



ANDRES Z. SILVA, MAYOR

RICHARD F. MCINTURFF, ADMINISTRATOR

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 MEETING

March 11, 2013

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order

1. Consent Agenda

- A. Minutes - City Council Workshop and Regular Meeting 2/11/13
- B. Minutes - City Council Special Meeting 2/27/13
- C. Minutes - Planning and Zoning Commission Meeting 2/28/13
 - a. Discussion on amendment to Title 4, Chapter 1- "Weeds and Rubbish"- Public Hearing at a later date.
- D. Minutes - Tourism Development Committee Meeting 2/13/13
 - a. Recommendation to keep the Fort Stockton and Wilcox billboards and to looking into making modifications with Lamar over time.
 - b. Recommendation to follow the website document proposal
- E. Minutes – Airport Commission Meeting 2/12/13
 - a. Recommendation to have City send Mr. Jackson a thank you letter for volunteer work performed.
- F. Minutes – Marshall Memorial Library Board Meeting 2/26/13
- G. Out of State Travel Request: Management request approval for Mayor Silva to Travel to Washington, D.C. for the Border Trade Alliance Meeting on March 19-21, 2013.
- H. Out of State Travel Request: Management request approval for Officer Lee Cook-Jordan to attend IPMBA Police Cyclist Course held in Scottsdale, AZ on April 8-12, 2013.

2. Public Forum

3. Presentation of Certificate of Appreciation to Chief Michael Carillo for 20-years of service.
4. Appointment of Third Neutral Member to the Local Labor Committee
5. Ratification of Appointment of Police Chief
6. Public Hearing to Consider an Ordinance Amending Title 6, Chapter 2, Sections 3 and 15 of the City of Deming Municipal Code Regarding Animal Control.

7. Public Hearing to Consider an Ordinance Amending Title 12, Chapter 7, Section 1, of the City of Deming Municipal Code Regarding Additional Height, Area and Use Regulations.
8. Ratification to Amend Administrative Regulation DM 10-26, City of Deming Health Benefits
9. Quasi-Judicial Public Hearing to Consider Granting a Special Use Permit for a Towing Business at 4211 NM Highway 549
10. Quasi-Judicial Public Hearing to Consider Granting a Special Use Permit for a Car Dealership to be located at 206 S. Granite Street.
11. Bids:
 - a. RFP #13-06 Airport Fuel Farm
 - b. RFP #13-08 EMS Billing Service
12. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., April 8, 2013.

CITY COUNCIL WORKSHOP MINUTES March 11, 2013

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

Linda Franklin, Mayor Pro-Tem

Council Absent: Joe "Butter Milo, Councilor

David Sanchez, Councilor

Staff Present: Richard F. McInturff, City Administrator
Michael Carrillo, Police Chief
Aaron Sera, Assistant Administrator
Vicki Engle, Human Resource Coordinator
Wesley Hooper, Community Svcs. Director

Edgar Davalos, Fire Chief
Gina Gentile, City Planner

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

City Council and staff members of the City of Deming, New Mexico held a workshop on March 11, 2013 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 as follows:

Consent Agenda: Mayor Silva asked Council and members of staff if there were any items in the Consent Agenda they wished to discuss. Mr. McInturff stated that item B. Minutes-City Council Special Meeting 2/27/13, the minutes were inadvertently not reviewed and require some editing. Therefore, the minutes need to be removed and tabled to be presented at the next regular City Council meeting. He discussed the changes in formatting of the Consent Agenda in which item C. Minutes-Planning and Zoning Commission Meeting 2/28/13, sub item (b) was deleted because it is listed as item 6 in the regular agenda. Under item D. Minutes-Tourism Development Committee 2/13/13, sub items (a) and (b) were added which are recommendations by the committee. Under item E. Minutes- Airport Commission Meeting 2/12/13, sub item (a) was added which is a recommendation by the Airport Commission. Mayor Pro-Tem Franklin noted that in the City Council Minutes of 2/11/13, the first sentence in the last paragraph had typographical errors which need to be corrected. Mayor Pro-Tem Franklin also noted that in item number 6, the change in command had already taken place. Therefore, the phrase "which will soon take place", will be deleted. In item 7, the reference to Fox will be corrected to Foxconn. Mr. McInturff stated that in the Planning and Zoning Minutes, on page 2, under new business, Wooper needs to be corrected to Hooper. Also, in this same item, when the vote was made, the names of the two commissioners need to be listed in the vote-Olsen and Armijo as opposing votes. Mayor Silva and Mr. McInturff entertained a discussion regarding the TDC Minutes concerning the price gouging issue brought up by Ms. Nelson.

