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P.O. BOX 706 • DEMING, NEW MEXICO 88031
POPULATION 14,000

CITY COUNCIL MEETING

January 9th, 2012

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order / Pledge of Allegiance

1. Consent Agenda
 - A. Minutes - City Council Workshop and Regular Meeting 12/12/11
 - B. Minutes – Special City Council Meeting 12/28/11
 - C. Minutes – Tourism Development Committee 12/12/11
 - a. Action Item-To reprint the Explore Deming Brochure
 - D. Minutes – P&Z 12/19/11
 - E. Minutes - Airport Commission 12/13/11
 - F. Minutes – Marshall Memorial Library 12/27/11
 - G. Out of State Travel Request: Management requests approval for city employees to travel to Dallas/Fort Worth, TX area to deliver the rescue truck (F-7) for repairs/replacement of the chassis by Professional Ambulance Company. Also, request travel to retrieve truck once work is completed.
 - H. Out of State Travel Request: Management requests approval for Lieutenant Detective Matthew Rudiger to travel to St Louis, Missouri on Feb 20-23, 2012, to attend a course on “Building Leader” from the Rural Executive Management Institute.
2. Public Forum
3. Resolution: Adopting the City Section 3 Plan
4. Resolution: Adopting the City Residential Anti-Displacement and Relocation Assistance Plan
5. Resolution: Adopting the City Citizen Participation Plan
6. Resolution: To Determine what Constitutes Reasonable Notice of Public Meetings as Required by the Open Meetings Act, Section 10-15-1 (D)
7. Resolution Adopting Regulations Regarding the Procurement Process
8. Resolution: Adopting Regulations Governing The Per Diem and Mileage Act Pursuant to NMAC 2.42.2
9. Approval of Mentoring Pilot Program
10. Ratification of City Administrator’s Appointment to Labor-Management Relations Board
11. Bids
 - a. Bid #12-07 Country Club Trail Paving
 - b. Bid #12-09 Reuse Water Piping & Fittings
 - c. Bid #12-10 Wheel Loader Backhoe
12. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., February 13th, 2012.

CITY COUNCIL WORKSHOP MINUTES January 9, 2012

Council

Present: Andres Z. Silva, Mayor William Shattuck, Mayor Pro Tem
Linda Enis, Councilor

Absent: David Sanchez, Councilor Joe "Butter" Milo, Councilor

Staff Richard McInturff, City Administrator

Present: Aaron Sera, Assistant City Administrator
Lawrence Brookey, Public Works Director
Lila Jasso, Public Works Administrative Secretary
Edgar Davalos, Fire Chief
Michael Carrillo, Police Chief

Mayor Silva and the City Council of Deming, New Mexico held a Council workshop on January 9, 2012 at 4:00 p.m. to discuss items on the agenda of the City Council Regular Meeting scheduled for 6:00 p.m. the same day.

Mr. McInturff stated that on the Consent Agenda, item C-Tourism Development Committee there was an item that was passed that is not noted on the agenda which should be sub-item (a) which is an action item to reprint the Explore Deming brochure.

Mayor Pro Tem Shattuck stated that on the City Council minutes from 12/12/11, during the closed session roll call and the reopening roll call, Councilor Enis was absent at this meeting. Therefore, she would need to be removed from the roll call to avoid any confusion. Note made and amendment to be made to minutes by secretary.

Mayor Silva stated that there a typographical error on the TDC minutes on December 14, 2011. Under the "Other Business" section, a correction is to be made to the last sentence.

Mr. McInturff referred back to the TDC minutes, the fifth bullet on the first page, in regards to the Walking Tour Pamphlet. He addressed the comment by Mrs. Galbraith in which she, on behalf of TDC, would contact MainStreet to see if they would have an interest a monetary contribution towards the printing of the Walking Tour Pamphlets. Mr. Sera explained the role of the TDC board as being a recommending body to the City Council. Councilor Enis recommended that the TDC board be re-informed as to what their role is. Mr. McInturff also mentioned that there is an action item under TDC minutes for the reprinting of the Walking Pamphlet contingent on whether the project is within the budget. Mr. McInturff suggested postponing the next TDC meeting in January so that all parties would be available to discuss this issue.

Chief Davalos discussed the plan to transport the rescue truck (F-7) to Dallas/Fort Worth area for repairs.

Chief Carillo discussed the out of state travel request for Lt. Det. Matthew Rudiger to attend the "Building Leader" training course in St. Louis, Missouri.

