



Phone (505) 546-8848 • Fax (505) 546-6442  
E-MAIL: deming@cityofdeming.org • Website: www.cityofdeming.org  
P.O. BOX 706 • DEMING, NEW MEXICO 88031  
POPULATION 14,000

**CITY COUNCIL**  
***Special Meeting***  
**January 30, 2013**  
**9:00 A.M.**  
**AGENDA**

Call to Order / Pledge of Allegiance

1. Public Hearing to Receive Community Input on Submitting a Colonia Infrastructure Funding Application.
2. Resolution Authorizing Submittal of a 2013 CDBG Grant Application
3. Approval of Mutual Agreement with Deming Public Schools and City of Deming for Safe Routes to School Project
4. Resolution Authorizing Acceptance of Safe Routes To Schools Grant Funding
5. Resolution Authorizing Acceptance of State Transportation Improvement Program Funding
6. Approval of an Amendment to the Bencor, Inc. Letter Of Intent
7. Adoption of Fee Schedule for Use of City Owned Arenas
8. Approval of Arena Fee Schedule Waiver for a Promotional Period
9. Closed Session: To discuss limited personnel matters regarding restricted duties, responsibilities, and compensation pursuant to NMSA 1978, Section 10-15-1(H) (2), Discuss Real Estate Pursuant to NMSA 1978, Sections 10-15-1 (H) (7) and to discuss Possible Litigation Pursuant to NMSA 1978, 10-15-1 (H) (8) of the Open Meetings Act.

*The next regularly scheduled workshop and meeting is February 11, 2013 commencing at 4:00 p.m. and 6:00 p.m.*

# CITY COUNCIL SPECIAL MEETING MINUTES January 30, 2013

**Council Present:**

Andres Z. Silva, Mayor

Linda Franklin, Mayor Pro Tem

David Sanchez, Councilor

Joe "Butter" Milo, Councilor

William Shattuck, Councilor

**Staff Present:**

Richard F. McInturff, Administrator

Aaron Sera, Assistant City Administrator

Lloyd Valentine, Financial Services Manager

Jim Foy, City Attorney

Wes Hooper, Special Projects Coordinator

Michael Carrillo, Police Chief

**Recording Secretary:** Vicki Engle, HR Coordinator/Assistant Deputy Clerk  
Lila Jasso, Administrative Secretary/Assistant Deputy Clerk

Mayor Silva called the meeting to order and led the pledge of allegiance at 9:00 a.m.

- 1. Public Hearing to Receive Community Input on Submitting a Colonia Infrastructure Funding Application.** Mr. Sera read his memo into record regarding the public hearing for the Colonia Infrastructure Fund Grant Application. Mayor Silva opened the floor for public input regarding the application. No comments were received. Mayor Silva closed the input. Mayor Silva had some questions regarding the Colonia designation and whether that would affect property values. Mr. Sera stated that the local appraiser, Ace Appraisal, submitted a letter stating that the designation would not affect the property values in any way. Mayor Silva also asked what the focus of projects for this funding would be. Mr. McInturff stated that the one of the priorities of the project would be replacing the old, clay sewer lines with PVC lines. Mr. Sera stated that the focus is on major areas which have clay sewer lines, but in the process of replacing the clay sewer lines, the City would also replace the water line while in those same areas. This project focus on the area of Pear Street from Eighth Street to approximately Tin Street, subject to budget limits. Mayor Silva, Mr. Sera, and Mr. McInturff entertained a discussion regarding other communities, predominately Dona Ana County/Las Cruces, who have applied and been awarded Colonia Infrastructure Funding through the NMFA. Councilman Milo stated that he feels if awarded, the City should consider a complete renovation of Pear Street. Mr. Sera stated that this proposed project would require replacement of sewer and water lines, and replacement of the road with drainage, in the area from Eighth Street to Tin Street. This would put the City right at the budgeted allowance. Mr. Sera explained some of the process of the application to Council. Mayor Silva asked if there was any indication as to how long the Colonia Infrastructure Fund would be available. Mr. Sera stated that he didn't have a definite answer, but the Governor is in favor of the Colonia Infrastructure Fund and how it assists the communities along the border.

