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CITY COUNCIL MEETING

January 12, 2015

6:00 P.M.

AGENDA

Call to Order/Pledge of Allegiance

1. Consent Agenda

- A. Minutes –City Council Workshop and Regular Meeting 12/08/14
- B. Minutes – Airport Commission Meeting 12/09/14
- C. Minutes – Planning & Zoning Commission 12/15/14
 - a. Recommendation to Approve a Special Use Permit for a Private Pole for Internet Services for Deming Estates Neighborhood Association (*To be presented later in meeting-see item 11.*)
 - b. Recommendation to Approve the Alternate Subdivision for a Lot Split at the SE Corner of Tennyson and Florida (*To be presented later in meeting-see item 12.*)
 - c. Recommendation to Table the Zone Change Request for 20 Acres at the SE Corner of Tennyson and Florida
- D. Minutes – Marshall Memorial Library Board Meeting (*meeting cancelled*)
- E. Resolution Adopting the City Section 3 Plan
- F. Resolution Adopting the City Residential Anti-Displacement and Relocation Assistance Plan
- G. Resolution Adopting the City Citizen Participation Plan
- H. Resolution to Determine what Constitutes Reasonable Notice of Public Meetings as Required by the Open Meetings Act, Section 10-15-1 (D)
- I. Resolution Adopting Regulations Regarding the Procurement Process
- J. Resolution: Adopting Regulations Governing the Per Diem and Mileage Act Pursuant to NMAC 2.42.2
- K. Out-of-State Travel Request for Cassie Arias to attend the International Economic Development Council (IEDC) Leadership Summit on January 25-27, 2015 in Palm Beach County, Florida
- L. Out-of-State Travel Request for D.J. Ritchlin to attend CNG Service Training on January 28-30, 2015 in Dallas, Texas

2. Public Forum

3. Ratification of Mayor's Appointment of Fire Chief

4. Mayor's Swearing-In of Battalion Chief Heather Sosa and Firefighter David Becerra

5. Approval/Denial of Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund –Buckeye Street Drainage Improvements
6. Approval/Denial of Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund –Encanto Circle Water Transmission Improvements
7. Approval/Denial of Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund –Deming Old Landfill Closure Plan, Design and Construction
8. Approval/Denial of Resolution of Sponsorship for a Transportation Alternatives Program (TAP) Application and Maintenance Agreement
9. Ratification of Appointment of Third Member to the Labor Management Relations Board
10. Bids:
 - a. Bid #15-08 Self Contained Breathing Apparatus Harness and Face Piece
11. Quasi-Judicial Public Hearing to Consider a Special Use Permit for a Private Pole at the Southwest Corner of Alamogordo Street and Dona Ana Road, for internet services for Deming Estates Neighborhood Association
12. Quasi-Judicial Public Hearing to Consider an Alternate Subdivision for a Lot Split at the SE Corner of Tennyson and Florida Streets
13. Administrator’s Report
14. Closed Session to discuss Limited Personnel Matters Pursuant to NMSA 1978, Section 10-15-1(H)(2) of the Open Meetings Act Regarding the Fire Chief’s Employment Contract
15. Adjourn Meeting

The next regular City Council Meeting is scheduled for February 9, 2015 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES January 12, 2015

Council Present: Benny L. Jasso, Mayor
Joe “Butter” Milo, Councilor

Linda Franklin, Mayor Pro Tem
Dr. Victor Cruz, Councilor

Council Absent: David L. Sanchez, Councilor

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Wesley Hooper, Community Svcs. Dir.
Jim Foy, City Attorney

Raul Mercado, Asst. Fire Chief
Heather Sosa, Battalion Fire Chief
Brandon Gigante, Police Chief
Laura Holguin, Treasurer
Gina Gentile, City Planner

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

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

1. **Consent Agenda**

Mr. Sera presented the Consent Agenda to Mayor Jasso and Council. He discussed item C. Planning & Zoning Commission Minutes of 12/15/14; and pointed out items (a) and (b) will be presented later in the meeting. He noted that item (c) the recommendation to table the zone change request for 20 acres at the SE corner of Tennyson and Florida was tabled by the commission. He went on to reference items E through J which are annually passed resolutions that are passed every January, most of which pertain to CDBG requirements.

Mr. Sera went on to discuss the out-of-state travel requests for Cassie Arias and D.J. Ritchlin. He stated that Ms. Arias is requesting approval to attend the International Economic Development Council (IEDC) Leadership Summit on January 25-27, 2015 in Palm Beach County, Florida. He noted that these expenses will be paid by the Deming Luna County Economic Development Board. Mr. Sera stated that Ms. Arias has been asked to facilitate one of the roundtable discussions; however Ms. Arias may not be able to attend the meeting due to classes she is taking which may conflict with the dates of this trip. Mr. Sera noted that the out of state travel request for D.J. Ritchlin is to attend CNG Service Training on January 28-30, 2015 in Dallas, Texas. He stated that the training is at no costs for registration and only travel expenses will be paid by the City.