Mr. McInturff mentioned that Dr. John Gordon will be addressing council during the public forum in regards to the community farm. They are seeking support for a grant in which they have applied for

from the Centennial Foundation, which is funded by the Coca Cola Foundation. The community farm is pursuing this funding to install timers on the irrigation system.

Mr. McInturff discussed that the next six items, numbers 3-8, are regular annual "housekeeping" resolutions. These resolutions include the City of Deming Section 3 Plan, the City Residential Anti-Displacement and Relocation Assistance Plan, the City Citizen Participation Plan, the Open Meetings Act Requirements resolution, the Regulations Regarding the Procurement Process, and the Travel & Per Diem Act.

Mr. Sera will present the proposal to implement the City Pilot Mentoring Program.

Mr. McInturff will present the request for ratification of the City Administrator's appointment of Frank Van Gundy to serve as a member of the Labor-Management Relations Board with a term to expire November 30, 2012.

Mr. McInturff discussed other items that need to be scheduled on the agenda for the next meeting. In particular, the council and staff extensively discussed the proposal to designate the area on the east side of the city, within the Bell School area, as a colonia. Mr. Sera explained that it would be proposed in order to obtain funding for the sewer line abandonment project. Mayor Pro-Tem Shattuck recommends that staff do extensive research as to how this designation for the area would affect current and future property owners. Mr. Sera stated that staff will be contacting local appraisers to seek their comments and there will be a public hearing conducted to accept public input on this matter.

Mr. Sera will present the bid tabulations and recommendations for Bids #12-07 and #12-10.

Mr. Brookey will present the bid tabulations and recommendation for Bid #12-09.

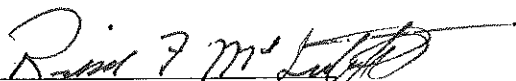
With no further business to conduct the workshop was adjourned at 4:41 p.m.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk

CITY COUNCIL MEETING MINUTES

January 9, 2012

Council Andres Z. Silva, Mayor
Present: David Sanchez, Councilor
Linda Enis, Councilor

Joe "Butter" Milo, Councilor
William C. Shattuck, Mayor Pro Tem

Staff Richard F. McInturff, Administrator
Present: Aaron Sera, Assistant City Administrator
Lawrence Brookey, Public Works Director
Delbert Rivera, Fire Captain

Edgar Davalos, Fire Chief
Richard Kocab, Assistant Treasurer
Michael Carrillo, Police Chief
Lila Jasso, Public Works Admin. Secretary

Jim Foy, City Attorney

Mayor Silva led the pledge of allegiance and called the meeting to order at 6:00 p.m.

1. Consent Agenda

- A. Minutes – City Council Workshop and Regular Meeting 12/12/11
- B. Minutes – Special City Council Meeting 12/28/11
- C. Minutes – Tourism Development Committee 12/14/11
 - a. Reprint of the Explore Deming Brochure contingent of it being within budget limitations.
- D. Minutes – P&Z 12/19/11
- E. Minutes – Airport Commission 12/13/11
- F. Minutes – Marshall Memorial Library 12/27/11
- G. Out of State Travel Request: Management requests approval for city employees to travel to Dallas/Fort Worth, TX area to deliver the rescue truck (F-7) for repairs/replacement of the chassis by Professional Ambulance Company. Also, request travel to retrieve truck once work is completed.
- H. Out of State Travel Request: Management requests approval for Lieutenant Detective Matthew Rudiger to travel to St. Louis, Missouri on February 20-23, 2012, to attend the course "Building Leader" from the Rural Executive Management Institute.

Mayor Pro Tem Shattuck motioned to pull the TDC minutes from 12/12/11 for corrections and approve the Consent Agenda as presented, second by Councilor Milo; motion carried unanimously.

Mayor Pro Tem Shattuck asked Mr. McInturff for clarification regarding the reprint of the Explore Deming Brochure. Mr. McInturff recommended that the item be approved contingent the project falls within the budget. Mayor Pro Tem motioned to approve the project contingent it is within the TDC budget. Councilor Milo seconded the motion; motion carried unanimously.

2. Public Forum

3. Resolution: Adopting the City Section 3 Plan

Mr. McInturff read the yearly adopted resolution into record. Explained the Section 3 Plan
Councilor Enis motioned to approve the City Section 3 Plan. Councilor Sanchez seconded the motion; motion carried unanimously.

