) Vote YES to Approve the Resolution and affirm the Planning Boards decision with modifications; 3) Vote NO on the Resolution and disallow the issuance of a tower permit.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

Action on the Resolution does not appear to have a direct fiscal impact on the City budget.

Attachments: Resolution, Planning Board packet and Draft Minutes.

Legal Review:

The property where the cell tower is proposed to be located is owned by Buie Capital Ventures, LLC (Commissioner Garry Buie). Commissioner Buie's ownership interest was disclosed at the Planning Board prior to its deliberations. Given the property ownership this matter was referred to the City Commission for tower application final approval. Commissioner Buie will recuse himself from all deliberations and vote in this matter.

Approved As To Form: [Signature] City Attorney

Recommendation:

Study the issues and render a decision on the information presented.

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. 6546

A RESOLUTION TO CONSIDER AN AFFIRMATION OR DENIAL OF A DECISION OF THE CITY OF HOBBS PLANNING BOARD ISSUING A TOWER PERMIT IN COMPLIANCE WITH MUNICIPAL CODE 18.12 FOR A CELL TOWER TO BE LOCATED NORTHWEST OF THE INTERSECTION OF BENDER AND LOVINGTON HIGHWAY UPON PROPERTY OWNED BY BUIE CAPITAL VENTURES, LLC.

WHEREAS, the City of Hobbs Planning Board considered the issue of issuing a tower permit upon property located northwest of the intersection of Bender and Lovington Highway in a public meeting held on April 18, 2017; and

WHEREAS, the City of Hobbs Planning Board found the application to be in compliance with Municipal Code 18.12 and voted 5 to 0 to issue a tower permit for a cell tower at this location.

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

A. The City of Hobbs hereby _____
affirms / affirms with modifications / denies

_____ the decision of the Planning Board to issue a tower permit for a new cell tower upon property to be located northwest of the intersection of Bender and Lovington Highway.

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

PASSED, ADOPTED AND APPROVED this 1st day of May, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

- 5) **Public Hearing to Review and Consider issuance of a Tower Permit for a cell tower to be located northwest of the intersection of W. Bender Boulevard and N. Lovington Highway upon property owned by Buie Capital Ventures, LLC, as submitted by Verizon Wireless.**



April 4, 2017

VIA FEDERAL EXPRESS DELIVERY

City of Hobbs
c/o Mr. Kevin Robinson, Planning Dept.
200 E. Broadway
Hobbs, NM 88240

**RE: Verizon Wireless Application for Tower Permit and Variance
for a Proposed Wireless Telecommunications Facility
Site Name: NM6 Grimes ("Alt #3 Pemco" RL)
Site Address: 1108 W. Bender Blvd.
Parcel I.D. #4-960-225-090-340**

Dear Mr. Robinson:

Verizon Wireless respectfully submits this application for Tower Permit and variance in accordance with Section 12 of the City of Hobbs Tower Regulation Ordinance. Enclosed please find proofs of the newspaper publication notice, Public Hearing Sign posted at the property, and certified notification letters mailed to adjacent property owners for the above-referenced address. Also enclosed are three (3) sets of revised sized site plans and photosimulations. A check in the amount of \$500 for the application fee has been previously submitted.

Per Section 12, the notification requirements have been met for Notice of Public Hearing before the Planning Board on April 18, 2017.

Verizon Wireless is proposing to construct a wireless telecommunications facility consisting of a 70' tall monopole structure placed within a proposed 30' x 40' fence compound area, along with ground equipment cabinets and generator placed near the base of the tower.

This application is to solidify all necessary land use approvals required for Verizon Wireless to proceed to a building permit to install the wireless telecommunications facility. Pursuant to the FCC Shot Clock Process the jurisdiction acknowledges that it has a 90 day review process for site modifications and 150 days for new build sites. A copy of the FCC Shot Clock Declaratory Ruling will be provided to you upon request.

Verizon Wireless respectfully requests placement on the agenda of the April 18, 2017 Planning Board meeting for consideration and approval of this Tower Permit request. If you should have any questions or require any additional information, please feel free to contact me.

Sincerely,
Black & Veatch Corporation

Kevin Provance
Land Use Planner / Planning Manager

Enclosures



**CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS (“VZW”)**

**CITY OF HOBBS
APPLICATION
FOR
TOWER PERMIT
AND
VARIANCE**

**1108 W. BENDER BOULEVARD
HOBBS, NEW MEXICO
APN# 4-960-225-090-340**

SITE NAME: NM6 GRIMES (“Alt #3 Pemco” RL)

TABLE OF CONTENTS

Exhibit A	-	City of Hobbs Application for Tower Permit and Variance with signatures of Verizon Wireless agent and property owner
Exhibit B	-	Property Data / Legal Description
Exhibit C	-	List of property owners within residential test area 400' for public hearing notification
Exhibit D	-	Project Overview
Exhibit E	-	Standards for Tower Regulations
Exhibit F	-	Schedule B Title Report
Exhibit G	-	FCC License
Exhibit H	-	GIS map of adjacent towers depicting separation distance
	-	List of Nearby towers with addresses
	-	Photos of Nearby towers
Exhibit I	-	Proofs of notice of public hearing sign posted, notice letter certified mailings & newspaper legal notice publication
Exhibit J	-	Site Plan and Survey
Exhibit K	-	Photosimulations

INSTALLATION/REPLACEMENT OF CELL TOWERS WITHIN HOBBS NEW MEXICO

District #: 6
Date: March 3, 2017
Firm Name: Verizon Wireless c/o Black & Veatch Corp.
Contact Person: Kevin Provance, Agent for Verizon Wireless
Address: 5885 Meadows Road, Suite 700, Lake Oswego, OR 97035
Phone: 503-443-4463
Proposed Start Date: To Be Determined
Proposed Location: 1108 W. Bender Blvd., Hobbs, NM 88241
Description of Proposed Work: Verizon Wireless is proposing to construct a wireless telecommunications facility consisting of a 70' monopole structure placed within a 30' x 40' lease area, along with equipment cabinets and 10' x 4' generator on a concrete pad placed near the base of the tower.

NEW COMMUNICATION FACILITY

Height: 70'

Distance to Nearest Residential Subdivision: *Approximately 600' to nearest residential structure.*

EXTENSION OF EXISTING COMMUNICATION FACILITY

Existing Height:

Proposed Height:

Distance to Nearest Residential Subdivision:

REPLACEMENT OF EXISTING COMMUNICATION FACILITY

Existing Height:

Proposed Height:

Distance to Nearest Residential Subdivision:

Distance Between Existing and Proposed Towers:

Proposed Date to Remove Existing Facility:

OTHER

Submission must include a plat or map with the proposed location of the communication facility in relation to the residential subdivision sealed by a Registered Professional Land Surveyor. The plat or map must include a radius of 300 feet from the base of the center of the proposed structure extending to the boundary of the subdivision. The plat or map must include the maximum height

of the structure. Please provide State Plane North American Datum (NAD 83 x,y coordinates) of the center of the structure.

The submission must also include all necessary FCC and/or FAA permits.

Verizon Wireless (VZW) is a corporation whose facilities and operations are licensed by the Federal Communication Commission (FCC) and regulated by the Federal Aviation Administration (FAA). Wireless antennas are inspected periodically and are subject to governmental regulations. This proposed facility will meet the standards set forth by the FCC for exposure to radio-frequency (RF) energy. Permits are not required by the FCC or FAA, but rather the FCC issues a frequency license and the FAA issues a Determination of No Hazard report.

Signature of Firm Name Representative



Printed Name of Firm Name Representative

Kevin Provance, Agent for Verizon Wireless

Signature of Property Owner

Refer to attached Letter of Authorization

Printed Name of Property Owner

Pemco of New Mexico, Inc. / Buie Capital Ventures, LLC

STAFF USE:

X Location Map Attached

X 300' Radius Shown on Aerial

Proposed Structure 300' or more from Existing Residential Subdivision

Proposed Extension Less than 10'

Distance between proposed & existing structure less than 50 feet

Does this permit require a Variance? X Yes No

City of Hobbs

Planning Department

200 E. Broadway

Hobbs, New Mexico

(575)397-9351 office

LETTER OF AUTHORIZATION

BUIE CAPITAL VENTURES, LLC
2605 Lovington Highway
Hobbs, NM 88240
Verizon Wireless, Site Name: **NM6 Grimes**

Property Address: 1120 Bender Blvd (temporary address of 1108 W. Bender)., Hobbs, NM 88241

Parcel I.D. #: 4-960-225-090-340

RE: Approvals

The undersigned, the Property Owner of the above described property (the "Property"), does hereby authorize Verizon Wireless and its representatives, as Property Owner's agent (the "Authorized Agent") for the purpose of completing and/or filing any application, form, map, drawing, site plan or other document, in obtaining any zoning approval, variance, special permit or other land use approval or building permit (collectively, the "Approvals"), required to provide Verizon Wireless with lawful access to, and the ability to use the Property for the purpose of installing, erecting or otherwise placing tower structure, antennas, support structures and related equipment on the Property. Property Owner shall fully cooperate with Verizon Wireless and its agents in obtaining any required Approvals.

"PROPERTY OWNER"

BY: Cynthia Buie
(Print Name)

SIGNATURE: Cynthia Buie

TITLE: Vice President

DATE: 3-24-17

PROJECT DATA:

Verizon Wireless Site Name: NM6 Grimes ("Alt #3 Pemco" RL);

Applicant: Black & Veatch Corporation on behalf of Cellco Partnership, d/b/a Verizon Wireless ("VZW");

Applicant Contact: Kevin Provance, 5885 Meadows Road, Suite 700, Lake Oswego, OR 97035; Phone: 505-443-4463, fax: 503-443-4499; email: provanceks@bv.com;

Property Profile: 1120 Bender Blvd., Hobbs, NM 88241; Parcel ID: 4-960-225-090-340;

Property Legal Description: Section 21, Township 18 South, Range 38 East, Lot 1 beginning at the Southeast Corner of Section 21 to point of beginning of replat at Pemco Subdivision;

Property Owner: Buie Capital Ventures, LLC

Property Contact: Gary Buie, President, 2605 N. Lovington Highway, Hobbs, NM 88241, 575-392-5553, pemconm@aol.com .

NM6 Grimes Lease Area Legal Description

A portion of:

A parcel of land for the purpose of a telecommunications equipment lease area, situate within the Southeast one-quarter (SE 1/4) of Section 21, Township 18 South (T18S), Range 38 East (R38E) of the New Mexico Principal Meridian (N.M.P.M.), Lea County, New Mexico, said lease area comprising a portion of LOT 1, PEMCO SUBDIVISION, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Lea County, New Mexico on December 4, 2015 as Instrument No. 42896, said lease parcel of land being more particularly described by metes and bounds as follows:

Commencing at a 1/2 inch rebar with no ID found at an angle point on the Southerly line of said LOT 1, said Point of Commencement also being the Northeasterly corner of that certain tract of land conveyed to the New Mexico Electric Service Company on August 5, 1954, recorded in Book 175, Page 314 as Instrument No. 39602; thence, from said Point of Commencement, N 77°33'49" W, a distance of 282.12 feet to the Southeast corner and Point of Beginning of the lease parcel of land herein described;

Thence, S 89°18'41" W, a distance of 40.00 feet;

Thence, N 00°41'19" W, a distance of 30.00 feet;

Thence, N 89°18'41" E, a distance of 40.00 feet;

Thence, S 00°41'19" E, a distance of 30.00 feet to the Point of Beginning.

The above described lease parcel contains 1,200.0 square feet of land.

Lease Area Land Description

A strip of land for the purpose of an access and utility easement to serve a telecommunications equipment lease area, situate within the Southeast one-quarter (SE 1/4) of Section 21, Township 18 South (T18S), Range 38 East (R38E) of the New Mexico Principal Meridian (N.M.P.M.), Lea County, New Mexico, said strip of land crossing a portion of LOT 1, PEMCO SUBDIVISION, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Lea County, New Mexico on December 4, 2015 as Instrument No. 42896, said strip of land being twenty (20.00) feet in width and lying ten (10.00) feet on each side of the following described centerline:

Commencing at a 1/2 inch rebar with no ID found at an angle point on the Southerly line of said LOT 1, said Point of Commencement also being the Northeasterly corner of that certain tract of land conveyed to the New Mexico Electric Service Company on August 5, 1954, recorded in Book 175, Page 314 as Instrument No. 39602; thence, from said Point of Commencement, N 77°33'49" W, a distance of 282.12 feet to the Southeast corner of said telecommunications equipment lease area; thence, along the South line of said lease area, S 89°18'41" W, a distance of 29.69 feet to the Point of Beginning of this access and utility easement centerline;

Thence, S 02°17'38" W, a distance of 64.22 feet;

Thence, S 00°41'42" E, a distance of 125.13 feet to a point on the North right-of-way line of West Bender Boulevard and the termination point of this access and utility easement centerline.