Presentation of Certificate of Appreciation to Chief Michael Carillo for 20-years of service: Mayor Silva will present Chief Michael Carillo with a Certificate of Appreciation for his years of service.

Appointment of Third Neutral Member to the Local Labor Committee: Mr. McInturff explained that the Labor appointee and Management appointee had not reached a consensus on a third member; therefore the Mayor will appoint the third neutral member of the Local Labor Committee.

Public Hearing to Consider an Ordinance Amending Title 6, Chapter 2, Sections 3 and 15 of the City of Deming Municipal Code Regarding Animal Control: Ms. Gentile will present this item to the Mayor and Council Members. She will make a recommendation to Council to table the ordinance, and staff to meet with the stakeholders to try to formulate a solution to the problem of feral cats. Mr. McInturff stated that a PowerPoint presentation would be present by Michelle Corella. Mayor Pro-Tem Franklin asked if the presentation should be made, since the recommendation to table the item was going to be made. Councilor Shattuck, Mayor Pro-Tem Franklin, Mr. McInturff, and Mayor Silva entertained a discussion regarding the procedure regarding the tabling of this item. Ms. Gentile said she would try to get a hold of Ms. Corella, since she would be traveling from Las Cruces, to let her know that there may be a possibility that the option to present would not be available at this meeting.

Public Hearing to Consider an Ordinance Amending Title 12, Chapter 7, Section 1, of the City of Deming Municipal Code Regarding Additional Height, Area and Use Regulations:

Ms. Gentile will present this item to Council. She summarized the amendment and stated that the amendment would clarify the code for fence heights for both commercial and residential zoning areas.

Ratification to Amend Administrative Regulation DM 10-26, City of Deming Health Benefits: Ms. Engle will present this item to Council. She stated that this is an update to DM 10-26 which is an established administrative regulation. The previous version addressed contribution rates. This amendment will address the eligibility under the City's health benefit plan. She refers to the insert, which states the changes to the Administrative Regulation. Ms. Engle stated that under Section 2, it states that the reason for this amendment is due to the eligibility requirements under the current State of New Mexico benefits plan. Under Section 3, in the second line under paragraph 2, the statement regarding the lowest cost HMO provider plan versus the higher PPO provider plan was added to describe the difference in premium that will be the responsibility of the employee, if the higher premium cost PPO provider is selected. She added that in Section 4, Eligibility, is a newly added section which addresses, in detail, the domestic partnership eligibility; as they were previously not eligible under the City plan. Mr. McInturff added that previously, the City did not recognize domestic partnership; however the City's insurance plan did recognize these types of partnerships. Therefore, the City would like to amend this regulation to be consistent with what the state is doing. Ms. Engle stated that after

recommendation by the labor attorney, Dina Holcolm, the City would be adding eligibility requirements for domestic partners of employees, since it is eligible under the State insurance plan. Mr. McInturff stated that the reason for this amendment is to recognize the domestic partnership in the City's Administrative Regulations. He stated that the amendment would require documentation regarding the domestic partnership and the dissolution of the partnership. Ms. Engle added that also in Section 4, it defines who eligible dependants are as defined by the City of Deming, and the required documentation. Ms. Engle stressed the importance of the Termination of Domestic Partnership and the requirements to notify the City of this change. Mayor Silva recommends that there should be a statement added to the amendment addressing that the partners cannot be a blood relative. Ms. Engle will add that wording to the amendment.

Quasi-Judicial Public Hearing to Consider Granting a Special Use Permit for a Towing Business at 4211 NM Highway 549: Ms. Gentile will present this item to Council.

