



Phone (575) 546-8848 - Fax (575) 546-6442
E-MAIL: deming@cityofdeming.org - Website: www.cityofdeming.org
P.O. BOX 706. DEMING, NEW MEXICO 88031
POPULATION 14,000

CITY COUNCIL MEETING

February 10, 2014

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order/Pledge of Allegiance

1. Consent Agenda

- A. Minutes - City Council Workshop and Regular Meeting 01/13/14
- B. Minutes – City Council Special Meeting 01/27/14
- C. Minutes - Planning and Zoning Commission Meeting 01/21/14
The following will be presented later in agenda as Public Hearings
 - a. Recommendation to approve three request regarding the Hermanas/Pear St. Annexation
- D. Minutes - Tourism Development Committee 01/22/14
- E. Minutes – Airport Commission Meeting (*no meeting scheduled*)
- F. Minutes – Marshall Memorial Library Board Meeting 01/14/14
 - a. Approval for the display holder for plaques.
- G. Minutes - Parks Commission Meeting 01/14/14 (*meeting cancelled*)
- H. Out-of-State Travel Request:
 - a. For D.J. Ritchlin to attend the CNG Training-NGV Technician and Fleet Operations Safety Training on February 19-21 in Las Vegas, Nevada.
 - b. For D.J. Ritchlin to attend the CNG Training-Heavy-Duty NGV Maintenance and Diagnostics Training & One-Day CNG Fuel System Inspector Training on March 25-28, 2014 in South Plainfield, New Jersey.

2. Public Forum

3. Presentation of Certificates of Appreciation

4. Presentation by Lt. John Mooradian of the Luna County Sheriff's Department to Report on the TIPSOFTE Program for 2013.

5. Proclamation for Mayors Day of Recognition for National Service

6. Resolution to Enter Into a Grant Agreement with the State of New Mexico Environment Department for Project Number 13-1468 STB

7. Resolution to Authorize the Submission of an Application for Funding Assistance to the New Mexico Finance Authority Water Trust Board and Commitment of the Operation and Maintenance of the Proposed Project-City of Deming Effluent Reuse Expansion

8. Resolution to Authorize the Submission of an Application for Funding Assistance to the New Mexico Finance Authority Water Trust Board and Commitment of the Operation and Maintenance of the Proposed Project-City of Deming Water System Improvements on Pear Street
9. Public Hearing of Proposed Ordinance to Impose a Municipal Hold Harmless Gross Receipts Tax
10. Public Hearing to Consider and Ordinance Consenting to the Annexation Request for the Hermanas Grade Annexation Area
11. Public Hearing to Consider an Amendment to the 2010 Comprehensive Plan of the City of Deming, New Mexico
12. Public Hearing to Consider an Ordinance Amending Title 12, Chapter 3 of the City Code of Deming, New Mexico to Amend the City Zoning District Map.
13. Closed Session to Discuss the Purchase of Real Estate Pursuant to NMSA 1978, Section 10-15-1 (H)(8), of the Open Meetings Act
14. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., March 10, 2014.

CITY COUNCIL WORKSHOP MINUTES February 10, 2014

Council Present: Linda Franklin, Mayor Pro Tem

Council Absent: Andres Z. Silva, Mayor
William Shattuck, Councilor

Joe "Butter Milo, Councilor
David Sanchez, Councilor

Staff Present: Richard F. McInturff, City Administrator
Aaron Sera, Asst. City Administrator
Wesley Hooper, Community Svcs. Dir.
Lloyd Valentine, Financial Svcs. Mgr.
Jim Massengill, Public Works Director

Edgar Davalos, Fire Chief
Brandon Gigante, Police Chief
Gina Gentile, City Planner
Patsy Rodriguez, Receptionist

Recording Secretary: Lila Jasso, Administrative Secretary/Assistant Deputy Clerk

Mayor Pro Tem Franklin and staff members of the City of Deming, New Mexico held a workshop on February 10, 2014 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting, held at 6:00 p.m. the same day. The following items of the agenda were discussed:

Consent Agenda: Mayor Pro Tem Franklin asked there were any items on the Consent Agenda that needed to be discussed. Mr. McInturff stated that he didn't find anything further to discuss. Mr. Sera stated that Item C. Minutes-Planning and Zoning Commission Meeting of 01/21/14 stated that "The following items will be presented later in agenda as Quasi-Judicial Public Hearings." He noted a correction in that those are not Quasi-Judicial Public Hearing, but just Public Hearings. The correction will be made to the agenda by the recording secretary.

Presentation of Certificates of Appreciation: Mayor Pro Tem Franklin will present the Certificates of Appreciation to Mayor Silva and Councilman Shattuck.

Presentation by Lt. John Mooradian of the Luna County Sheriff's Department to Report on the TIPSOFT Program for 2013: Mr. McInturff stated that Lt. Mooradian will make a presentation to update the TIPSOFT Program.

