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POPULATION 14,000

CITY COUNCIL MEETING

May 13, 2013

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order

1. Consent Agenda

- A. Minutes - City Council Workshop and Regular Meeting 4/08/13
- B. Minutes - Planning and Zoning Commission Meeting
(no meeting scheduled)
- C. Minutes - Tourism Development Committee 4/18/13
(no minutes approved due to no quorum)
 - a. Recommendation to approve Media and Production Estimates
- D. Minutes - Airport Commission Meeting 4/08/13
- E. Minutes - Marshall Memorial Library Board Meeting 4/30/13
 - a. Recommendation not to pursue offering e-books for check out
- F. Minutes - Parks Commission Special Meeting 4/2/13
 - a. Recommendation to approve the fee schedule for the Sam Baca Aquatic Center

2. Public Forum

- 3. Out of State Travel Request: Lloyd Valentine to attend the Government Finance Officer Association (GFOA) Conference in San Francisco, CA on June 1-6, 2013.
- 4. Ratification of Proclamation Declaring May 2, 2013 as National Day of Prayer
- 5. Ratification of Proclamation Declaring the first week in May as Youth Week
- 6. Approval of Job Description for Planner II
- 7. Approval of update to an administrative regulation (AR 09-10, Drug and Alcohol Policy)

8. Bids:

- a. Bid #13-07-Visitor Center Operation and Tourism Development Services
- b. Bid #13-12-Solid Waste General Engineering Services (Federal)
- c. Bid #13-13-Solid Waste General Engineering Services (Local/State)

9. Closed Session to Discuss the Sale of Agricultural/Rural Properties and personnel matters for discussion of appointed employee performance reviews pursuant to NMSA 1978, Sections 10-15-1 (H)(8) and Sections 10-15-1(H)(2), of the Open Meetings Act.

10. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., June 10, 2013.

CITY COUNCIL WORKSHOP MINUTES May 13, 2013

Council Present: None

Council Absent: Andres Z. Silva, Mayor
Linda Franklin, Mayor Pro-Tem
Joe "Butter Milo, Councilor

David Sanchez, Councilor
William Shattuck, Councilor

Staff Present: Richard F. McInturff, City Administrator
Aaron Sera, Assistant City Administrator
Wesley Hooper, Community Svcs. Director
Jim Massengill, Public Works Director
Lloyd Valentine, Finance Svcs. Manager

Edgar Davalos, Fire Chief
Vicki Engle, HR Coordinator
Patsy Rodriguez, Receptionist

Recording Secretary: Lila Jasso, Administrative Secretary/Assistant Deputy Clerk

Staff members of the City of Deming, New Mexico held a workshop on May 13, 2013 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting, held at 6:00 p.m. the same day. The following items of the agenda were discussed as follows:

Consent Agenda: Mr. McInturff noted Item C. (a) from the Tourism Development Committee meeting on 4/18/13. He stated that even though there was not a quorum to approve the recommendation to approve the Media and Production Estimates, a decision would need to be made by Council at tonight's meeting, since it is a time sensitive matter.

Ratification of Proclamation Declaring May 2, 2013 as a National Day of Prayer and Ratification of Proclamation Declaring the first week in May as Youth Week: Mr. McInturff stated that whoever is appointed as chairperson for tonight's meeting will handle these items.

Out of State Travel Request: Mr. Sera asked if this item should be in Consent Agenda. Mr. McInturff stated that from now on, all out of state travel requests should go on the Consent Agenda.

Approval of Job Description for Planner II and Approval of update to an administrative regulation (AR 09-10, Drug and Alcohol Policy): Ms. Engle will present these items to Council.

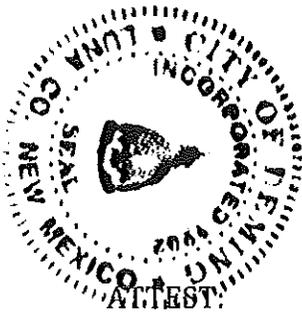
Bids:

a. **Bid #13-07 Visitor Center Operation and Tourism Development Services:** Mr. Sera will present this item to Council.

b. **Bid #13-12 Solid Waste General Engineering Services (Federal) and Bid#13-13 Solid Waste General Engineering Services (Local/State):** Mr. Massengill will present both items to Council for approval of recommendation.

Closed Session to Discuss the Sale of Agricultural/Rural Properties and personnel matters for discussion of appointed employee performance reviews pursuant to NMSA 1978, Sections 105-15-1 (H)(8) and Sections 10-15-1 (H)(2), of the Open Meetings Act: Mr. McInturff stated that Mr. Sera would need to stay for the closed session.

Adjourn Meeting: With not further business to discuss, the workshop was adjourned at 4:07 p.m.