Councilor Milo asked if the CNG station is near completion. Mr. Hooper stated that the compressors and storage containers have been delivered and in about 3 weeks the station should be ready for usage by the public. A brief discussion was entertained regarding the CNG station.

Councilor Cruz asked about Item I. Resolution Adopting Regulations Regarding the Procurement Process and how it pertains to the local preference. There was a discussion entertained between Councilor Cruz, Mr. Sera, and Mr. Foy.

Mayor Pro Tem Franklin moved to approve the consent agenda. Councilor Milo seconded the motion, motion carried unanimously. Let it be noted for the record that Councilor Cruz has recused himself from voting on this item and Mayor Jasso has entered his vote.

2. Public Forum

Mayor Jasso opened the public forum session for comment. The following person's comment was noted:

- Arsen Khanbabaian, 1721 E. Pine Street

3. Ratification of Mayor's Appointment of Fire Chief

Mayor Jasso read the memo to accept his appointment of Raul Mercado to serve as the City of Deming's Fire Chief and grant him authority to execute his employment contract. Mr. Sera noted that the contract will be presented to Council later in the meeting.

Councilor Cruz motioned to ratify Mayor Jasso's appointment of Raul Mercado as Fire Chief and grant Mayor Jasso authority to execute his employment contract. Councilor Milo seconded the motion; motion carried unanimously.

Chief Mercado gave the Council and public a brief history of his history the community and in the Deming Fire Department.

4. Mayor's Swearing-In of Battalion Chief Heather Sosa and Firefighter David Becerra

Mayor Jasso swore-in both Battalion Chief Heather Sosa and Firefighter David Becerra.

5. Approval/Denial of Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund –Buckeye Street Drainage Improvements

Mr. Massengill presented the proposed resolution to Mayor and Council. He stated that this is one of three resolutions to authorize the City to apply for Colonias Infrastructure Fund, which will be submitted to the Colonias Board for review. He noted that this resolution pertains to the Buckeye Street Drainage Improvements. He estimated the project costs at \$1.2 million of which the City will ask the Colonias Board for \$700,000 and the rest of the costs from CDBG. Mr. Massengill highlighted some of the important points and read them aloud into record. He stated, at this time, this is only an application and that the Colonias Board would still need to review all applications.

Councilor Milo asked about previous Colonias funds. Mr. Massengill stated that the Bell School Sewer Project was completed with Colonias funds.

Mayor Pro Tem Franklin 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 for the Colonias Infrastructure Fund-Buckeye Street Drainage Project. Councilor Cruz seconded the motion; motion carried unanimously.

6. Approval/Denial of Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund –Encanto Circle Water Transmission Improvements

Mr. Massengill presented the proposed resolution to Mayor and Council. He stated that the City will take advantage of the opportunity to apply for the Colonias funding and that the Encanto Circle Water Transmission Improvements Project would be and eligible project.

Mr. Massengill stated that the City would like to pursue funds from two sources-Colonias Infrastructure Fund for \$800,000.00 and Capital Outlay for \$475,000.00.

Councilor Milo moved to approve a resolution authorizing and approving submission of a completed application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund-Encanto Circle Water Transmission Improvements. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

7. Approval/Denial of Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund –Deming Old Landfill Closure Plan, Design and Construction

Mr. Massengill stated that this application resolution is for the Old Landfill on east 4th Street. He stated that the west third of the unlined landfill has been closed. The middle third of the landfill has all the soil on it and the City will submit a letter requesting the New Mexico Environmental Department (NMED) to consider it closed, as well. This should take place by the end of the month. The east third will require design and construction due to the NMED regulations which require the City to construct a retention pond and ditch to capture all the run-off water. He stated that the NMED is very anxious for the City to get this project completed.

Councilor Cruz asked the cost of this project. Mr. Massengill stated that the initial estimate is \$750,000.00, but that may change based on the design of the project. Councilor Cruz asked if this would complete the last phase of the closure. Mr. Massengill stated that it would complete the closure; this would be the final phase.

Council Milo asked about the water table depth. Mr. Massengill stated that he was not certain but that as a general rule the water table is 120 ft. below. A brief discussion was entertained between Councilor Milo and Mr. Massengill regarding the closure process on the previous two-thirds of the landfill.

Councilor Cruz asked how this would impact the Enterprise Fund. Mr. Sera stated that the City has set aside reserves to cover the 10 percent loan and 10 percent match components of this project.

Councilor Milo moved to approve a resolution authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund-Deming Old Landfill Closure Plan, Design and Construction. Councilor Cruz seconded the motion; motion carried unanimously.

8. Approval/Denial of Resolution of Sponsorship for a Transportation Alternatives Program (TAP) Application and Maintenance Agreement

Mr. Massengill presented this item to Mayor and Council. He stated that this resolution is through the New Mexico Department of Transportation (NMDOT) for Transportation Alternative Program (TAP) funds. He went on to say that the City has previously received TAP for the Florida Street Multi-Use Path Project. Mr. Massengill stated that the NMDOT funds projects that are considered enhancements projects and that all applications will be turn in for review by the NMDOT TAP group in Santa Fe. Therefore, they have asked for larger projects. He stated that the City will apply for funds to be used to complete sidewalks along Cedar Street from Pine Street 4.5 miles east to the intersection of Cedar with east Motel Drive. He went on to say that this project would complete a trail and sidewalk system on Pine Street. Mr. Massengill stated that as a requirement to apply for this funding, this approved resolution would need to accompany the TAP application.

