



ANDRES Z. SILVA, MAYOR

RICHARD F. MCINTURFF, ADMINISTRATOR

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

April 8, 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 3/11/13
 - B. Minutes – City Council Emergency Meeting 3/08/13
 - C. Minutes - City Council Special Meeting 2/27/13
 - D. Minutes - Planning and Zoning Commission Meeting 3/18/13
 - E. Minutes - Tourism Development Committee (*no meeting-meets quarterly*)
 - F. Minutes – Parks Commission Meeting 3/12/13
 - a. Recommendation to pursue negotiations for the purchase of property for a future park development
 - G. Minutes – Marshall Memorial Library Board Meeting (*no meeting scheduled*)
2. Public Forum
3. Ratification of Proclamation Declaring April as National Child Abuse Prevention Month
4. Ratification of Proclamation Declaring April as Fair Housing Month
5. Ratification of Proclamation Declaring May and June as “The Spring Kickoff to Year-Round Walking & Bicycling”
6. Ratification of Sick Leave Sell Back
7. Ratification of Mayor’s Appointments and Reappointments for Commissions and Committees
8. Approval of the 2013 Sam Baca Aquatic Center fee schedule
9. Public Hearing: To Consider an Ordinance Ratifying the Execution and Delivery of a Power Purchase Agreement by and between the City of Deming and Affordable Solar, Inc.
10. Quasi-Judicial Public Hearing to Consider a Special Use Permit For An Auto Body And Paint Shop
11. Bids:
 - a. Bid #13-09 Janitorial Services
 - b. Bid #13-10 Professional Services RFP for Pine Street and Spruce Street Intersection Realignment
12. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., May 13, 2013.

CITY COUNCIL WORKSHOP MINUTES April 8, 2013

Council Present: Andres Z. Silva, Mayor
Linda Franklin, Mayor Pro-Tem

Council Absent: Joe "Butter Milo, Councilor
William Shattuck, Councilor
David Sanchez, Councilor

Staff Present: Aaron Sera, Assistant City Administrator
Wesley Hooper, Community Svcs. Director
Jim Massengill, Public Works Director
Lloyd Valentine, Finance Svcs. Manager
Edgar Davalos, Fire Chief
Gina Gentile, City Planner
Brandon Gigante, Police Chief

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 April 8, 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 called the workshop to order. Mr. Sera stated that everyone should have a copy of the corrected minutes and item inserts for their packet. Mr. Sera noted that the minutes for the City Council meeting of 2/27/13 are to be included in this consent agenda.

Mr. Sera referred to item F. (a) on the consent agenda: recommendation to pursue negotiations for the purchase of property for a future park development. A discussion was entertained between Mayor Silva, Mayor Pro-Tem Franklin, and Mr. Sera regarding this item. It was decided that the item would be pulled for more discussion with Mr. Limon.

Ratification of Proclamation Declaring April as National Child Abuse Prevention Month: Mayor will present this proclamation.

Ratification of Proclamation Declaring April as Fair Housing Month: Mayor will present this proclamation.

Ratification of Proclamation Declaring May and June as "The Spring Kickoff to Year-Round Walking & Bicycling": Mayor will present this proclamation. Mr. Sera stated that Mr. Albert Montez and Mr. Benny Jasso along with some of the children who participate in the Safe Routes to School program will be present at the meeting.

Ratification of Sick Leave Sell Back: Aaron will present this item to Council. This is something that is done yearly to budget for sick leave sell back from employees who are selling back "old" sick leave.

Ratification of Mayor's Appointments and Reappointments for Commissions and Committees: Mayor Silva will present this item to Council. Mr. Sera stated that all letters to continue on the committee

Approval of the 2013 Sam Baca Aquatic Center fee schedule: Mr. Sera will present the newly reformatted brochure which details the fees and schedule for swimming. The brochure has been reformatted to make for easier reading. One typographical error was noted and will be corrected prior to printing the brochures. Mayor Silva asked Mr. Hooper about the condition of the slide at the pool. Mr. Hooper stated that the slide has been repaired to satisfy this season, and next year the City will further

Public Hearing: To Consider an Ordinance Ratifying the Execution and Delivery of a Power Purchase Agreement by and between the City of Deming and Affordable Solar, Inc.: Mr. Sera will present this item to Council. He explained that over the weekend, the City was notified that the execution and delivery of a purchase power agreement could be approved by resolution rather than an ordinance. After the advice of the City attorney, since the item was published as a public hearing to consider and ordinance, the meeting would still include a public hearing and consider a resolution to approve this action. The only changes from the ordinance to resolution were the removal of Section 4-"Effective Date" and 5-"General Summary" from page 3 of the ordinance, since this is not necessary in the resolution. Mr. Sera stated that on page one (1) of the resolution, statement was added regarding the Energy, Minerals and Natural Resources Department (EMNRD) performing its certification duties and that the PPA for this project is ready for City of Deming implementation. Also added was the next statement in which the EMNRD has recommended that the City Council adopt a resolution that complies with the Act. Mr. Sera noted that item B. on page 2-"Execution and Delivery of the PPA" in which the Mayor, Clerk, and City Administrator are the authorized officers to execute and deliver the PPA. Mr. Sera restated that the resolution, not ordinance, would be presented to Council for approval.

