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CITY COUNCIL MEETING
November 9, 2015
6:00 P.M.
AGENDA

Call to Order/Pledge of Allegiance

1. Consent Agenda

- A. Minutes – City Council Regular Meeting 10/12/15
- B. Minutes – Special City Council Meeting 10/20/15
- C. Minutes – City Council Financial Workshop 10/20/15
- D. Minutes – Airport Commission Meeting 10/13/15
- E. Minutes – Planning & Zoning Commission Meeting 10/19/15
 - a. Recommendation of a Variance Request for Side Setback for a carport and rear setback for a storage shed and setback from main structure (*To be presented later in meeting as a Quasi-Judicial Public Hearing*)
- F. Minutes – Marshall Memorial Library Board Meeting 10/27/15
- G. Minutes – Tourism Development Committee Meeting 10/21/15
 - a. Recommendation to approve to change the NM Magazine print ad
 - b. Recommendation to have Mr. Hayduck send out revised ads
 - c. Recommendation to allow the usage of the winery photos for the Laser Visa Advertising
- H. Minutes – Historic Landmark Commission Meeting 10/27/15
 - a. Recommendation to approve the Guidelines with the changes to the historical facts
- I. Approval of 2016 Holiday Schedule

2. Public Forum

3. Mayor's Swearing-In of Firefighter Justin Power

4. Ratification of the Appointments of the Labor Representative and the Mayoral Appointment to the 2016 Labor Management Relations Board

5. Presentation by Steve Westenhofer, CEO of Mimbres Memorial Hospital

6. Approval of a Resolution Authorizing and Approving Transfer of Ownership for the Tulip Landfill From Luna County to the City of Deming

7. Approval of a Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority

8. Public Hearing to Consider Approval of an Ordinance Amending Title 1, Chapter 8, Section

- 12, Subsection D “Prohibitions” of the Municipal Code of the City of Deming, New Mexico
9. Public Hearing to Consider Approval of an Ordinance for the Design Guidelines into Deming Historic Preservation
 10. Approval of Job Description--Executive Director New Mexico Central Arizona Project (CAP)
 11. Approval to Modify the NM CAP Entity Budget to Accommodate the Executive Director Position Subject to Interstate Stream Commission Approval
 12. Approval to Re-advertise RFP-16-05 Professional Legal Services for the New Mexico Central Arizona Project (CAP) Entity
 13. Quasi-Judicial Public Hearing to Consider a Variance Request for Side Setback for a carport and rear setback for a storage shed and setback from main structure
 14. Administrator’s Report
 15. Closed Session to Discuss Limited Personnel Matters and the Purchase, Acquisition or Disposal of Real Property pursuant to NMSA 10-15-1(H)(2)(8) of the Open Meetings Act
 16. Adjourn Meeting

The next regular City Council Meeting is scheduled for December 14, 2015 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES November 9, 2015

Council Present: Benny L. Jasso, Mayor
David L. Sanchez, Councilor
Roxana Rincon, Councilor

Joe “Butter” Milo, Mayor Pro Tem
Dr. Victor Cruz, Councilor

Council/Staff Absent: None

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Wesley Hooper, Community Svcs. Dir.
Laura Holguin, Treasurer
Jim Foy, City Attorney
Raul Mercado, Fire Chief
Heather Sosa, Battalion Fire Chief
Chris Holguin, Firefighter

Bryan Reedy, Community Svcs. Dir.
Brandon Gigante, Police Chief
Gina Gentile, City Planner
Mary Corral, Receptionist
Justin Power, Firefighter
Fernie Arenibas, Firefighter
Antoinette Calderon, Firefighter
Ernesto Gomez, Firefighter

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

Mayor Jasso called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

1. **Consent Agenda**

Mr. Sera called attention to Item G. Minutes—Tourism Development Committee Meeting, and recommended that sub-item a. Recommendation to approve to change the NM Magazine print ad not be approved due to the fact that the recommendation was made after the ad had gone to print.

Mayor Jasso asked if there were any questions from Council regarding the Consent Agenda.

Councilor Cruz moved to approve the Consent Agenda, as stated, with the exception of item G. (a) Recommendation to approve to change the NM Magazine print ad. Mayor Pro Tem Milo seconded the motion; motion carried unanimously.

