



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

**CITY COUNCIL**  
***Special Meeting***  
**February 28, 2014**  
**9:00 a.m.**  
**AGENDA**

Call to Order/Pledge of Allegiance

1. Public Hearing to Consider a Transfer of Ownership and Location Liquor License Application of Liquor License No. 152, to Walgreen Co., doing business as Walgreens #15603, for use at the proposed location of 122 North Gold St., Deming, NM 88030.
2. Budget Adjustments for FY14
3. Approval of Job Description for Economic Development Coordinator
4. Resolution to Consider the Application 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 for City of Deming Sewer Collection System – Preliminary Engineering Report
5. Resolution to Consider the Application 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 for City of Deming Regional Landfill Butterfield Trail Cell Expansion
6. Resolution to Consider the Application and any Subsequent Agreement Between The City Of Deming And The New Mexico Department Of Transportation To Provide Municipal Arterial Program (Map) Funds For Gold Street Reconstruction And Rehabilitation
7. Out-of-State Travel Request for Det. Sgt. Ray Esquivel to attend Taser Certification Training to re-certify and certify as an Instructor in Scottsdale, AZ on March 10-11, 2014.
8. Meeting Adjourned

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



Linda Akin, attorney for Walgreens, stated that she is hoping that when the letter is returned approving the request, that it is clear that the waiver was granted as part of today's activity for the Living Word Family Church. Ms. Akins stated there is a letter from Living Word stating they don't object to the presented request, but that Council still needs to inform Alcohol and Gaming that Council has granted the 300 foot waiver.

Mayor Pro Tem Franklin closed public comment and brought the hearing back to Council. She asked if any Council member was ready to motion on this item, or if they felt they had to go into closed session.

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

Councilor Milo motioned to approve the request Transfer of Ownership and Location Liquor License Application of Liquor License No. 152, to Walgreen Co., doing business as Walgreens #15603, for use at the proposed location of 122 North Gold St., Deming, NM 88030, to include granting a 300 foot waiver from The Living Word Family Church, Councilor Sanchez seconded the motion, motion carried unanimously.

## **2. Budget Adjustments for FY14**

Mr. McInturff presented this case to Council. Mr. McInturff stated that Council had the budget adjustment sheet summary of transfers and expenses in their packets. Mr. McInturff explained the significant changes to Council. Mr. McInturff summarized the changes stating that the Utility revenues were \$24,689. The utilities mid-year adjustments due to utility connections which accounted for more revenue than what we planned on. The \$50,000 is the transfer for CDBG. The \$157,000 is mostly for the land acquisition. In the general and special trust revenue category is \$189,406, of which most is from insurance proceeds for the pool; the \$50,000 transfer is also CDBG. Various expenses have arisen, including unemployment, property purchased on Pine Street, Stonegarden, swimming pool expenses of about \$172,000, some CDBG match, which makes up the bulk of the expense change line item. Mr. McInturff requested Council approve the resolution for the budget adjustment to forward to DFA for approval. Mr. McInturff read the latter portion of the resolution into record.

Councilor Shattuck motioned to approve the resolution request for FY 2013 to 2014 for City of Deming Budget Adjustment, to include authorization to make the listed increases and transfers be granted by the Local Government Division as adopted and approved. Councilor Sanchez seconded the motion, motion carried unanimously.

## **3. Approval of Job Description for Economic Development Coordinator**

Ms. Engle presented this case to Council. Ms. Engle stated that the position is a new job description. The person would be responsible for handling the Economic Development Program within the City. Ms. Engle asked Council for approval.

Mayor Pro Tem Franklin asked if the position would be filled. Mr. McInturff stated that the County had the Economic Development (ED) position for a period, but will not be filling the position once the current director retires. Mr. McInturff stated the City had the position for 15 years without help from other entities. Mr. McInturff stated if everything comes together, the schools will put in 20 percent, Economic Development will contribute 20 percent, the City will contribute 30 percent, and the County will put in 30 percent to take care of payroll for this position. The City will go ahead and take care of some of the overhead expenses and will house ED with MainStreet at the old DMV building on the corner of Maple and Silver streets.

Councilor Sanchez asked what the pay rate was for Range 25. Ms. Engle stated it starts at \$42,000 and goes up to \$58,000. Mr. McInturff stated that the pay for the position when the City last oversaw this position was over \$50,000. Councilor Sanchez asked if the City will be the direct supervisor. Mr. McInturff stated that the City will handle all personnel matters, but will seek direction from the EDC Board.

Councilor Milo motioned to approve the job description for Economic Development Coordinator. Councilor Shattuck seconded the motion, motion carried unanimously.