4. **Resolution: Adopting the City Residential Anti-Displacement and Relocation Assistance Plan**
Mr. McInturff read resolution to adopt the City Residential Anti-Displacement and Relocation Assistance Plan into record. Management recommends that Council adopt the resolution as presented.
Mayor Pro-Tem Shattuck motioned to adopt the City Residential Anti-Displacement and Relocation Assistance Plan resolution. Councilor Milo seconded the motion; motion carried.
5. **Resolution: Adopting the City Citizen Participation Plan**
Mr. McInturff read resolution to adopt the City Citizens Participation Plan into record and recommended to Council that the resolution be adopted.
Councilor Enis motioned to adopt the City Citizen Participation Plan as presented. Mayor Pro Tem Shattuck seconded the motion; motion carried.
6. **Resolution: To Determine What Constitutes Reasonable Notice of Public Meetings as Required by the Open Meetings Act, Section 10-15-1 (D)**
Mr. McInturff explained specific sections of the resolution pertaining to items 1, 5, 7 and recommends the approval of the resolution as presented.
Mayor Pro-Tem Shattuck motioned to approve the resolution To Determine What Constitutes Reasonable Notice of Public Meeting as Required by the Open Meetings Act, Section 10-15-1 (D). Councilor Milo seconded the motion; motion carried.
7. **Resolution: Adopting Regulation Regarding the Procurement Process**
Mr. McInturff read the resolution into record and recommended to Council the approval to adopt the resolution as presented.
Councilor Milo motions to adopt the resolution of Regulation Regarding the Procurement Process. Councilor Sanchez seconded the motion; motion carried.
8. **Resolution: Adopting Regulations Governing The Per Diem and Mileage Act Pursuant to NMAC 2.42.2**
Mr. McInturff explained to council that in the past the City has adopted the State's reimbursement rates for travel and per diem in accordance with NMAC 42.2.2. Mr. McInturff read the proposed resolution into record and recommends to Council that the resolution be approved and adopted as presented.
Mayor Pro Tem Shattuck motioned to approve and adopt the resolution referenced above. Councilor Enis seconded the motion; motion carried unanimously.
9. **Approval of Mentoring Pilot Program**
Mr. Sera presented the proposal to establish a Pilot Mentoring Program for the City of Deming. Mr. Sera stated that because this is a pilot program, the Fire and Police Department would be excluded. Mr. Sera further explained the purpose and goals of the program to Council. Mission of the Mentoring Program is in line with the Mission of the City of Deming. Mr. Sera request that council would approve the Pilot Mentoring Program as presented. Councilor Milo asked for clarification on who would be providing the mentoring. Mr. Sera explained that existing supervisors and staff would be providing the mentoring. Mayor Silva asked Mr. Sera if he is aware of any other municipality that has done this type of mentoring program. Councilor Sanchez asked if the mentoring would be available to field staff as well as office staff. Mr. Sera explained that mentoring would be available to all employees, office as well as field employees. Council Enis commended Mr. Sera for proposing this for the City.
Councilor Enis motioned to approve the Mentoring Pilot Program. Councilor Sanchez seconded the motion; motion carried unanimously.

10. Ratification of City Administrator's Appointment to Labor-Management Relations Board

Mr. McInturff presented his recommendation to ratify the appointment of Frank Van Gundy as the Labor-Management Relations Board member.

Councilor Milo motioned to ratify the appointed of Mr. Van Gundy to the Labor-Management Relations Board. Motion was seconded by Councilor Sanchez; motion carried.

11. Bids

a. Bid #12-07 Country Club Trail Paving

Mr. Sera presented the bid tabulations for the referenced bid which was reviewed on December 29, 2011 at 10:00 a.m. He explained to Council that out of the five bidders, the low bidder Caliper Construction, Inc., was not responsive to the bid. Therefore, staff recommended that the bid be awarded to Deming Excavation, Inc. for \$15.25 per square yard.

Mayor Pro Tem Shattuck motioned that the bid be awarded to Deming Excavation, Inc. for \$15.25 per square yard for the paving of the Country Club Trail. Councilor Milo seconded the motion; motion carried.

b. Bid #12-09 Reuse Water Piping & Fittings

Mr. Brookey presented the bid tabulations for the referenced bid. He explained that the water piping and fittings will be used for the treated effluent water that will be used for the new sports complex to be constructed. Mr. Bookey stated that all three bidders were responsive and recommends to Council that they award the bid to HD Supply Waterworks.