WELL SERVICES DIVISION OF STC
919 CONGRESS AVENUE
SUITE 1450
AUSTIN, TX 78701

FAUGHT EVERETT ETUX
70 NE LOOP 410
SUITE 180
SAN ANTONIO, TX 78216

FAUGHT EVERETT ETUX
70 NE LOOP 410
SUITE 180
SAN ANTONIO, TX 78216

PEMCO OF NEW MEXICO INC

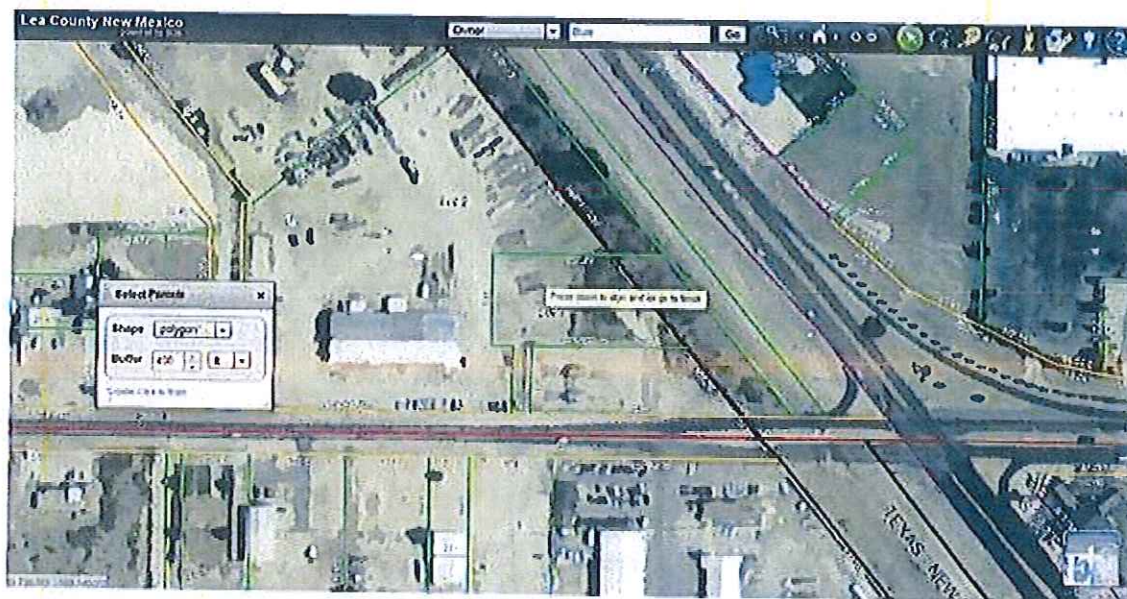
PO BOX 428
HOBBS, NM 88241

FARMERS & PLANTERS LP
PO BOX 1920
HOBBS, NM 88241

BUIE CAPITAL VENTURES LLC
2605 LOVINGTON HWY
HOBBS, NM 88240

SOUTHWESTERN PUBLIC SERVICE
CO
PO BOX 1979
DENVER, CO 80201

NM6 Grimes 400' buffer map of parcels



Lea County New Mexico

Owner: [dropdown] Suite: [dropdown] Go

4 Maps Plus Info

Parcel [checked] Mailing Address [checked] Property Address [checked]

ACTIONS	Parcel	Tract	Name	Mailing Address	Property Address
[icon]	4000026040001	2604	WELL SERVICES DIVISION OF STC	819 CONGRESS AVENUE SUIT	1105 BENDER BLVD
[icon]	4000135950001	13595	FAUGHT EVERETT ETUX	70 NE LOOP 410 SUITE 180 S	
[icon]	4000136090001	13609	FAUGHT EVERETT ETUX	70 NE LOOP 410 SUITE 180 S	1201 BENDER BLVD
[icon]	4000407010001	40701	PEMCO OF NEW MEXICO INC	PO BOX 428 HOBBS NM 8824	1120 BENDER BLVD
[icon]	4950915162849	203297	FARMERS & PLANTERS LP	PO BOX 1920 HOBBS NM 8824	1215 BENDER BLVD
[icon]	4960225090340	211113	BUE CAPITAL VENTURES LLC	2605 LOVINGTON HWY H02B	

Lea County New Mexico

Owner: [dropdown] Suite: [dropdown] Go

4 Maps Plus Info

Parcel [checked] Mailing Address [checked] Property Address [checked]

ACTIONS	Parcel	Tract	Name	Mailing Address	Property Address
[icon]	4000026040001	2604	WELL SERVICES DIVISION OF ETC	819 CONGRESS AVENUE SUIT	1105 BENDER BLVD
[icon]	4000135950001	13595	FAUGHT EVERETT ETUX	70 NE LOOP 410 SUITE 180 S	
[icon]	4000136090001	13609	FAUGHT EVERETT ETUX	70 NE LOOP 410 SUITE 180 S	1201 BENDER BLVD
[icon]	4000407010001	40701	PEMCO OF NEW MEXICO INC	PO BOX 428 HOBBS NM 8824	1120 BENDER BLVD
[icon]	4950915162849	203297	FARMERS & PLANTERS LP	PO BOX 1920 HOBBS NM 8824	1215 BENDER BLVD
[icon]	4960225090340	211113	BUE CAPITAL VENTURES LLC	2605 LOVINGTON HWY H02B	
[icon]	4970302104047	90083	SOUTHWESTERN PUBLIC SERVICE	PO BOX 1979 DENVER CO 802	

Lea County New Mexico

Owner: [dropdown] Suite: [dropdown] Go

Layer Manager

- Imagery On/Off
- Imagery Transparency
- Basemap Transparency

Layer Groups:

- OwnerParcel
- Annotation
- Points

4 Maps Plus Info

Parcel [checked] Mailing Address [checked] Property Address [checked]

ACTIONS	Parcel	Tract	Name
[icon]	4000026040001	2604	WELL SERVICES DIVISION OF ETC
[icon]	4000135950001	13595	FAUGHT EVERETT ETUX
[icon]	4000136090001	13609	FAUGHT EVERETT ETUX
[icon]	4000407010001	40701	PEMCO OF NEW MEXICO INC
[icon]	4950915162849	203297	FARMERS & PLANTERS LP
[icon]	4960225090340	211113	BUE CAPITAL VENTURES LLC
[icon]	4970302104047	90083	SOUTHWESTERN PUBLIC SERVICE

PROJECT OVERVIEW
PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY
CITY OF HOBBS, NEW MEXICO

Petitioner

Cellco Partnership, d/b/a Verizon Wireless provides wireless telecommunication services to the public in regional markets across the United States, as well as in more than 200 destinations around the world. Verizon Wireless has the largest nationwide voice and data network with over 107 million subscribers, operating the nation's fastest and most advanced 4G network and the largest and most reliable 3G network. Verizon Wireless is licensed by the Federal Communication Commission (FCC) and regulated by the Federal Aviation Administration (FAA).

Verizon Wireless is a major provider of wireless telephone service in the State of New Mexico. Benefits of wireless telecommunications include:

- **Public Safety:** More than 70% of all 911 calls nationwide are from wireless phones per FCC on March, 2015.
- **Alternative to Landline System:** More than 40% of all US households are served by wireless carriers only according to CTIA as of June, 2015. Where there is a landline phone in use, wireless serves as a back-up to the landline system. The demand for wireless data services is expected to grow 650% between 2013 and 2018 (CTIA, June 2015).
- **Lifestyle and Convenience:** Wireless telecommunications support the productive and busy lifestyles of people in the City of Hobbs by increasing productivity and reducing stress. More than 75% of prospective home buyers prefer strong wireless communications (RootMetrics, June 2015).

Statement of Necessity

As part of its continued deployment in the State of New Mexico, Verizon Wireless engineers have identified the need for a wireless telecommunications facility to serve the City of Hobbs. A preliminary network design is prepared based on many factors, including the characteristics of the community, available radio frequencies, and wireless equipment capabilities. A selected "search area" and other requirements for the site are provided to property consultants who visit the area to identify and rank potential sites. This search area represents the area in which a facility must be located to allow it to function as an integral unit in the wireless telecommunications system. Wireless telecommunication facilities are laid out in a grid pattern and the spacing, height and location of this component site are critical for the successful operation of the system. The property at 1180 W. Bender Boulevard meets the engineering criteria for the necessary site in this area.

Property Search

Once the need for a wireless telecommunications facility is identified, Verizon Wireless studies the local zoning regulations to determine the most appropriate zoning districts within the search area to locate their facility. Verizon Wireless is dedicated to working with local officials to site its facilities in locations appropriate to the community. Whenever feasible, Verizon Wireless strives to acquire sites that utilize existing structures, blend with the local character, and are unobtrusive to the community. When construction of a new facility is required, sites are chosen by their proximity to compatible land uses whenever feasible. It is important to remember that wireless telecommunication facilities must be considered as part of a network, not as individual locations. Wireless Telecommunication facilities can be likened to links in a chain, one link adds to the next, making the network design larger. Once these links, or wireless telecommunication facilities, are constructed, it is difficult to adjust the network design or move individual sites.

Description of Property

The proposed wireless telecommunication facility is located at 1108 Bender Boulevard and the property is owned by Buie Capital Ventures, LLC. The parcel is zoned Industrial (I) and currently serves as an oil industrial machine business on the property. The parcel is surrounded by property zoned Industrial (I) to north and west, and Commercial/Retail/Office/Svcs (C) to the south and east. Verizon Wireless will be leasing a 30' x 40' space in the northern portion of the property. Access will be via an existing access driveway off W. Bender Blvd. There are no other existing tall structures which meet Verizon Wireless requirements for the necessary site in this search area and the parcel is located at the major traffic intersection of N. Lovington Highway and W. Bender Blvd.

Nature of Request/Zoning Analysis

Verizon Wireless is requesting approval for a Tower Permit with variances and any other permits necessary to construct a wireless telecommunications facility, consisting of a 70' monopole tower structure along with related antenna equipment, including placing equipment cabinets and outdoor generator with approximate dimensions of 4' x 10' within a proposed 30' x 40' fence compound area. The proposed tower design will blend in with the surrounding industrial environment, specifically to blend in with the utility substation corridor on the corner of N. Lovington Highway & W. Bender Blvd.

Pursuant to Ordinance No. 1036, titled "Tower Regulation Ordinance," Section 18.12.030, "Tower Permit Required" of the City of Hobbs Zoning Ordinance, Verizon Wireless' proposed use requires a Tower Permit as follows:

"A. Prior to filing an application for a City Building Permit, an application for a Tower Permit shall be submitted to the Planning Department and reviewed and considered for approval in accordance with the provisions of this chapter prior to the construction, placement or alteration of any tower or tower structure, as defined in this chapter and not specifically excluded herein, that is located within the boundaries of the municipality."

In addition, pursuant to Section 18.12.130, "Variance requests and procedures" of the City of Hobbs Zoning Ordinance, Verizon Wireless' proposed use requires a variance from tower separation distance requirement as follows:

"F. If a variance is requested from the requirements of this chapter regarding the minimum distances between towers, for an antenna tower less than two thousand (2,000) feet from the nearest tower, the variance shall not be granted unless, in addition to finding that each of the conditions expressed above are satisfied, the Planning Board, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:

1. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower will not meet the applicant's engineering requirements; ...

3. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength; ...

5. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;"

The proposed wireless telecommunications facility is located less than 2,000' from three (3) nearby towers. A Pemco owned lattice tower is located approximately 1,040' at N. Lovington Hwy. from VZW's proposed tower. Two (2) guyed radio towers owned by KPER-FM at W. Bender Blvd. 0.5 KM West of St. Hwy 18 intersection are located approximately 1,072' and 1,100' from VZW's proposed tower. Therefore, due to the fact that the separation distance is less than 2,000', VZW respectfully requests a variance from the separation distance requirement for these three (3) nearby towers. The three nearby towers are not designed for wireless telecommunications equipment.

There are two (2) other nearby towers that are located more than 2,000 feet from VZW's proposed tower. They are Insite NM078 and American Tower Corp. #373225. A map depicting the location of nearby towers is provided in Exhibit H.

Finally, Verizon Wireless' proposed use meets the beautification corridor requirement of Section 18.12.60, "Tower Structure" as follows:

"B. Towers and antennas shall meet the following requirements: ...

4. If any tower is located within a beautification corridor as defined herein, the tower shall be required to be designed and constructed with camouflage design or as a camouflage tower structure that blends into the surrounding environment and is visually unobtrusive. Examples of a camouflage design or tower are architecturally screened, roof-mounted or building mounted antenna/array/equipment, or designed and treated as an architectural element to blend with the existing building, designs that conceal the antenna, array and

equipment, man-made trees, clock towers, bell towers, steeples, light poles, and similar alternative-design mounting structures.”

The proposed wireless telecommunications facility is setback approximately 230' to the edge of W. Bender Blvd., a beautification corridor, and is setback approximately 390' to the edge of Lovington Hwy, also a beautification corridor. Due to the surrounding structures located on the property with uses of a utility substation and oil industrial machine business, VZW's proposed tower design will blend in architecturally with the existing surrounding structures.

The proposed wireless telecommunications facility will conform to all other applicable City of Hobbs regulations. Further, all setbacks will be complied with and no streets, rights-of-way or easements will be encroached upon. After construction, this site will provide 911 and emergency communication as well as improved wireless coverage in this section of the City of Hobbs.

Statement of Operations

Once the construction of the wireless telecommunications facility is complete and the telephone switching equipment is fine-tuned, visitation to the site by service personnel for routine maintenance will occur approximately once a month. The site is entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security. The wireless telecommunications facility will be unstaffed, with no regular hours of operation and no impact to existing traffic patterns.

Compliance with Federal Regulations

Verizon Wireless will comply with all applicable FCC rules governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards. In addition, the company will comply with all applicable FAA rules on site location and operation.

STANDARDS FOR TOWER REGULATIONS

CITY OF HOBBS, NEW MEXICO

SECTION 5. LOCATION OF TOWERS.

A. A tower permit shall not be approved for the construction of a tower on a lot, tract or parcel of land where the construction of a tower is prohibited, expressed or implied, by duly recorded deed restrictions or covenants running with the land.

Please refer to Exhibit F for Schedule B of the Title Report stating there are no covenants or restrictions associated with this property. However, easements are described and also shown on Sheet SU1 the survey included with the site plans in Exhibit K.

The proposed wireless telecommunications facility will consist of constructing a 70' monopole structure. The wireless telecommunications facility will have no negative aesthetic impact to the existing property and surrounding area. The proposed wireless telecommunications facility will have no adverse impact on the surrounding property, or the uses and enjoyment of adjoining property for the purposes already permitted. Rather, wireless telecommunications will have a positive influence on the development of this area. The proposed wireless telecommunications facility will be in harmony with the appropriate and orderly development of the surrounding area and will comply with all applicable zoning regulations. Wireless telephones provide an alternate communication system which has repeatedly proven its effectiveness in emergency situations and is commonly being used by police and fire departments to protect the general public's health, safety and welfare.

Wireless telephone technology provides many benefits to the communities it serves. These services include, but are not limited to, the following:

- 911 program allowing motorists to summon aid and report dangerous situations.
- Support for emergency services by providing wireless communications to paramedics, firefighters, and law enforcement agencies.
- The ability to transmit data allowing for immediate access to vital information.
- A backup system to the land-line system in the event of a natural or man-made disaster.
- Immediate access to national hazardous material data bases from the site of a hazardous material spill.
- Communication capabilities in remote areas, enhancing the safety of travelers by allowing immediate access to emergency assistance.
- Support for the busy lives of people in the area, reducing stress and increasing productivity.