CITY OF DEMING, NEW MEXICO



William Shattuck, Councilman/Chairman



Richard F. McInturff, Clerk

CITY COUNCIL MEETING MINUTES

May 13, 2013

Council Present: William Shattuck, Councilor
Joe "Butter" Milo, Councilor David Sanchez, Councilor

Council Absent: Andres Z. Silva, Mayor Linda Franklin, Mayor Pro-Tem

Staff Present: Richard F. McInturff, City Administrator Brandon Gigante, Police Chief
Aaron Sera, Asst. City Administrator Jim Foy, City Attorney
Wesley Hooper, Community Svcs. Dir. Edgar Davalos, Fire Chief
Jim Massengill, Public Works Director Ricardo Molina, Gas Dept. Supv.
Vicki Engle, HR Specialist

Recording Secretary: Lila Jasso, Administrative Secretary/Asst. Deputy Clerk

Councilor Shattuck called the meeting to 6:00 p.m. The Pledge of Allegiance was recited.

Councilman Shattuck opened the meeting by announcing that a chairperson would need to be nominated for tonight's meeting.

Councilor Milo motioned to nominated Councilor Shattuck as chairman for this meeting. The motion was seconded by Councilor Sanchez, and the motioned carried.

1. Consent Agenda

- A. Minutes - City Council Workshop and Regular Meeting 4/08/13
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(no meeting scheduled)
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 - a. Recommendation to approve the fee schedule for the Sam Baca Aquatic Center

Chairman Shattuck asked staff if there were any items in the Consent Agenda that needed to be addressed. Mr. McInturff stated that item C-Tourism Development Committee, there

were not minutes approved at the 5/8/13 meeting because there was not a quorum. However, enclosed in the Consent Agenda, is a Media and Production Plan as presented at that meeting. Mr. McInturff stated that those who were present at the meeting did support the Media and Production Plan, but there are some time sensitive items pertaining to billboard placements and other advertising items, that cannot wait another month and need to be approved at this time. Mr. McInturff noted to Council that they be aware the Media and Production Plan is included in the Consent Agenda.

Chairman Shattuck asked Council if they had any questions regarding the Consent Agenda. There were none.

Councilor Sanchez motioned to approve the Consent Agenda including the Media and Production Plan as presented. The motion was seconded by Councilor Milo, and was motion carried.

2. **Public Forum:** A public comment period was entertained. No parties addressed Council.
3. **Out of State Travel Request: Lloyd Valentine to attend the Government Finance Officer Association (GFOA) Conference in San Francisco, CA on June 1-6, 2013:** Mr. McInturff stated that Mr. Valentine has completed the Certified Public Finance Officer (CPFO) course and has been invited to receive his certification at the Government Finance Officer Association (GFOA) Conference to be held in San Francisco, CA on June 2-6. He stated that in order to receive this certification, Mr. Valentine had to pass a series of five tests. Mr. McInturff stated that staff recommends this request be granted. Councilor Milo motioned to approve the Out of State Travel Request for Lloyd Valentine to attend the GFOA Conference in San Francisco, CA from June 1-6, 2013. Councilor Sanchez seconded the motion, and the motion was carried.
4. **Ratification of Proclamation Declaring May 2, 2013 as National Day of Prayer:** Chairman Shattuck read the proclamation into record. Councilor Milo motioned that Council ratify the proclamation declaring May 2, 2013 as National Day of Prayer. Motion was seconded by Councilor Sanchez, motion carried.
5. **Ratification of Proclamation Declaring the first week in May as Youth Week:** Chairman Shattuck read the proclamation into record. Councilor Milo motioned that Council ratify the proclamation declaring the first week in May as Youth Week. Motion was seconded by Councilor Sanchez, motion carried.
6. **Approval of Job Description for Planner II:** Ms. Engle presented this item to Council. She stated that this is a new job description, Community Planner II at range 26. This position would be in the planning department and basically, it would be a professional position that oversees community planning, GIS mapping, and supervises the planning department. Councilor Milo clarified that this is a new position and that it had not been previously filled. Ms. Engle confirmed that the position is new and that it would be advertised internally. Councilor Sanchez motioned to approve the job description for Planner II, as presented. Councilor Milo seconded the motion, motion carried.