Quasi-Judicial Public Hearing to Consider Granting a Special Use Permit for a Car Dealership to be located at 206 S. Granite Street: Ms. Gentile will present this item to Council.

Bids:


- a. **RFP #13-06 Airport Fuel Farm:** Mr. Sera will present this item to Council.
- b. **RFP #13-08 EMS Billing Service:** Chief Davalos will present this item to Council.

Mayor Silva gave staff an update regarding the filming schedule that will begin in early April, after his meeting with the producers.

Adjourn Meeting: Mayor Silva adjourned the Workshop at 4:37 p.m.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

CITY COUNCIL MEETING MINUTES

March 11, 2013

Council Present: Andres Z. Silva, Mayor
William Shattuck, Councilor
Linda Franklin, Mayor Pro Tem
Joe "Butter" Milo, Councilor

Council Absent: David Sanchez, Councilor

Staff Present: Richard McInturff, Administrator
Aaron Sera, Assistant City Administrator
Wesley Hooper, Project Coordinator
Vicki Engle, Human Resources Coord.
Brandon Gigante, Asst. Police Chief
Lloyd Valentine, Finance Svcs. Manager
Jim Foy, Attorney
Michael Carillo, Police Chief
Edgar Davalos, Fire Chief
Gina Gentile, Planner

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

Mayor Silva called the meeting to order and led the pledge of allegiance at 6:00 p.m.

1. Consent Agenda

- A. Minutes - City Council Workshop and Regular Meeting 2/11/13
- B. Minutes - City Council Special Meeting 2/27/13
- C. Minutes - Planning and Zoning Commission Meeting 2/28/13
 - a. Discussion on amendment to Title 4, Chapter 1- "Weeds and Rubbish"-Public Hearing at a later date.
- D. Minutes - Tourism Development Committee Meeting 2/13/13
 - a. Recommendation to keep the Fort Stockton and Wilcox billboards and to looking into making modifications with Lamar over time.
 - b. Recommendation to follow the website document proposal
- E. Minutes – Airport Commission Meeting 2/12/13
 - a. Recommendation to have City send Mr. Jackson a thank you letter for volunteer work performed.
- F. Minutes – Marshall Memorial Library Board Meeting 2/26/13
- G. Out of State Travel Request: Management request approval for Mayor Silva to Travel to Washington, D.C. for the Border Trade Alliance Meeting on March 19-21, 2013.
- H. Out of State Travel Request: Management request approval for Officer Lee Cook-Jordan to attend IPMBA Police Cyclist Course held in Scottsdale, AZ on April 8-12, 2013.

Mayor Silva asked the members of Council if they had any items they wished to discuss from the Consent Agenda. Mr. McInturff stated that item B. Minutes-City Council Special Meeting 2/27/13, were not reviewed. Mr. McInturff also noted that there were a few

typographical errors that were addressed, that were minor errors, nothing substantial. Councilor Shattuck motioned to table item B. Minutes-City Council Special Meeting 2/27/13 of the Consent Agenda, and approve the rest of the items as corrected and presented. The motion was seconded by Mayor Pro-Tem Franklin, and carried unanimously.