Due to the fact that Verizon Wireless (VZW) has been sensitive in selecting a site that will minimize the impact on the surrounding property, its facility will be compatible with the existing environment and will not disrupt any future development of the area. Due to its diminutive size, with a lease area of 30' x 40', and its location in an industrial zoned area, it will not impede the normal and orderly development and improvements of surrounding property for uses permitted in the industrial zoning district.

B. In a residential area, a tower permit shall not be approved for the construction or alteration of a tower structure.

Not applicable. The proposed facility is located in the Industrial zoning district.

C. A tower permit shall not be approved for the construction or alteration of a tower structure unless the proposed tower structure is located a distance at least equal to the applicable setback area established by subsection (5f) below.

The proposed wireless telecommunications facility meets and/or exceeds all applicable setbacks. The proposed wireless telecommunications facility is located over 88' to the north property line, 328' from the east property line, 77' from the south property line, and 77' from the west property line. Therefore, the proposed facility will meet the required 110% tower height setback of 77'.

D. In an historic district, and in an area within five hundred (500) feet of an historic district, a tower permit shall not be approved for the construction or alteration of a tower structure.

Not applicable. The proposed facility will be located in the Industrial zoning district.

E. A tower permit shall not be issued for the construction or alteration of a tower structure in a structure in a public gathering area or within 100 feet of such an area. A tower permit shall not be issued for the construction or alteration of a tower structure in a park or on a tract surrounded by a park, or within 100 feet of a park boundary.

Not applicable. The proposed facility will be located in the Industrial zoning district.

F. A tower permit shall not be approved for the construction or alteration of a tower structure unless the distance between the center of the base of a tower to all property boundaries is at least 110% of the height of the tower or tower structure, whichever is greater. The foregoing measurement shall be made to the nearest point on each property line within the setback area. For all tower parcels, the tower must be designed so that it cannot fall on any contiguous property.

As stated above, the proposed wireless telecommunications facility meets and/or exceeds all applicable setbacks. The proposed wireless telecommunications facility is located over 88' to the north property line, 328' from the east property line, 77' from the south property line, and 77' from the west property line. Therefore, the proposed facility will meet the required 110% tower height setback of 77'.

G. If a survey is provided by the applicant for residential lots, the measurement shall instead be made as follows:

1. If a residence has been constructed on the lot, the measurement shall be from the tower structure to the nearest outside wall of the residential structure on each lot; or
2. If a residence has not been constructed on the lot, the measurement shall be from the tower structure to the center of the residential lot minus 25 feet.

There are no residential structures located on the subject parcel. Please refer to Exhibit J for the survey on Sheets SU1 and SU2.

H. A tower permit shall not be approved for the construction or alteration of a tower structure within 2,000 feet of any other previously approved or permitted tower structure, other than a tower structure for which a permit would not be required under this article. For purposes of this requirement, a tower is considered to be "approved" when a tower permit or a City building permit has been issued pursuant to this article and the tower structure has been constructed or any building permit issued thereunder remains in effect. The Planning Department shall develop rules and procedures for establishing precedent to the extent of conflict between two or more tower structures.

VZW is requesting a variance from this requirement. The proposed wireless telecommunications facility is located less than 2,000 feet from three (3) existing towers. Refer to Exhibit H for a list and map of the nearest, adjacent existing towers. The three (3) existing tower structures do not meet VZW's engineering requirements and do not appear to meet VZW's antenna loading requirements. There are two (2) other nearby towers that are located more than 2,000 feet from VZW's proposed tower. They are Insite NM078 and American Tower Corp. #373225. For further explanation, refer to the variance request in Section 13.

I. Property uses and distances referred to in this section shall be determined as of the date and time that the completed tower permit application is filed.

VZW acknowledges this requirement. Please refer to Exhibit J for the site plans depicting the distances of the tower to property lines.

J. Availability of Suitable Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Substantial evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the

applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

There are three (3) existing towers located less than 2,000' from VZW's proposed wireless telecommunications facility, however, they are over 1,000' from VZW's proposed wireless telecommunications facility. As stated previously, the location and design of these three (3) existing towers do not meet VZW's engineering requirements and do not appear to meet VZW's antenna loading requirements. **The three (3) nearby towers are not designed and built for wireless telecommunication equipment, nor for collocation of for wireless telecommunication equipment.** In addition, there are two (2) nearby towers that are located more than 2,000 feet from VZW's proposed tower. They are Insite NM078 and American Tower Corp. #373225. A map, list and photos depicting the location of nearby towers are provided in Exhibit H.

2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

As stated above, there are no existing towers or other structures which meet VZW's system design and engineering requirements for the required site in this area. The relative location of this property makes it unique for the purpose of locating a wireless telecommunications facility based on the need for strict adherence to the grid plan, and as such, is not generally applicable to other property in the Industrial District or throughout the City of Hobbs. VZW is proposing to construct a 70' monopole structure, which is the minimum height necessary for its antennas to effectively transmit and receive signal. Wireless telecommunication facilities are laid out in a grid pattern and the height, spacing and location of this component site are critical for the successful operation of the system. The subject property meets the engineering criteria for the necessary site in this area.

3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

The existing PEMCO lattice tower located on Lovington Hwy does not have sufficient structural strength to support VZW's wireless design and engineering requirements for the required site in this area. **The existing two (2) KPER-FM radio station guyed towers are not designed to support wireless telecommunications, nor meet FCC wireless engineering standards.** Furthermore, the three (3) nearby towers are not designed or built to handle any wireless telecommunication carrier equipment. These three (3) nearby towers are designed for signage and advertising purposes or for AM-FM radio broadcast purposes.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

The existing two (2) KPER-FM radio station guyed towers could potentially cause signal frequency interference with VZW's wireless signal if VZW collocated their equipment on these towers. It is standard best practice in the wireless telecommunications industry to not co-locate on radio or television broadcast towers due to potential radio frequency signal interference.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

The costs associated with either adopting the Pemco owned lattice tower to meet VZW's structural and engineering requirements or collocation on the KPER-FM radio towers are presumed to be unreasonable. The Pemco tower would have to be deconstructed and reconstructed in order to meet FCC and VZW's standards. As it stands, the Pemco tower is not constructed to FCC wireless telecommunications standards. Collocation on either of the two (2) KPER-FM radio broadcast towers could potentially cause additional structural engineering costs and additional lease costs.

6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

The existing three (3) nearby towers would reduce the integrity of VZW's overall wireless network in the vicinity. The relative location of this property makes it unique for the purpose of locating a wireless telecommunication facility based on the need for strict adherence to the spacing and height requirements of the grid plan. Furthermore, the PEMCO tower cannot be used for wireless commercial carriers. This tower's function serves as an advertising sign for the PEMCO business and emulates an oil-rig tower for marketing purposes. For the two (2) KPER-FM radio station broadcast towers, their broadcast equipment could cause radio frequency signal interference with wireless telecommunications carrier equipment. In addition, the two (2) nearby towers that are located more than 2,000 feet from VZW's proposed tower are deemed unsuitable due to the spacing and signal coverage required for the integrity of VZW's network design.

7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

As stated above, there are no existing towers or other structures which meet VZW's system design and engineering requirements for the required site in this area. There is no feasible alternative technology which replaces the need for this application. The relative location of this property makes it unique for the purpose of locating a wireless telecommunication facility based on the need for strict adherence to the grid plan. The subject property meets the engineering criteria for the necessary site in this area.

SECTION 6. TOWER STRUCTURE.

A. Each antenna tower structure for which a permit is approved and issued shall be designed, engineered and constructed to accommodate the placement of a minimum of two antenna arrays. This requirement shall not apply to a camouflage tower.

VZW's proposed wireless telecommunications facility will allow one (1) additional co-locator in addition to VZW's antenna array.

B. Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

VZW's proposed wireless telecommunications facility will have a galvanized steel, grey color finish and will be painted to match the nearby utility substation poles. Refer to the note on the site plans on Sheet C3. Verizon Wireless will comply with all applicable Federal Aviation Administration (FAA) regulations regarding tower finish requirements.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

The establishment, maintenance and operation of this facility will be wholly contained within the 30' x 40' lease parcel which is adequate space for a wireless telecommunications facility. As this facility is unstaffed, a 7' high chain link fence will surround the site in order to protect private property. The facility will be located in the northern section of the parcel in order to minimize any adverse effects or visual impacts on nearby properties. The parcel is surrounded by Industrial (I) to north and west, and Commercial/Retail/Office/Svcs (C) to the south and east. Due to the Industrial nature of this area, this facility will not have an adverse effect on permitted uses or surrounding properties. Therefore, this facility will be adequately screened from public view and access. The tower facility is located and designed and to be painted to match the utility substation facilities.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Not applicable. VZW is proposing to construct a new monopole tower structure. The color of VZW's proposed tower structure will be painted to match the surrounding

structures, so as to blend in with the nearby utility substation.

4. If any tower is located within a Beautification Corridor as defined herein, the tower shall be required to be designed and constructed with camouflage design or as a camouflage tower structure that blends into the surrounding environment and is visually unobtrusive. Examples of a camouflage design or tower are architecturally screened, roof-mounted or building mounted antenna/array/equipment, or designed and treated as an architectural element to blend with the existing building, designs that conceal the antenna, array and equipment, man-made trees, clock towers, bell towers, steeples, light poles, and similar alternative-design mounting structures.

The proposed wireless telecommunications facility is located within the Bender Blvd. Beautification Corridor. Therefore, to address the aforementioned concerns, VZW is proposing a design that will blend into the surrounding environment. First, the placement of the proposed monopole structure will be in-line with the other electrical utility poles at the existing electrical utility substation. Second, the antenna array is designed to be flush-mounted to the pole to minimize the visual appearance, and will resemble a unipole or other utility pole. Finally, VZW will paint the proposed wireless telecommunications facility to match the nearby electrical poles located at the substation. Therefore, VZW's proposed wireless telecommunications facility will be of a camouflaged design to blend into the surrounding utility substation environment and will be visually unobtrusive.

C. Each tower structure for which a permit is approved and issued shall be designed, engineered and constructed to include appropriate lightning conductors and grounding connection to minimize the dangers from lightning, as approved by the New Mexico State Electrical Inspector.

VZW will comply with all applicable State rules and regulations regarding lightning and electrical grounding standards relating to wireless telecommunication facilities. The proposed tower structure will not be lit.

SECTION 7. FENCING REQUIREMENTS.

A. Security Fence.

1. The base of a tower shall be completely enclosed by a fence, wall, or barrier which limits climbing access to the tower and any supporting systems, lines, wires, buildings or other structures.
2. The fence, wall or barrier required by subsection (a) shall not be less than eight feet in height with no openings, holes or gaps larger than four inches measured in any direction. Gates and doors opening directly into the area enclosed by a fence, wall or barrier, as required by this section, shall be equipped with a lock to keep the doors or gates securely closed and locked at all times. Tower sites located within industrial yard areas with existing secure fencing of the entire yard may construct secure fencing six feet in height.

3. The requirements of this section do not apply to:
 - a) Any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower, or
 - b) Existing tower sites having existing adequate security fences at least six feet in height.

The proposed Verizon Wireless facility will be designed to the highest industry standards and will be in compliance with all federal and local safety requirements. VZW will install a 7' high chain link security fence around the equipment. The fence gate is locked with a key-access locking device. There are numerous alarms inside the compound which range from fire alarms, to security/access breach alarms, heat and equipment performance alarms. All alarms are monitored remotely 24/7 from the Verizon Wireless network operations center, which serves as the emergency point of contact for the site. There will be no safety hazard posed as a result of the proposed installation.

Should the Planning Board require an 8' tall fence, then VZW can revise the site plans to raise the height of the fence at time of building permit application submittal, as a condition of approval.

B. Screening fence.

1. The base of a tower, including all mechanical equipment and accessory structures, shall be screened from view of residential lots by an opaque screening fence designed to meet minimum standards of the City Screening, Buffering and Lighting Policy and built to provide privacy with a minimum height of eight (8) feet.
2. The screening fence may contain gates or doors allowing access to the tower and accessory structures for maintenance purposes, which shall be kept completely closed except for maintenance purposes and shall be located a minimum of 18 feet from the public right-of-way.
3. The screening fence requirement of this section does not apply to:
 - a) Any tower constructed or placed a distance of more than three hundred feet from all residential lots, or any tower within an industrial yard; or
 - b) Any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower, or
 - c) Any tower located more than fifty (50) feet from a public street right-of-way, unless within a beautification corridor.

Not applicable. Refer to Exhibit J for site plan and survey depicting the location of the proposed facility, equipment compound with fence, and equipment cabinets. The proposed wireless telecommunications facility is located in the Industrial zoning district, and is more than 50' from a public street right-of-way. The location of VZW' proposed wireless telecommunications facility is located within an industrial yard area that is within an existing secure fence area.

C. When both sections above regarding a security fence and a screening fence are applicable, a single fence conforming to all applicable requirements of both sections may be provided.

VZW's proposed wireless telecommunications facility only requires a security fence.

SECTION 8. LANDSCAPING.

A tower site is not required to have landscaping unless the tower site is located within fifty (50) feet of any City street, unless within a beautification corridor. Towers located on public alleys are exempt unless the location is within fifty (50) feet of a public street, unless within a Beautification Corridor. If required, the landscaping shall comply with City landscaping standards as determined by the Planning Department.

Refer to Exhibit K for site plan and survey depicting the location of the proposed facility. The proposed wireless telecommunications facility is located within the W. Bender Blvd. beautification corridor. However, VZW is proposing a camouflaged designed tower to blend in with the existing environment, therefore, VZW's proposed wireless telecommunications facility will meet this requirement. VZW will utilize existing landscaping at the intersection of W. Bender Blvd. and N. Lovington Hwy, so VZW's proposed wireless telecommunications facility will be adequately screened from view. The lease area is not adequate to support landscaping, nor would it be practical to maintain the landscaping, due to the surrounding industrial uses. VZW can mitigate the landscaping requirement by adding additional landscaping at the intersection of W. Bender Blvd. and N. Lovington Hwy. as a condition of approval. VZW will comply with all other landscaping standards and conditions of approval as may be required by the Planning Board.