Quasi-Judicial Public Hearing to Consider a Special Use Permit for an Auto Body and Paint Shop: Ms. Gentile will present this item to Council. Mr. Sera stated that the consideration of this special use permit be contingent on the air quality permit from the State of New Mexico.

Bids:

- a. **Bid #13-09 Janitorial Services:** Mr. Sera will present the bid results to Council, in which two contractors submitted bids. The current contractor, Complete Care Cleaning Services, submitted the lowest bid. Mr. Sera stated that he recommends the bid be awarded to them with the stipulation that they be put on probation based on their performance. The recommendation would also mention the

consideration of the next bidder, Garcia's Janitorial, if the current contractor does not perform to expectations. This would save the City from having to go out for bid, again.

b. Bid #13-10 Professional Services RFP for Pine Street and Spruce Street Intersection Realignment: Mr. Sera stated that the purpose for this RFP is to meet the NMDOTs requirement. The NMDOT would not allow the City to use its current contracted engineer because the current contract with the engineer has a statement regarding state projects, and does not mention federal projects. This RFP will remedy that requirement for the NMDOT. One bidder has responded, and Mr. Massengill will present this item to Council at tonight's meeting.

Adjourn Meeting: Mayor Silva adjourned the Workshop at 4:25 p.m.



CITY OF DEMING, NEW MEXICO

Andres Z. Silva, Mayor

Richard F. McInturff, Clerk

CITY COUNCIL MEETING MINUTES

April 8, 2013

Council Present: Andres Z. Silva, Mayor
William Shattuck, Councilor
Linda Franklin, Mayor Pro Tem
David Sanchez, Councilor

Council Absent: Joe "Butter" Milo, Councilor

Staff Present: Aaron Sera, Assistant City Administrator
Wesley Hooper, Community Svcs. Dir. Brandon Gigante, Police Chief
Jim Massengill, Public Works Director Edgar Davalos, Fire Chief
Lloyd Valentine, Finance Svcs. Manager Gina Gentile, Planner

Staff Absent: Richard F. McInturff, City Administrator Jim Foy, City Attorney

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 3/11/13
- B. Minutes – City Council Emergency Meeting 3/08/13
- C. Minutes - City Council Special Meeting 2/27/13
- D. Minutes - Planning and Zoning Commission Meeting 3/18/13
- E. Minutes - Tourism Development Committee (*no meeting-meets quarterly*)
- F. Minutes – Parks Commission Meeting 3/12/13
 - a. Recommendation to pursue negotiations for the purchase of property for a future park development
- G. Minutes–Marshall Memorial Library Board Meeting (*no meeting scheduled*)

Mayor Silva asked the members of Council if they had any items they wished to discuss from the Consent Agenda. Mayor Pro-Tem Franklin motioned to approve the consent agenda with the exception of Item F-Parks Commission Meeting Minutes of 3/12/13. She also recommended that staff have more discussion on the noted recommendation (a) of that meeting. Councilor Shattuck seconded the motion, motion carried.

2. **Public Forum:** A public comment period was entertained.

3. **Ratification of Proclamation Declaring April as National Child Abuse Prevention Month:** Mayor Silva presented the proclamation to Council and read into record. This

proclamation was originally present by Valerie Pastran, high school student and member of the Mayor's Roundtable Committee, at the Mayor's Roundtable meeting and at the Community Coalition meeting earlier this month. Councilor Sanchez motioned the ratification of the proclamation declaring April as National Child Abuse Prevention Month. The motion was seconded by Councilor Shattuck and carried unanimously.

4. **Ratification of Proclamation Declaring April as Fair Housing Month:** Mayor Silva presented the proclamation to Council and read it into record. Councilor Shattuck motioned the ratification of the proclamation declaring April as Fair Hosing Month. Councilor Sanchez seconded the motion, motion carried unanimously.

5. **Ratification of Proclamation Declaring May and June as "The Spring Kickoff to Year-Round Walking & Bicycling":** Mayor Silva presented the proclamation to Council. He introduced Mr. Albert Montez and Mr. Benny Jasso, representatives from Deming Public Schools Safe Routes to School Program. Mrs. Mary Lou Cameron, Associate Superintendent of Community Resources/Support Services for Deming Public Schools, was also available to speak to the Mayor and Council about the Safe Routes to School Program. She mentioned that Mr. Montez and Mr. Jasso are a vital part of the program along with other faculty members from Ruben S. Torres Elementary School, all whom are responsible for the success of the success of the program and safety of the student participants. Mrs. Cameron thanked the City for its support of the program. Mayor Silva read the proclamation into record. Mayor Pro-Tem Franklin motioned the ratification of the proclamation declaring May and June as "The Spring Kickoff to Year-Round Walking & Bicycling". The motion was seconded by Councilor Sanchez and carried unanimously.