2. **Public Forum:** Kathryn Peterson addressed Mayor Silva and Council regarding the project to protect the Black Mountain volcano. She is requesting that Mayor and Council consider assisting her with the clean-up of the Black Mountain area. Mayor Silva asked Ms. Peterson to set up an appointment with him to find out how the City can assist her with this project.
3. **Presentation of Certificate of Appreciation to Chief Michael Carillo for 20-years of service:** Mayor Silva presented Chief Carillo with a certificate of appreciation for 20 years of service to the City Police Department. The Councilors each spoke and thanked Chief Carillo for his years of service and dedication to the community. Chief Carillo thanked Mayor Silva and Council members for the opportunity to serve as Chief.
4. **Appointment of Third Neutral Member to the Local Labor Committee:** Mayor Silva read his recommendation to appoint Kevin Zachek as the third neutral member to the Local Labor Committee, and asked that Council approve his appointment. Councilor Milo motioned to ratify the appointment of Kevin Zachek as the third neutral member to the Local Labor Committee. Motion was seconded by Councilor Shattuck, carried unanimously.
5. **Ratification of Appointment of Police Chief:** Mayor Silva recommended his appointment of Brandon Gigante as Police Chief, due to the resignation of Chief Carillo, effective March 16, 2013. He also asked that Council grant him the authority to execute his employment contract. Councilor Shattuck motioned to ratify the appointment of Brandon Gigante to serve as the City's Police Chief effective March 16, 2013, and to grant the Mayor authority to execute his employment contract. The motion was seconded by Mayor Pro-Tem Franklin, and the motion was unanimously carried.
6. **Public Hearing to Consider an Ordinance Amending Title 6, Chapter 2, Sections 3 and 15 of the City of Deming Municipal Code Regarding Animal Control:** Mayor Pro-Tem Franklin motioned that this item be tabled and that a committee be formed to work on this issue. Councilor Milo seconded the motion. Councilor Shattuck made a friendly amendment that if this item was later presented to Council, that the public would have an opportunity to address this item during a public hearing. Councilor Milo seconded the friendly amendment made by Councilor Shattuck. Both motions carried unanimously. Mayor Silva recommended that the following people be invited to work on this issue: Jim Olson, Planning and Zoning Committee; Bob Mamuzich, Deming Animal Guardians; Sande Foster, Deming Humane Society; Mayor Pro-Tem Franklin, and any other staff that may be appropriate.

7. **Public Hearing to Consider an Ordinance Amending Title 12, Chapter 7, Section 1, of the City of Deming Municipal Code Regarding Additional Height, Area and Use Regulations:** Ms. Gentile presented this item to the Mayor and Council. She stated that this proposed ordinance is being presented to clarify a discrepancy in the City Code, by adding section F. "For residentially used properties". This states that the requirement for fences and walls in residential zoned properties shall not exceed six (6) feet in height. Therefore, Ms. Gentile recommends that Council adopt this ordinance to amend Title 12, Chapter 7, Section 1 of the City Code. The Mayor opened the floor for the Public Hearing. Alberta Morgan, 16285 Coyote Road SE, Deming, NM, asked about the fence that was currently erect at the new Tractor Supply Company. Ms. Gentile addressed this question, and stated that the plans for this new business were reviewed and approved as presented; and that the fence is in compliance with the City Code.

Pauline Martin, 210 S. Granite Street, Deming, NM asked what the requirement is for fencing on adjoining property that is not commercial use at this time, but later may become commercial use, and would the owner of the now commercial property be required to increase the height of the fence to eight feet? Mr. McInturff stated that it would depend on what side of the properties the fence is built. If it is on the commercial side it would require an eight (8) foot fence. Otherwise, it could go by the residential zoning code.

Council Shattuck motioned to approve the ordinance to amend Title 12, Chapter 7, Section 1 of the City of Deming Municipal Code Regarding Addition Height, Area and Use Regulations as presented. Motion was seconded by Councilor Milo, motion carried unanimously.

8. **Ratification to Amend Administrative Regulation DM 10-26, City of Deming Health Benefits:** Ms. Engle presented this item to the Mayor and Council. She stated that this is a revision to Administrative Regulation DM 10-26 and that that the previous regulation covered the contribution rates of the City's health benefits. Ms. Engle stated that in this revision, there is an addition of eligibility criteria, and at the advice of legal counsel, the City will include domestic partners, as is permitted under the State of New Mexico Health Benefits Plan. Ms. Engle stated that in Sections 2 and 3, there are some minor edits. Under Section 4, this is a newly added section which describes eligibility and who is eligible for City benefits and the requirement of each. She stated that this section defines dependants, under Paragraph 2, an under the advice of legal counsel, this section would include domestic partners and the children of domestic partners under the age of 26. Ms. Engle went on to discuss the requirement of notifying the City of change in this partnership. Section 6, totally addresses domestic partnerships. Mr. McInturff stated that this amendment is a change in policy for the City of Deming, and that when the City picked up the State of New Mexico's health plan, the health plan allowed for domestic partnerships. After consulting with the City's legal counsel, Dina Holcomb, she suggested that the City follow the guidelines of the State's Insurance carriers. Mayor Pro-Tem Franklin motioned to approve the Amendment to the Administrative Regulation DM 10-26 City of Deming Health Benefits. The motion was seconded by Councilor Shattuck, motion carried unanimously.