Proclamation for Mayors Day of Recognition for National Service: Mayor Pro Tem Franklin will read the resolution into record.

Resolution to Enter Into a Grant Agreement with the State of New Mexico Environment Department for Project Number 13-1468 STB: Mr. Massengill will present this resolution to Mayor Pro Tem and Council.

Resolution to Authorize the Submission of an Application for Funding Assistance to the New Mexico Finance Authority Water Trust Board and Commitment of the Operation and Maintenance of the Proposed Project-City of Deming Effluent Reuse Expansion: Mr. Massengill will present this resolution to Mayor Pro Tem and Council.

Resolution to Authorize the Submission of an Application for Funding Assistance to the New Mexico Finance Authority Water Trust Board and Commitment of the Operation and Maintenance of the Proposed Project-City of Deming Water System Improvements on Pear Street: Mr. Massengill will present this resolution to Mayor Pro Tem and Council.

Public Hearing of Proposed Ordinance to Impose a Municipal Hold Harmless Gross Receipts Tax: Mr. McInturff stated that it will be management's recommendation to table this item. However, he would like to make a presentation concerning the situation, at this workshop. Mr. McInturff presented the Hold Harmless Gross Receipts Tax presentation. He stated that back in 2004 the Legislature took the gross receipts tax off of food and medicine. He also stated that at that time, the Legislature told the municipalities not to worry, and that the state would continue paying the municipalities what they would have received in gross receipts. Mr. McInturff mentioned that the issue is that last year, the Legislature repealed the "Hold Harmless" over a 15 year period. He stated that what they have done, is given the municipalities the ability to collect 3/8ths of a percent gross receipts tax to make up for the loss of revenues. He stated that essentially this is a tax increase that the state was unwilling to do and has passed on to the municipalities to implement.

Mr. McInturff presented the Hold Harmless Analysis in which he presented four scenarios to increase the gross receipts tax 3/8ths of a percent to cover the loss of "Hold Harmless" under a period of time, in 1/8th of percent increments.

Mr. McInturff stated that the staff recommendation, based on the analysis, would be Option 3 which is probably the most conservative. He stated that in Option 3, the first increase would be imposed July 1, 2015, the second on July 1, 2021, and the third on July 1, 2025.

Mr. McInturff mentioned the Harper Bill which is being proposed to the Legislature staggers the implementation dates. He stated that this bill would cover the shortfalls by imposing the tax increases. Mr. McInturff stated that since there are approximately five bills pertaining to the "Hold Harmless" that will be presented to the Legislature, his recommendation would be to table this item until the Legislature has decided on these bills.

Public Hearing to Consider and Ordinance Consenting to the Annexation Request for the Hermanas Grade Annexation Area: Mr. Draker will present this item to Mayor Pro Tem and Council.

Public Hearing to Consider an Amendment to the 2010 Comprehensive Plan of the City of Deming, New Mexico: Mr. Draker will present this item to Mayor Pro Tem and Council.

Public Hearing to Consider an Ordinance Amending Title 12, Chapter 3 of the City Code of Deming, New Mexico to Amend the City Zoning District Map: Mr. Draker will present this item to Mayor Pro Tem and Council.

Mr. McInturff stated that there may be some members of the community at the meeting regarding these items. He stated that a few of the property owners were just receiving the letters notifying them of the public hearing.

Mayor Pro Tem Franklin asked if the property had been rezoned or is it zoned agricultural. Mr. McInturff stated that all the subject properties will be zoned agricultural and everything will remain similar to what it was zoned under the ETZ except for the City properties, which will be zoned governmental. These will include the drainage pond, the Bilbo and Brdecko Farms.

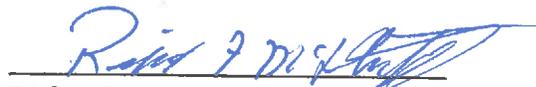
Closed Session to Discuss the Purchase of Real Estate Pursuant to NMSA 1978, Section 10-15-1 (H)(8), of the Open Meetings Act: This item will be further discussed in closed session at the meeting.

Adjourn Meeting: With no further business to discuss, Mayor Pro Tem Franklin adjourned the meeting at 4:28 p.m.



CITY OF DEMING, NEW MEXICO


Linda E. Franklin, Mayor Pro Tem


Richard F. McInturff, Clerk

CITY COUNCIL MEETING MINUTES

February 10, 2014

Council Present: Linda Franklin, Mayor Pro Tem
David Sanchez, Councilor
Joe "Butter" Milo, Councilor
Bill Shattuck, Councilor

Council Absent: Andres Z. Silva, Mayor

Staff Present: Richard F. McInturff, City Administrator
Wesley Hooper, Community Svcs. Dir.
Jim Massengill, Public Works Director
Jim Foy, City Attorney
Aaron Sera, Asst. City Administrator
Brandon Gigante, Police Chief
Lloyd Valentine, Financial Svc. Mgr.
Gina Gentile, City Planner

Guest: Rick Draker, R.M. Draker and Associates

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

Mayor Pro Tem Franklin called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

1. Consent Agenda

Mayor Pro Tem Franklin asked Council if they had any items they would like to discuss on the Consent Agenda. There were none. Mayor Pro Tem Franklin entertained a motion for the Consent Agenda.