**4. Resolution to Consider the Application 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 for City of Deming Sewer Collection System – Preliminary Engineering Report**

Mr. Sera presented this case to Council. Mr. Sera stated that the resolution is required to approve the project, as well as granting staff authority to submit the application. Mr. Sera stated that this is a Preliminary Engineering Report (PER) on the City of Deming Wastewater system, meaning the sewer lines themselves. The purpose is to identify any deficiencies in the lines and prioritize the repair over the course of 5 years so that staff can have a better understanding of what is critical. Mr. Sera stated that the recommendation from the Colonias representative was to do a PER rather than applying for construction money. Mr. Sera stated staff is requesting approval of the project as well as approval to submit the application. Mr. Sera reported that a public hearing was conducted, but no members of the community attended. Mr. Sera read the resolution into record.

Councilor Milo asked the amount the City is requesting. Mr. Sera stated the approximate cost will be from \$150,000 to \$200,000 for the survey. Councilor Milo stated staff should know where the problem areas are. Mr. Sera stated that what is known is where the clay lines are. Mr. Sera stated that cameras will be sent down to identify breaks, holes, areas that are not flowing correctly and over capacity of a line. Mr. Sera reported that a project is being worked on at the Bell School area, and it is known that the line went underneath Bell School, and wanted to abandon it in place, but when they looked at it with the camera, water was flowing both ways in some areas. Mr. Sera stated that this report will help identify other trouble areas that need to be addressed. Mr. Sera reported that this engineering report will

also take into account the Solana Project, and colonias areas out there that can be hooked up to this and how to prioritize. Mr. Sera reported that there is a letter of support from the County for this project.

Mr. Sera reported that the way the Colonias Infrastructure Fund works is that once we get the PER, construction money should follow. The PER will identify construction projects for the next five years.

Councilor Milo asked if staff can only apply for it once a year. Mr. Sera stated that it is a little different than CDBG; staff can still apply and submit as many applications as may be needed. Mr. Sera stated staff will be submitting two applications. Mr. McInturff stated the City needs to address the clay sewer lines and get a systematic approach to replacing them.

Councilor Milo asked if there was Colonias monies for streets. Mr. Sera stated that streets is an eligible project but the focus of the Colonias Infrastructure Board is for water and wastewater issues, which is the definition of a Colonias as having insufficient water, wastewater services. Mr. Sera stated streets are not a usually favored project. Mr. Sera stated that staff is trying to incorporate some of the sewer line stuff, when we do the sewer line; the sewer lines will incorporate roads as well. Mr. Sera stated that Pear Street is of a big concern to staff, which was revealed during a previous CDBG construction project.

Councilor Milo asked if there was going to be a project to improve Pear Street. Mr. Sera stated that staff will not make the CDBG threshold due to late grant agreements produced by the state, so staff will not be submitting a CDBG application. Mr. Sera stated that the current project has to be completed before application can be submitted.

Councilor Shattuck motioned 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. Councilor Sanchez seconded the motion, motion carried unanimously.

**5. Resolution to Consider the Application 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 for City of Deming Regional Landfill Butterfield Trail Cell Expansion.**

Mr. Sera presented this item to Council. Mr. Sera stated the resolution is required to submit an application and to approve the project. Mr. Sera stated that a public hearing was conducted with no members of the community were present. Mr. Sera stated the project is for the expansion of the Butterfield Trail Regional Landfill. He stated that the City had submitted an application last year, and was denied funding. After coordination with Colonias board and some advisors, were advised to re-submit the application. Mr. Sera stated the application has been revised showing a stronger need and are hopeful this will be a funded project. Mr. Sera stated that landfill projects don't usually rank very high with Colonias but

it is felt we have a solid chance of obtaining funding. Mr. Sera stated staff is submitting a request for \$1.2 million for this project. Mr. Sera read the resolution into record.

Mr. McInturff stated that one of the projects approved for Capital Outlay funding through the Legislature is the expansion of the landfill so there will be additional funding, and we have last year's legislative grant as well. Mr. Sera reported that Capital Outlay funds will be used as the match requirement. The Colonias fund requires a loan component of 10 percent, but staff is requesting a waiver on the loan and just making it a match so that we don't have to go through the debt service portion of it and just pay the match.