9. **Quasi-Judicial Public Hearing to Consider Granting a Special Use Permit for a Towing Business at 4211 NM Highway 549:** Mayor Silva conducted a Quasi-Judicial Public Hearing to consider granting a special use permit for a towing business at 4211 NM Highway 549. Mayor Silva confirmed that Council had no conflicts of interest; that the public notices were properly posted; and swore in all parties who would be giving testimony. Ms. Gentile, Planner, City of Deming, gave a background on this case in which the applicant, Dealers Towing, is seeking a special use permit for an automotive towing service. The towing service is proposed to be located on the Sisbarro property, and will occupy a small fenced area in which the tow truck and vehicles will be kept. Ms. Gentile stated that the applicant stated that there would be no more than ten (10) vehicles stored at the business location, which is located in a commercially zoned area. Ms. Gentile stated that the case was previously tabled with the request that validity and standing of the state licensing be verified, and as of this date staff is awaiting direction from the State of New Mexico Public Regulations Commission on this matter. Therefore, staff recommends tabling this item, again. Mayor Silva asked if there were any parties present to give their testimony regarding this item. Ms. Gentile verified that there were none present. Mayor Silva asked Council if they wished to ask any questions of staff. There were no responses. Mayor Silva then closed the public hearing and asked Council for a motion on this item. Council Shattuck motioned that the item be tabled. The motion was seconded by Councilor Milo and carried unanimously by a roll call vote.

ROLL CALL VOTE

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

Mayor Silva stated that at this time the decision has been tabled.

10. **Quasi-Judicial Public Hearing to Consider Granting a Special Use Permit for a Car Dealership to be located at 206 S. Granite Street:** Mayor Silva conducted a Quasi-Judicial Public Hearing to consider granting a special use permit for a car dealership to be located at 206 S. Granite Street. Mayor Silva confirmed that Council had no conflicts of interest; that the public notices were properly posted; and swore in all parties who would be giving testimony. Ms. Gentile, Planner for the City of Deming, briefed Council regarding the special use permit request by the applicants, Aisai and Norma Arreola, for a car dealership business. The applicants have recently purchased the subject property and will be demolishing the existing abandoned house on this lot. The property is zoned commercial and abuts a residential zone. Ms. Gentile stated that car dealerships are required to have a special use permit; therefore the applicants are seeking the permit. Ms. Gentile explained that the case was recommended for approval by the Planning and Zoning Commission and the applicants met extensively with staff to discuss the requirements for a car dealership. Ms. Gentile stated that, as of this date, staff had received one (1) phone call from a concerned citizen, Pauline Martin, who is in opposition of this special use permit. Staff has no objection to this request, but Ms. Gentile stated that Council should be advised about the close proximity of the residential neighborhood to this location. Councilor Shattuck asked Ms. Gentile to point out the subject location on the map in the Council Chambers, in which

she did. Mayor Pro-Tem Franklin asked Ms. Gentile for clarification of the zoning of the subject property. Ms. Gentile confirmed that the subject property is zoned commercially and that it directly abuts residential multi-family dwelling property and it is in close vicinity to single-family dwelling property zoning. Mayor Silva asked if a car dealership is permissible within the commercial zoning guidelines. Ms. Gentile confirmed that a car dealership is an allowed use in the commercial zone with a special use permit. A discussion was entertained between Mayor Silva and Ms. Gentile regarding the neighboring properties to the subject property. Ms. Gentile clarified that both the 200 and 208 S. Granite Street lots would be used for this proposal. Ms. Gentile stated that a requirement for the car dealership, if the special use permit is granted, is to have a new building erected. Mayor Silva asked it to be noted that the subject properties are to be corrected to read 206 and 208 S. Granite Street. Councilor Milo asked Ms. Gentile what requirement the applicants would have to meet in order to go forward, should the permit be granted. Ms. Gentile stated that the applicant would be required to provide the plans for the building, which must be drawn by a licensed architect for the proposals, site improvements, and the building. The site would have to be compliant with all ADA guidelines. Councilor Milo asked if the applicants had been notified of these requirements. Ms. Gentile stated that they had been notified prior to proceeding with this request. Mayor Silva asked Council if they had any other questions of staff. None were mentioned.