SECTION 9. SIGNS AND LIGHTING.

A. No signs shall be allowed on an antenna or tower. Lettering, signs, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall not be placed on or affixed to any part of a tower, antenna array or antenna, other than as required by FCC regulations regarding tower registration or other applicable law.

The only sign proposed is one that identifies the Provider and emergency telephone numbers and will comply with FCC regulations.

B. A tower or tower structure shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required by law or regulation, a design that reasonably complies with the City Screening, Buffering and Lighting Policy and minimizes disturbance to any adjacent residence(s) or public building shall be utilized.

The tower is not proposed to be lit unless explicitly required by the Federal Aviation Administration (FAA).

SECTION 10. APPLICATION PROCEDURES FOR A TOWER PERMIT.

A. An application for a Tower Permit shall be submitted to the Planning Department in the time and manner prescribed by the City Planner. The applicant shall, with the filing of the completed Tower Permit application, submit payment of the appropriate Tower Permit fees established by the City Commission that are calculated to reasonably cover the expenses of administering the provisions of this article.

VZW will comply with this requirement. The Tower Permit fee is enclosed with the application in Exhibit A.

B. The application shall not be considered complete unless accompanied by any and all drawings, building plans, if available, descriptive data, information on the height, structure, and appearance of the tower; filing fees, ownership and/or lease information, site map showing legal boundary, tower location and street access, all applicable restrictive covenants and other pertinent data that may be required by the City Planner. Each application for a Tower Permit or for a waiver shall include a complete list of those owners, as is indicated by the most recently approved tax rolls, of all properties within the residential test area of the proposed tower site. The application must be signed by both the tower owner or applicant and the real property owner.

VZW will comply with this requirement. Please refer to site plan and survey in Exhibit J, the filing fee in Exhibit A, property details in Exhibit B, Schedule B Title Report in Exhibit F, list of adjacent property owners within the residential test area in Exhibit C, and signature of applicant and property owner in Exhibit A.

C. In the event that any of the required documentation, data, reports or drawings contains any false or erroneous information known to the applicant, then any permit issued pursuant to that false or erroneous information shall be void with the same force and effect as if it had never been issued.

VZW acknowledges this requirement.

D. An application for a Tower Permit shall not be approved for a tower that is not in conformance with the regulations prescribed in this article unless a written application for a variance has been submitted to and approved by the City.

VZW acknowledges this requirement. Therefore, VZW's respectfully requests a variance

from the tower separation distance requirements as incorporated within this tower permit application. Furthermore, VZW is proposing stealth, camouflage design in order to meet the beautification corridor requirements.

E. The City Planner shall issue a Tower Permit for location, placement or siting of a tower only if it meets the requirements of this article.

VZW acknowledges this requirement. VZW respectfully requests approval of its Tower Permit application and request for variances.

F. On or before the fortieth (40th) calendar day following the filing of the application with all required documentation and data, the City Planner shall issue to the applicant a written notice of disapproval or preliminary approval of the Tower Permit. Any notice of disapproval of a Tower Permit application must include a written report explaining in detail the reasons for disapproval. Any preliminary approval shall be subject to the protest provisions of this section, and, if no protest is timely filed thereunder, shall become a final approval on the business day next following the close of the protest period. The issuance of a written notice to the applicant shall be complete upon the deposit of the properly addressed notice in the United States mail, first class postage paid.

Verizon Wireless acknowledges this requirement. VZW respectfully requests approval of its Tower Permit application and variance request. VZW will respond to any documentation and data requested by the City Planner or Planning Board. VZW kindly reminds the Planning Department of the FCC Shot Clock Process, whereby the jurisdiction acknowledges that it has a 90 day review process for site modifications and 150 days for new build sites.

SECTION 11. TOWER PERMIT ISSUANCE AND INDEMNIFICATION.

In accepting a Tower Permit, Permittee is required to agree to and shall indemnify, defend and hold the City, the City Commission of the City of Hobbs, its individual Commissioners, its officers, employees and agents harmless from any and all causes of action, suits, claims, judgments, losses, costs, expenses, and liens of every kind and nature, including but not limited to court costs and attorney's fees, arising or alleged to have arisen out of Permittee's performance in construction and operation of the Tower, Permittee's negligent actions, provision of services or failure to render services, or any violation of this Ordinance by Permittee of the approved Tower Permit.

VZW acknowledges this requirement.

SECTION 12. NOTIFICATION PROCEDURES.

A. The notice requirements of this section apply only to applications for tower permits for the construction, placement or alteration of towers subject to the requirements of this article and for variances from the requirements of this article.

VZW acknowledges this requirement.

B. When an application for variance is not filed as part of the original application for a tower permit, the notice requirements of this section apply separately to the variance application.

VZW acknowledges this requirement.

C. The Applicant shall post and maintain adequate notice sign(s) on the subject tower site and on street accesses leading to the tower site for a minimum of thirty (30) calendar days beginning no later than the sixth calendar day following the date of the filing of the required completed application with the department. Sign(s) shall be posted no more than fifteen (15) feet from the public right-of-way that is used as access to the tower site. The sign shall face each public right-of-way bordering the tower site and the lettering on the sign shall be legible from the public right of way. Each sign shall be a minimum of four by four feet in size, with lettering that complies with specifications promulgated by the Planning Department. The sign locations shall be approved by the Planning Department prior to erecting the signs.

VZW has complied with this requirement. Refer to Exhibit I for proof of notice sign posting.

1. The sign shall contain at a minimum the items of information including the proposed site of a tower; proposed maximum height above grade of the proposed tower; applicant information, contact information where additional information concerning this project may be obtained, and the date of the public hearing of the Planning Board to consider the variance.

VZW has complied with this requirement.

2. If, in the opinion of the City Planner, compliance with the requirements of this section is insufficient to provide adequate notification of the pending tower permit application, the City Planner may require the applicant to post additional signs or larger signs to be erected at locations as he/she deems advisable.

VZW has complied with this requirement if requested to do so.

D. Written notice of the filing of each application for a tower permit or an application for a variance, as provided for herein, shall be given to all property owners within the boundaries of the residential area or setback area, as applicable, as indicated by the most recently approved tax rolls. Notice to all owners of record shall

be deemed given if properly addressed and deposited in the United States mail, with first class postage paid. The required written notice shall be in a form prescribed by the Planning Department and shall be mailed no later than the tenth calendar day following the filing of the required completed application. The written notice shall include a map showing the proposed tower site and the surrounding residential test area or setback area, as applicable.

VZW has complied with this requirement. A notice letter has been mailed via certified mail, along with a map of the proposed site to the selected nearby residents. Refer to Exhibits C, I & J, proof of certified notice letters sent, site plan, and map of the surrounding residential test area and tower setback area.

E. Written notice shall be published at least once in a local newspaper of general circulation by the department not later than the seventh calendar day following the date of filing of the required completed application. The notice shall be published in the section of the newspaper in which other legal notices are commonly published, and shall be headed with the following words: "NOTICE OF PROPOSED TOWER CONSTRUCTION." The notice shall state the height of the tower and location of the proposed tower site, describe the intended use of the tower, the date of intended permit approval or the date of the Planning Board Hearing, if applicable, and advise that additional information may be obtained by writing or calling the Planning Department.

VZW has complied with this requirement. Refer to Exhibit I for the newspaper legal notice publication by the Hobbs News Sun.

F. The "written notice" required above shall include at a minimum the following information on the proposed site of a tower; proposed maximum height above grade of the proposed tower; applicant information, contact information where additional information concerning this project may be obtained, and the date of the Public Hearing of the Planning Board to consider the variance.

VZW has complied with this requirement. Refer to Exhibit I for the newspaper legal notice publication.

G. The applicant shall be responsible for paying all costs associated with the giving of notice under this article.

VZW acknowledges this requirement.

SECTION 13.VARIANCE REQUESTS AND PROCEDURES.

A. Variance.

1. Variances are authorized deviations from the property development standards in this chapter. A variance may be appropriate when strict enforcement would represent a unique, undue and unnecessary hardship on a particular property.

2. A complete application for a variance shall be submitted by a property owner, or an agent acting on behalf of the property owner, to the Planning Department, on a form prescribed by the City, along with a nonrefundable fee, which may be established from time to time by the City Commission. Under no circumstances shall a variance be proposed or considered that would authorize a use of property for a tower that is not otherwise permitted in accordance with this chapter. The property owner must sign the variance request.
- B. *Planning Department Action on Minor Variations.* The Planning Department shall have the authority to find that a variance application involves a minor variation, which shall include any proposed variation from a property development standard in this chapter that would be a deviation of a minor nature from such adopted standard. In any such case, the Planning Department may grant an administrative approval that does not require any further review or action by the Planning Board. Any such approval must meet the conditions for considering variances herein. If the Planning Department determines that an application does not meet these conditions and does not merit approval, then the matter may be referred to the Planning Board for review and action if requested by the applicant. The record of Planning Department review and approval of minor variations shall be available for public inspection, upon reasonable request, during normal business hours. In no case shall the Planning Department consider a variance for reducing setback distances in these ordinances or any substantive variance from the ordinance.
- C. *Planning Board Public Hearings on Variances.* For all variance applications not deemed minor by the Planning Department, the Planning Board, after due notice, shall hold a public hearing on an application for a variance. At the public hearing, the Planning Board shall consider the application, the report of the Planning Department, the relevant supporting materials and the public testimony given at the public hearing. After the close of the public hearing, the Planning Board shall vote to approve, approve with conditions, table or disapprove the application for a variance.
- D. *Conditions for Considering Variances.* To approve an application for a variance, the Planning Board shall make an affirmative finding that each of the following criteria, without exception, is met:
1. Such variance will not alter the essential character of the neighborhood in which the property or structure is located or the property for which the variance is sought.
 2. Granting the variance will not adversely affect the health, safety or welfare of the public.
 3. Special circumstances must exist that are peculiar to the land and the special circumstances are not self-imposed or the result of the actions of the applicant.
 4. Literal interpretation and strict enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship.
 5. The variance, if granted, will not be contrary to the public interest as implemented in this chapter.
 6. Consistent with the City's police power authority over towers, the variance, if granted, will not be detrimental to the public health, safety, or welfare;
 7. The variance, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the City.
 8. The variance, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of a tower in a park.

9. Granting the variance is the minimum action that will make possible reasonable use of the land or structure and which would carry out the spirit of this chapter and would result in substantial justice.
- E. The Planning Board may impose such conditions on a variance as are necessary to accomplish the purposes of this chapter, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. All conditions imposed upon any variance shall be expressly set forth in writing with the granting of such variance.
- F. If a variance is requested from the requirements of this chapter regarding minimum distances between towers, for an antenna tower less than two thousand (2,000) feet from the nearest tower, the variance shall not be granted unless, in addition to finding that each of the conditions expressed above are satisfied, the Planning Board, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:
 1. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower will not meet the applicant's engineering requirements;

VZW respectfully request a variance from the 2000' separation distance requirement. There are three (3) nearby towers located more than 1000' from VZW's proposed wireless telecommunication facility. A Pemco owned lattice tower is located approximately 1,040' at N. Lovington Hwy. from VZW's proposed tower. Two (2) guyed radio towers owned by KPER-FM at W. Bender Blvd. 0.5 KM West of State Hwy 18 intersection are located approximately 1,072' and 1,100' from VZW's proposed tower. As stated previously, the location and design of these three (3) existing towers do not meet VZW's engineering requirements and do not appear to meet VZW's antenna loading requirements for the required site in this area. The three (3) nearby towers are not designed and built for wireless telecommunication equipment, nor for collocation of wireless telecommunication equipment. Therefore, due to the fact that the separation distance is less than 2,000', VZW respectfully requests a variance from the separation distance requirement for these three (3) nearby towers.

2. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not of sufficient height to meet the applicant's specific engineering requirements;

Not applicable.

3. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength;

As stated previously, the existing PEMCO lattice tower located on Lovington Hwy does not have sufficient structural strength to support VZW's wireless design and engineering requirements for the required site in this area. The existing two (2) KPER-FM radio station guyed towers are not designed to support wireless telecommunications, nor meet FCC wireless engineering standards. Furthermore, the three (3) nearby towers are not designed or built to handle any wireless telecommunication carrier equipment. These three (3) nearby towers are designed for signage and advertising purposes or for AM-FM radio broadcast

purposes. Therefore, these three (3) nearby towers cannot be reinforced to accommodate wireless telecommunications carrier equipment.

4. The antenna array of the approved tower or tower structure located within two thousand (2,000) feet of the proposed tower would cause electromagnetic interference with the antenna array of the proposed tower, or the antenna on the proposed tower or tower structure to be located within than two thousand (2,000) feet of the approved tower would cause interference with the antenna array of the approved tower;

The existing two (2) KPER-FM radio station guyed towers could potentially cause signal frequency interference with VZW's wireless signal if VZW collocated their equipment on these towers. It is standard best practice in the wireless telecommunications industry to not co-locate on radio or television broadcast towers due to potential radio frequency signal interference.

5. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;

As stated previously, the costs associated with either adopting the Pemco owned lattice tower to meet VZW's structural and engineering requirements or collocation on the KPER-FM radio towers are presumed to be unreasonable. The Pemco tower would have to be deconstructed and reconstructed in order to meet FCC and VZW's standards. As it stands, the Pemco tower is not constructed to FCC wireless telecommunications standards. Collocation on either of the two (2) KPER-FM radio broadcast towers would cause additional structural engineering costs and additional lease costs.

6. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not available for co-location because the owner of the approved tower or tower structure or the owner of the tract on which the approved tower or tower structure is located refuses to agree to reasonable terms necessary to accommodate the requirements for the proposed antenna; and/or

Not applicable.

7. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not suitable for the specific requirements for the proposed antenna due to other factors as demonstrated by the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business.

As stated previously, the existing three (3) nearby towers would reduce the integrity of VZW's overall wireless network in the vicinity. The relative location of this property makes it unique for the purpose of locating a wireless telecommunication facility based on the need for strict adherence to the spacing and height requirements of the grid plan. Furthermore, the PEMCO tower cannot be used for wireless commercial carriers. This tower's function serves as an advertising sign for the PEMCO business and emulates an oil-rig tower for marketing purposes. For the two (2) KPER-FM radio station broadcast towers, their broadcast equipment could cause radio frequency signal interference with

wireless telecommunications carrier equipment. In addition, the two (2) nearby towers that are located more than 2,000 feet from VZW's proposed tower are deemed unsuitable due to the spacing and signal coverage required for the integrity of VZW's network design.