Mr. Massengill cited from the resolution that the City would be applying for federal funds through the TAP program in the amount of \$643,807.00 and the City acknowledges availability of the required local match of 14.56% and the availability of funds to pay all upfront costs, since TAP is a cost reimbursement program. He noted that the resolution stated that the City agrees to maintain all projects constructed with TAP funding for the useable life of the project, that the City assures the NMDOT that if TAP fund are awarded, sufficient funding for the operation and maintenance of the TAP project will be available for the life of the project. He went on to recite the resolution in which it stated that the Public Works Director of the City of Deming will be authorized to enter into a Cooperative Project Agreement with the NMDOT for construction of TAP projects using these funds as set forth by MAP-21 on behalf of the citizens of the City of Deming, should funds be awarded.

Mayor Pro Tem Franklin moved to approve the Resolution of Sponsorship for a Transportation Alternatives Program (TAP) Application and Maintenance Agreement. Councilor Milo seconded the motion; motion carried unanimously.

9. Ratification of Appointment of Third Member to the Labor Management Relations Board

Mr. Sera read the memo from him to Mayor and Council in which he stated that the Labor Representative, Edward Apodaca, and Management Representative, Jarod Hofacket, have met and have mutually agreed to select and appoint Michelle Taylor as a third neutral member to the City of Deming Labor-Management Relations Board. He stated that this

appointment will complete the board for calendar 2015. He stated that staff recommends Council ratify the appointment of selectee Michelle Taylor as the third neutral member to the board for calendar year 2015. Mr. Sera gave a brief explanation of the function of the Labor Management Relations Board.

Councilor Cruz moved to ratify the appointment of Michelle Taylor as the Third Member to the Labor-Management Relations Board. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

10. Bids:

a. Bid #15-08 Self Contained Breathing Apparatus Harness and Face Piece

Chief Mercado presented this item to Mayor and Council. He stated that the Deming Fire Department is looking to replace their air packs as they are reaching their 10 year lifespan. He stated that the Fire Department applied for a grant and they received \$79,995. Chief Mercado stated that 2 bids were received and after ranking and reviewing staff recommends that Council approved the bid from Casco Industries, Inc. for \$99,500.00 which would leave a balance of \$19,505.00 of which the Department would obtain their match through the State Fire Fund. Chief Mercado stated that the new state of the art system has a 15 year warranty and the equipment would be out of standard before the warranty expires. He went on to say that the replacement of the whole system is a 2-year plan and that this year they would be replacing the packs and face pieces, then next year they would look into replacing the air bottles and the compressor.

A brief discussion was entertained between Councilor Milo and Chief Mercado regarding the dissemination of the old equipment. Councilor Cruz commented on the safety benefit of firefighters using the air packs.

Mayor Pro Tem Franklin moved to approve Bid #15-08 Self Contained Breathing Apparatus Harness and Face Piece to Casco Industries, Inc. for a total of \$99,500.00. Councilor Cruz seconded the motion; motion carried unanimously.

11. Quasi-Judicial Public Hearing to Consider a Special Use Permit for a Private Pole at the Southwest Corner of Alamogordo Street and Dona Ana Road, for internet services for Deming Estates Neighborhood Association

Mayor Jasso called the public hearing to consider the request for a Special Use Permit for a Private Pole at the Southwest Corner of Alamogordo Street and Dona Ana Road, for internet services for Deming Estates Neighborhood Association, to order. 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, presented this case to Mayor and Council. She stated that this matter for a special use permit for a monopole structure to provide internet services to the residents of Deming Estates, and it would be privately owned by the contractor, Buenos Aires Communications. She went on to say that the pole, which will have a maximum height

of 65 feet, is proposed to be located at the southeast corner lot of Alamogordo Street and Dona Ana Road. She stated that due to the fact that this is a type of communications tower, it is necessary for the tower to have a special use permit. She stated that staff has no technical objections to this request.

Councilor Cruz commented that he would like to obtain more information about the contractor. He asked if the transmission for the internet service would be at a 12 mile radius. Mr. Martin Torres, 1001 E. Boutz St., Las Cruces, stated that the radio would propagate the signal up to a radius of 12 miles. He stated that the signal would be sent out at a 12 mile radius; however the receiving device would have to send the signal back at the same distance.

Councilor Milo asked Mr. Torres if his company would maintain the pole. Mr. Torres said they would and that the only major maintenance they experience is lightning striking the pole.