Councilor Shattuck motioned to approve the Consent Agenda, as presented. Councilor Milo seconded the motion, motion carried unanimously.

2. Public Forum

A public comment session was entertained.

3. Presentation of Certificates of Appreciation

Mayor Pro Tem Franklin presented the Certificates of Appreciation to Mayor Silva and Councilor Shattuck for their service to the City of Deming City Council.

4. Presentation by Lt. John Mooradian of the Luna County Sheriff's Department to Report on the TIPSOFTE Program for 2013

Lt. John Mooradian gave a presentation on TIPSOFTE Program for 2013, which he stated was the first full year that the program was in place. He stated that this is the new "crime stopper" program for tips and leads.

Lt. Mooradian discussed his report and started off by stating that in the old system, where people would just call in to Central Dispatch and report their tips. He stated that with old system, statistics were as follows: In 2010 there were 70 tips, in 2011 there were 53 tips, and in 2012 there were 74 tips. He went on to say that in 2013, under the new TIPSOFT system, there were 104 tips. He referred to the report presented to Council. Lt. Mooradian stated that there were still 81 tips generated from the call center in 2013. He also referenced the Web tips and Text-A-Tip statistics, which were 14 and 9 respectively. Lt. Mooradian stated that regretfully, that there were only 4 arrests made from these tips. He went on to say that the total reward money given out by Crimestoppers was \$2,150.00 in which \$1,650.00 had been collected by tipsters and \$500.00 remained uncollected.

Councilor Milo asked Lt. Mooradian where the call center was based. Lt. Mooradian stated that he believes it was based out of Canada.

Lt. Mooradian discussed another feature of TIPSOFT which is the public alerts system. He stated that this feature has worked really well, when used to alert other local law enforcement of weather related events, early school release, and to solicit info on crimes. It has been used a total of four times in 2013.

Lt. Mooradian went over the annual costs of TIPSOFT, which he noted totaled \$3,054.74. He stated that this is a cost effective program considering the overall costs.

5. Proclamation for Mayors Day of Recognition for National Service

Mayor Pro Tem Franklin presented this proclamation to Council and it was read into the record.

Councilor Shattuck motioned to proclaim April 1, 2014 as Mayors Day of Recognition for National Service. Councilor Milo seconded the motion, motion carried unanimously.

6. Resolution to Enter Into a Grant Agreement with the State of New Mexico Environment Department for Project Number 13-1468 STB

Mr. Massengill presented this resolution to Mayor Pro Tem Franklin and Council. He stated that this resolution is for an appropriation from the State Legislature through the State Environment Department. This appropriation is for \$450,000 to be used at BTRL to expand the current cell to the north of the existing cell. The resolution is a necessary in order to designate authorized representatives and signatories, and to appoint official representatives to sign and request reimbursement request and act as point of contact concerning all matters related to the grant agreement.

Councilor Milo asked if these funds would be used for a new cell. Mr. Massengill clarified that these funds would be used to expand an existing cell. Mr. McInturff clarified that the existing cell, as with other cells, is built a quarter at a time, therefore, these funds would be to expand on that cell.

Councilor Milo motioned to approve the resolution to Enter in to a Grant Agreement with the State of New Mexico Environment Department for Project Number 13-1468 STB. Councilor Sanchez seconded the motion, motion carried unanimously.

7. Resolution to Authorize the Submission of an Application for Funding Assistance to the New Mexico Finance Authority Water Trust Board and Commitment of the Operation and Maintenance of the Proposed Project-City of Deming Effluent Reuse Expansion

Mr. Massengill presented this item to Mayor Pro Tem and Council regarding the City of Deming Effluent Reuse Expansion project in which the City is requesting \$950,000.00 from the New Mexico Finance Authority Water Trust Board. The City has decided to submit two separate projects, this one under the water conservation/recycling/reuse section. He explained the necessary actions required in the process of applying for these funds.

Mr. Massengill stated that this project would be used to conserve the City's fresh water supply, and to use the effluent water to irrigate City parks and continue to the existing farms water by effluent water. He explained that the project would be done in phases and these funds would be used for the initial phase of the project. He read the resolution in to record.

Councilor Sanchez asked what City properties were being irrigated by effluent water. Mr. Massengill stated that currently, the farm south of the waste water treatment plant was utilizing effluent water, as well as the cemetery and golf course. He stated that the City also provides effluent water to Luna Energy Facility. Councilor Sanchez asked if any effluent water was used to water the Youth Football Field. Mr. Massengill stated that at this time it was not, however that is one park in which they would like to extend this service. Mr. Massengill stated that the new sports complex would also be one of the parks involved in the phases of this project.