7. **Approval of update to an administrative regulation (AR 09-10, Drug and Alcohol Policy):** Ms. Engle presented this item to Council. She referenced the handout that was in the packet to Council members which addresses the changes and updates to this regulation. She stated that the current regulation is attached for them to refer to. Ms. Engle stated the changes in the following sections:

- **Section 3:** In the first sentence, the word “tentatively” was added after the word “All”. She stated that a lot of the changes were “clean up” to the language in the regulation. She stated that the last sentence was changed to read *“Pre-employment job applicants who test positive for controlled substances or alcohol will not be hired.”* She stated that there were some Sections that were deleted and were moved to other sections (Section 8-Written Request...), where they were more fitting.
- **Section 4:** Ms. Engle stated that the second and third sentences were deleted and moved to Section 8. The last sentence, *“Tentative offers of employment will be withdrawn if the applicant refuses to be tested.”*
- **Section 5:** Ms. Engle stated that paragraph 3 was revised, adding the phrase, *“up to and including termination.”*
- **Section 6:** Because paragraph 2 was added to cover additional controlled substances, the section was renumbered.
- **Section 8:** This section was rewritten to include applicants and to be consistent in the number of days. Also, the deleted provisions from sections 3 and 4 were moved to this area.
- **Section 13:** This section was retitled to “Referrals to Substance Abuse Programs” and the work “referrals” was added in the first sentence after EAP.
- **Section 14:** Ms. Engle stated that this section has the most changes due to the City’s policy being different from what the lab was actually testing. The lab was running a standard 5 panel screening that did not include the last two drugs in our policy. To add the two additional drugs, the City will need to change to a 10 panel screening that includes those drugs. In addition the concentration levels shown on the current policy will be changed to match the laboratory measurements avoid any misunderstanding when there is a positive test.

Ms. Engle asked for Council’s approval to update this administrative regulation.

Councilor Milo asked if when the administrative regulations were updated, what procedure is followed to make sure all employees are notified.

Ms. Engle stated that she send a copy of the update to every employee and a receipt is attached which requires the employees signature of receipt.

Councilor Milo asked how the referral procedure works. Ms. Engle stated that the employee needs to request for help before they take the test, admit up front that they have a problem and ask for that referral. She further explained by giving an example of a random drug test. Ms. Engle reiterated that if the employee has a problem they need to ask for the referral for assistance prior to taking the test. In this case the employee would remain employed and would be subject to testing throughout the assistance period.

Councilor Sanchez asked about the term of the assistance period. Ms. Engle stated that it is a 60 month period.

Councilor Sanchez motioned to approve the update to administrative regulation, AR 10-26, Drug and Alcohol Policy, as presented. Councilor Milo seconded the motion, motion carried.

8. Bids:

- a. Bid #13-07-Visitor Center Operation and Tourism Development Services:** Chairman Shattuck asked legal councilor to explain the process for this RFP.

Mr. Foy, City Attorney, stated that the RFP for this service, and was a competitive, sealed proposal, with requested proposals for that purpose. There was a public notice published and in the request for proposal, there was an actual sequence of events of the process. Mr. Foy went on to explain the sequence of events for this process, noting that an evaluation committee was formed to rank all proposal submissions. He stated that in this case, there are a number of bidders, who are qualified, but by virtue of the ranking, one will be chosen and a negotiation process will take place. In the event that the City cannot reach agreement with the first ranked bidder, they will follow in sequence to the following bidder(s). He explained the purpose of the competitive sealed proposal and stated that the process would deter from any individual biased decision due to the committee ranking all proposals. He wanted the public to understand that the recommendation is being made by a committee and not one individual.

Mr. Sera then read his recommendation memorandum into record. In his memo he stated that his recommendation of Julie Mendez and Kathryn Hodson be taken into consideration and approved. If an agreement cannot be obtained, staff is requesting authorization to pursue negotiations with MainStreet. If an agreement cannot be obtained with MainStreet, staff is requesting authorization to pursue negotiations with the Chamber of Commerce.

Councilor Sanchez motioned to approve Bid #13-07, Visitor Center Operation and Tourism Development Services, to Julie Mendez and Kathryn Hodson, as presented by staff. Motion seconded by Councilor Milo, motion carried.

- b. Bid #13-12 Solid Waste General Engineering Services (Federal):** Mr. Massengill presented this item to Council. He stated that the RFP notice was

published for 24 days in accordance with federal guidelines. There were six proposals received, in which each were responsive and meet the requirements of the RFP instructions. Mr. Massengill read his recommendation memo into record in which he is requesting that Council allows staff select all six firms to negotiate and execute any related fee schedules, task orders, and contracts with the following firms:

1. Souder Miller and Associates
2. Parkhill, Smith and Cooper
3. Gordon Environmental
4. CDM-Smith
5. SCS Engineers
6. Zia Engineering and Environmental

Councilor Milo asked if all six firms were equipped to do all scopes of work the City may require. Mr. Massengill clarified that this RFP was for solid waste engineering services, and all six firms were strong in that area. Mr. Sera added that each firm had its strong points, and that is why it was recommended all six be chosen.

Councilor Sanchez asked what the process would be to choose a certain firm for a particular job. Mr. Sera stated that the choice would depend on the scope of work and concurrence of various department heads.

Councilor Sanchez motioned to approve Bid #13-12 Solid Waste General Engineering Services (Federal) as presented, with the addition of the requirement of a three-person committee to assign task orders. Councilor Milo seconded the motion, motion carried.