Mayor Jasso asked if there were any affected parties who would like to speak. Mr. Mike Fletcher, 2902 S. Belen Street, president of the Deming estates Property Owner Association stated that they have been working with Mr. Torres on the project to make it a reality. He stated that there are 36 or 37 people signed up for the service and are looking forward to the promised benefits. Mr. Fletcher stated that he has spoken to other people that have service from Mr. Torres' company about how problems are handled. The response to Mr. Fletcher was that they have never experienced problems. Mr. Fletcher reiterated that those residents in Deming Estates who are signed up are looking forward to the service, and hope it is approved.

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

Mayor Jasso asked if there were any other persons who would like to speak. There were none.

Mayor Jasso closed the public comments and brought the hearing back to Council. He asked if any member of Council was prepared to make a motion or if they wanted to go into closed session under NMSA 1978 10-15-1(H)(3).

Councilor Cruz moved to approve the Special Use Permit of a Private Pole at the southwest corner of Alamogordo Street and Dona Ana Road for internet services for Deming Estate Neighborhood Association. Councilor Milo seconded the motion; motion carried unanimously by the following roll call vote:

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Cruz	Aye
Mayor Pro Tem Franklin	Aye

Mayor Jasso announced that the decision by the authority will be effective after the written order is executed a 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.

12. Quasi-Judicial Public Hearing to Consider an Alternate Subdivision for a Lot Split at the SE Corner of Tennyson and Florida Streets

Mayor Jasso called the public hearing to consider the request for an Alternate Subdivision for a Lot Split at the SE Corner of Tennyson and Florida Street, to order. He asked if there are any abstentions, “ex-parte contacts”, or “conflicts of interest” for any Council Member. Councilor Cruz stated that he would recuse himself from any discussion or voting on this case since there is a conflict of interest on his part. Mayor Jasso confirmed that the legal notices were properly posted by the secretary; and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, presented this case to Mayor and Council. She stated that this case is for an alternate subdivision for a lot split, dividing an approximately ½ acre lot from an approximately 20 acre parcel of land. She went on to say the utilities are available for the lot and will be installed at the expense of the developer, and the lot fronts on a public street. Ms. Gentile stated that staff has no technical objections to the request.

Mayor Jasso asked if there were any questions of staff by any Council Member. There were none.

Mayor Jasso asked if the applicant or agent would like to make a statement. Councilor Cruz asked staff if this was an unusual request from previous cases that have been presented. Ms. Gentile stated that it was not and that lot splits are a common occurrence, and she gets these types of cases quite often. She stated that the only difference in this case is that one of the lots is quite a bit larger than the other, but the lot split is common. Victor Cruz, 1920 Lori Drive, stated that he is the owner of the property in question. He stated that the reason for this lot split is that he plans on staying in Deming and would like to build a home for his family on the 2 acre lot. He stated that the subject property would remain in his City Council district.

Mayor Jasso asked if there were any questions of the applicant or agent by any Council Member. Councilor Milo asked Dr. Cruz if he owned all 20 acres. Dr. Cruz stated that is correct and he purchased the whole 20 acre section. Councilor Milo asked if Dr. Cruz would be selling the remaining property. Dr. Cruz answered that he has not made any firm commitment to what he would do with the remaining property, and that his main concern at this time is to build his home. Dr. Cruz stated that the reason for the lot split is to build on the 2 acres.

Mayor Jasso asked if there were any affect parties or other persons who would like to speak. There were none.

Mayor Jasso closed the public comments and brought the hearing back to the Council. He asked if any Council Member was prepared to make a motion or if they would like to go into closed session under NMSA 1978 10-15-1(H)(3).

Councilor Cruz asked about the zone change request for these lots from Commercial to Residential, and how long before he would be able to start building on the property. Ms. Gentile stated that the Planning & Zoning Commission is in the process of the zone change, which was tabled at the last meeting. She stated that the Planning & Zoning Commission will meet again on Monday, at which time the zone change will be presented on that agenda. She stated that if the Planning & Zoning Commission approves the zone change, the item will go before Council at the next meeting in February for Council's consideration. Ms. Gentile stated that once it's been approved by Council, she sees no reason that he should not be able to begin building. A brief discussion was entertained between Ms. Gentile, Dr. Cruz, and Council regarding the Commercial Zoning requirements. Mr. Sera interrupted the discussion due to the fact that this topic may be presented later as a Quasi-Judicial hearing and that the request, if approved by Planning & Zoning, will be presented to Council at the February meeting.

Mayor Pro Tem Franklin moved to approve the Request for an Alternate Subdivision for a Lot Split at the Southeast Corner of Tennyson and Florida Streets as requested by Victor Cruz. Councilor Milo seconded the motion; motion carried unanimously by the following roll call vote:

ROLL CALL VOTE

Councilor Milo	Aye
Mayor Pro Tem Franklin	Aye
Mayor Jasso	Aye

Mayor Jasso announced that the decision by the authority will be effective after the written order is executed a 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.

Mr. Foy wanted the record to note that Dr. Cruz recused himself from the whole process, that he did not vote on this case, and that the roll call vote reflects this.