Councilor Milo motioned that Council approve the award of Bid #12-09 to HD Supply Waterworks for \$7,801.28 without gross receipts tax. Motioned seconded by Mayor Pro Tem Shattuck; motion carried.

c. Bid #12-10 Wheel Loader Backhoe

Mr. Sera stated that there was one bidder that was responsive to the referenced bid which was opened on December 29, 2011 at 1:00 p.m. Mr. Sera recommends that Council award Bid Lot 1-Tier III be awarded, as well as Bid Lot 3-Scrap Value to Tom Growney Equipment, and reject Bid Lot 2-Tier IV. This recommendation to award this bid is contingent upon receiving a fully executed grant agreement.

Mayor Pro Tem motions to award Tom Growney Equipment Bid Lot 1-Tier III at \$74, 250, Bid Lot 3-Scrap Value at \$1,500 and to reject Bid Lot 2. Councilor Enis seconded the motion, motion carried.

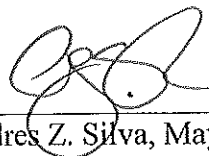
12. Adjourn Meeting

With no further business to discuss, Council Milo motioned to adjourn the meeting at 7:36 p.m. Councilor Sanchez seconded the motion; motion carried unanimously.

A Special Council Meeting will be anticipated the week of January 23-27, 2012.

The next Regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., February 13, 2012.

CITY OF DEMING



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 12-01**

**A RESOLUTION TO ADOPT
THE CITY OF DEMING SECTION 3 PLAN**

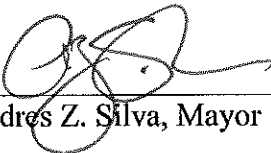
WHEREAS, The City of Deming is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

NOW, THEREFORE BE IT RESOLVED, that I, Andres Z. Silva, Mayor of the City of Deming on behalf of the City Council, do hereby adopt the City of Deming Section 3 Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 9th Day of January 2012.

PASSED, APPROVED and ADOPTED this 9th day of January, 2012.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk

CITY OF DEMING, NEW MEXICO
RESOLUTION NO: 12-02

A RESOLUTION TO ADOPT
THE RESIDENTIAL ANTI-DISPLACEMENT
& RELOCATION ASSISTANCE PLAN

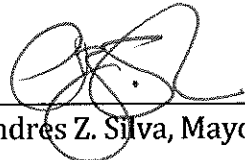
WHEREAS, the prepared Anti-displacement and Relocation Assistance Plan represents the effort of the City of Deming to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974 as amended.

NOW, THEREFORE BE IT RESOLVED THAT I, Andres Z. Silva, Mayor of the City of Deming on behalf of the City Council, do hereby adopt the Residential Anti-displacement and Relocation Assistance Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming.

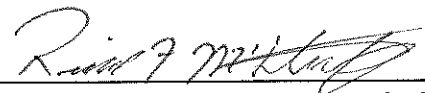
PASSED, APPROVED, and ADOPTED this 9th day of January, 2012.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 12-03**

**A RESOLUTION TO ADOPT
THE CITIZEN PARTICIPATION PLAN**

WHEREAS, In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared a Citizen Participation Plan.

NOW, THEREFORE I, Andres Z. Silva, Mayor of the City of Deming on behalf of the City Council, do hereby adopt the Citizen Participation Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 9th day of January 2012.

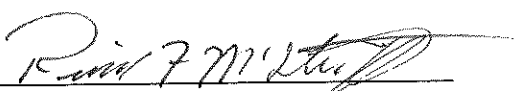
PASSED, APPROVED AND ADOPTED this 9th day of January, 2012.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk

RESOLUTION NO. 12-04

An annual resolution determining what constitutes reasonable notice of public meetings held by the Governing Body of The City of Deming per Section 10-15-1 (D) of the Open Meetings Act

WHEREAS, the City of Deming met in Regular session at Deming, New Mexico on January 10th, 2011 at 6:00 p.m. as per law; and

WHEREAS, Section 10-15-1(B) of the Open Meeting Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum or members of any board, council, commission or other policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the City of Deming to determine annually what constitutes reasonable notice of its public meetings.