- c. Bid #13-13 Solid Waste General Engineering Services (Local/State):** Mr. Massengill clarified the reasoning for two similar RFPs. He stated that the forms and processes are different from Federal to Local/State funding. Therefore, two RFPs are necessary. Mr. Massengill read the staff recommendation memo into record. There were six proposals received, in which each were responsive and meet the requirements of the RFP instructions. He stated that staff is requesting that Council allows the selection all six firms to negotiate and execute any related fee schedules, task orders, and contracts with the following firms:

1. Souder Miller and Associates
2. Parkhill, Smith and Cooper
3. Gordon Environmental
4. CDM-Smith
5. SCS Engineers
6. Zia Engineering and Environmental

Councilor Milo motioned that the recommendation be approved as presented, with the addition of the requirement of a three-person committee to assign task orders. Motion was seconded by Councilor Sanchez, motion carried.

9. Closed session to discuss the sale of agricultural/rural properties and personnel matters for discussion of appointed employee performance reviews pursuant to NMSA 1978, Sections 10-15-1 (H)(8) and Sections 10-15-1 (H)(2), of the Open Meeting Act.

Councilor Milo motioned to go into closed session. Councilor Sanchez seconded the motion. Motion carried by roll call vote.

ROLL CALL VOTE

Councilor Shattuck	Aye
Councilor Milo	Aye
Councilor Sanchez	Aye

Councilor Sanchez motioned to go back into open session. Motion was seconded by Councilor Milo. Motion carried by roll call vote.

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Shattuck	Aye
Councilor Sanchez	Aye

Chairman Shattuck stated for the record that only the items regarding the sale of agricultural/rural properties and personnel matters were discussed in closed session, and that no items were moved or motioned on while in closed session.

Councilor Milo motioned that Council authorize staff to proceed with negotiations for a land lease with Trade Wind Energy, Inc., regarding Pear and Hermanas Rds., and that any recommendations be brought back to Council for final approval. Councilor Sanchez seconded the motion, motion carried.

Councilor Sanchez motioned that Council authorize staff to proceed with negotiations with MOI Recovery Systems, LLC concerning mineral extraction at the Peru Mill Industrial Park. Councilor Milo seconded the motion, motion carried.

Councilor Sanchez motioned that Council authorize staff to negotiate and Mayor Silva to execute a final lease agreement with Waterloo Farms Partnership regarding Marcak Farms. Councilor Milo seconded the motion, motion carried.

Councilor Milo motioned to conclude an amended lease regarding the Lehman Farm, negotiate a new lease agreement for the Clary Farm, and negotiate and conclude the sale of 20 acres to JD Produce for development. Councilor Sanchez made a friendly amendment to Councilor Milo's motion to add "allow staff" to the beginning. Councilor Milo acknowledged the friendly amendment. Councilor Sanchez seconded the motion. The motion and friendly amendment carried.

10. **Adjourn Meeting:** Upon a motion made by Councilor Milo and seconded by Councilor Sanchez, the meeting was adjourned at 7:45 p.m.

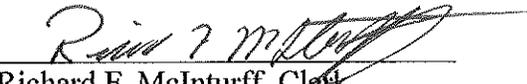


CITY OF DEMING, NEW MEXICO



William Shattuck, Councilman/Chairman

ATTEST:



Richard F. McInturff, Clerk

PROCLAMATION
National Day of Prayer

WHEREAS: the National Day of Prayer is a tradition first proclaimed by the Continental congress in 1775; and

WHEREAS: In 1988, legislation was unanimously ratified by both Houses of Congress and signed by President Ronald Reagan stating that the National Day of Prayer was to be observed on the first Thursday of every May; and

WHEREAS: It is fitting and proper to give thanks to the Lord by observing this day in Deming when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our state and nation:

NOW, THEREFORE, I Andres Silva, Mayor and City of Deming, do hereby proclaim Thursday May 2nd, 2013 as:

“A DAY OF PRAYER”

Done this 2nd day of May of 2013 in the City of Deming, New Mexico.





Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

PROCLAMATION YOUTH WEEK

WHEREAS, The Benevolent and Protective Order of Elks has designated the first week in May, as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and,

WHEREAS, Deming Lodge #2750 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and,

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and,

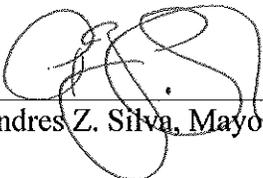
WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and,

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship:

NOW THEREFORE, I, Andres Silva, Mayor of the City of Deming, do hereby proclaim the first week in May as Youth Week, and urge all departments of government, civic, fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

Done this 1st day of May of 2013 in the City of Deming, New Mexico.





Andres Z. Silva, Mayor



Richard F. McInturff, Clerk