13. Administrator's Report

Mr. Sera referenced some of the items from the monthly reports. He noted the following:

- o Florida Street Drainage Project-Mr. Sera stated that the drainage project will continue from the previous phase on Florida towards the intersection at Highway 11

- The construction of the walking path on the south side of Florida from the intersection of Highway 11 east to Country Club Road has begun.
- Public restrooms-Mr. Sera stated that Mr. Hooper has been working on a plan to build public restrooms. He stated that so far he has obtained quotes from \$75,000.00 to \$90,000.00, for one restroom. Mr. Sera stated the City is looking at other options and may look at the City building the restrooms. The quotes obtained are for prefabrication restrooms.
- Old Landfill closure-Mr. Sera stated that the City has a couple of issues with the landfill closure and that the City needs more property for a drainage ditch that the NMED is requiring. The City is working with the property owner to see if they can negotiate a deal to purchase a small piece of property rather than have to excavate trash. The property purchase would be the easy fix and if that carries out, it will be presented to Council for approval.
- The City has been in contact with Terry Brunner, USDA Rural Development Coordinator, regarding a list of large dollar projects that the USDA Rural Development has funding for. Mr. Brunner has been directed from his main office to spend some money on projects in Luna County. The list was sent to Mr. Brunner and is being reviewed.
- Mr. Sera stated that he and Ms. Holguin have been working on the mid-year budget adjustments base on the quarterly finance reports. The adjustments will be presented at the Special Council Meeting on January 29th. He mentioned that the audit was sent to the state auditor and the City received a letter of acceptance at which time the audit will become public record 5 days from the issuance of the letter. Ms. Holguin stated that the City requested a waiver to the 5 days and the adjustments will become public records immediately.
- Truck by-pass project-Mr. Sera stated that the by-pass route through Deming will be one of the major projects presented to Mr. Brunner of the USDA. He explained that due to the expansion of the Port of Entry, the truck by-pass will assist with the increased traffic through Deming. Mr. Brunner is in favor of this project and is hopeful for the City to obtain funding. Another project presented to Mr. Brunner was the Cedar Street connection. Mr. Sera stated that Mr. Brunner was in favor of this plan, as well, and feels he can assist with the project. The project plan is under review at the NMDOT and Mr. Sera stated that the City is awaiting their decision to proceed.
- Mr. Sera stated that the City met with PNM last week and that they are proposing a 12% rate increase to the PRC for approval at this upcoming Legislative Session. Mr. Sera stated that he is not in full support of the increase due to the increase this will cause in the City budget. The City is working with PNM to figure alternatives to this increase such as renewable energy transmission.

- Mr. Sera stated that the City has been collaborating with Deming Public Schools on many projects, on particular, the new school. DPS has asked the City to close several public roads and Mr. Sera stated that the City will get with the Fire and Police Departments to make sure that their request do not impose any public safety issues.
- Mr. Sera stated that the City has been working with NMSU and the Arrowhead Center in Las Cruces. He stated that Ms. Arias, Economic Development Coordinator, has been working with the Arrowhead Center to develop and incubator program in Deming, which will be centered on the Agricultural business. Ms. Arias has applied for a technical assistance grant, which is not a monetary grant, but it provides the assistance to set up the incubator program in Deming. He stated that the Rio Grande Incubator Center in Albuquerque has offered their assistance to set up an incubator program in Deming.

Mr. Sera closed his report by asking if Council had any questions.

Councilor Milo expressed his concern regarding the 12% rate increase from PNM. He asked what the City had done to express their opposition of such a high rate increase. Mr. Sera stated that Mr. Kimble, the City’s lobbyist, has set up a meeting with Senator Smith to discuss this and see what can be done in addressing the PRC. A discussion was entertained between Council and Administrator on this topic.

14. Closed Session to discuss Limited Personnel Matters Pursuant to NMSA 1978, Section 10-15-1(H)(2) of the Open Meetings Act Regarding the Fire Chief’s Employment Contract

Mayor Jasso entertained a motion to go into closed session.

Councilor Milo moved to go into closed session. Councilor Cruz seconded the motion; motion carried unanimously by the following roll call vote:

ROLL CALL VOTE	
Mayor Pro Tem Franklin	Aye
Councilor Cruz	Aye
Councilor Milo	Aye

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

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

ROLL CALL VOTE	
Councilor Cruz	Aye
Councilor Milo	Aye
Mayor Pro Tem Franklin	Aye

Mayor Jasso stated for the record that no decisions or motions were made during the closed session, and that only the items mentioned in the motion to go into closed session were discussed. He entertained a motion from Council.