2. **Public Forum**

Comments were made by the following person:

- Larry Caldwell, 711 N. Zinc

3. **Mayor’s Swearing-In of Firefighter Justin Power**

Mayor Jasso administered the Firefighter’s oath to Justin Power.

4. Ratification of the Appointments of the Labor Representative and the Mayoral Appointment to the 2016 Labor Management Relations Board

Mr. Sera stated that these appointments are done on a yearly basis. He stated that both the Deming Firefighters Association and Deming Police Officers Association have mutually agreed upon Mr. Kenneth McFaul as their Management-Labor Relations Board representative. He added that Mayor Jasso recommends the appointment of Mr. Jarod Hofacket as the Management representative.

Mayor Pro Tem Milo moved to approve the appointment of Mr. Kenneth McFaul as the Management-Labor Relations Board representative and Mr. Jarod Hofacket as the Management representative. Councilor Sanchez seconded the motion; motion carried unanimously.

5. Presentation by Steve Westenhofer, CEO of Mimbres Memorial Hospital

Mr. Westenhofer gave a presentation and mentioned that he feels it's important that the City leaders know what is going on with the local hospital. He noted that the main points he would speak to are the safety, quality, service, people, finance, and growth. Mr. Westenhofer stated that as a community it is important to create a great place for employees to work, physicians to practice, and for patients to receive safe quality care. He went on to say the hospital has had a very significant initiative over the past couple of years, to improve their quality and make the safety of their patients the number one priority.

Mr. Westenhofer gave an update of ratings for the hospital regarding the safety and quality of patient care, service, and financial status. He mentioned that the hospital will be

6. Approval of a Resolution Authorizing and Approving Transfer of Ownership for the Tulip Landfill From Luna County to the City of Deming

Mr. Massengill presented this resolution to Mayor and Council. He read the resolution into record. He stated that the Tulip Landfill is located at about the intersection of the Mimbres River and Highway 180, off to the east. He went on to say that it originally belonged to the City and was transferred so the environmental assessments could be done. Mr. Massengill stated that if we get the landfill transferred back to the City, Colonias funds will be available and the Colonias Board has approved to change the funds to be transferred back to the City, once the State Board of Finance approves the transfer of ownership.

Councilor Sanchez asked how much work does the City have left to do on the landfill? Mr. Massengill stated that he did not recall the total estimate for remediation, but the first phase is estimated at \$165,000, with \$150,000 being Colonias funds and that will get a parameter fence around the landfill and some bank stabilization along the area where it banks up with the Mimbres River. He went on to say that the next phase would be to get a cap put on the top, and he stated that he would need to get updated on the exact scope of work to do that. He stated that once the fencing, bank stabilization, and a cap get done, then the City could start looking at improvement and ideas for some other use of the land. Councilor Sanchez

asked if the river has eroded any of the area to be cause for concern. Mr. Massengill stated that the area has only been subject to regular storm erosion, but the environment assessment states that the bank stabilization needs to be done in order to prevent any more erosion.

Mayor Pro Tem Milo asked if the Tulip Landfill was in the city limits.

Mr. Massengill confirmed that it is not. He went on to say that the 80 acre parcel is not within the city limits.

Mayor Pro Tem Milo asked if the City would want to annex that area. Mr. Massengill stated he has not heard of the City wanting to annex this area.

Councilor Cruz asked if the reason the City is acquiring the landfill due to the County not wanting to deal with all the processes involved with the landfill. Mr. Massengill stated that the liability for a landfill is that they must continue to be monitored for several years, and the County did not want any part of that process. Councilor Cruz asked why the City would want that liability. Mr. Sera stated that the history behind the Tulip landfill is that the City used to operate the landfill back in the 1950s, and because the City was the operator of the landfill they could not receive funding to go in and clean it up. He went on to say that it was transferred to the County, by request of the Environmental Protection Agency (EPA), so they could legally transfer money to the City to have the Phase I Environmental Assessments done. Mr. Sera stated that the intent at that time was that the City would take it back from the County, once the EPA funding was exhausted. He stated that is why it is being presented, today. Mr. Sera pointed out the area on the map and stated that it is an old Army landfill; it has been tested to make sure there are no ammunitions or hazardous chemicals in the area and the City would like to get it back to start remediating it and eventually will try to do some kind of recreational facility in the future.