Councilor Milo stated that he understood that effluent water was no longer going to be used at the cemetery. Mr. Massengill stated that there was an engineered solution to this. Mr. Sera stated that the problem with the effluent water and it staining the headstones at the cemetery was that it was not being treated to a certain class. Mr. Massengill stated that a preliminary engineering report addressed this issue. Mr. Massengill stated that the City has discontinued using effluent water at the cemetery, at this time, until they can better treat it for use.

Councilor Milo asked about the matching requirements for these funds. Mr. Massengill was not clear on the terms; however, he offered to find that out for Councilor Milo.

Councilor Sanchez motioned to authorize the submission of an application for funding assistance to the New Mexico Finance Authority Water Trust Board and commitment of the operation and maintenance of the proposed project-City of Deming Effluent Reuse Expansion, with a correction to the title of the resolution, as noted. Councilor Shattuck seconded the motion, motion carried unanimously.

8. Resolution to Authorize the Submission of an Application for Funding Assistance to the New Mexico Finance Authority Water Trust Board and Commitment of the Operation and Maintenance of the Proposed Project-City of Deming Water System Improvements on Pear Street

Mr. Massengill presented this item to Mayor Pro Tem and Council. He stated that the process for this application is the same as the previous resolution. Mr. Massengill stated that the project type is under this application is for water storage conveyance and delivery.

Mr. Massengill explained that these funds, if obtained, would be used for water distribution improvements. He stated this project would be the Pear Street Revitalization Improvements for Phase II in the amount of \$2,024,000.00. The City of Deming proposed project is for water system improvements along Pear Street. This project will include replacement of approximately one mile of existing 8-inch, old, cement water pipes to include valves, valve boxes, manhole adjustments, and pavement cuts and patching, as needed. Mr. Massengill stated that the cement pipe works well as long as there is no construction around it. He went on to say that the last two projects had caused some breaks in the line, which were hard to patch and repair. He stated that this project would update and improve that water line.

Mr. Massengill summarized the resolution and stated the requirements of the application process.

Councilor Milo asked if the project allowed for pavement in the area. Mr. Massengill stated that some patching would be done, if necessary. He went on to explain that they would abandon the old cement line, in place, and install a new line south of existing line. He stated that this would allow for patching of pavement, as necessary.

Councilor Sanchez motioned to approve the resolution to authorize the submission of an application for funding assistance to the New Mexico Finance Authority Water Trust Board and commitment of the operation and maintenance of the proposed project-City of Deming Water System Improvements on Pear Street. Councilor Shattuck seconded the motion, motion carried unanimously.

9. Public Hearing of Proposed Ordinance to Impose a Municipal Hold Harmless Gross Receipts Tax

Mr. McInturff stated that management requests that this proposed ordinance be tabled due to the fact that the Legislation is currently looking at five separate bills to amend the Hold Harmless. He stated that it would be premature, at this time, to take action.

Councilor Shattuck motioned to table the proposed ordinance to impose a Municipal Hold Harmless Gross Receipts Tax. Councilor Milo seconded the motion, motion carried unanimously.

10. Public Hearing to Consider and Ordinance Consenting to the Annexation Request for the Hermanas Grade Annexation Area

Mayor Pro Tem Franklin introduced Mr. Draker who presented this item to Council. He explained that this presentation would address items 10, 11, and 12 of the agenda, but should be considered separately by the Council.

Mr. Draker explained the proposed area for annexation which would be contiguous to the existing City boundary, which would include the second half of the Paisano Subdivision.

Mr. Draker stated that the total proposed area to be considered for annexation was 299.19 acres, in which 72.31% of this area being owned by the City of Deming. Mr. Draker stated that approximately 95% of the proposed annexation area is undeveloped. He went on to say that the City has expended, within the annexation area, approximately \$3.5 million dollars in water, gas, and sanitary sewer lines. The two large parcels owned by the City total 207.62 acres, and may undergo development. He stated that there is no financial burden to City residents due to the existing water, gas, and sanitary sewer lines already installed in the area. He said that if there are any other costs, they would apply only to the land developers of the land. There is no negative financial impact to the county, as they will not lose the property taxes in the area. He stated he would address the ETZ later on in the meeting as he felt that there was some misunderstanding regarding what the ETZ is and does.

Mr. Draker stated that the Extra Territorial Zoning was set up by the State Legislature to accommodate city growth. With a city the size of Deming, the distance around the city boundary is approx 1 mile. Mr. Draker stated that many years ago, the City and County agreed to an area larger than 1 mile. He stated that the annexation places the City in a position to protect a part of the services already put in place and better manage the development of the two large parcels of land owned by the City. He went on to explain the existing land use on the map displayed.

Mr. Draker stated that in the Paisano Subdivision already has utility services in place.

Mr. Draker went on to explain the amendment to the 2010 Comprehensive Plan of the City of Deming. He stated that the amendment will not be amending any of the land out in the County area. He explained the land use map from the 2010 City Comprehensive Plan. He stated that the amendment addresses figure 6 to incorporate land usage to the plan.