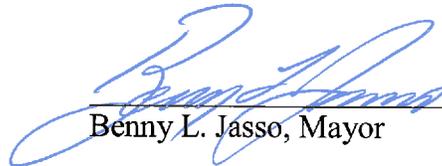
Councilor Cruz moved to approve the employment agreement for Fire Chief from January 5, 2015 to June 30, 2015, subject to automatic renewal unless otherwise determined by the Mayor with the back pay starting at the contract date of January 5, 2015. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

15. Adjourn Meeting

With no further business to discuss, Councilor Milo moved to adjourn the meeting. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously. Meeting adjourned at 7:38 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-01**

**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; and

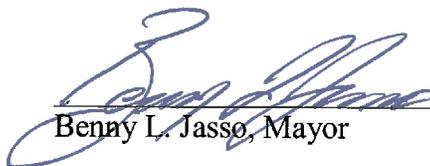
WHEREAS, in accordance with CDBG Regulations the City's Section 3 Plan must be updated annually;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Deming, New Mexico, that it hereby adopt the attached Section 3 Plan.

PASSED, APPROVED and ADOPTED this 12th day of January, 2015.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Administrator/Clerk

CITY SECTION 3 PLAN

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.

The City of Deming has appointed the City Administrator as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point on Section 3 complaints, as the on-site monitoring of prime contractors and sub-contractors to ensure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City. Documentation of City efforts will be retained on file for monitoring by the State.

Therefore, the City of Deming shall:

1. Hiring
 - (a) Advertise for all City positions in local newspapers.
 - (b) List all City job opportunities with the State Employment Service.
 - (c) Give preference in hiring to lower income persons residing in the City. This means that if two equally qualified persons apply and one is a resident of the City and one is not, the resident will be hired.
 - (d) Maintain records of City hiring as specified on this form.

Anticipated City Hiring 2015

Job Classification	Planned		Actual	
	# of Positions to be Filled	# of Positions to be Filled by Lower Income City	# Positions Filled	# of Positions Filled by Lower Income City
Laborer	4	4	4	4
Skilled Craft	6	6	12	6
Clerical	4	4	5	4

2. Contracting

- (a) The City will compile a list of businesses, suppliers and contractors located in the City.
- (b) These vendors will be contacted for bid or quotes whenever the City requires supplies, services or construction.
- (c) Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City and one from outside the City, the contract will be awarded to the business located within the community.

3. Training

The City shall maintain a list of all training programs operated by the City and its agencies and will direct them to give preference to City residents. The City will also direct all CDBG sponsored training to provide preference to City residents.

4. CDBG Contracts

All CDBG bid packages and contracts shall include the following Section 3 language:

- (a) The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower residents of the project areas and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- (b) The parties to this contract will comply with the provision as said Section 3 and the regulation issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability, which would prevent them from complying with these requirements.
- (c) The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places

available to employees and applicants for employment or training.

- (d) The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of, Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- (e) Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued there under prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City shall require each contractor to prepare a written Section 3 Plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 Plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and maintained in said office for monitoring by the State.

The City of Deming will maintain all necessary reports and will ensure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in Deming, New Mexico and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Luna County. Information contained in our Section 3 Plan reflects the status of the City employees regarding lower income considerations based on their salary paid by the City.

As approved by City Council, January 12, 2015 by resolution.

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO: 15-02**

**A RESOLUTION TO ADOPT
THE RESIDENTIAL ANTI-DISPLACEMENT
AND 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.

WHEREAS, the U.S. Department of Housing and Urban Development has advised that all recipients of CDBG funds, must certify that the entity is following or hereafter will be following a Residential Anti-Displacement and Relocation Assistance Plan; and

NOW, THEREFORE BE IT RESOLVED THAT the City of Deming does hereby adopt the attached Residential Anti-displacement and Relocation Assistance Plan.

PASSED, APPROVED, and ADOPTED this 12th day of January, 2015 by the City Council of Deming, New Mexico.

CITY OF DEMING, NEW MEXICO




Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Administrator/Clerk

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN & CERTIFICATION

Section 104(d) of the Housing and Community
Development Act of 1974, as Amended

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended Section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under Section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a “residential antidisplacement and relocation plan.”

Local governments, recipients under the State CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds from awarded to the State by HUD after October 1, 1988.

ACCORDINGLY, the foregoing plan represents the effort of the City of Deming to comply with the requirements of Section 104L(d) of the Act and is certified herewith:

PLAN AND CERTIFICATION

The City of Deming herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Deming will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;

4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source(s) of funding and a time schedule for the provision of replacements units; and
6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The City of Deming will provide relocation assistance, as described in 570.496-a to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To other extent which the City of Deming participates in Federal Assistance Programs wherein the following antidisplacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the City of Deming will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive):

DISPLACEMENTS STRATEGY

- A. Steps to Minimize or Prevent Displacement:
 1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the greatest convenience, safe and economically sound rehabilitation effort possible.
 2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
 3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long established owners or on tenants of multi-family buildings.
 4. Counsel and advise homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
 5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

B. Actions to Assist Displaced Persons to Remain in Their Present Neighborhoods:

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units; or construct housing units.
2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.
3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Provide counseling and referral services to assist displaced to find alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies of households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement:

1. Use of public funds, such as CDBG, to pay moving costs and provide relocation payments or, to extent permissible by local or state law require private developers to provide compensation to persons displaced by development activities.
2. Give displaced priority in obtaining subsidized housing.
3. Provide counseling and referral service to assist displaced to locate elsewhere in the community.

It shall be the policy of the City of Deming that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

As approved by City Council, January 12, 2015 by resolution.

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-03**

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

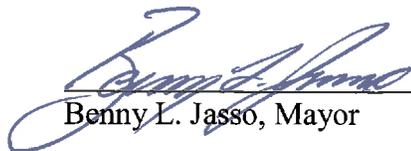
WHEREAS, in accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared a Citizen Participation Plan.

WHEREAS, in accordance with the CDBG Regulations the City of Deming's Citizen's Participation Plan must be updated annually;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Deming, New Mexico that it hereby adopt the attached Citizen Participation Plan.

PASSED, APPROVED AND ADOPTED this 12th day of January, 2015.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor




Aaron Sera, Administrator/Clerk

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

Introduction

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 and adopted this Citizen Participation Plan.

Objective A

The City of Deming will provide for and encourage citizen participation within their areas of jurisdiction with particular emphasis on participation by persons of low and moderate income.

1. Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of City upcoming meetings, actions, functions.
2. Develop press releases on City meetings, actions and hearings and circulate to newspapers, radio and televisions media.
3. Develop and maintain listings of groups and representatives of low and moderate income persons and include on mailing lists for announcements, notices press releases, etc.

Objective B

The City of Deming will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds.

1. Public notices, press releases, etc., should allow for a maximum length of notice to citizens.
2. Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from this requirement.
3. Meetings, hearings, etc., should be conducted at times and locations conducive to public attendance, i.e., evenings, Saturdays.

Objective C

The City of Deming will provide for technical assistance to groups and representatives of low and moderate-income persons that request assistance in developing proposals. (Special note: the level and type of assistance is to be determined by the City.)

1. Low/moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the City of Deming upon request.
2. The City of Deming will document all technical assistance provided to such groups and have documentation available for review.

Objective D

The City of Deming will provide for public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program.

1. The City of Deming will advise citizens of the CDBG Program objectives, range of activities that can be applied for and other pertinent information.
2. The City of Deming will conduct a minimum of two public hearings:
 - a. One public meeting will be held for the purpose of obtaining the views of citizens on community development and housing needs to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the State for CDBG funding assistance.
 - b. A second public hearing will be held for the purpose of gaining citizen input on the particular application to be submitted to the State for CDBG funding consideration.
3. The City of Deming will review program performance, past use of CDBG funds and make available to the public its community development and housing needs including the needs of low and moderate-income families and the activities to be undertaken to meet such needs.
4. Public hearing notices will be published in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice, minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goal, objectives and applications are also subject to public participation.

Objective E

The City of Deming will provide for timely written answers to written complaints and grievances within 15 working days where practicable.

1. The City of Deming will adopt complaint-handling procedures of policies to insure that complaints or grievances are responded to within 15 days, if possible.
2. Procedures will allow for appeal of a decision to a neutral authority.
3. A detailed record of all complaints/grievances and responses will be filed in one central location with easy public access provided.

Objective F

The City of Deming will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

1. The City of Deming will identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and/or having briefing materials available in the appropriate language.
2. Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

As approved by City Council, January 12, 2015 by resolution.

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-04**

**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 12, 2015 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:

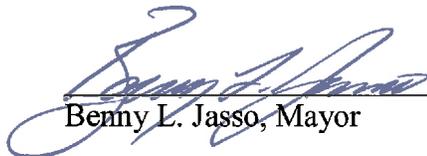
1. All regular meetings shall be held at the John Strand Municipal Building at 6:00 p.m. or as indicated on the meeting notice.
2. Regular meeting shall be held each month on the second Monday. A proposed agenda will be available the Friday before the meeting from the Municipal Offices, 309 South Gold Avenue, Deming, New Mexico.
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 and 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 12th day of January 2015.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Administrator/Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-05**

**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;

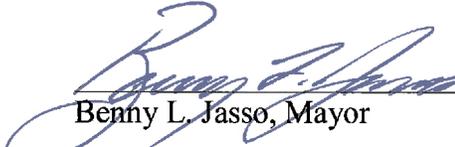
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING that the regulations cited above are the purchasing processes to be utilized by all officers and employees of the municipality through the Central Purchasing office in the procurement of tangible personal property, services and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

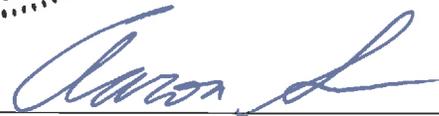
This Resolution supersedes any and all previous procurement guidelines in their entirety.