Mr. Massengill stated that as it stands now, there continually is some abuse of the site because it is not fenced. He went on to say that even though there is a convenience center close by, there is still trash being dumped out there. Mr. Massengill stated that the City can put a stop to this abuse if we continue to remediate it.

Councilor Cruz asked if the City could receive funds to remediate the landfill, now. Mr. Massengill stated that on the City's urging, the County applied for Colonias Funds and were approved, then they decided they wanted to be out of the process. He went on to say that the Colonias Infrastructure Board has approved the transfer of the funds to the City so that we can continue on with this first phase. Mr. Massengill stated that after that point, the City will continue to look at options to get more funding to continue with the cap.

A brief discussion was entertained regarding the future use of the site.

With no further discussion, Mayor Jasso entertained a motion from Council.

Mayor Pro Tem Milo moved to approve the Resolution Authorizing and Approving Transfer of Ownership from Luna County to the City of Deming. Councilor Rincon seconded the

motion; motion carried unanimously.

7. Approval of a Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority

Mr. Reedy presented this resolution to Mayor and Council. He stated that the resolution is to submit an application to the New Mexico Finance Authority for financial assistance to update the City of Deming's Comprehensive Plan. Mr. Reedy clarified that the Comprehensive plan must be updated every five years, as a requirement of State Statute. He went on to say that the City has met and talked to Engineer's Inc., who will be overseeing the project. Mr. Reedy stated that stakeholder and public meetings will be conducted to obtain input.

Mr. Reedy stated that the funding will be in the form of a 50/50 grant in which NMFA will pay for half of the costs, up to \$25,000, to update the Comprehensive Plan and the City will match that amount. Mr. Sera interjected and stated that the approval of this resolution will help the City start the process to apply for the funding to update the Comprehensive Plan.

Councilor Cruz asked when the last time the Comprehensive Plan was updated. Mr. Sera stated that it was last updated and approved by Council in 2010. He stated that the City hopes to get it completed by the end of this year. He explained the process of how NMFA awards these grants.

Mr. Hooper clarified that a resolution to apply for funds, from CDBG, to update the Comprehensive Plan was recently presented and approved by Council. However, he went on to say that the process for the grant through CDBG was going to take too long, so the City decided to apply to NMFA for the assistance, instead.

A brief discussion was entertained between Council and staff regarding the nature of the Comprehensive Plan being a working document.

With no further discussion, Mayor Jasso entertained a motion from Council.

Councilor Sanchez moved to approve the resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority, as presented. Mayor Pro Tem Milo seconded the motion; motion carried unanimously.

8. Public Hearing to Consider Approval of an Ordinance Amending Title 1, Chapter 8, Section 12, Subsection D "Prohibitions" of the Municipal Code of the City of Deming, New Mexico

Mr. Sera presented this ordinance amendment to Mayor and Council. He stated that this ordinance was brought before Council by the previous administration. He went on to say that in this ordinance, it would not allow a City employee to run for any other governmental office, such as school board, PERA Board, or anything of this kind. Mr. Sera clarified that the employee could run for a position, but would have to resign if elected.

Mr. Sera stated that what is being presented is a change to make that more lenient because there should be no reason that an employee not is able to do that, as long as they have the leave time available to do so.

Mr. Sera pointed out the changes made from the current ordinance to the proposed amendment. He referenced item 7, in particular, in which this was described in more detail. He went on to explain the amendment regarding the employee taking a leave of absence. Mr. Sera also noted that the last sentence in this section was amending to read: "If elected to a municipal office, employee must submit a letter of resignation from current employment with the City of Deming within three calendar days."

Councilor Cruz addressed the Council members who voted on the previous ordinance, and asked why they would vote for an ordinance that would restrict anyone from running for office. Mayor Pro Tem Milo explained that it was presented to them previously as being a conflict due to the time a candidate would have to dedicate to campaigning, then if elected, to attend meetings. Mayor Pro Tem Milo stated that the previous ordinance did not give an option for the employee to use leave time for this purpose.

Mr. Sera stated that in the past, the ordinance was explained in a convoluted manner which may have caused Council to not fully understand the proposed ordinance. Therefore, he stated that the ordinance has come before Council, once again, to clear up the wording and to give employees the opportunity to run for office.

With no further discussion from Council and staff, Mayor Jasso opened the public hearing for comments from the public.