- 2. Resolution Authorizing Submittal of a 2013 CDBG Grant Application.** Mr. Sera explained that management had previously asked Council to select a project for the 2013 CDBG Grant; however the resolution authorizing the submittal of the 2013 CDBG Grant application was not presented for approval. Therefore, Mr. Sera presented and read the resolution at this time, which would authorize the submittal of the 2013 CDBG Grant application to the Department of Finance Administration Local Government Division for the Wastewater Plan Improvements Project. The City Council directs and designates the City Administrator or Assistant City Administrator as the City's Chief Executive Office and Authorized Representative to act in all matters in connection with this application and participation in the New Mexico CDBG Program. The full application amount is for the \$500,000 of grant funds and the phased project is for \$461,870 for the Wastewater Treatment Plant Improvements, with the City committing a 10% cash match contribution for the awarded application amount from the Wastewater Enterprise Fund. Mayor Pro-Tem Franking motioned to approve the resolution authorizing the submission of the CDBG Grant Application to the Department of Finance Administration Local Government Division. Motion was seconded by Councilor Sanchez and carried unanimously. Councilor Shattuck made a friendly amendment to the motion to reference 2013 as the year for the CDBG Grant Application. Mayor Pro Tem Franklin accepted the amendment. The motion was seconded by Councilor Sanchez and was approved unanimously.
- 3. Approval of Mutual Agreement with Deming Public Schools and City of Deming for Safe Routes to School Project.** Mr. Sera presented this item and gave a brief history of the mutual agreement with Deming Public Schools. He stated that the Safe Routes to School was a grant program DPS had applied for and was awarded. The City was asked and agreed to be the fiscal agent for this project, however this turn out to be more responsibility than was anticipated. The City After seeking counsel from the City attorney, felt it was necessary to a mutual agreement be put in place making DPS responsible for the maintenance and repair of the infrastructure. Essentially, the agreement would specify exactly who would be responsible for certain duties. This mutual agreement was presented to Mrs. Moore, Superintendent of DPS, and she will be conducting a school board meeting tomorrow to present this agreement for approval. Mr. Sera read the proposed agreement into record. Mr. McInturff explained the scope of the project. A discussion was entertained between Mr. Sera, Mr. McInturff and City Council. Councilor Milo motioned to approve the mutual agreement with Deming Public Schools and the City of Deming for the Safe Routes to School Project. The motion was seconded by Mayor Pro-Tem Franklin and approved unanimously.
- 4. Resolution Authorizing Acceptance of Safe Routes to Schools Grant Funding.** Mr. Sera read the resolution into record. Mayor Pro-Tem Franklin asked for clarification regarding liability of the project. Mr. Sera explained that the resolution would take precedence over the agreement regarding liability with the City and New Mexico Department of Transportation. Mayor Pro-Tem Franklin motioned to approve the resolution authorizing acceptance of Safe Routes to Schools Grant Funding. The motion was seconded by Councilor Milo and approved unanimously.

- 5. Resolution Authorizing Acceptance of State Transportation Improvement Program (STIP) Funding.** Mr. Sera read the resolution into record. This funding was given to the City of Deming for and extension of Pearl Street. This project required permission from the Federal Railroad Administration and Union Pacific in order to continue. The railroad company would not allow for the extension, therefore the scope of project was changed. The project will now be for Spruce Street to curve into Pine Street. Traffic studies and analysis did not warrant a stop light at this intersection, therefore a stop sign will be installed. Council Milo asked if there was a design for this project. Mr. Sera stated that the design had not been started, however there have been preliminary studies conducted for the project. Councilor Sanchez asked about a previous proposed project for the installation of a traffic light at the intersection of Pearl and Pine Streets. Mr. Sera stated the NMDOT conducted a traffic study, and the results did not warrant the need for a traffic light due to the configuration of other traffic lights near this intersection. A discussion was entertained regarding the STIP funding process. Councilor Shattuck motion to approve the resolution authorizing acceptance of the State Transportation Improvement Program Funding. The motion was seconded by Councilor Milo and passed unanimously.
- 6. Approval of an Amendment to the Bencor, Inc. Letter Of Intent.** Councilor Shattuck recused himself from any further discussion of this item. Mr. McInturff read an email correspondence dated 1/29/13 to Ms. Kelly Kuentler, Luna County Manager, regarding the extension of the feasibility period in the Letter of Intent. Bencor, Inc. has asked to extend the date from March 7, 2013 to June 1, 2013 to allow for feasibility date. Council Milo motioned to approve the amendment to the Bencor, Inc. Letter of Intent. Mr. McInturff made a friendly amendment to the motion to allow the amendment be executed by Mayor Silva. Councilor Sanchez made a second friendly amendment to state the extension date from march 7, 2013 to June 1, 2013 Motion and both friendly amendments were seconded by Mayor Pro-Tem Franklin and carried unanimously.
- 7. Adoption of Fee Schedule for Use of City Owned Arenas.** Mr. Sera presented this item to Council for approval. He stated that that the fee schedule was developed after researching similar facilities in the area. Councilor Milo asked is these fees included lights and water. Mr. Sera stated that the fees for water and lights are a separate. Mayor Pro-Tem Franklin motion to adopt the fee schedule for the use of the City owned arenas as presented. The motion was seconded by Councilor Milo and passed unanimously.
- 8. Approval of Arena Fee Schedule Waiver for a Promotional Period.** Mr. Sera requested a waiver of the fees for the City owned arena for a promotional period until December 31, 2013. The \$75.00 cleaning fee would still be charged to cover the costs of maintenance by the City staff. Mayor Pro-Tem asked if there may be a problem once the promotional period expires. Mr. Sera stated that he didn't foresee a problem due to the numerous inquiries of organization in the area regarding the arena. This would also help the availability of the arena to be known. Council Shattuck motioned to approve the area fee waiver for the promotional period until December 31, 2013. The motion was seconded by Council Milo and carried unanimously.