Councilor Milo asked if the solid waste is being brought from Lordsburg. Mr. McInturff affirmed. Councilor Milo asked if the rate would need to be increased. Mr. Massengill stated staff is monitoring the volume and is still working with what was projected. Mr. McInturff stated the ordinance allows negotiating directly with other public entities; the County's contract is also negotiated, so both those customers are not on the rate schedule. Councilor Sanchez asked if the negotiations with the County would need to be done soon. Mr. McInturff stated he thought the Lordsburg was multi-year, and had negotiated with Luna County through the current Multi-Services Agreement. Mr. McInturff stated Luna County was given an increase last year. Mr. McInturff stated that Lordsburg has not been approached with an increase, but he felt that if we did, we may lose them. Mr. Sera stated that their volume is pretty stable, so it is easy to budget for it. Mr. McInturff stated there is really not a whole lot of incremental cost, so expenses are the same if they come or not.

Councilor Shattuck motioned 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 for City of Deming Regional Landfill Butterfield Trail Cell Expansion, Councilor Milo seconded the motion, motion carried unanimously.

**6. Resolution to Consider the Application and any Subsequent Agreement Between The City Of Deming And The New Mexico Department Of Transportation To Provide Municipal Arterial Program (Map) Funds For Gold Street Reconstruction And Rehabilitation.**

Mr. Massengill, Public Works Director, presented this case to Council. Mr. Massengill stated that the resolution is required to apply for MAP funds. He stated that staff recommends looking to project development and design, construction and construction services for Gold Street rehabilitation and reconstruction, which would begin at Hemlock Street going as far south as we can. The numbers are still being developed. Mr. Massengill stated that the inside lanes are failing due to the volume of truck traffic. Mr. Massengill reported the intent would be to mill and inlay as much as possible from Hemlock Street south, included with that would be patching because of the failure, on top of the mill and inlay would be taking out asphalt and base course in certain sections to try and improve those failed areas. Mr. Massengill stated staff is still looking for a total number to submit to Department of Transportation. In the past it has been around \$250,000 to \$325,000. Mr.

Massengill stated there is a 25% local match, each year. Mr. Massengill read the resolution into record.

Mayor Pro Tem Franklin stated several of her constituents have complained to her about the striping from Hemlock Street north to Pine Street, which are faded and have seen near accidents. Mayor Pro Tem Franklin asked if that will be addressed in the budget to re-stripe. Mr. Massengill stated the numbers are still being developed and will make sure those are included further north toward Spruce. Mayor Pro Tem Franklin stated Pine Street is where the confusion is, as well as north of Pine. Mr. Massengill stated that staff will ensure the additional striping is included and that Walgreens will take care of the striping on Gold Street, north of Pine Street.

Councilor Shattuck motioned to approve the resolution approving application and any subsequent agreement between the City of Deming and New Mexico Department of Transportation to provide Municipal Arterial Program funds for Gold Street reconstruction and rehabilitation. Councilor Milo seconded the motion, motion carried unanimously.

**7. Out-of-State Travel Request for Det. Sgt. Ray Esquivel to attend TASER Certification Training to re-certify and certify as an Instructor in Scottsdale, AZ on March 10-11, 2014.**

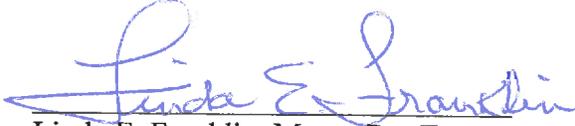
Chief Gigante presented this case to Council. Chief Gigante stated that request for Detective Sergeant Ray Esquivel, who is currently the in-house TASER instructor. Chief Gigante stated that officers are required to be re-certified annually to carry and use the TASER. Chief Gigante stated that the instructor is required to re-certify every two years to be a valid instructor, and his certification will expire this year. Chief Gigante stated the officers are due for their annual recertification, so staff is requesting approval for him to travel to Scottsdale, Arizona to get re-certified as the local in-house instructor. Chief Gigante is requesting approval of this request. Chief Gigante stated there is the possibility of this class being presented in Santa Fe, but it is not for sure at this time if it will be, but staff would prefer to send him to Santa Fe if a class is available.

Councilor Sanchez motioned to authorized out-of-state travel for Detective Sergeant Ray Esquivel to attend TASER Certification training to re-certify, and certify as instructor, in Scottsdale on March 10<sup>th</sup> and 11<sup>th</sup>, 2014. Councilor Milo seconded the motion, motion carried unanimously

**8. Meeting Adjourned:** With no further business to discuss, Mayor Pro Tem Franklin entertained a motioned to adjourn the meeting. A motion was made by Councilor Sanchez to adjourn the meeting. The motion was seconded by Councilor Milo and motion carried unanimously. The meeting adjourned at 9:46 a.m.