SECTION 15. MAINTENANCE AND INSPECTION.

A. All buildings, structures, supporting structures, wires, fences or ground areas used in connection with a tower shall be maintained in a safe condition and in good working order. All equipment or machinery required by the Building Code, the Fire Code or any other applicable regulation or ordinance for a building or structure or supporting structure or device shall be maintained in good working order. The owner or operator of a tower shall be responsible for the maintenance of the tower, supporting structures, buildings, fences and ground areas.

Once the construction of the wireless facility is complete and the telephone switching equipment is fine-tuned, visitation to the site by service personnel for routine maintenance will occur once a month in a van-type vehicle. The site is entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security. Therefore, the proposed facility will be in harmony with the general and specific purposes of building and fire codes and with the regulations of the City of Hobbs.

B. By applying for a tower permit under this article, the applicant specifically grants permission to the city, its duly authorized agents, officials and employees, to enter upon the property for which a permit or variance is sought, after first providing reasonable notice, for the purpose of making all inspections required or authorized to be made under this article, the Fire Code, the Building Code, this Code or any other applicable regulation, rule or ordinance.

VZW's will comply with this requirement to allow access to its proposed facility and lease area for inspection purposes, however, as lessee of the property, the city will have to obtain consent from the underlying property owner.

SECTION 16. ABANDONMENT AND REMOVAL OF TOWERS.

A. Any privately owned tower that is out of service and not operated for a continuous period of twelve (12) months shall be determined to be abandoned by the City. The City Planner may issue a notice of abandonment to the tower owner that is determined to be abandoned. The owner shall have the right to respond within thirty (30) days from the date of the notice of abandonment. If sufficient information is received by the City from the owner to demonstrate that the tower has not been abandoned, the City Planner shall cancel the notice of abandonment.

B. If the tower is determined to be abandoned, the tower owner shall remove same within ninety (90) days of receipt of notice from the City notifying the owner of the abandonment. If the antenna or tower is not removed within the ninety-day period, the City may remove the tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the antenna or tower. The

City Attorney is hereby authorized to pursue all necessary legal remedies to implement the provisions of this subsection.

VZW acknowledges this requirement and will comply with any conditions placed on the Tower Permit.

SECTION 17.TOWER PARCEL REQUIREMENTS.

A. Each Tower Parcel shall be a legally created tract of land, such as a separate subdivided property or a permanent easement. All permanent easements must be recorded as a separate land area with the Lea County Clerk. The Permanent Easement or Summary Subdivision must be approved in final form and recorded and attached with the approved Tower Permit.

VZW has complied with this requirement. The property owner has subdivided the property and has a separate parcel I.D. for VZW's lease area. Refer to Exhibit B for the legal description of the new parcel.

B. Each Tower Parcel shall have legal access in the form of direct access to a public right-of-way or permanent easement, as determined by the Planning Department. Conditions for additional access requirements may be required for approval of a Tower Permit.

VZW acknowledges this requirement and will comply with any conditions placed on the Tower Permit.

C. Deed restriction affidavit.

1. Every applicant for a tower permit or a variance shall furnish to the Planning Department an affidavit setting forth that the applicant is familiar with the title to the real property to which the requested permit appertains and that the intended use will not violate any applicable deed restrictions. The affidavit shall be accompanied with a certified copy of the instruments containing the deed restrictions, the instrument of revocation or termination, the declaratory judgment or any other recorded document containing restrictions that affect the use of the property.

VZW will comply with this requirement. Refer to Exhibit F for the Schedule B Title Report demonstrating there are no recorded restrictions that affect the use of this property.

2. A tower permit shall not be issued until the requested affidavit and supporting documentation has been produced. Any permit issued on the basis of erroneous documentation known to the applicant or an affidavit which contains false information known to the applicant is void with the same force and effect as if it had never been issued and without the necessity of any action by the city or any other person or agency. A tower permit shall not be issued for the construction or alteration of a tower if the use or the intended use will be in

violation of the recorded deed restrictions.

VZW will comply with this requirement. Refer to Exhibit F for the Schedule B Title Report demonstrating there are no recorded restrictions that affect the use of this property.

D. Every applicant for a tower permit or a variance shall furnish to the Planning Department documentation that the applicant owns the Tower Parcel or has the property owner's permission to apply for a permit. If the applicant does not own the property, both the applicant and the property owner are required to sign the permit request and Tower Permit, if approved.

Refer to the signed Tower Permit application as Exhibit A.

Report of Title

5030 COMPREHENSIVE FULL TITLE REPORT (INCLUDES 40 YEAR DEED HISTORY & ORIGINAL COPIES)

This Report of Title is for informational purposes only and is not to be considered as a commitment to issue any form of title insurance policy. The report is for the use and benefit of the addressee only, and liability is hereby limited to the amount of the fee paid therefore.

US TITLE SOLUTIONS FILE NO.50397-NM1501-5030
REFERENCE NO. 20141082622 SITE NAME NM6 Grimes

PREPARED FOR:

Black & Veatch on behalf of Verizon Wireless - New Mexico
Market
Krysten Kitzman
30150 Telegraph Road
Suite 420
Bingham Farms, MI 48025

PREMISES:

1120 Bender Blvd, Hobbs, NM 88241
Parcel 4000407010001

COUNTY:

Lea

US TITLE SOLUTIONS

FILE NO. 50397-NM1501-5030 REFERENCE NO. 20141082622

REPORT OF TITLE

1 DATE OF THIS REPORT 3/2/2015

EXAMINED THRU 1/16/2015

2 THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS REPORT IS:

Fee Simple

3 TITLE TO SAID ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS REPORT IS AT THE EFFECTIVE DATE HEREOF VESTED IN:

Pemco of New Mexico, Inc., a New Mexico Corporation

SOURCE OF TITLE:

Vesting made by Deed Book 1367 at Page 278 in Instrument No. 04415, as corrected by Deed Book 1391 at Page 68 in Instrument No. 09639 .

4 THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

A tract of land situate within the Southeast Quarter of Section 21, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point which is located N89°59'00"E, 807.95 feet and N00°09'11"W, 40.00 feet from the South Quarter corner of said Section 21; Thence N00°09'11"W, 385.53 feet along the West line of the original Jimmy Evans Property; Thence N89°50'07"E, 22.77 feet to the South corner of the Pemco Property; Thence N50°29'00"E, 465.65 feet to the East corner of the Pemco Property, a point also being on the Westerly right-of-way line of the Texas-N.M. Railroad; Thence S39°31'00"E, 721.55 feet to a point on the Westerly right-of-way of said Texas-N.M. Railroad and said point also being the Northeast corner of the Southwestern Public Service Co. Property; Thence S89°55'27"W, 297.78 feet to the Northwest corner of the Southwestern Public Service Co. Property; Thence S00°01'07"E, 124.72 feet to a point on the North right-of-way of Sander Blvd. and said point being the Southwest corner of the Southwestern Public Service Co. Property; Thence S89°59'00"W, 541.85 feet to the point of beginning. Said tract contains 7.99 acres, more or less.

US TITLE SOLUTIONS

FILE NO. 50397-NM1501-5030 REFERENCE NO. 20141082622

SCHEDULE B

THIS IS NOT A COMMITMENT OR PRELIMINARY REPORT OF TITLE TO ISSUE A POLICY OR POLICIES OF TITLE INSURANCE. THE EXHIBITS SET FORTH HEREIN ARE INTENDED TO PROVIDE YOU WITH NOTICE OF MATTERS AFFECTING TITLE TO THE LAND DESCRIBED IN THIS REPORT.

1. Taxes, tax liens, tax sales, water rates, sewer and assessments set forth in schedule herein.
2. Mortgages returned herein. (-0-). See Separate Mortgage Schedule.
3. Any state of facts which an accurate survey might show or survey exceptions set forth herein.
4. Rights of tenants or person in possession.

(Judgments, Liens and UCC)

- 5 None within period searched

(Covenants/Restrictions)

- 6 None within period searched

(Easements and Rights of Way)

7. Easement by William Cecil Grimes and wife, June Gibbins Grimes to New Mexico Electric Service Company, a Corporation, dated 8/3/1954 recorded 8/5/1954 in book 175 page 314 in Instrument No :39602.
Notes: Utility Easement
8. Partial Release of Easement by Shell Pipe Line Corporation, a Maryland corporation, dated 5/8/1974 recorded 5/28/1974 in book 319 page 6 in Instrument No :38628.
Notes: Partial Release of Easement
9. Rights-of-Way and Easements by Shell Pipeline Company LP, a Delaware limited partnership, formerly known as Equilon Pipeline Company LLC, a Delaware limited liability company, successor in interest to Texaco Pipeline, Inc., Shell Pipe Line LLC, and Shell Pipe Line Corporation, by a series of mergers to All American Pipeline, L.P., dated 7/22/2002 recorded 8/12/2002 in book 1164 page 397 in Instrument No :25497.
Notes: Assignment of Rights-of-Way and Easements

(Other Filed Documents)

10. Application for Permit to Install Utility Facilities with Public Right

of Way dated 11/17/1971 recorded 12/6/1971 in book 300 page 658 in Instrument No. 10221.

11. Community Property Settlement Agreement between Peggy V. Evans and James L. Evans dated 11/9/1983 recorded 11/14/1983 in book 423 page 33 .

MORTGAGE SCHEDULE

None within period searched

TAX SEARCH

1. TAX ID :4000407010001

Total Assessed Value:\$114,286.00

Period :2014 Payment Status: Current

Tax Amount : \$5,350.06

Other Information : 1st 1/2 2014 Tax in the amount of \$3,566.71 Paid. 2nd
1/2 2014 Tax in the amount of \$1,783.35 due by 5/10/2015.

DEED CHAIN

1. Vesting made by Deed Book 1367 at Page 278 in Instrument No. 04415, as corrected by Deed Book 1391 at Page 68 in Instrument No. 09639 to Pemco of New Mexico, Inc., a New Mexico Corporation.
2. Warranty Deed made by William Cecil Grimes, a single man to James L. Evans dated 8/15/1957 recorded on 5/5/1959 in book 234 page 350 .
Notes: Surface Only
3. Assignment made by Southern Union Gas Company, a Delaware corporation to Vernah Scott Moyston, individually and as life tenant under the Will of Roy C. Moyston, deceased, doing business as Hobbs Gas Company dated 10/1/1964 recorded on 11/5/1964 in book 225 page 229 Instrument No. 25288.
4. Conveyance made by Southern Union Gas Company, a Delaware corporation to Vernah Scott Moyston, individually as as life tenant under the Will of Roy C. Moyston, deceased, doing business as Hobbs Gas Company dated 10/1/1964 recorded on 11/5/1964 in book 287 page 105 Instrument No. 25286.
5. Warranty Deed made by New Mexico Bank and Trust Company, Executor and Trustee under the Last Will and Testament of William Cecil Grimes, Deceased to James L. Evans and/or Peggy Evans, his wife, as Joint Tenants with Right of Survivorship dated 4/11/1974 recorded on 4/15/1974 in book 340 page 268 Instrument No. 37126.
Notes: Surface Title Only
6. Probate of the Estate of William Cecil Grimes, Deceased recorded on 12/10/1979.
7. Warranty Deed made by New Mexico Bank and Trust Company, Trustee for Cynthia June Grimes Grebe to Cynthia June Grimes Grebe dated 6/23/1980 recorded on 7/14/1980 in book 382 page 400 Instrument No. 27176.
Notes: 1/9th Interest

Surface Only
8. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for Cynthia June Grimes Grebe to Cynthia June Grimes Grebe dated 6/23/1980 recorded on 7/14/1980 in book 382 page 402 Instrument No. 27178.
Notes: 1/9th Interest

Surface Only
9. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for Cynthia June Grimes Grebe to Cynthia June Grimes Grebe dated 6/23/1980 recorded on 7/14/1980 in book 382 page 403 .
Notes: 1/9th Interest

Surface Only

10. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for William Cecil Grimes Maddox to William Cecil Grimes Maddox dated 8/20/1980 recorded on 9/2/1980 in book 383 page 485 Instrument No. 30132.
Notes: 1/9th Interest

Surface Only

11. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for William Cecil Grimes Maddox to William Cecil Grimes Maddox dated 8/20/1980 recorded on 9/2/1980 in book 383 page 486 Instrument No. 30133.
Notes: 1/9th Interest

Surface Only

12. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for William Cecil Grimes Maddox to William Cecil Grimes Maddox dated 8/20/1980 recorded on 9/2/1980 in book 383 page 487 Instrument No. 30134.
Notes: 1/9th Interest

Surface Only

13. Quit Claim Deed made by Peggy V. Evans to James L. Evans dated 11/21/1983 recorded on 12/8/1983 in book 409 page 112 Instrument No. 20154.
Notes: See Community Property Settlement Agreement recorded 11/14/1983 in Book 423 Page 33

14. Conveyance and Assignment made by Shell Oil Company, a Delaware corporation to Shell Western E&P Inc., a Delaware corporation dated 12/20/1983 recorded on 2/27/1984 in book 426 page 620 Instrument No. 24347.

15. Special Warranty Deed made by James L. Evans, a single man to James L. Evans, Trustee of the James L. Evans Trust, established the 7th day of December, 1984 dated 12/21/1984 recorded on 3/21/1985 in book 418 page 253 Instrument No. 46687.

16. Warranty Deed made by First Interstate Bank of Lea County, formerly New Mexico Bank and Trust Company, trustee for William Cecil Grimes Maddox to William Cecil Grimes Maddox dated 3/11/1985 recorded on 4/2/1985 in book 418 page 465 Instrument No. 47450.
Notes: 1/9th Interest

17. Warranty Deed made by William Cecil Grimes Maddox to James L. Evans Trust dated 3/11/1985 recorded on 4/2/1985 in book 418 page 467 Instrument No. 47451.