9. **Closed Session:** Mayor Silva entertained a motion to go into Closed Session to discuss limited personnel matters regarding restricted duties, responsibilities, and compensation pursuant to NMSA 1978, Section 10-15-1(H) (2), Discuss Real Estate Pursuant to NMSA 1978, Sections 10-15-1 (H) (7) and to discuss Possible Litigation Pursuant to NMSA 1978, 10-15-1 (H) (8) of the Open Meetings Act. Councilor Shattuck motioned to go into closed session. The motion was seconded by Councilor Sanchez and carried unanimously by roll call vote.

ROLL CALL VOTE

Councilor Shattuck	Aye
Councilor Milo	Aye
Mayor Pro-Tem Milo	Aye
Councilor Sanchez	Aye

Mayor Silva announced that nothing was voted on in Closed Session and no other items were discussed other than the items mentioned in the motion to close. Councilor Shattuck motioned to go into Open Session. The motion was seconded by Councilor Sanchez and carried unanimously upon a roll call vote.

ROLL CALL VOTE

Councilor Shattuck	Aye
Councilor Milo	Aye
Mayor Pro-Tem Milo	Aye
Councilor Sanchez	Aye

Councilor Shattuck motioned to grant a pay adjustment for additional duties as discussed, for Laura Holguin and Vicki Engle, as presented. Councilor Milo seconded the motion. Motion passed unanimously.

Mayor Pro-Tem Franklin motioned to authorize the City the purchase of the property located at 315 E. Spruce Street for \$60,000, the sale price listed by the seller, with Mayor Silva to execute and close on the sale. Councilor Sanchez seconded the motion. Motion carried unanimously.

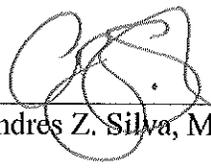
Mayor Pro-Tem Franklin motioned to give staff and the Mayor authorization to negotiate the purchase of the building on Maple Street, known as the Ruebush property, for an amount not to exceed the appraised value. Councilor Sanchez seconded the motion. Motion carried unanimously.

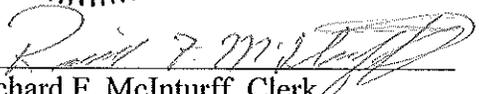
10. **Adjourn Meeting.** Councilor Sanchez motioned to adjourn the meeting. Councilor Franklin seconded the motion. Motion carried unanimously.

*The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., February 11, 2013.*



CITY OF DEMING, NEW MEXICO

  
\_\_\_\_\_  
Andres Z. Silva, Mayor

  
\_\_\_\_\_  
Richard F. McInturff, Clerk

**RESOLUTION NO. 13-11**

**A RESOLUTION AUTHORIZING THE SUBMISSION  
OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE AND  
ADMINISTRATION/LOCAL GOVERNMENT DIVISION**

**WHEREAS**, the need exists within the City of Deming for neighborhood improvement projects in several low and moderate income neighborhoods, and the City of Deming desires to apply to the Housing and Urban Development's Community Development Block Grant Program to obtain funding for neighborhood improvement projects; and

**WHEREAS**, the City of Deming has held four (4) public hearings for public input and comment on August 13, 2012, September 10, 2012, October 8, 2012, and November 13, 2012 during the 2013 application process; and

**WHEREAS**, the Council finds that there is a significant need to undertake the Wastewater Project to provide adequate services to the community; and

**WHEREAS**, the Council determines that the Wastewater Treatment Plant Improvements Project meets the requirements of the Community Development Block Grant Program.

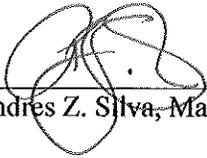
**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING, NEW MEXICO, that**

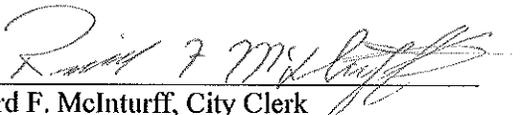
1. The City of Deming is hereby authorized to prepare and submit a Community Development Block Grant application to the New Mexico Department of Finance and Administration/ Local Government Division for the Wastewater Treatment Plant Improvements Project.
2. That the Council directs and designates the City Administrator or Assistant City Administrator as the City of Deming's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City of Deming's participation in the New Mexico Community Development Block Grant Program.
3. The City of Deming's officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.
4. That the full application amount be for \$500,000 of grant funds and the phased project be for \$461,870 for the Wastewater Treatment Plant Improvements.
5. That it further be stated that the City of Deming is committing a 10% cash match contribution for the awarded application amount from its Wastewater Enterprise Fund as a cash contribution toward the Wastewater Treatment Plant Improvements Project.