Mr. Larry Caldwell, 711 N. Zinc St., asked if this ordinance is meant to cover non-exempt personnel. Mr. Sera stated that it pertains to regular full-time City employees. Mr. Foy reiterated this. Mr. Caldwell then referred to a section in which the ordinance mentions City employee, then mentions to City person. A discussion was entertained regarding the language and interpretation of the language. Mr. Foy stated that the City would like to take the opportunity to look over the document to make the language more consistent. Mr. Caldwell commented that he preferred the original ordinance.

Councilor Cruz commented that he did not feel the City Council should vote on whether or not an employee can run for any other office. Mr. Caldwell agreed with Councilor Cruz, that the Council should not have the right; nobody can infringe on that right. Mr. Caldwell also suggested that paid time off should not be and option to take time off from work.

With no further public comment, Mayor Jasso closed the public comment session.

Councilor Cruz commented that if an employee wants to run for office, he feels that Council should not be voting on the issue. Mr. Sera stated that the intent was not whether Council should decide if an employee to run for office; the intent was to see if Council would see it as a conflict of interest. Mr. Sera stated that he would like to see the language in the ordinance

clarified and that he would work with Mr. Foy to make sure everything is clear. Mr. Sera recommended tabling the item at this time.

Mayor Pro Tem Milo moved to table the ordinance amendment until the language can be reviewed by the City Administrator and City Attorney. Councilor Cruz seconded the motion; motion carried unanimously.

9. Public Hearing to Consider Approval of an Ordinance for the Design Guidelines into Deming Historic Preservation

Ms. Gentile, City Planner, presented the ordinance to approve the Deming Standards and Guidelines to Mayor and Council. She referred to the document prepared for the City by the consultants which was made possible by the Historic Preservation Grant Certified Local Governments Grant. She stated that the Deming Standards & Guidelines give a background and history of the community. She went onto say that the Historic Landmark Commission (HLC) found some errors in the history portion, and their recommendation is that the document be adopted with the condition that the history section be corrected. Ms. Gentile noted that in the document, there are six architectural styles identified in the Downtown Deming Historic District and they give some general character defining features for each. She also stated that the document describes that the Historic Landmark Commission Ordinance in the Deming Municipal Code, states that the HLC has the power and duty to review all plans for any change to the exterior of a structure visible from the street, alley, or public way. They recommend that the City adopt a list of exemptions of types of projects that will not have a negative effect on historic property in the form of administrative approvals and would be handled by staff. Ms. Gentile stated that the review guidelines include guidelines and recommendation from the Secretary of Interior's Standards for the treatment of historic properties. She stated that the Standards & Guideline document will help streamline the process for the Deming Downtown Historic District.

Councilor Cruz asked who the project consultants were. Ms. Gentile stated that Heather Barrett and John Murphey were the projects consultants. She went on to say that they are private consultants in historic preservation, but they have an extensive history and have given a curriculum regarding their background in historic preservation. Council Cruz asked if they are locals. Ms. Gentile stated that they are not. Councilor Cruz asked the size of the historic district area. Ms. Gentile referred to the map in the document which outlined the area.

Councilor Cruz asked if MainStreet reviewed the document. Ms. Gentile stated that she notified MainStreet Executive Director of the meeting, but she, or a representative, was not able to attend.

With no further questions from Council, Mayor Jasso opened up the public hearing.

Larry Caldwell, 711 N. Zinc Street, stated that this is an extensive document and finds it unfair for Council to act on this with such short notice to the public. He recommends that Council wait until the public has time to review the document. Ms. Gentile stated that, regarding the short notice, this was advertised with ample time. She also state that the

Historic Landmark Commission meeting was advertised and posted in front of the building since October. Mayor Jasso asked if there was any public who attended. Ms. Gentile stated there was not, but the agenda was posted and notice of this ordinance advertised in the newspaper, so there was opportunity for them to attend and voice their comments or concerns.

Councilor Sanchez asked if any of the property owners in the historical district who were in opposition of the document. Ms. Gentile stated that there are three of the Historic Landmark Commissioners who are property owners in this district, and they were in favor of this. The Commission was very positive about the document.

Councilor Cruz asked if having the document would help aid for obtaining grant money for the historical district. Ms. Gentile stated that it actually could help qualify property owners for tax credits, if certain guidelines are adhered to.

With no further discussion, Mayor Jasso entertained a motion from Council.