Notes: 2/9ths Interest

18. Warranty Deed made by First Interstate Bank of Lea County, formerly New Mexico Bank and Trust Company, trustee for William Cecil Grimes Maddox to James L. Evans Trust dated 3/11/1985 recorded on 4/2/1985 in book 418 page 469 Instrument No. 47452.
Notes: 1/9th Interest
19. Warranty Deed made by Cynthia Junes Grimes Grebe to James L. Evans Trust dated 3/17/1985 recorded on 4/2/1985 in book 418 page 471 Instrument No. 47453.
Notes: 2/9ths Interest
20. Warranty Deed made by First Interstate Bank of Lea County, formerly New Mexico Bank and Trust Company, trustee for Cynthia June Grimes Grebe to James L. Evans Trust dated 3/11/1985 recorded on 4/2/1985 in book 418 page 473 Instrument No. 47454.
Notes: 1/9th Interest
21. Warranty Deed made by Mary Evelyn Grimes Maddox to James L. Evans Trust dated 3/11/1985 recorded on 4/2/1985 in book 418 page 475 Instrument No. 47455.
Notes: 3/9ths Interest
22. Warranty Deed made by Patricia Mae Carson, Trustee of the James L. Evans Trust to B & B Machine Shop, Inc., a New Mexico corporation dated 7/22/1985 recorded on 7/23/1985 in book 420 page 780 Instrument No. 54155.
Notes: Surface Estate Only
23. Special Warranty Deed made by First Interstate Bank of Lea County, Trustee for Cynthia June Grimes Neal Grebe to Cynthia June Grimes Neal Grebe dated 10/10/1985 recorded on 10/18/1985 in book 422 page 788 Instrument No. 59427.
Notes: 1/9th Interest
24. Quit Claim Deed made by First Interstate Bank of Lea County, Trustee for William Cecil Grimes Maddox to William Cecil Maddox dated 8/29/1989 recorded on 10/6/1989 in book 455 page 784 Instrument No. 51414.
Notes: All Remaining Interest
25. Quit Claim Deed made by William Cecil Maddox to James L. Evans Trust dated 3/27/1990 recorded on 4/4/1990 in book 461 page 531 Instrument No. 60820.
Notes: 1/9th Interest
26. Warranty Deed made by Smith International, Inc., a Delaware corporation (Smith International, Inc., is the surviving corporation in a merger with Star Tool Co., a New Mexico corporation, as documented by

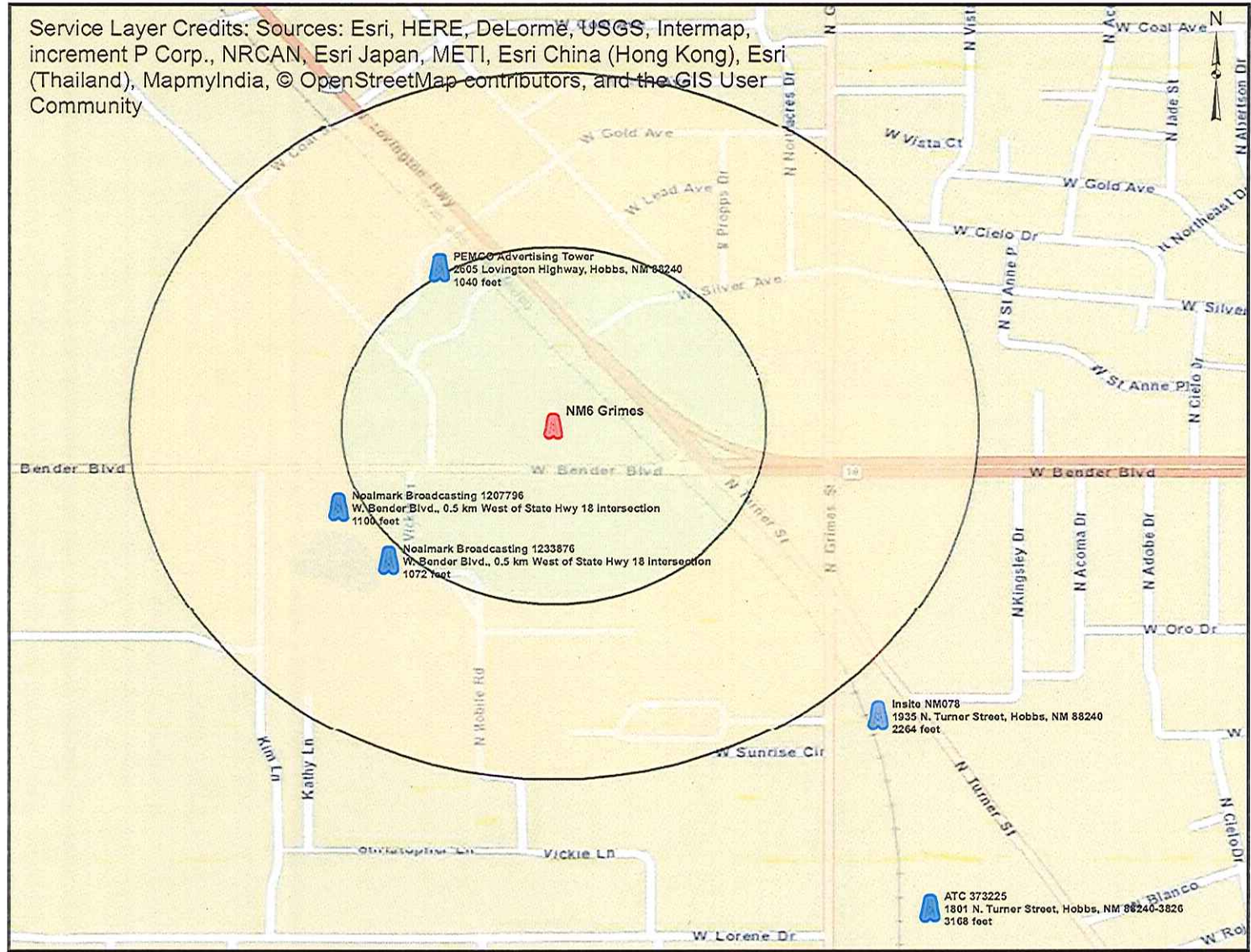
Certificate of Merger filed with the New Mexico Public Regulation Commission on July 6, 2001, and Star Tool Co. was the surviving corporation in a merger with B&B Machine Shop, Inc., a New Mexico corporation, as documented by a Certificate of Merger filed with the New Mexico Public Regulation Commission on July 6, 2001) to Pemco of New Mexico, Inc., a New Mexico Corporation dated 4/6/2005 recorded on 4/11/2005 in book 1367 page 278 Instrument No. 04415.

27. Correction Warranty Deed made by Smith International, Inc., a Delaware corporation (Smith International, Inc., is the surviving corporation in a merger with Star Tool Co., a New Mexico corporation, as documented by Certificate of Merger filed with the New Mexico Public Regulation Commission on July 6, 2001, and Star Tool Co. was the surviving corporation in a merger with B&B Machine Shop, Inc., a New Mexico corporation, as documented by a Certificate of Merger filed with the New Mexico Public Regulation Commission on July 6, 2001) to Pemco of New Mexico, Inc., a New Mexico corporation dated 7/29/2005 recorded on 8/4/2005 in book 1391 page 68 Instrument No. 09639.
Notes: Corrects the Legal Description in Deed recorded in Book 1367 Page 278

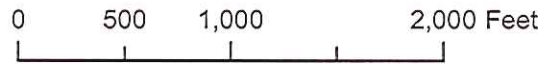
Call Sign	WQJQ693	Radio Service	WU - 700 MHz Upper Band (Block C)
Status	Active	Auth Type	Regular
Market			
Market	REA005 - Central	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000746.00000000-000757.00000000-000776.00000000-000787.00000000
Dates			
Grant	11/26/2008	Expiration	06/13/2019
Effective	09/16/2013	Cancellation	
Buildout Deadlines			
1st	06/13/2013	2nd	06/13/2019
Notification Dates			
1st		2nd	
Licensee			
FRN	0003290673	Type	General Partnership
Licensee			
Cellco Partnership 1120 Sanctuary Pkwy, #150 GASA5REG Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com	
Contact			
Verizon Wireless Licensing Manager LicensingCompliance@VerizonWireless.com Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership			
The Applicant answered "No" to each of the Alien Ownership questions.			
Basic Qualifications			
The Applicant answered "No" to each of the Basic Qualification questions.			
Tribal Land Bidding Credits			
This license did not have tribal land bidding credits.			
Demographics			
Race			
Ethnicity	Gender		

VZW NM6 Grimes

Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



	Adjacent_Towers
	NM6 Grimes
	1000 feet
	2000 feet



Author: Land Services & Acquisition Group, Telecommunications Division, Black & Veatch Corporation

April 4, 2017

	A	B	C	D	E	F	G	H	I
1	LATITUDE	LONGITUDE	TWR OWNER	SITE NUMBER	SITE NAME	ADDRESS	TWR TYPE	STRUCTURE HT	DISTANCE FROM TOWER (feet)
2	32.7219	-103.1441	Insite	NM078	North Turner	1935 N. Turner Street, Hobbs, NM 88240	Lattice	110'	2264
3	32.7189	-103.1433	ATC	373225	Hobbs 2 Downtown	1801 N. Turner Street, Hobbs, NM 88240-3826	Monopole	100'	3168
4	32.7243	-103.1516	Noalmark Broadcasting	1233876	KPER-FM Tower #1	W. Bender Blvd., 0.5 km West of State Hwy 18 intersection	Guyed	110'	1072
5	32.7251	-103.1524	Noalmark Broadcasting	1207796	KPER-FM Tower #2	W. Bender Blvd., 0.5 km West of State Hwy 18 intersection	Guyed	91'	1100
6	32.7288	-103.1508	PEMCO		Advertising Tov PEMCO Tower	2605 Lovington Highway, Hobbs, NM 88240	Lattice	Unknown	1040



© 2016 Google

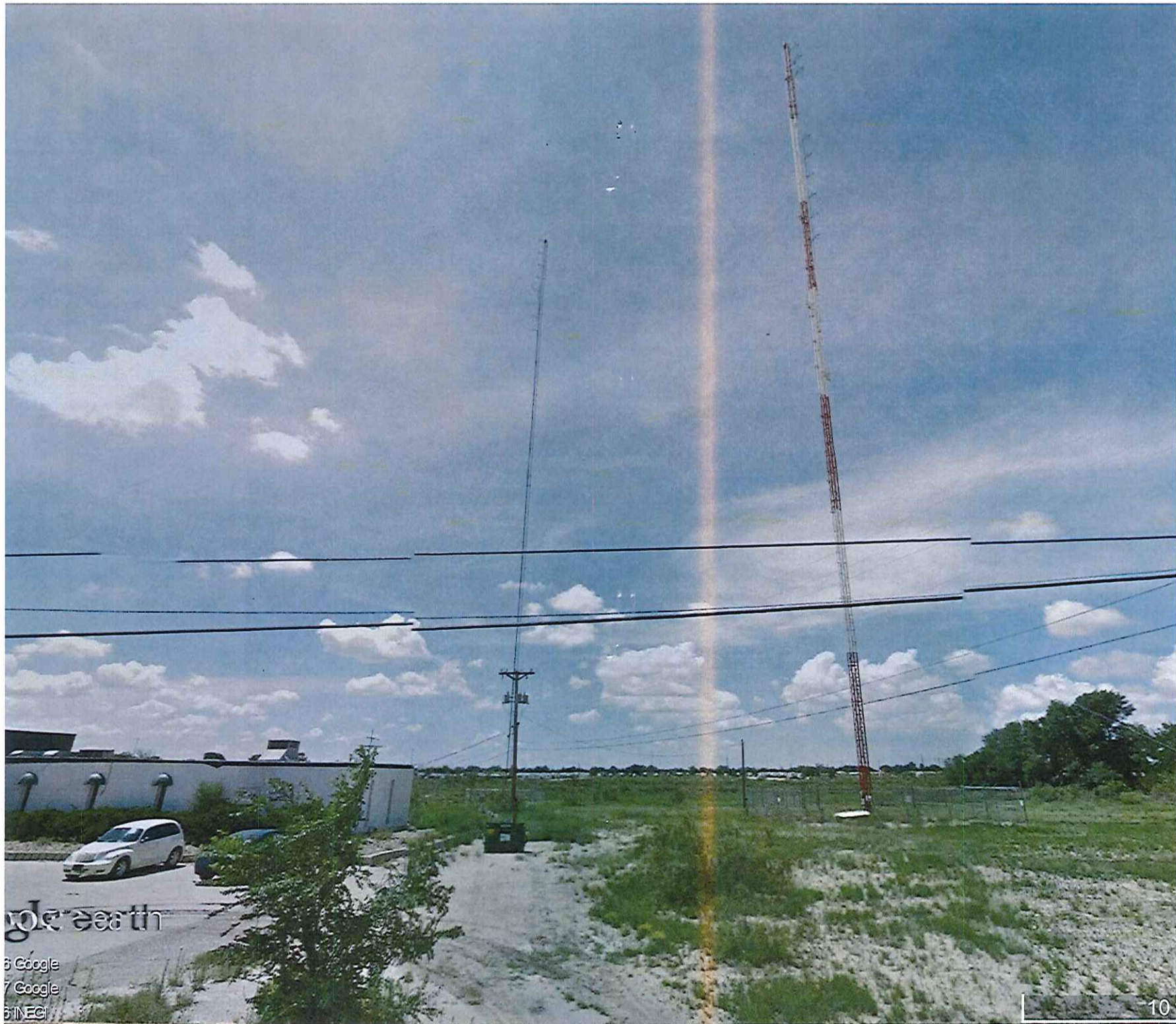
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20 ft



Google Earth

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**PROPERTY PROPOSED FOR
TOWER PERMIT**

TO CONSTRUCT A 70' MONOPOLE TOWER ALONG WITH A MICROWAVE DISH
WITHIN A 20' X 40' FENCED COMPOUND AND PLACE EQUIPMENT
CABINETS AT THE BASE OF THE TOWER AND A 10' X 4' GENERATOR ON A
CONCRETE PAD.

NORTHWEST CORNER OF W. BENDER BLVD. & N. LOVINGTON HWY
CONTAINING 1.94 ACRES OF LAND, MORE OR LESS.
CURRENT USE IS INDUSTRIAL.