Mr. Draker explained the amendment and stated that the amendment to the 2010 Comprehensive Plan would need to be approved if the annexation is approved to account for the additional area incorporated.

11. Public Hearing to Consider an Amendment to the 2010 Comprehensive Plan of the City of Deming, New Mexico

Mr. Draker explained the amendment to the 2010 Comprehensive Plan of the City of Deming. He stated that the amendment is contingent upon the action taken for the annexation ordinance, reference above.

12. Public Hearing to Consider an Ordinance Amending Title 12, Chapter 3 of the City Code of Deming, New Mexico to Amend the City Zoning District Map

Mr. Draker stated that the Extra Territorial Zoning has had zoning in place since 1979 and is governed by two joint bodies of the City and County. He explained that the Extra Territorial Authority (ETA) is made up of elected officials of City and County. The ETC is a commission made up of appointed people who deal with requests for zoning changes, variations, or special uses. He explained that the ordinance would transfer the existing zoning from ETZ designations and translate them to City designations to make them compatible.

Mr. Draker concluded his presentation and asked Mayor Pro Tem Franklin if she or Council had any questions.

Mayor Pro Tem Franklin asked if any member of Council had questions. There were none.

Mayor Pro Tem Franklin opened the hearing for questions from the public.

Edward Khanbajian, 1721 E. Pine St., asked Mr. Draker what the advantage to annexing this area would be. Mr. Draker answered that the fact that there are two large parcels of land in the area, which the City owns. He stated since these areas are City assets, they should be brought in to the City limits, as well as the drainage holding pond in the area. Mr. Draker stated that utility services are already available in the proposed area and have been paid for. Mr. Draker stated that the City would have some control of the investment the City has made, including the ownership of the land, as well as management of the development that may take place there. Mr. Khanbajian asked for clarification pertaining to whether or not the utilities were already put in this area. Mr. Draker stated that they were already available in this area and referred to the map indicating this. Mr. Khanbajian asked why this area, in particular, had been picked to be annexed. Mr. McInturff stated that the two larger parcels are ideal for solar development and that the City currently has a predevelopment lease that involves both of those properties. Mr. Khanbajian asked if there is a project in process for this area. Mr. McInturff stated that there is a likelihood of a project progressing. Mr. Khanbajian asked about the effect of property taxes in this area. Mr. Draker clarified his statement, and stated that there were two things mentioned. First, that there was no financial impact to the existing City residents, since utilities are already installed. There will be an impact on property taxes for the people being annexed. Most of this area is undeveloped and the calculations, depending on the assessment of these properties would be as low as \$45 per year. Mr. Khanbajian asked what would happen to those people in the middle of the area. Mr. McInturff stated that the areas which are contiguous to the two large parcels owned by the City will be annexed. Mr. Khanbajian asked who paid for the utilities that are already installed in this area. Mr. McInturff stated that they were paid by the City's Utility Department. Mr. Khanbajian asked why there is such a push to approve this annexation. Mr. McInturff stated that there is no rush, and this project has been in progress for approximately five months.

Darrell Bishop, 1481 W. Dona Ana Road, asked that if someone gets annexed in to the City limits, it would not cost them extension fees to get hooked up into the City utilities. Mr. McInturff confirmed this. Mr. Bishop then asked if those people with existing structures would

have to hook up to City utilities. Mr. McInturff stated that they would not. Councilor Sanchez stated that the utilities would be available to existing residents, if they wanted them.

Mike Garcia, 1470 W. Pear, asked why the City didn't decide to annex everyone in that area up to Dona Ana Rd, instead of only in the blocked off area. Mr. McInturff stated that the City's primary focus for this annexation was the Brdecko Farm and the Bilbo Farm. Mr. Garcia asked why the City didn't just annex the whole area. Mr. McInturff explained that there was a lot involved in an annexation, which included a lot of responsibilities. If the City would have annexed straight through to Dona Ana Road, it would have impacted probably ten times more people than this option, since that area is more populated. Mr. McInturff stated that this option has much less impact. Mr. Garcia asked if the Anderson area was going to be part of the City, now. Mr. McInturff stated it would not. Mr. Garcia asked that once this was done, would the residents of this area have to abide by the regulations of the City as far as their property goes. Mr. McInturff stated that as far as the use goes, they would have to abide. However, since 1979 they have been subject to the ETZ codes; and as Mr. Draker explained, those ETZ codes and P&Z districts are almost identical. Mr. McInturff clarified that the zoning of this area would need to be revisited at a later date, due to the fact that the property owners would need to be given notice of the public hearing. He explained to Mr. Garcia, that he would be able to submit a rezoning request for consideration by City Council. Mr. Garcia then clarified that if the request was not approved, he would have to abide by the City Ordinances, as they stand. Staff confirmed this.