Councilor Cruz moved to approve the ordinance for the Design Standards & Guidelines for the Deming Historic Preservation District. Mayor Pro Tem Milo seconded the motion; motion carried unanimously.

10. Approval of Job Description--Executive Director New Mexico Central Arizona Project (CAP)

Mr. Sera stated that in preparation of becoming the second fiscal agent for the NM CAP Entity, staff is asking Council to approve this job description to get it advertised. He stated that the NM CAP Entity has requested and recommended that this position be advertised, and that their wish is to hire an Executive Director to assist in the operations. Mr. Sera stated that if the City of Deming is approved to become the second fiscal agent, they must hire an Executive Director by using the City's processes and procedures, which is why this position is coming before Council.

Councilor Cruz asked where the basis for the salary was obtained. Mr. Sera stated that it was a recommendation by one of the board members, he didn't recall who that was, to pay this person \$70,000- \$90,000 for this position based off of their experience and knowledge of the Arizona Water Settlement Act (AWSA). Mr. Sera clarified that the money for this position will not come out of the City of Deming's budget; the money will come from the Interstate Stream Commission out of the NM Unit Fund.

Councilor Cruz asked that if Council approves the job description, the City theoretically would have to pay out the money first, and then get reimbursed. Mr. Sera explained that it is currently being negotiated in the Memorandum of Understanding (MOU), that the Interstate Stream Commission pays the City upfront for this position. He went on to say that if the negotiation is not agreed to, then, yes, the City would pay and get reimbursed.

Councilor Cruz asked for clarification about the fiscal agent administrative fee. Mr. Sera

clarified that fee.

Mayor Pro Tem Milo asked if the Executive Director would be under the direction of the NM CAP board. Mr. Sera explained that theoretically, this person would be employed by the City but under the direction of the NM CAP Entity.

A brief discussion as entertained between staff and Council regarding the employment policies and conditions of this employ.

Councilor Rincon asked if this position has been advertised in Deming. Mr. Sera stated that if approved by Council, it will be advertised in the four-county region.

With no further discussion, Mayor Jasso entertained a motion from Council.

Mayor Pro Tem Milo moved to approve the job description for the Executive Director of the New Mexico Central Arizona Project (CAP). Councilor Sanchez seconded the motion; motion carried unanimously.

11. Approval to Modify the NM CAP Entity Budget to Accommodate the Executive Director Position Subject to Interstate Stream Commission Approval

Mayor Jasso presented this item to Mayor and Council. He stated that before them is the amended budget; that in preparation of becoming the second fiscal agent would be presented to the Interstate Stream Commission for approval regarding the approval of the Executive Director position. Mr. Sera stated that the total amount budgeted of \$208,864 has not changed from the original budget, the only change is that the funding for the full-time position will come from professional services and is broken out into the full-time position salary and all required deductions.

Councilor Cruz asked if staff will continue to try and get the funds for this position ahead of time. Mr. Sera and Mr. Foy stated that it is in the negotiation, but it is not currently at that point, as of yet. Councilor Cruz reiterated that he would like to get the funds for this position ahead of time.

With no further discussion, Mayor Jasso entertained a motion.

Councilor Sanchez moved to approve to modify the NM CAP Entity budget to accommodate the Executive Director position, subject to the Interstate Stream Commission approval. Councilor Rincon seconded the motion; motion carried unanimously.

12. Approval to Re-advertise RFP-16-05 Professional Legal Services for the New Mexico Central Arizona Project (CAP) Entity

Mr. Sera stated that the advertisement for this RFP was previously approved by Council. He noted that only one eligible proposal was received and the evaluation team from the NM CAP Entity, consisting of three of the board members, recommended that the RFP be re-

advertised in higher circulated newspapers, such as the Albuquerque Journal and the Las Cruces Sun News, to see if there would be more response.

Mayor Pro Tem Milo asked if the legal services would be on a case-by-case basis. Mr. Sera stated that it would be on an as-needed basis.

With no further discussion, Mayor Jasso entertained a motion from Council.

Councilor Cruz moved to approve to re-advertise RFP 16-05 Professional Legal Services for the New Mexico Central Arizona Project (CAP) Entity, as presented. Mayor Pro Tem Milo seconded the motion; motion carried unanimously.