TAX CODE I.D. # 4980225090340

PUBLIC HEARING TO BE HELD ON TUESDAY, APRIL 18, 2017, AT 10:00 A.M.
AT THE CITY HALL ANNEX BUILDING
200 E. BROADWAY 1ST FLOOR ANNEX
HOBBS, NEW MEXICO

PROJECT CONTACT: BLACK & VEATCH CORPORATION
TEL: (505) 443-4463



March 20, 2017

VIA U.S. FIRST CLASS MAIL

Attn: Property Owner (Resident)

**RE: Verizon Wireless Application for Tower Permit
for a Proposed Wireless Telecommunications Facility
Site Name: NM6 Grimes
Site Address: 1120 Bender Blvd.
Parcel I.D. #4-000-407-010-001**

Dear Resident:

Verizon Wireless is pleased to announce deployment of its wireless service to the City of Hobbs' residents. As the nation's largest operator of wireless voice and data networks, Verizon Wireless is proposing to expand its network of cell sites within the City of Hobbs. Many residents in your community are counting on Verizon Wireless to provide quality service so they can stay connected to families, friends, and emergency services if needed. In order to satisfy these needs, Verizon Wireless is improving its antenna facilities network system in the City of Hobbs.

In accordance with the City of Hobbs Zoning Ordinance No. 1036, titled Tower Regulation Ordinance, Section 12, titled, "Notification Procedures", this letter serves as notice that Verizon Wireless is proposing a wireless telecommunications facility consisting of a 70' monopole tower placed within a 30' x 40' lease area, along with equipment cabinets and 10' x 4' generator pad placed near the base of the tower.

The proposed facility will be located at the 1120 Bender Blvd. at the Northwest corner of W. Bender Blvd. and N. Lovington Hwy., Hobbs, NM 88240. Enclosed is a location map of the site.

The Planning and Zoning Commission will consider this request at a Public Hearing on:

April 18, 2017
Time: 10:00 a.m.
Place: City Hall Annex Building
200 E. Broadway, 1st Floor Annex
Hobbs, NM 88240

Verizon Wireless encourages you to contact our representative with any questions, suggestions, or concerns. For details about this request, please contact Verizon Wireless' representative, Kevin Provance, at (503) 443-4463 or e-mail provanceks@bv.com or the City Planner at (575) 397-9351.

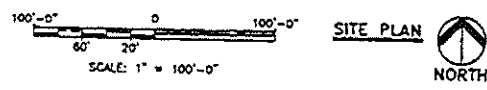
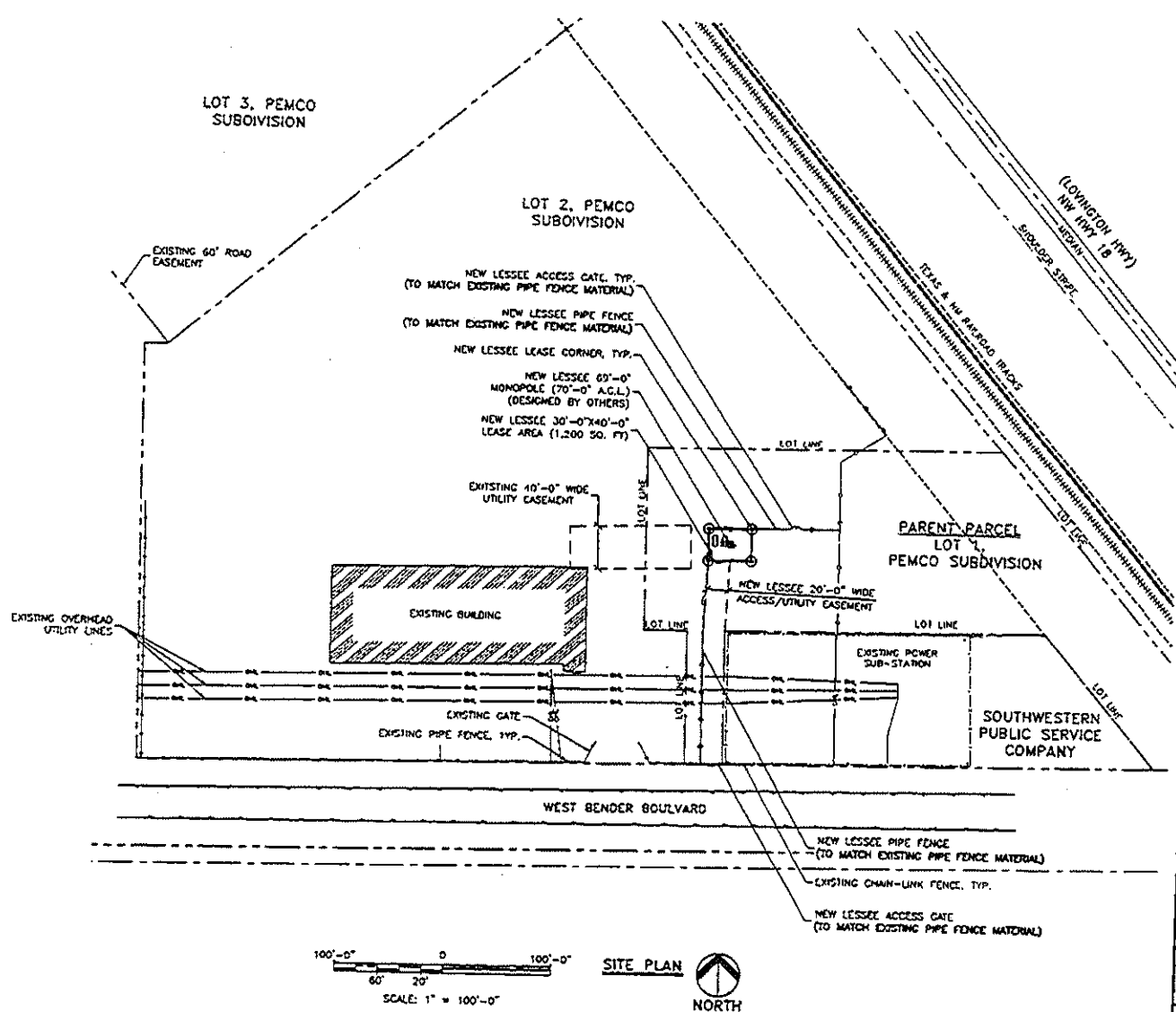
Thank you for your time to consider this matter, and if you require any additional information, please do not hesitate to call.

Sincerely,
Black & Veatch Corporation



Kevin Provance
Land Use Planner / Planning Manager

Enclosures



DESIGNED FOR
verizon
 4821 LUBANK NE
 ALBUQUERQUE, NEW MEXICO 87111

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JS INFRASTRUCTURE PARTNERS
 AZ - CA - CO - ID - NM - NV - TX - UT

NO.	REVISION	DATE	BY	CHK
1	APPROVED FOR BILLINGS PERMIT SUBMITTAL	07/17/16	EP	WLC
2	REVISED PER NEW SURVEY	07/09/16	EP	WLC
3	REVISED PER PERMITS REVISIONS	07/07/16	EP	WLC
4	REVISED FOR NEW MONOPOL MASTS AND CROSS ARMS	07/22/17	SSP	JAC

DESIGNED BY:
JAMES V. CHUNG
 NEW MEXICO
 22016
 PROFESSIONAL ENGINEER
 2/22/17

PROJECT NAME:
NM6 GRIMES
 NEW 69'-0" MONOPOLE
 (OVERALL HEIGHT: 70'-0" A.G.L.)
 RAWLAND COMMUNICATION SITE

PROJECT ADDRESS:
 1120 W. BENDER BLVD.
 HOBBS, NEW MEXICO 88240
 LEA COUNTY

SHEET TITLE:
SITE PLAN

DATE PLOTTED:
 2/22/2017 12:58 PM

SHEET NUMBER:
C1

FRANKLIN
32406 FRANKLIN RD
FRANKLIN

MT
48025-9998
2586050907

03/20/2017 (800)275-8777 10:40 AM

Product Description	Sale Qty	Final Price
Letter Parcel	1	
First-Class Mail Letter	1	\$0.49
(Domestic) (DENVER, CO 80201) (Weight: 0 Lb 0.50 Oz) (Expected Delivery Day) (Thursday 03/23/2017)		
Certified Mail # (70032260000465267758)	1	\$3.35
Return Receipt # (9590940306515185834676)	1	\$2.75
First-Class Mail Letter	1	\$0.49
(Domestic) (HOBBES, NH 85241) (Weight: 0 Lb 0.50 Oz) (Expected Delivery Day) (Thursday 03/23/2017)		
Certified Mail # (70140510000012135282)	1	\$3.35
Return Receipt # (9590940306515185834669)	1	\$2.75
First-Class Mail Letter	1	\$0.49
(Domestic) (HOBBES, NH 85240) (Weight: 0 Lb 0.50 Oz) (Expected Delivery Day) (Thursday 03/23/2017)		
Certified Mail # (70083410000043113556)	1	\$3.35
Return Receipt # (9590940306515183834706)	1	\$2.75
First-Class Mail Letter	1	\$0.49
(Domestic) (HOBBES, NH 88241) (Weight: 0 Lb 0.50 Oz) (Expected Delivery Day) (Thursday 03/23/2017)		
Certified Mail # (70023410000043113563)	1	\$3.35
Return Receipt # (9590940306515183834690)	1	\$2.75
First-Class Mail Letter	1	\$0.49
(Domestic) (AUSTIN, TX 78701) (Weight: 0 Lb 0.50 Oz) (Expected Delivery Day) (Thursday 03/23/2017)		
Certified Mail # (70032260000465264801)	1	\$3.35
Return Receipt # (9590940306515183834652)	1	\$2.75
First-Class Mail Letter	1	\$0.49
(Domestic) (SAN ANTONIO, TX 78216) (Weight: 0 Lb 0.50 Oz) (Expected Delivery Day) (Thursday 03/23/2017)		
Certified Mail # (70083410000043113549)	1	\$3.35
Return Receipt #	1	\$2.75
Total		\$39.54
Credit Card Reimtd (Card Name: MasterCard) (Account #:XXXXXXXXXX4178) (Approval #: 104850) (Transaction #: 029)		\$39.54

190796.3863

BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.

7009 3410 0000 4311 3556

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

HOBBS, NM 88240 OFFICIAL USE

Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59



Sent To Buie Capital Venture USPS
 Street, Apt. No.; or PO Box No. 2605 Lovington Hwy.
 City, State, ZIP+4 Hobbs, NM 88240

PS Form 3800, August 2005 See Reverse for Instructions

6452 TRL 0000 4311 3549

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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For delivery information visit our website at www.usps.com

SAN ANTONIO, TX 78216 OFFICIAL USE

Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59



Sent To Faught Everett USPS
 Street, Apt. No.; or PO Box No. 70 NE Loop 410, Ste. 180
 City, State, ZIP+4 San Antonio, TX 78216

PS Form 3800, August 2005 See Reverse for Instructions

7014 0510 0000 1213 5282

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HOBBS, NM 88241 OFFICIAL USE

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Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59



Sent To PEMCO of New Mexico, Inc
 Street, Apt. No.; or PO Box No. P.O. Box 42P
 City, State, ZIP+4 Hobbs, NM 88241

PS Form 3800, August 2005 See Reverse for Instructions

7003 2260 0000 4000 6526 4801

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AUSTIN, TX 78701 OFFICIAL USE

Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59



Sent To Well Services Div of STC
 Street, Apt. No.; or PO Box No. 919 Congress Ave. Ste. 1450
 City, State, ZIP+4 Austin TX, 78701

PS Form 3800, June 2002 See Reverse for Instructions

7003 2260 0000 4004 6526 7758

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For delivery information visit our website at www.usps.com

DENVER, CO 80201 OFFICIAL USE

Postage	\$3.85
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59



Sent To Southwestern Public Service
 Street, Apt. No.; or PO Box No. P.O. Box 1979
 City, State, ZIP+4 Denver, CO 80201

PS Form 3800, June 2002 See Reverse for Instructions

7002 3410 0000 0786 6007

U.S. Postal Service
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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

HOBBS, NM 88241 OFFICIAL USE

Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59



Sent To Fomes & Planters LP
 Street, Apt. No.; or PO Box No. P.O. Box 1920
 City, State, ZIP+4 Hobbs, NM 88241

PS Form 3800, August 2005 See Reverse for Instructions

LEGAL NOTICE
March 22, 2017

**NOTICE OF PROPOSED
TOWER CONSTRUCTION**

Property proposed for Tower Permit in the City of Hobbs, New Mexico. To construct a 70' monopole tower along with a microwave dish within a 30' x 40' fenced compound and place equipment cabinets at the base of the tower, and a 10' x 4' generator placed on a concrete pad. Property is located at Northwest Corner of W. Bender Blvd. & N. Lovington Hwy., containing 1.94 acres of land, more or less. Current use is Industrial, tax code I.D.# 4960225090340.

Public hearing to be held on Tuesday, April 18, 2017 at 10:00 a.m. at the City Hall Annex Building 200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico.

Project Contact: Black & Veatch Corporation, tel. (503) 443-4463.
#31654



PLANNING DEPARTMENT

200 E. Broadway St.
Hobbs, NM 88240

575-397-9351 bus
575-397-9227 fax

City of Hobbs, New Mexico

March 14, 2017

Black & Veatch Corporation
Kevin Provance
5885 Meadows Road, Suite 700
Lake Oswego, OR 97035

Subject: Verizon Wireless Application for Tower Permit, 1120 Bender Blvd.

The tower permit application for 1120 Bende Blvd. is under review. Please proceed with notifications, as they are proposed in the application. On the notice sign, bold (in order to draw attention) the information pertaining to the location site and contact. Also, submit for our records, the signature of the property owner that is to accompany the application.