Mayor Silva then asked if the applicants would like to address Council on this matter. They did not.

Mayor Silva asked if there were any affected parties who would like to speak at this time. Ms. Pauline Martin, 210 S. Granite Street, had several concerns regarding this matter.

Ms. Martin's first concern was regarding the existing abandoned building which she said was a danger, a hazard, and that people kept breaking into it. She stated that regardless of the outcome of this request, the building should be condemned and demolished; and would like some assurance that would be done.

Another concern of Ms. Martin's is the hours of operation. She would resent having the increase in traffic, the issue of parking, and the noise. She stated that she did not feel that the property was sufficient in size for the business they want to put on the property. Ms. Martin feels that the heavy traffic on Granite Street would be an issue.

Another concern of Ms. Martin mentioned was the noise. She is concerned about the method the business owner would use to attract customers. She stated that she has seen several businesses use music to attract customers and would object to having this go on late in the evening into the night, 7 days a week.

Another concern of Ms. Martin is that her home, mainly her bedroom window is located a few feet from the abutting property line. She would like to know how far away the structures they are proposing to build would be from her home.

And lastly, her concern on the existing building is that some of the debris from the structure has blown off the abandoned building and onto her property, hitting her house and property. She feels that there would be better use for this property than a car dealership.

Karen Lively, 811 S. Iron Street, stated she is not directly affected, but feels that the existing structure should have been torn down a long time ago. She also feels that there could be better use of the property. Ms. Lively stated that she is not happy with the idea of a car lot. She stated that the street is narrow and traffic would be congested in the area if customers begin to park along the street. She also feels that the neighboring residents may not appreciate the business, as well.

Mayor Silva asked the Councilors if they have any questions for any of the parties who have spoken thus far. Mayor Pro-Tem Franklin had a question for the applicant regarding the nature of the car dealership and whether it would be sales only, or if there would be any type of repairs taking place on the property. The applicant, Ms. Arreola, replied that there would strictly be car sales only conducted on the property and that no mechanical repairs would be done on the subject property. Councilor Milo asked the applicant if their initial intent for use of the property was a car dealership. The applicant, Ms. Arreola, stated that this was the original intent for the property. Council Milo asked the applicant if they would be changing oil on site. The applicant stated that they would not be changing oil on site; only automobile sales would be conducted. Council Milo asked for the maximum number of vehicles that would be parked on the lot. The applicant stated that they would have 10 to 12 vehicles on site. Council Milo also asked about the hours of operation. Ms. Arreola stated that the hours of operation would be Monday through Saturday, 9 a.m. to 5 p.m.

Mayor Pro-Tem Franklin mentioned that she has seen, what appears to be, fencing being erected on the property, and asked what type of fencing the applicant plans to erect. Ms. Arreola stated that they had begun to erect a chain link fence; however they stopped once they were notified by the City and will continue once they receive approval from the City. Mayor Pro-Tem Franklin asked when they plan to start the improvements on the property. Ms. Arreola said they would proceed once they receive the approval from the City. Ms. Gentile stated that the applicant has been notified of all the requirements needed to move forward with their proposal. Ms. Gentile stated that the applicants have not obtained drawing from a license architect until they receive the approval of the special use permit. Ms. Gentile confirmed that the building inspector would have to approve the plans prior to buildings being erected.

Mayor Silva, Council members, and Ms. Gentile entertained a discussion regarding the ingress and egress of the business.

Mayor Silva closed the public comment session. Mayor Pro-Tem Franklin motioned to table the item at this time in order for staff to get more information regarding the site improvements, ingress and egress, cost estimates, and work with the owners to make sure this proposal will work on the proposed location. Councilor Shattuck seconded the motion, motion carried unanimously by a roll call vote.