13. Quasi-Judicial Public Hearing to Consider a Variance Request for Side Setback for a carport and rear setback for a storage shed and setback from main structure

Mayor Jasso called to order the public hearing to consider a variance request for a side setback for a carport and rear setback or a storage shed and setback from main structure. He confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest; that the legal notices were properly posted by the secretary and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, stated that this case involves a request for a carport that is proposed to be located 5 inches from the north property line. She went on to say that the carport will be a metal structure and that the applicant also proposes to build a storage building on the rear property line at 6'8" from the main house. Ms. Gentile stated that the ordinance requires that a storage building be located a minimum of 10 feet from the main house and 5 feet from the rear property line, and also 5 feet from the north property line for the carport. Ms. Gentile noted that if this is approved, both structures will need to be constructed of fire resistant materials. She noted that the case was recommended for approval by the Planning Commission. She pointed out that the site plan is in each Council member's packet, and the neighbor signed a statement that they do not have a problem with this request. Ms. Gentile stated that the applicant is present, and he speaks no English, so will require translation.

Mayor Jasso asked if there are any questions of staff by any Council member. Councilor Cruz asked for clarification of the setback restrictions. Ms. Gentile explained the issues at hand.

Councilor Sanchez asked about the 5 feet setback from the property line and if that has always been the case. Ms. Gentile stated that this setback has been in place. There was a brief discussion regarding the property line setback requirement by ordinance.

Mayor Jasso asked if the applicant or agent would like to make a statement.

Mario Legarda, 2205 S. Silver, stated, in Spanish, that he is trying to do everything correctly. He explained that he has a small lot and he needs storage to put his items, which at this time

are stored in his yard. He would appreciate Council's approval for this request.

Mayor Jasso asked if there are any questions of the applicant or agent by any Council member. Mayor Pro Tem Milo asked Mr. Legarda if he understood that the storage unit has to be made of fire resistant materials. He stated that he did understand, and that he will construct the shed of metal and block. Councilor Sanchez asked that the Spanish conversation be translated to English for all members of public to understand. Mayor Jasso did so.

Mayor Jasso asked if there are any affected parties who would like to speak. There were none.

Mayor Jasso asked if any other persons would like to speak.

Larry Caldwell, 711 N. Zinc, commented that he would like to observe that the zoning rules are so lacks that violation of the zoning rules have become a president. He stated that he has not seen a variance request that has been rejected because it violated zoning rules; and feels that there is no need to have zoning rules in this case.

Mayor Jasso stated that there was a request last month that was denied.

Ms. Gentile stated that part of the reason there is a variance process, is that through due process, there is a way to deviate from the zoning regulation. She went on to say that the zoning regulations are adhered to, but if there is a specific reason to deny a variance they get denied. Ms. Gentile explained that if a case is denied, there has to be a finding of why the case is being denied. She went on to say that if there are no safety issues or other concerns, the variance does not get denied.

Mayor Jasso closed the public comment and asked council if they were prepared to make a motion or if they want to go into closed session under NMSA 1978 10-15-1(H)(3).

Councilor Cruz moved to approve the variance request for side set back and rear setback for a carport and rear setback for a storage shed and setback from main structures. Mayor Pro Tem Milo seconded the motion.

Councilor Sanchez asked that Ms. Gentile verify the 5 feet setback is correct, since Mr. Legarda will be building right on the property line. Ms. Gentile stated she would verify that.

The motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Cruz	Aye
Councilor Rincon	Aye
Mayor Pro Tem Milo	Aye
Councilor Sanchez	Aye

Mayor Jasso announced that the decision by the authority will be effective after the written order is executed and filed with both the Municipal and County Clerks. He went on to say that any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council, or by the City Administrator.

14. Administrator's Report

Mr. Sera reported on the following items:

- Welcomed the Mayor's appointee of Community Services Director, Bryan Reedy
- He stated that staff is preparing to submit the Capital Outlay Request. He stated that he has notified the County via email to get a Capital Outlay Request together, but has not received a response. He went on to say that the City will move forward and complete the application based off the Infrastructure Capital Improvements Plan (ICIP)
- He stated that he is working on a solar project with PNM. He went on to say that there is a company that wants to develop a solar field, but right now they don't have a way of getting the power to them, so one of the proposals is that the company build the solar field and sell the power to the PNM and in turn PNM sells it to the City of Deming and Deming Public Schools. This will help decrease the rates if PNM can find a mechanism to make this happen. If this happens, the City may try to renegotiate the franchise fees, which is a pass through to the community.