Larry Caldwell, 711 N. Zinc, asked if the reason for the annexation was because of solar development. Mr. McInturff and Mr. Draker confirmed that was one of the reasons. Mr. Caldwell asked why the Garcia and Baker properties were annexed. Mr. Draker answered that these properties were proposed to be annexed because they are contiguous to the two parcels that the City owns and wants to incorporate into the City limits. Mr. Caldwell stated that he can't see why the City would zone this area for single and multi-family dwelling use in this proposed area. Mr. Draker stated that the proposal for this zoning was in alignment with the current zoning of the areas under the ETZ zoning. Mr. Draker reiterated that the zoning was not changed from the ETZ zoning. Mr. Caldwell stated that he is in opposition to the annexation ordinance due to the fact that the City is not certain that the property will be used for a solar project.

Mayor Pro Tem Franklin closed the public session, and entertained a motion from Council for item number 10-Public Hearing to Consider and Ordinance Consenting to the Annexation Request for the Hermanas Grade Annexation Area.

Councilor Shattuck motioned to approve the ordinance consenting to the annexation request for the Hermanas Grade Annexation Area. Councilor Sanchez seconded the motion, motion carried unanimously.

Mayor Pro Tem Franklin then opened the public hearing session for item number 11. Public Hearing to Consider an Amendment to the 2010 Comprehensive Plan of the City of Deming, New Mexico.

Larry Caldwell, 711 N. Zinc, opposed to this action based on the comments he made previously.

Edward Khanbabian, 1721 E. Pine, stated that he did not know that the City owned annexed property would be used for a solar “farm”, and feels that the City should have been more clear. He also stated that the developer’s would pay for the costs of the utilities to be extended to the area. Asked for clarification as to whether the annexed area would be used for a solar “farm” or if a developer would be developing the area. Mr. McInturff clarified the area involved and stated that a solar project was possible.

Mike Garcia, 1470 W. Pear, asked if the roadway will be opened all the way from Pear St. to the “Old Lordsburg Highway” (Highway 418). Mr. McInturff stated that the City would like to, but at this time the property owners are not cooperative.

Edward Khanbabian, 1721 E. Pine, asked if this annexation would affect the value of the property being annexed to this area. Mr. McInturff explained that historically the solar facilities do not have a negative impact on the surrounding properties.

With no further questions, Mayor Pro Tem Franklin closed the public hearing and entertained a motion from Council on item number 11.

Councilor Milo motioned to approve the amendment to the 2010 Comprehensive Plan of the City of Deming, New Mexico. Councilor Shattuck seconded the motion, motion carried unanimously.

Mayor Pro Tem Franklin announced a recommendation has been made by staff to table item number 12. Public hearing to Consider an Ordinance Amending Title 12, Chapter 3 of the City Code of Deming, New Mexico to Amend the City Zoning District Map.

Mr. McInturff stated that staff recommends tabling this item due to the fact that the notices to the property owner’s were not delivered in a timely manner.

Councilor Shattuck motioned to table item 12-Public Hearing to Consider and Ordinance Amending Title 12, Chapter 3 of the City Code of Deming, New Mexico to Amend the City Zoning District Map. Councilor Sanchez seconded the motion, motion carried unanimously.

13. Closed Session to Discuss the Purchase of Real Estate Pursuant to NMSA 1978, Section 10-15-1 (H)(8), of the Open Meetings Act

Mayor Pro Tem Franklin entertained a motion to go in to closed session.

Councilor Sanchez made a motion to go into closed session. Councilor Milo seconded the motion, motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Shattuck	Aye
Councilor Sanchez	Aye

Mayor Pro Tem Franklin stated for the record that only items listed and pertaining to real estate were discussed in closed session, and that nothing was moved on during closed session.

Mayor Pro Tem Franklin entertained a motion to go back in to open session.

Councilor Shattuck motioned to go back in to open session. Councilor Sanchez seconded the motion, motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Councilor Sanchez	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Mayor Pro Tem Franklin entertained a motion from Council.

Councilor Shattuck motioned to authorize the City to purchase two properties located on west Pine Street, up to the negotiated price, to allow staff to finalize all negotiations, and to authorize the Mayor to sign necessary documents for this transaction. Councilor Sanchez seconded the motion, motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Councilor Shattuck	Aye
Councilor Milo	Aye
Councilor Sanchez	Aye

14. Adjourn Meeting

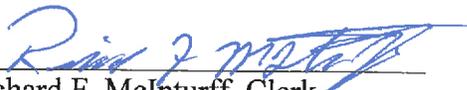
With no further business to discuss, Councilor Sanchez motioned to adjourn the meeting. Councilor Milo seconded the motion, motion approved unanimously. Meeting adjourned at 8:01 p.m.