ROLL CALL VOTE

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

Mayor Silva stated that at this time this discussion has been tabled.

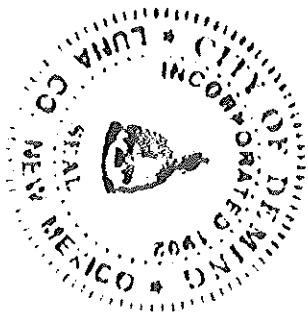
11. Bids:

a. RFP #13-06 Airport Fuel Farm: Mr. Sera read his memo of recommendation into record regarding KEAR Civil Corp. He stated that the current estimated cost of the project is \$569,998.00 including GRT. Mr. Sera mentioned that the City has submitted a grant request from the NMDOT Aviation Division in the amount of \$400,000 with a City match of \$200,000. He stated that a verbal award has been given by the NMDOT but the City is awaiting the final agreement. Mr. Sera stated that staff recommends that the proposal submitted by KEAR Civil Corp. be awarded in the amount of \$569,998.00 including GRT contingent on the grant award from the NMDOT Aviation Division. Mayor Pro-Tem Franklin motioned to approve the RFP #13-06 for KEAR Civil Corp. in the amount of \$569,998.00 including GRT, and contingent on the grant award from the NMDOT Aviation Division. Councilor Milo seconded the motion, motion carried unanimously.

b. RFP #13-08 EMS Billing Service: Chief Davalos presented this item to Mayor and members of Council. Chief Davalos read his recommendation into record. He referenced the three top ranking proposals, and they are as follows: EMS Billing Services, ranked 1, Intermedix ranked 2, and Aero Med Claims, Inc. ranked 3, as ranked by a three-member panel. He stated that staff recommends that the City of Deming continue negotiations with EMS Billing Services for medical billing services as described in the RFP packet. If an agreement cannot be reached with EMS Billing Services, negotiations can be initiated with Intermedix. Councilor Shattuck motioned to approve the RFP #13-08 EMS Billing Service where EMS Billing Services ranked 1, and allow staff and Fire Chief Davalos to enter into negotiations with this company, and if not successful to continue negotiations with Intermedix. Mayor Pro-Tem Franklin seconded the motion, motion carried unanimously.

12. Adjourn Meeting: Upon a motion by Councilor Milo and a second by Councilor Sanchez, the meeting was adjourned at 7:22 p.m.

The next regular City Council Workshop and Meeting are scheduled for 4:00 p.m. and 6:00 p.m. on April 8, 2013.

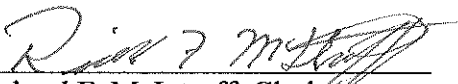


CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk

ORDINANCE NO. 1235

AN ORDINANCE AMENDING TITLE 12, CHAPTER 7 "ADDITIONAL HEIGHT, AREA AND USE REGULATIONS" OF THE MUNICIPAL CODE OF THE CITY OF DEMING, NEW MEXICO

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO:

1. Title 12, Chapter 7 of the City of Deming Municipal Code is hereby amended by deleting sections 12-7-1, F in its entirety and replace with the following:

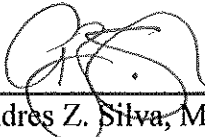
12-7-1: ADDITIONAL REGULATIONS:

- F. For residentially used properties: Every part of a required yard or interior court shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve inches (12"). This requirement shall not prevent the construction of fences and walls not exceeding six (6) feet in height, except fences, hedges and walls closer than thirty (30) feet to the front lot line, which shall not exceed four (4) feet in height and on that portion of lots within thirty (30) feet of the intersection of two (2) or more streets in which cases fences and walls shall not be higher than three feet (3').

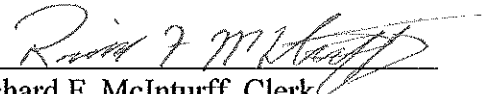
PASSED, ADOPTED, AND APPROVED, this 11th day of March, 2013.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk