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POPULATION 14,000

**CITY COUNCIL**  
***Special Meeting***  
**January 27, 2014**  
**11:00 a.m.**  
**AGENDA**

Call to Order/Pledge of Allegiance

1. Quasi-Judicial Public Hearing to Consider the Request for a Summary Subdivision located at 3801 E. Cedar within the City Limits.
2. Bids:
  - a. Bid No. 14-09—Low Bid Recommendation for Construction of Keeler Well Improvements
3. Meeting Adjourned

*The next regularly scheduled workshop and meeting is Monday, February 10, 2014 commencing at 4:00 p.m. and 6:00 p.m.*

# CITY COUNCIL SPECIAL MEETING MINUTES

January 27, 2014

**Council Present:** David Sanchez, Councilor  
Bill Shattuck, Councilor  
Joe "Butter" Milo, Councilor  
Linda E. Franklin, Mayor Pro Tem  
(Telephonically)

**Council Absent:** Andres Z. Silva, Mayor

**Staff Present:** Aaron Sera, Asst. City Administrator  
Wesley Hooper, Community Svc. Dir.  
Gina Gentile, City Planner  
Lloyd Valentine, Finance

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

Councilor Sanchez conducted the meeting. He called the meeting to order and led the pledge of allegiance at 11:00 a.m.

- 1. Quasi-Judicial Public Hearing to Consider the Request for a Summary Subdivision located at 3801 E. Cedar within the City Limits:** Councilor Sanchez conducted a Quasi-Judicial Public Hearing to consider the request for a summary subdivision of land located at 3801 E. Cedar Street. Councilor Sanchez asked Council if there were any conflicts of interest; that the public notices were properly posted; and swore in all parties who would be giving testimony.

Councilor Shattuck stated that he had a conflict of interest, as he would be representing the applicant, and would be recusing himself from voting on this item.

Ms. Gina Gentile, City Planner, presented this case to Council. Ms. Gentile stated that the applicant, Dhawal Kholwadwala, (Holiday Inn Express at 3801 E. Cedar) is requesting a lot split, one acre from the 3 acre tract of land. The owner plans to sell the lot to a developer for a new restaurant. She stated that the proposed lot split will provide access to the hotel with two 24 foot access easements, with adequate parking being maintained for the hotel and ample area for future development of the restaurant. Ms. Gentile stated that the planning commission recommended approval of this case. This case was on the Council agenda in November and was tabled to allow the applicant to present his case and to allow for staff to research Mrs. Johnson's concerns, which were brought up at that November meeting.

Ms. Gentile stated that during the time the case has been pending, the applicant has brought in a proper survey that clarifies some of the questions regarding this request. She also stated that staff has researched Mrs. Johnson's concerns regarding access to the rear portion of her land. Ms. Gentile stated that research revealed at the December 14, 2009 meeting of the City Council when the lot line adjustment was made for the Holiday Inn Express site, the Council approved the request with a friendly amendment to the motion that the access agreement

follow the deed and that the document be recorded. The access agreement is the responsibility of the property owner, as the recording of that document. Ms. Gentile stated that the Holiday Inn Express is providing a 24 foot access easement that runs to the lots to the north and to the east of the hotel. She stated that additionally, with the exception of the Holiday Inn Express property, she could find no other records of legally subdividing the lands in this area, but any further divisions of the land will be required to go through the subdivisions process that will include providing roads accessing all lands, as would be required for any subdivision. Ms. Gentile stated that staff recommends approval of this request.

Councilor Sanchez as if there was any questions of staff by any Council member. There were none.

Councilor Sanchez asked if the applicant or agent would like to make a statement. Mr. Shattuck, representative for the applicant, stated that he was available to answer any questions, but the case had been explained by staff.

Councilor Sanchez asked if there were any questions of the applicant/agent by any Council member. There were none.

Councilor Sanchez asked if any there were any affected parties that would like to speak. There were none. Councilor Sanchez asked if there were any questions of any affected party by any Council member. There were none. Councilor Sanchez asked if there were any other parties who would like to speak.