PASSED, APPROVED AND ADOPTED by City Council at its meeting on this 12th day of January, 2015.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Administrator/Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-06**

**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 12th day of January, 2015.

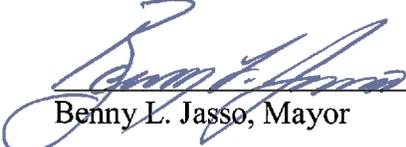


ATTEST:



Aaron Sera, Administrator/Clerk

CITY OF DEMING, NEW MEXICO



Benny L. Jasso, Mayor

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-07**

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

WHEREAS, the City of Deming ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 ("Act"), and the City of Deming ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Colonias Infrastructure fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake design, construction and improvements of the City of Deming Buckeye Street Drainage Improvements ("Project") for the benefit of the Governmental unit and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

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

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

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

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

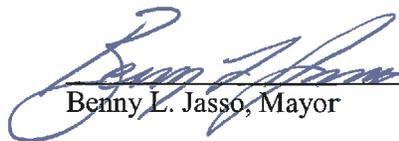
Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

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

PASSED, APPROVED, AND ADOPTED this 12th day of January, 2015.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor



Aaron Sera, Clerk/Administrator

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-08**

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

WHEREAS, the City of Deming ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 ("Act"), and the City of Deming ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Colonias Infrastructure fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake design, construction and improvements of the City of Deming Encanto Circle Water Transmission Improvements ("Project") for the benefit of the Governmental unit and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

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

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

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

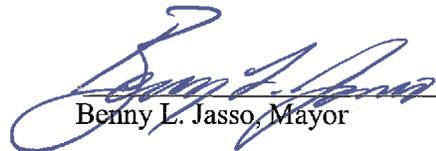
Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further 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, APPROVED, AND ADOPTED this 12th day of January, 2015.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor




Aaron Sera, Clerk/Administrator

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-09**

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

WHEREAS, the City of Deming ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 ("Act"), and the City of Deming ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Colonias Infrastructure fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake design, construction and improvements of the City of Deming Old Landfill Closure Plan, Design and Construction ("Project") for the benefit of the Governmental unit and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

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

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

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

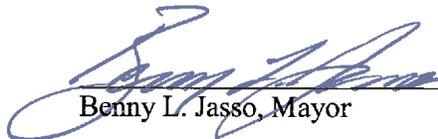
Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further 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, APPROVED, AND ADOPTED this 12th day of January, 2015.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor





Aaron Sera, Clerk/Administrator

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-10**

**RESOLUTION OF SPONSORSHIP
FOR A TRANSPORTATION ALTERNATIVES PROGRAM APPLICATION AND
MAINTENANCE COMMITMENT**

**A RESOLUTION DECLARING THE ELIGIBILITY AND INTENT OF THE CITY OF DEMING
TO SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF
TRANSPORTATION FOR FEDERAL FISCAL YEAR 2016/2017 TRANSPORTATION
ALTERNATIVES PROGRAM FUNDS.**

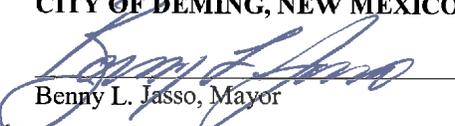
- Whereas**, the City of Deming, New Mexico, has the legal authority to apply for, receive and administer federal funds; and,
- Whereas**, the City of Deming, is submitting an application for Federal Fiscal Year 2016/2017 (FFY16/17) New Mexico Transportation Alternatives Program (TAP) funds in the amount of \$643,807.00, as set forth by the Federal legislation, Moving Ahead for Progress in the 21st Century (MAP-21) and as outlined in the FFY 16/17 New Mexico TAP Guide; and,
- Whereas**, the Cedar Street Sidewalk Enhancement Project named in the TAP application are eligible project(s) under New Mexico TAP and MAP-21; and,
- Whereas**, the City of Deming, acknowledges availability of the required local match of 14.56% and the availability of funds to pay all upfront costs, since TAP is a cost reimbursement program; and,
- Whereas**, the City of Deming, agrees to pay any costs that exceed the project amount if the application is selected for funding; and,
- Whereas**, the City of Deming, agrees to maintain all project(s) constructed with TAP funding for the useable life of the project(s); and,

Now, therefore be it resolved by the governing body of the City of Deming, New Mexico, that:

1. The City of Deming authorizes Jim Massengill, Public Works Director, to submit an application for FFY16/17 New Mexico TAP funds in the amount of \$643,807.00 from the New Mexico Department of Transportation (NMDOT) on behalf of the citizens of City of Deming.
2. That the City of Deming, assures the NMDOT that if TAP funds are awarded, sufficient funding for the local match and for upfront project costs are available, since TAP is a reimbursement program, and that any costs exceeding the award amount will be paid for by City of Deming.
3. That the City of Deming, assures the NMDOT that if awarded TAP funds, sufficient funding for the operation and maintenance of the TAP projects will be available for the life of the projects.
4. That the Public Works Director of City of Deming, is authorized to enter into a Cooperative Project Agreement with the NMDOT for construction of TAP projects using these funds as set forth by MAP-21 on behalf of the citizens of City of Deming. The Public Works Director is also authorized to submit additional information as may be required and act as the official representative of the City of Deming in this and subsequent related activities.
5. That the City of Deming, assures the NMDOT that the City of Deming, is willing and able to administer all activities associated with the proposed project.

PASSED, ADOPTED, AND APPROVED this 12th day of January 2015.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Administrator/Clerk