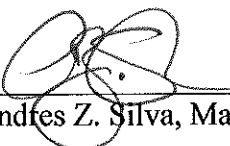
NOW, THEREFORE, BE IT RESOLVED by the City of Deming that:

1. All regular meetings shall be held at the John Strand Municipal Building at 6:00 p.m. or as indicated on the meeting notice.
2. Regular meeting shall be held each month on the second Monday. A proposed agenda will be available the Friday before the meeting from the Municipal Offices, 309 South Gold, Deming, New Mexico. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date.
3. Special meetings may be called by the Mayor or a majority of the Council members upon three (3) days notice.
4. Emergency meetings will be called only under circumstances, which demand immediate action to protect the health, safety and property of citizens. The City of Deming will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the Council members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice.
5. For the purpose of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place, and

general subject matter to be discussed is placed in newspapers of general circulation in the state.

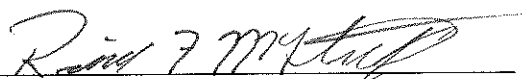
6. For the purposes of special meetings and emergency meetings described in paragraphs 3 and 4 of this resolution, notice requirements shall be met by posting notices in the Municipal Building.
7. The City Council may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act.
 - a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the City Council taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting; and
 - b. If the decision to hold a closed meeting is made when the City Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting the subjects to be discussed, is given to the members and to the general public; and
 - c. Except as provided in Section 10-15-1 (E), any action taken as a result of discussions in a closed meeting shall be made by vote of the City Council in an open public meeting.

PASSED, APPROVED AND ADOPTED by the City Council this 9th day of January 2012.



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk

Resolution # 12-05

**A RESOLUTION ADOPTING REGULATIONS REGARDING
THE PROCUREMENT PROCESS OF THE MUNICIPALITY
PURSUANT TO THE REQUIREMENTS OF THE PROCUREMENT
CODE (BEING SECTIONS 13-1-28 TO 13-1-199 NMSA 1978, AS
AMENDED) AND PUBLIC WORKS CONTRACTS (BEING
SECTIONS 13-4-1 TO 13-4-42 NMSA 1978, AS AMENDED)**

WHEREAS, the purpose of this Resolution is to adopt regulations to translate or define the general and specific requirements of the Procurement code; and

WHEREAS, the purpose of the Procurement Code are to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity; and

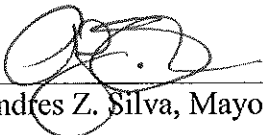
WHEREAS, the governing body may adopt regulations through resolution or ordinance to effect the powers and duties granted the municipality by state law;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Deming that the regulations cited above are the purchasing processes to be utilized by all officers and employees of the municipality through the Central Purchasing office in the procurement of tangible personal property, services and construction.

This Resolution supersedes any and all previous procurement guidelines in their entirety.

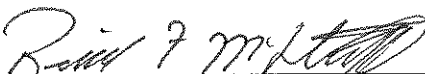
PASSED, APPROVED AND ADOPTED by the governing body at its meeting of January 9th, 2012.

CITY OF DEMING



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk

RESOLUTION NO. 12-06

**TRAVEL & PER DIEM
ADOPTION OF NMAC 2.42.2 PURSUANT TO
10-8-5 and 9-6-5 NMSA 1978**

WHEREAS, the Travel and Per Diem Regulation governing the Per Diem and Mileage Act are promulgated in the New Mexico Administrative Code 2.42.2 which is in accordance with 10-8-1 thru 10-8-8 NMSA 1978; and,

WHEREAS, the Administrative Code pursuant to authority granted in Section 10-8-5(A) and 9-6-5(E) NMSA 1978 governs the payment of per diem rates and mileage and the reimbursement of expenses for salaried and non-salaried public officers and employees of state agencies and local public bodies.

NOW THEREFORE BE IT RESOLVED, that public officers and employees of the City of Deming shall be reimbursed for per diem and mileage and the reimbursable expenses in accordance with NMAC 2.42.2.1 thru 2.42.2.14 including appendices: and,

BE IT FURTHER RESOLVED, that adoption of Regulation 2.42.2 NMAC shall include subsequent amendments.

NOW THEREFORE BE IT FURTHER RESOLVED BY AND CERTIFIED BY THE UNDERSIGNED FOR AND ON BEHALF OF THE CITY.

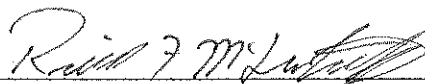
PASSED, APPROVED and ADOPTED this 9th day of January, 2012.

CITY OF DEMING



Mayor Andres Z. Silva

ATTEST:



Richard F. McInturff, Deputy Clerk