**CITY OF DEMING, NEW MEXICO**

  
Linda E. Franklin, Mayor Pro Tem

ATTEST:

  
Richard F. McInturff, Clerk

STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF DEMING

RESOLUTION NO. 14-12

2013-2014 Fiscal Year

WHEREAS, the City of Deming, New Mexico proposes to make certain budget increases and decreases; and,

WHEREAS, due to cash reserves being sufficient to cover the proposed increases and decreases; and

WHEREAS, said monies and expenditures were not included in the 2013-2014 budget; and

WHEREAS, the City Council does request that authorization for the following budget increases and decreases be granted.

THEREFORE IT IS respectfully requested that authorization to make the listed increases and transfers be granted by the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED, AND APPROVED this 28<sup>th</sup> day of February, 2014.



CITY OF DEMING, NEW MEXICO

  
Linda E. Franklin, Mayor Pro Tem

ATTEST:

  
Richard F. McInturff, City Clerk

**CITY OF DEMING**  
**RESOLUTION No. 14-13**

**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 (“Government 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 (“Applications”) for financial assistance from the Authority for public projects; and

**WHEREAS**, the Governing Body intends to undertake planning, design and construction improvements of the (“Project”) City of Deming Sewer Collection System – Preliminary Engineering Report for the benefit of the Governmental unit, its citizens, Luna County 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 submission of the application requesting funding from the Colonias Infrastructure Fund, 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.** That the Governing Body is fully committed to properly operate and maintain the proposed project being submitted for funding.

**Section 5.** All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

**Section 6.** This resolution shall take effect immediately upon its adoption.

**PASSED APPROVED AND ADOPTED** this 28<sup>th</sup> day of February, 2014.



**CITY OF DEMING, NEW MEXICO**

By   
Linda E. Franklin, Mayor Pro Tem

  
Richard F. McInturff, Administrator

**CITY OF DEMING**  
**RESOLUTION No. 14-14**

**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 (“Government 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 (“Applications”) for financial assistance from the Authority for public projects; and

**WHEREAS**, the Governing Body intends to undertake design and construction improvements of the (“Project”) City of Deming Regional Landfill Butterfield Trail Cell Expansion for the benefit of the Governmental unit, its citizens, Luna County and Hidalgo County 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 submission of the application requesting funding from the Colonias Infrastructure Fund, 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.** That the Governing Body is fully committed to properly operate and maintain the proposed project being submitted for funding.

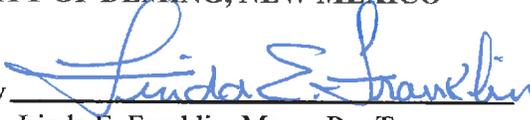
**Section 5.** All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

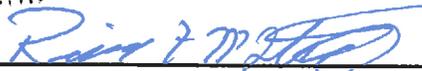
**Section 6.** This resolution shall take effect immediately upon its adoption.

**PASSED APPROVED AND ADOPTED** this 28<sup>th</sup> day of February, 2014.



**CITY OF DEMING, NEW MEXICO**

By   
Linda E. Franklin, Mayor Pro Tem

  
Richard F. McInturff, Administrator

**RESOLUTION NO. 14-15**

**A RESOLUTION APPROVING APPLICATION AND ANY SUBSEQUENT AGREEMENT BETWEEN THE CITY OF DEMING AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO PROVIDE MUNICIPAL ARTERIAL PROGRAM (MAP) FUNDS FOR GOLD STREET RECONSTRUCTION AND REHABILITATION.**

**WHEREAS**, the City of Deming is applying for Municipal Arterial Program (MAP) Funding from the New Mexico Department of Transportation for project development, design, construction, and construction services for Gold Street Reconstruction and Rehabilitation; and

**WHEREAS**, the project is within the City of Deming's jurisdiction, necessary for the public good and convenience, and to serve the public of the City of Deming; and

**WHEREAS**, the New Mexico Department of Transportation is soliciting proposals for its FY 2014 / 2015 Local Government Program that requires at least a 25% local funding match; and

**WHEREAS**, the New Mexico Department of Transportation requires approval of an agreement for the City to obtain MAP Funds for this project.

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Deming does hereby determine and resolve as follows:

**Th 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**

1. That the project application for MAP funding be prepared and submitted for the project development, design, construction, and construction services for Gold Street Reconstruction and Rehabilitation.
2. That the Mayor, or Aaron Sera, Assistant City Administrator, or his successor, is authorized to execute any subsequent agreement.
3. That staff is directed to take such other actions and execute other documents as may be necessary to implement this Resolution.

**PASSED, ADOPTED, AND APPROVED THIS 28<sup>th</sup> day of February, 2014**

CITY OF DEMING

By:

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



*Richard F. McInturff*  
Richard F. McInturff, Clerk