PASSED, ADOPTED AND APPROVED this 30<sup>th</sup> day of January, 2013.

CITY OF DEMING, NEW MEXICO



  
\_\_\_\_\_  
Andres Z. Silva, Mayor

  
\_\_\_\_\_  
Richard F. McInturff, City Clerk

**RESOLUTION NO. 13-12**

**PARTICIPATION IN SAFE ROUTES TO SCHOOL  
INFRASTRUCTURE PROGRAM FUND ADMINISTERED BY  
NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Deming and the New Mexico Department of Transportation have entered into a joint and coordinated effort.

WHEREAS, the total minimum cost of the project will be \$250,000 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 100% or not exceed \$250,000, and
- b. City of Deming's proportional matching share shall be all costs which exceed the total amount of \$250,000, and

WHEREAS, the City reserves the right to reject any and all bids for the Safe Routes to School Project, and

WHEREAS, the City assumes ownership, liability, maintenance, and related amenities of the project.

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

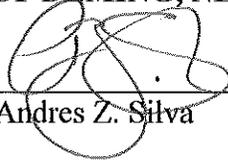
The agreement terminates on September 30, 2015 and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Project Control Number W100071 with the New Mexico Department of Transportation for Safe Routes to School Infrastructure Funds Program for "Sidewalk on the north side of 2<sup>nd</sup> Street from Gold Avenue west to Tin Street; sidewalk on the east side of Tin St. from 2<sup>nd</sup> Street north to 4<sup>th</sup> Street; crosswalk markings, stop bars and signage along with curb extensions at the intersection of 4<sup>th</sup> Street. Widen asphalt path on north side of 4<sup>th</sup> Street to 10 feet from intersection of Tin and 4<sup>th</sup> Streets west to the intersection of 8<sup>th</sup> and 4<sup>th</sup> Street. Widen asphalt path on east side of Eighth Street to 10 feet from intersection of 8<sup>th</sup> and 4<sup>th</sup> Streets north to appropriate location across from Ruben S. Torres Elementary School. Install solar lighting for pedestrians within project areas of 4<sup>th</sup> and 8<sup>th</sup> Streets. Install five foot wide sidewalk along the north side of Chaparral Boulevard east to the Corre Caminos bus stop. Restripe crosswalks; install MUTCD-compliant signage and appropriate ADA improvements in the project corridor.

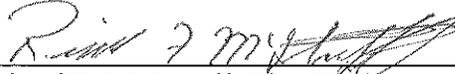
PASSED, ADOPTED, AND APPROVED this 30<sup>th</sup> day of January 2013.



**CITY OF DEMING, NEW MEXICO**

  
\_\_\_\_\_  
Mayor Andres Z. Silva

ATTEST:

  
\_\_\_\_\_  
Richard F. McInturff, City Clerk

**RESOLUTION NO. 13-13**

**PARTICIPATION IN STATEWIDE TRANSPORTATION  
IMPROVEMENT PROGRAM FUND ADMINISTERED BY  
NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Deming and the New Mexico Department of Transportation have entered into a joint and coordinated effort.

WHEREAS, the total minimum cost of the project will be \$1,000,000 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 85.44% or not exceed \$854,400.00, and
- b. City of Deming's proportional matching share shall be 14.56% or a minimum of \$145,600.00, and

WHEREAS, the City reserves the right to reject any and all bids for project CN 1100190, and

WHEREAS, the City assumes ownership, liability, maintenance, and related amenities of the project.

The City of Deming shall pay all costs, which exceed the total amount of \$1,000,000.

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

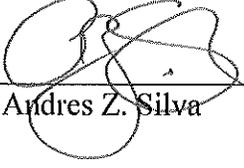
The agreement terminates on September 30, 2015 and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Project Control Number 1100190 with the New Mexico Department of Transportation for Statewide Transportation Improvement Program for "Project development, design, construction and construction management of Pine Street/Spruce Street Intersection realignment, including North-South blocks intersecting with US70/180 (Pine Street) mp 1.400 to 1.700 and Spruce St. (FL4331) mp 1.560 to 1.660

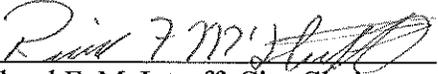
PASSED, ADOPTED, AND APPROVED this 30<sup>th</sup> day of January 2013.



**CITY OF DEMING, NEW MEXICO**

  
\_\_\_\_\_  
Mayor Andres Z. Silva

ATTEST:

  
\_\_\_\_\_  
Richard F. McInturff, City Clerk