CITY OF DEMING, NEW MEXICO


Linda E. Franklin, Mayor Pro Tem

ATTEST:


Richard F. McInturff, Clerk

Proclamation

Mayors Day of Recognition for National Service

WHEREAS, service to others is a hallmark of the American charter, and central to how we meet our challenges; and

WHEREAS, the nation's Mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, National Service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, National Service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, National Service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

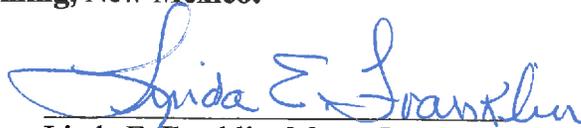
WHEREAS, National Service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National Community Service shares a priority with Mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 1, 2014.

THEREFORE BE IT RESOLVED that I, Linda E. Franklin, Mayor Pro Tem of the City of Deming, New Mexico, do hereby proclaim April 1, 2014, as National Service Recognition Day, and encourage residents to recognize the positive impact of National Service in our city and thank those who serve; and to find ways to give back to their communities.

Done this 10th day of February, 2014 in the City of Deming, New Mexico.


Linda E. Franklin, Mayor Pro Tem

ATTEST:


Richard F. McInturff, Clerk



**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 14-09**

WHEREAS, the City of Deming, Luna County, State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department, and

WHEREAS, the Agreement is identified as Project Number 13-1468-STB Grant Agreement for the Butterfield Trail Regional Landfill Construction.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY of the City of Deming in regular session on February 10, 2014, that

1. The City Council directs and designates Andres Z. Silva, Mayor, or his successor; or Aaron Sera, Assistant City Administrator, or his successor; as the authorized representative to sign the agreement for this project, and to act in all matters in connection with this application and;
2. Jim Massengill, Public Works Director and Laura Holguin, Financial Operations Officer, are OFFICIAL REPRESENTATIVES who are authorized to sign and request reimbursement requests and act as points of contact concerning all matters related to the grant agreement.

PASSED, ADOPTED, AND APPROVED this 10th day of February, 2014.



CITY OF DEMING, NEW MEXICO

Linda E. Franklin, Mayor Pro Tem

ATTEST:

Richard F. McInturff, City Clerk



Notary Name, Notary Title

LILA A. JASSO, ADMINISTRATIVE SEC.

Notary Signature

Date

My Commission Expires:

CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 14-10

**RESOLUTION OF THE GOVERNING BODY, AUTHORIZING THE SUBMISSION
OF AN APPLICATION FOR FUNDING ASSISTANCE TO NEW MEXICO
FINANCE AUTHORITY WATER TRUST BOARD AND COMMITMENT
OF THE OPERATION AND MAINTENANCE OF THE PROPOSED PROJECT**

WHEREAS, the City of Deming is a qualified entity under the New Mexico Finance authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 (“Act”), and the City of Deming is authorized to apply for funds for financing of public projects for benefit of the community and its citizens; and

WHEREAS, the New Mexico Finance Authority (“Authority”) has instituted a program for financing of projects from the Water Trust Board and has developed an application procedure whereby the Governing Body may submit an application (“Application”) for financial assistance from the Authority for; and

WHEREAS, the Governing Body intends to undertake design, and construction improvements for the benefit of the community and its citizens; for the (“Project”) City of Deming Effluent Reuse Expansion; and

WHEREAS, the Governing Body completed an Application to the Authority for its consideration, and

WHEREAS, the Governing Body is committed to properly operate and maintain the proposed improvements as described by the proposed project that funding is being requested for.

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 directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the Governing Body hereby directed the submittal of a completed Application to the Authority for its review, and 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 3. That the Governing Body is fully committed to properly operate and maintain the water system and the proposed project being submitted for funding.

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

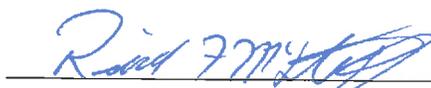
Section 5. This resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED, AND APPROVED this 10th day of February, 2014.

CITY OF DEMING, NEW MEXICO


Linda E. Franklin, Mayor Pro Tem

ATTEST:


Richard F. McInturff, Clerk



CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 14-11

RESOLUTION OF THE GOVERNING BODY, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING ASSISTANCE TO NEW MEXICO FINANCE AUTHORITY WATER TRUST BOARD AND COMMITMENT OF THE OPERATION & MAINTENANCE OF THE PROPOSED PROJECT

WHEREAS, the City of Deming is a qualified entity under the New Mexico Finance authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 (“Act”), and the City of Deming is authorized to apply for funds for financing of public projects for benefit of the community and its citizens; and

WHEREAS, the New Mexico Finance Authority (“Authority”) has instituted a program for financing of projects from the Water Trust Board and has developed an application procedure whereby the Governing Body may submit an application (“Application”) for financial assistance from the Authority for; and

WHEREAS, the Governing Body intends to undertake design, and construction improvements for the benefit of the community and its citizens; for the (“Project”) City of Deming Water System Improvements on Pear Street; and

WHEREAS, the Governing Body completed an Application to the Authority for its consideration.

WHEREAS, the Governing Body is committed to properly operate and maintain the proposed improvements as described by the proposed project that funding is being requested for.