Councilor Sanchez asked where the proposed location is for the solar field. Mr. Sera pointed out that the area would be adjacent to the existing solar field off of Hermanas Grade. Mr. Sera noted that the company has discussed the option with PNM, the City of Deming and Deming Public Schools and hopes that the project will work out.

- Gold Street project-Mr. Reedy stated that the project is on schedule to finish at the end of the month. Mr. Sera stated that once the road was torn up they discovered an issue at the
- Finance Workshop
- Monthly reports-removing the Natural Gas Report and the Engineer's Report.

15. Closed Session to Discuss Limited Personnel Matters and the Purchase, Acquisition or Disposal of Real Property pursuant to NMSA 10-15-1(H)(2)(8) of the Open Meetings Act

Mayor Jasso entertained a motion to go into closed session.

Mayor Pro Tem Milo moved to go into closed session. Councilor Sanchez seconded the

motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Cruz	Aye
Councilor Rincon	Aye
Mayor Pro Tem Milo	Aye
Councilor Sanchez	Aye

Mayor Jasso entertained a motion to go back into open session.

Mayor Pro Tem Milo moved to go back into open session. Councilor Cruz seconded the motion; motioned carried by the following roll call vote:

ROLL CALL VOTE

Councilor Rincon	Aye
Councilor Sanchez	Aye
Councilor Cruz	Aye
Mayor Pro Tem Milo	Aye

Councilor Sanchez moved to approve the purchase of property located at 695 Skyview Road SW, for the amount of \$84,000, and to authorize the Mayor to execute closing documents. Councilor Rincon seconded the motion; motion carried unanimously by the following roll call vote:

ROLL CALL VOTE

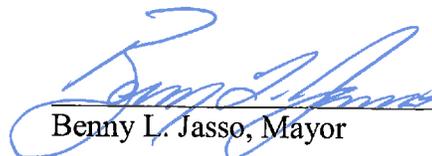
Councilor Rincon	Aye
Councilor Sanchez	Aye
Councilor Cruz	Aye
Mayor Pro Tem Milo	Aye

16. Adjourn Meeting

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Mayor Pro Tem Milo seconded the motion; motion carried unanimously. Meeting adjourned at 9:30 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST


Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-35**

**AUTHORIZING AND APPROVING TULIP LANDFILL
TRANSFER OF OWNERSHIP FROM LUNA COUNTY TO CITY OF DEMING**

WHEREAS, in 2012 Luna County received Brownfields Assessment Cooperative Agreement funds from the U.S. Environmental Protection Agency to perform Phase I and Phase II Environmental Site Assessments at the Tulip Landfill, and

WHEREAS, in 2012 Luna County Board of Commissioners agreed to accept ownership of the Tulip Landfill during the Brownfields Cleanup and in 2012 City of Deming conveyed ownership of Tulip Landfill to Luna County for \$1.00 (one dollar), and

WHEREAS, both Phase I and Phase II Environmental Assessments have been completed, and

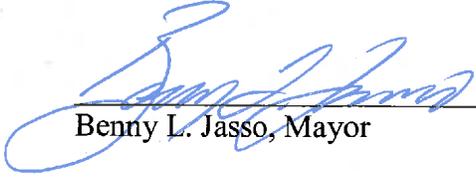
WHEREAS, in September 2015 Luna County passed a resolution to convey the property back to the City of Deming, for zero compensation, as the County no longer wishes to be involved. The City intends to use 2015 Colonias Infrastructure funds to begin Phase I remediation work. Said conveyance is contingent upon State Board of Finance approval.

NOW THEREFORE BE IT RESOLVED that the City of Deming City Council affirms that this resolution confirms the City's intent to accept ownership of the Tulip Landfill from Luna County and begin Phase I remediation efforts with 2015 Colonias Infrastructure funds.

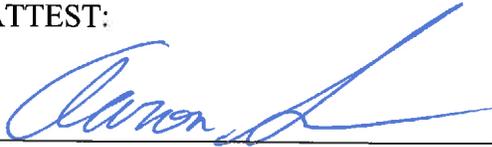
PASSED, APPROVED AND ADOPTED THIS 9th day of November, 2015.