Merlin Norenberg, 18860 Candela Rd. SE, Deming, NM, stated that he was in opposition of the subdivision. He stated that he personally felt that the owner does not seem to be totally committed to maintaining the property. Mr. Norenberg stated that there has been heavy staff and management turnover and is now operating in violation of IHG policies and procedures. Mr. Norenberg stated that his opinion for the subdivision is to make a "fast buck". He also stated his concerns of the elevation of the subject land. Mr. Norenberg stated that after the first inspection by IHG, the Holiday Inn Express is in jeopardy of losing its IHG affiliation.

Larry Caldwell, 711 N. Zinc, stated that he agreed with Mr. Norenberg's opinions.

Councilor Sanchez asked if there were any questions of other persons by any Council member. There were none.

Councilor Sanchez closed public comment and brought the hearing back to Council. He asked if any Council member was ready to motion on this item, or if they felt they had to go into closed session.

Councilor Milo motion to approve the request for a Summary Subdivision located at 3801 E. Cedar within the City Limits. Councilor Sanchez seconded the motion, motion carried unanimously by a roll call vote.

**ROLL CALL VOTE**

Councilor Sanchez	Aye
Councilor Milo	Aye
Mayor Pro Tem Franklin	Aye

**2. Bids:**

**a. Bid No. 14-09–Low Bid Recommendation for Construction of Keeler Well Improvements:**

Mr. Sera presented this item to Council. He stated that there were two bids received for the bid opening on January 23, 2014 resulted in Lone Mountain Contracting, Inc. submitting the lowest combined construction bid package for Bid Lots #1 and #2 at \$381,191.66 plus NMGRT of \$24,777.46 for a total amount of \$405,969.12. He stated that Lone Mountain Contracting Inc. is in compliance with the bid requirements and is qualified to perform the required work. He went on to say that the Notice of Award will not be issued until NMED concurs with the low bid recommendation. The bid recommendation and summary were attached.

Mr. Sera stated that staff requests approval to value engineered individual line item costs in order to bring the overall construction cost closer to the current budget amount of \$380,000.

Mr. Sera stated that staff recommends awarding the construction bid to Lone Mountain Contracting Inc., pending NMED concurrence and approval to proceed with construction. Staff would like authorization for the Public Works Director and/or Assistant City Administrator to enter into an agreement with Lone Mountain Contracting Inc. and execute any documents related to this project and to negotiate a reduction of the original scope.

Mr. Sera asked that in the event that Lone Mountain Contracting Inc. is not approved as the contractor, that the next low bidder would be award, who is Deming Excavating with a bid of \$435,566.26 including NMGRT.

Councilor Milo asked for clarification of the location and scope of the project. Mr. Sera explained this to Councilor Milo.

Councilor Shattuck asked Mr. Sera about the grant funding. Mr. Sera gave Councilor Shattuck the figures of the grant funding.

Councilor Sanchez asked if any Council member was prepared to make a motion.

Councilor Shattuck motioned to approve Bid No. 14-09-Low Bid Recommendation for Construction of Keeler Well improvements, to Lone Mountain Contracting Inc. in the amount of \$405,969.12 including NMGRT, allowing the Public Works Director and/or Assistant City Administrator to enter into an agreement to negotiate the overall construction costs closer to current budget amount of \$380,000, and if that negotiation fails, staff would be authorized to start negotiations with the second lowest bidder, Deming Excavating. Councilor Milo seconded the motion, motion carried unanimously.

3. **Meeting Adjourned:** With no further business to discuss, Councilor Sanchez entertained a motioned to adjourn the meeting. A motion was made by Councilor Shattuck to adjourn the meeting. The motion was seconded by Councilor Milo and motion carried unanimously. The meeting adjourned at 11:23 a.m.



**CITY OF DEMING, NEW MEXICO**

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David L. Sanchez, Councilor

ATTEST:

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Richard F. McInturff, Clerk