Due to conditions of the application deviating from Hobbs Municipal Code Chapter 18.12, a variance request is required. The variance will be presented to the Planning Board on Tuesday, April 18th at 10:00 AM. The variance needs to address the following:

- 18.12.050 H. – proposed tower would be within 2,000 feet of previously approved or permitted tower structure (see attached map)
- 18.12.060 B4. – proposed tower is within a beautification corridor (see attached map) and is not of a camouflage design as camouflage design is defined in 18.12.020
- 18.12.080 – landscaping is not addressed in application

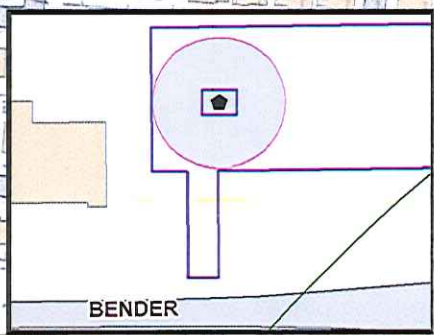
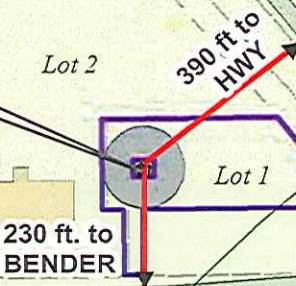
Refer to 18.12.130 regarding Variance Request and Procedures.

If you have any questions or need any additional information please contact Shelia Baker at 575-391-4113.


Kevin Robinson – Development Director



Proposed Tower Location



BENDER

NORTHWEST

PROPPS

NORTHACRES

GRIMES

LOVINGTON

KINGSLEY

BENDER

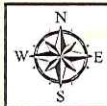
TURNER

KINGSLEY

ACOMA

MOBILE LOST HORIZON

SUNRISE



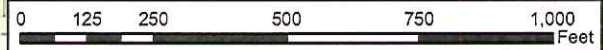
Existing Tower Locations



Property 77' Buffer



Existing Tower 2,000' Buffer

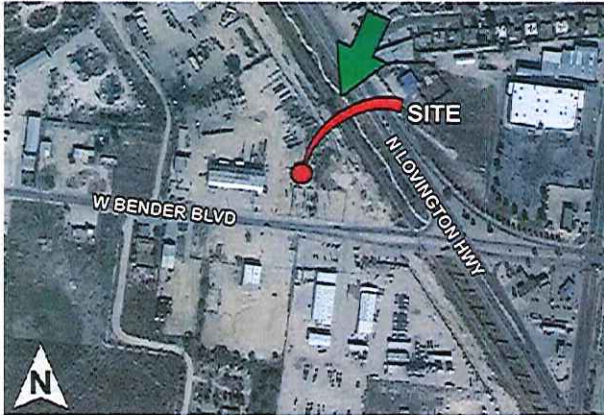


KATHY

NM6 GRIMES

NEW 69'-0" MONOPOLE

LOCATION



EXISTING



PROPOSED



NORTHEAST ELEVATION (LOOKING SOUTHWEST)

Disclaimer: These photographic simulations have been provided to aid in visualizing how the proposed wireless telecommunications facility shown herein would appear if constructed. While these renderings are not an exact science, they have been prepared diligently to accurately reflect dimensions, scale, depth, coloring, texture, and other important elements in the proposed design insofar as the digital medium allows. Taken together with the engineering drawings and other materials submitted with the application, they are fair and reasonable visual depictions of how the proposed site would appear.

verizon Verizon Wireless
4821 Eubank NE
Albuquerque, NM 87111

J5 INFRASTRUCTURE J5 Infrastructure Partners
AZ - CA - CO - ID - NM - NV - TX - UT
767 N Star Road
Star, ID 83669

SITE ADDRESS:
1108 W. BENDER BLVD
HOBBS, NEW MEXICO 88240

32°43'34.82" N
103°08'56.71" W

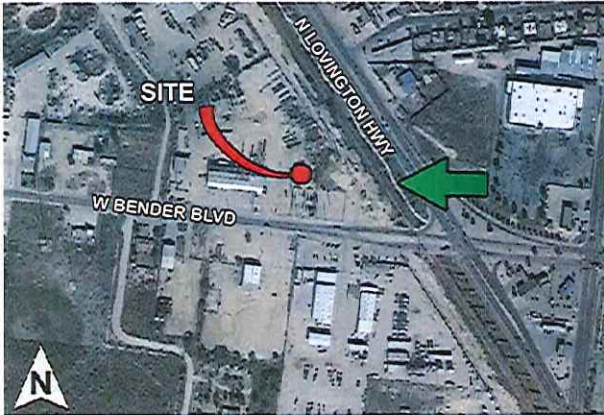
Sheet No.

1

NM6 GRIMES

NEW 69'-0" MONOPOLE

LOCATION



EXISTING



PROPOSED



EAST ELEVATION (LOOKING WEST)

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32°43'34.82" N
103°08'56.71" W

Sheet No.

2

NM6 GRIMES

NEW 69'-0" MONOPOLE

LOCATION



EXISTING



PROPOSED



SOUTHWEST ELEVATION (LOOKING NORTHEAST)

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HOBBS, NEW MEXICO 88240
32°43'34.82" N
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Sheet No.

3

**PLANNING BOARD MEETING
MINUTES
April 18, 2017**

The Hobbs Planning Board met on April 18, 2017 at 10:00 a.m. at City of Hobbs Annex Building, First Floor Commission Chambers, located at 200 E. Broadway, Hobbs, NM 88240 with Mr. W.M. "Tres" Hicks Chairman presiding.

Members Present:

Tres Hicks, Chairman
Guy Kesner, Vice Chairman
Bill Ramirez
Brett Drennan
Dwayne Penick

Members Absent:

Larry Sanderson
Bobby Shaw

Also present were members of the public and City staff as follows:

Kevin Robinson, Development Director
Todd Randall, City Engineer
Julie Nymeyer, Staff Secretary
Shelia Baker, Senior Staff Engineer
Bruce Reid, County Planner
Dennis Holmberg
Amy McKenzie, Black & Veatch

Commissioner Buie
Bruce Reid, County Planner
Ben Maynes, Building Official
Mike Stone, City Attorney
George Stanley
Jeremy Baker

1) Call To Order.

Vice Chairman Kesner called the meeting to order at 10:05 am.

2) Review and Consider Approval of Agenda.

The first item of business was to review and approve the Agenda for the March 21, 2017 meeting. Mr. Hicks asked if there were any changes or additions to the Agenda? Mr. Robinson said there are no changes or additions to the agenda. Mr. Ramirez made a motion, seconded by Mr. Drennan to approve the agenda as presented. The vote on the motion was 4-0 and the motion carried.

3) Review and Consider Approval of Minutes.

March 21, 2017 – Regular Meeting

Mr. Kesner asked if everyone has had a chance to read the Regular Minutes from March 21, 2017? Mr. Kesner said on number 9 of the minutes he made a statement about oversizing. He said he is not opposed to the city paying for oversizing. He said the developer would not be responsible for oversizing if the city saw a need to oversize the infrastructure. Mr. Ramirez

made a motion seconded by Mr. Drennan to approve the minutes as amended. The vote on the motion was 4-0 and the motion carried.

Mr. Hicks arrived at the meeting 10:08 am

4) Communications from Citizens.

There were no communications from citizens.

5) Public Hearing to Review and Consider issuance of a Tower Permit for a cell tower to be located northwest of the intersection of W. Bender Boulevard and N. Lovington Highway upon property owned by Buie Capital Ventures, LLC, as submitted by Verizon Wireless.

Mr. Robinson said this is a cell tower than will be located NW of the intersection of Bender and Lovington Hwy. He said the proper notification has been done. He said originally there were three things left off the cell tower application; 1) existing cell towers, 2) landscaping, 3) camouflage. He said once they notified the developer they did send and amended packet.

Mr. Robinson said the existing towers within 2000 linear feet are not suitable for the development. He said the camouflaging is required because it is within the beautification corridor. He said then there is the landscaping. He said the city wants the developer to comply with the landscaping ordinance. He said the square feet that is required seems a little onerous. He said the developer said they would mitigate the landscaping issue placing some type of landscaping of the Boards choice. Mr. Kesner asked how far from the Railroad tracks and how far from the roadway will the tower site be. Mr. Hicks said 200 feet from Bender and 300 feet from Lovington Highway.

Mr. Ramirez asked how tall the pole was? Ms. McKenzie said 70 foot monopole. She said it is designed to be a flush mount.

Mr. Stone said he appreciated the opportunity to speak with the Board. He said it has come to their attention yesterday that this piece of property is owned by one of the City Commissioners. He said he wants it to be clear and have public disclosures that this is owned by Mr. Buie. He said the current rules are for the Planning Board to review any cell tower application. He said staff believes that the Board should consider the application and the report of the Planning Board and supporting materials with any public testimony that might come before the Board will be sent to the City Commission. He said after the hearing you will approve, approve with conditions, table or disapprove. He said because this property is owned by a City Commissioner the Legal Department is asking you to accomplish your task as you would with any other proposal. He said your decision will be termed as a recommendation and sent to the City Commission for final approval. He said it is another step of transparency to make sure everyone involved understands and knows that a City Commissioner owns this piece of property. He said they are asking the Board to do exactly what they would normally do.

Mr. Hicks opened the public hearing at 10:20 am. He asked if there were any members of the public that would like to speak for or against the proposed tower location. There were

no comments. Mr. Hicks closed the public hearing at 10:21 am. He turned the item over to the Planning Board for comment.

Mr. Ramirez asked if there were any negative letters in response to this variance? Mr. Robinson said no. Mr. Kesner asked how tall the Pemco tower was? Ms. McKenzie said 65 feet. Mr. Kesner said then it is about the same height. Ms. McKenzie said yes. She said this tower is really about the capacity more than the coverage. She said Hobbs is really growing and the use of data and voice is increasing. She said one other provider will be able to use this tower.

Mr. Hicks said the specs require an 8 foot fence but you are proposing a 7 foot? Ms. McKenzie said they could amend that to be an 8 foot. Mr. Hicks said since there is a double fence he didn't think they would have to do that. Mr. Kesner said he did not think there was a lot of need for landscaping on that location. He said that it will not be visited very often.

Mr. Robinson said staff is recommending a landscaping component because it will be relatively near the existing trail project. Ms. McKenzie said they would like to be exempt from the landscaping. She said they would have to bore under the railroad to get irrigation. Mr. Kesner said from his perspective it is not going to make a lot of improvement on the geographical area because of the industrial sites already located there. Mr. Penick asked if it could be some type of desert landscaping? Mr. Robinson said yes it could with rocks and a succulent plant. He said the Board has a lot of latitude as far as landscaping. Mr. Hicks said he would be ok with something that was xeriscaping that didn't require water. Ms. McKenzie said they would be doable for them. Mr. Hicks said the city is being a partner by participating in those types of projects. He said it is consistent with the development on West Bender.

Mr. Kesner made a motion, seconded by Mr. Drennan to approve the Tower permit with the recommendation of no landscaping. The vote on the motion was 4-1 with Mr. Hicks against and the motion carried.

- 6) Review and Consider Development of a Recreational Vehicle Park (RVP), on a 10 +/- acre undivided parent parcel located southeast of the intersection of Aspen and N. Dal Paso. This property received a Special Use Permit to Amend the Planning District Map and allow development of a RVP from the Planning Board in a public meeting held on February 17, 2015.

Mr. Robinson said in 2015 the municipality did grant a Special Use permit for the usage of an RV Park this location. He said the Special Use permit is in effect until the permit is rescinded or taken off the map. He said there are public infrastructures with the development of this site. He said there is a waterline just north of the south property line. He said the developer would like to tap the existing waterline. He said the developer will be resubmitting the plans. Mr. George Stanley said it will be run back through their engineers for the final plans. Mr. Hicks said he has not seen anything that has changed in the area that would change their decision from the last time.

Mr. Ramirez made a motion, seconded by Mr. Penick to continue the existing RV Park

permit. The vote on the motion was 5-0 and the motion carried.

- 7) Review and Consider Preliminary Plat Approval of a proposed subdivision located northeast of the intersection of Chance St. and North Grimes within the Extra-Territorial Jurisdiction.

Mr. Hicks said the next item is to approve the Preliminary Plat off Chance Street. He said his firm is the surveyor group on this project. Mr. Robinson said this has not gone to the County Planning and Zoning. He said this is a dedication of Chance and a dedication of a cul-de-sac which will be the continuation of Illinois. He said this would give each individual property adjacent to the proposed cul-de-sac access to a dedicated right-of-way. He said there is a dedication to a surface and subsurface infrastructure easement going from Illinois north. He said that would be on the line of the Major Thoroughfare Plan and an extension of Fowler.

Mr. Ramirez asked how many lots would it be? Mr. Robinson said 4 lots. Mr. Hicks asked about the status of the development of Chance Street. Mr. Robinson said it is a County maintained Roadway.

Mr. Hicks asked if they are requiring the developers to build the cul-de-sac on Illinois? Mr. Reid said yes because there is no way to get to the back property without it. He said Fire Trucks need to be able to get in and out also.

Mr. Penick left the meeting at 11:06 am.

Mr. Kesner made a motion, seconded by Mr. Drennan to approve the Preliminary Plat for the Murrillo development pending County approval. Mr. Robinson asked if would be proper to do a preliminary and final approval? The Board agreed. Mr. Kesner, seconded by Mr. Drennan amended the motion to approve the Preliminary and Final Plat as long it is compliant with the county. The vote on the motion was 4-0 and the motion carried.

- 8) Review and Consider proposed amendment of Municipal Code Title 16 (Subdivision Regulations).

Mr. Robinson said the Municipal staff and the County staff have had numerous meetings about Title 16. He said the municipal subdivision regulations and the county subdivision regulations are extremely compatible. He said the issue has been the claim of exemption. He said that is when the person is exempt from county rules and regulations for their subdivision. He said the municipality has in Title 16 that any plat above 5 acres does not require municipal approval. He said within the ETJ it leaves a possibility of a plat that is 10 acres being divided where one tract of land is not contiguous to a public right-of-way. He said as everything sets today the municipality would not be required to approve that plat and the county only has to approve the claim of exemption.

The Board discussed the recent changes made to this Code. Mr. Hicks said the Board has had numerous meetings on this item and he recommends this be approved and sent to the City Commission with the amendments. Mr. Ramirez made a motion, seconded by Mr. Drennan to approve the amendments to Municipal Code Title 16 and send it to the City Commission. The vote on the motion was 4-0 and the motion carried.

9) **Adjournment.**

With nothing further to discuss the meeting adjourned at 11:52 am.

Tres Hicks, Chairman

DRAFT