CITY OF DEMING, NEW MEXICO




Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, City Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-36**

**AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION
FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE
NEW MEXICO FINANCE AUTHORITY**

WHEREAS, the City of Deming (the "Governmental Unit") is a duly organized municipality and is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"); and

WHEREAS, the New Mexico Finance Authority ("Finance Authority") is authorized pursuant to the Act, particularly Section 6-21-6.4 of the Act, to make grants from the local government planning fund (the "Fund") to qualified entities to evaluate and estimate the costs of implementing feasible alternatives for meeting water and wastewater public project needs or to develop water conservation plans, long-term master plans or economic development plans; and

WHEREAS, pursuant to the Act the Finance Authority has developed an application procedure whereby the Governing Body may submit an application ("Application") to the Finance Authority for planning grant financial assistance from the Fund; and

WHEREAS, the City of Deming of the Governmental Unit (the "Governing Body") desires to submit an Application for financial assistance from the Fund for a Planning Document, as defined in the Rules Governing the Local Government Planning Fund currently in effect and as specifically identified below, for the benefit of the Governmental Unit; and

WHEREAS, the Governing Body intends to submit the Planning Document to update the existing City Comprehensive Plan ("Project") for the benefit of the Governmental Unit and its citizens; and

WHEREAS, the application prescribed by the Finance Authority to finance the Planning Document in part with financial assistance from the Fund has been completed, submitted to, and reviewed by the Governing Body, and this Resolution approving submission of the completed Application to the Finance Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY:

Section 1. That all lawful actions previously taken by the Governing Body and the Governmental Unit and their respective officers and employees in connection with the Application and the Project are hereby ratified, approved and confirmed.

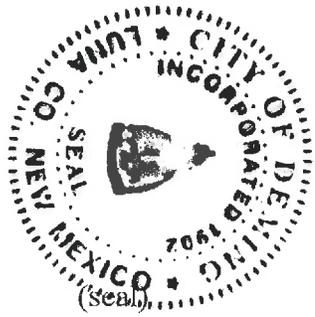
Section 2. That the completed Application submitted to the Governing Body is hereby approved and confirmed.

Section 3. That the officers and employees of the Governmental Unit are hereby directed and requested to submit the completed Application to the Finance Authority, and are further authorized to take such other action as may be requested by the Finance Authority in connection with the Application and to proceed with arrangements for financing the Project.

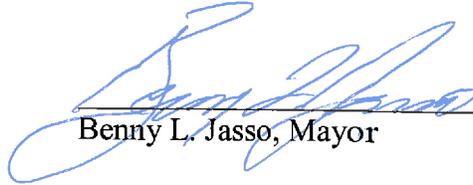
Section 4. All acts and resolutions in conflict with this Resolution are hereby rescinded, annulled and repealed.

Section 5. This Resolution shall take effect immediately upon its adoption.

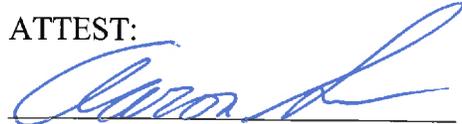
PASSED, ADOPTED, AND APPROVED this 9th day of November, 2015.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1257**

**AN ORDINANCE APPROVING THE DEMING STANDARDS AND GUIDELINES
FOR USE AS A GUIDE IN THE APPLICATION OF THE CITY OF DEMING
PRESERVATION ORDINANCE**

WHEREAS, The City of Deming Downtown Historic District is a State and National historic district; and

WHEREAS, The Deming Municipal Code has ordinances that require review by the Deming Historic Landmark commission for work performed in the Historic District that is visible from the street; and

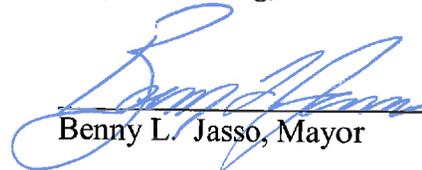
WHEREAS, through a Historic Preservation Certified Local Government Grant, the City retained the services of consultants Heather Barrett and John Murphey to prepare a document that will provide “best practice” standards and guidelines for preservation activities and improvements made to historic buildings within the historic district.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Deming, New Mexico, that the Deming Standards and Guidelines is hereby adopted.

PASSED, ADOPTED, AND APPROVED this 9th day of November, 2015.



City of Deming, New Mexico


Benny L. Jasso, Mayor


Aaron Sera, Clerk