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 directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the Governing Body hereby directed the submittal of a completed Application to the Authority for its review, and 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 3. That the Governing Body is fully committed to properly operate and maintain the water system and the proposed project being submitted for funding.

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

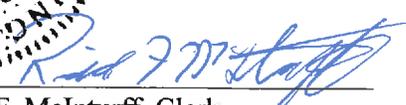
Section 5. This resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED, AND APPROVED this 10th day of February, 2014.

CITY OF DEMING, NEW MEXICO


Linda E. Franklin, Mayor Pro Tem




Richard F. McInturff, Clerk

ORDINANCE NO. 1245

AN ORDINANCE CONSENTING TO THE ANNEXATION OF CONTIGUOUS TERRITORY TO THE CITY OF DEMING, LUNA COUNTY, NEW MEXICO

1. In accordance with NMSA 1978 §3-7-17, the owners of a majority of the number of acres in the contiguous territory to be annexed seek the annexation of said contiguous territory; and,
2. A map of said contiguous territory is attached hereto as Exhibit "A" and made a part hereof which shows the extended boundary of the territory to be annexed and the relationship of that territory to the existing boundary of the City, and,
3. The annexation of such contiguous territory to the City of Deming, New Mexico is hereby approved and the same is hereby made part of the City of Deming, New Mexico and is described on Exhibit "B".

DATED this 10th day of February, 2014.



Richard F. McInturff
Richard F. McInturff, Clerk

By: *Linda E. Franklin*
Linda E. Franklin, Mayor Pro Tem

LUNA COUNTY-NM
ANDREA RODRIGUEZ, CLERK
201401215
1 of 4
04/16/2014 09:42:51 AM
BY MDUARTE



Exhibit "B" to Ordinance NO. 1245

Ownership	Legal Description	Lot Number	Acreage	Property ID. Number
City of Deming	Part SEQ 05-24S-09W	-	102.62	3052139399360
City of Deming	Part SWQ 04-24S-09W	-	105.00	3052139399360
City of Deming	Part NEQ 04-24S-09W	-	8.26	3052139031202
City of Deming	0.46acre in SEQ 04-24S-09W (30'X622' strip of land)		0.46	3098000000188
Seldon Baker Ltd. Partnership	WHSEQNEQ, EHSWQNEQ, EHSEQNEQ less 8.26ac. 04-24S-09W	-	47.17	3052139096205
Michael H. Garcia	NWQSEQ 04-S4S-09W	-	13.02	3052139234313
Louie & Kay Garcia & Mike Garcia	NWQSEQ 04-S4S-09W	-	5.12	3052139195313
Michael H. Garcia	NWQSEQ 04-S4S-09W	-	11.83	3052139157313
Winnifred Grace Pummill & Betty H. Parmer	Paisano Subdivision, Block 1	3&4	0.470	3052139059080 3052139059090
Winnifred Grace Pummill & Betty H. Parmer	Paisano Subdivision, Block 1	5,6 & 8	0.704	3052139059099 3052139059109 3052139046119
Michael D. Pummill	Paisano Subdivision, Block 1	7	0.236	3200000000642
Winnifred Grace Pummill & Betty H. Parmer	Paisano Subdivision, Block 1	9	0.235	3052139046109
Brenda D. Villabiscencio & Angela Barela	Paisano Subdivision, Block 1	10	0.237	3200000000781
Jorge Cano	Paisano Subdivision, Block 1	11 & 12	0.471	3052139048090 3052139047080
Paul J. and Anna Lee Gaume	Paisano Subdivision Block 2	8	0.305	3200000000813
Johnny & Maria Pacheco	Paisano Subdivision Block 2	9	0.305	30451269999991
Carlos and Chantel C. Jaquez	Paisano Subdivision Block 2	10	0.304	3052139028099

LUNA COUNTY-NM
ANDREA RODRIGUEZ, CLERK
201401215
3 of 4
04/16/2014 09:42:51 AM
BY MDUARTE

Exhibit "B"-Continued

Ownership	Legal Description	Lot Number	Acreage	Property ID. Number
Francisco & Molli A. Quintana	Paisano Subdivision Block 2	11	0.304	3052139028109
Eliseo & Catlen N. Jabelero	Paisano Subdivision Block 2	12	0.304	3052139028119
Habitat For Humanity	Paisano Subdivision Block 2	13	0.371	3051138015098
Habitat For Humanity	Paisano Subdivision Block 2	14	0.366	3098000000002
Habitat For Humanity	Paisano Subdivision Block 2	15	0.366	3097000000102
Eparquio Rafael Gonzalez	Paisano Subdivision Block 2	16	0.366	3097000000051
Monica & Arlene Hernandez	Paisano Subdivision Block 2	17	0.366	3097000000049

LUNA COUNTY-NM
 ANDREA RODRIGUEZ, CLERK
 201401215
 4 of 4
 04/16/2014 09:42:51 AM
 BY MDUARTE