6. **Ratification of Sick Leave Sell Back:** Mr. Sera read into record the memo on behalf of Mr. McInturff to request that Council ratify the approval of sick leave sell back request of \$20,000 in June of 2013. Mr. Sera stated that management feels the total amount will be less than the cap. Councilor Shattuck motioned to ratify the Sick Leave Sell Back request. Councilor Sanchez seconded the motion, motion carried unanimously.

7. **Ratification of Mayor's Appointments and Reappointments for Commissions and Committees:** Mayor Silva presented this item to Council. He read the request into record which named the following people to serve on the named commissions, boards, or committees with the term beginning March 2013:

<u>Name of Commission, Board, or Committee</u>	<u>Appointee</u>	<u>Term Expiration</u>
Marshall Memorial Library Board	Debra French	March 2016
Airport Commission	Greg Hudson Tom Awbrey	March 2017 March 2017
Planning and Zoning Commission	Manny Orquiz Dr. James O'Connell	March 2015 March 2015

Parks Commission	Daniel Viramontes Robert Gomez Dan Sanchez	March 2016 March 2016 March 2016
Tourist Development Committee	James M. Olson Arsen Khanbabian	March 2015 March 2015
Extra Territorial Commission	Patsy Leyba	March 2016
Finance Committee	Aaron Sera	March 2014
Southwest Regional Transit Dist.	Richard F. McInturff-alternate	March 2014
Gila/San Francisco Regional Water Planning Group	Jim Massengill	March 2014
Luna County Economic Development Corporation	Aaron Sera (Liaison)	March 2014
Arizona Water Settlement Act (AWSA) Input Group	Richard F. McInturff-Deming Representative	

Mayor Pro-Tem Franklin motioned to approve the ratification of the Mayor's appointments for the named commissions, boards, and committees, as read. Councilor Sanchez seconded the motion, motion carried unanimously.

8. **Approval of the 2013 Sam Baca Aquatic Center fee schedule:** Mr. Sera presented the new brochure to Council for approval. There were no changes to admission prices, just a minor change to swimming times regarding the special swimming sessions not the general swimming session. The main change was in the brochure design and typographical errors. Councilor Shattuck motioned to approve the Sam Baca Aquatic Center fee schedule as presented. Councilor Sanchez seconded the motion, motion carried unanimously.

9. **Public Hearing: To consider and ordinance ratifying the execution and delivery of a Purchase Power Agreement by and between the City of Deming and Affordable Solar, Inc.:** Mr. Sera presented the item to Council and explained that initially this was going to be presented as an ordinance, but was notified over the weekend that it could be adopted as a resolution, by the New Mexico Energy, Minerals and Natural Resources Department (NMEMNRD). Mr. Sera asked that council consider adopting this item as a resolution, since it would be more cost effective for the City. Mr. Sera discussed the changes from the ordinance format to the resolution format. Sections 4 and 5 of the ordinance have been removed in the resolution, since there is not effective date necessary. Also, the General Summary for Publication has been removed, since it is not required when passed by resolution. The following clause was added to the resolution:

WHEREAS, the Energy, Minerals and Natural Resources Department (EMNRD), pursuant to NMSA 1978, Section 6-23-5 of the Act, has performed its certification duties and the PPA for the WWTP-Well-Booster Solar System is ready for City of Deming implementation; and

WHEREAS, the EMNRD has recommended the City of Deming's governing body adopt a resolution that complies with NMSA 1978, 6-23-8 of the Act herein described;

Mr. Sera stated that in the NMSA 1978, 6-23-8 is talks about the requirements of pledging funds for the power the City will be purchasing.

He went on to describe Section 2(B) on page 2 of the resolution-Execution and Delivery of the PPA, in which it states the authorized officers, the Mayor, Clerk and City Administrator, will be granted authority to carry this duty.

He discussed on page 3, section 3-Lien on Pledge Utility Cost Savings Revenues; Special Limited Obligations. This Section explains that all amounts payable by the City pursuant to the PPA shall be limited obligations of the City and shall be payable and collectible solely from Pledged Utility Cost Savings from the Water and Wastewater funds to pay for the power that will be generated. In the Purchase Power agreement the rate will be less than what is being paid today, and that rate will be locked in for 20 years.

Mr. Sera recommends Council to adopt the resolution to authorize the execution and delivery of the Purchase Power Agreement to move forward with the project.

Mayor Silva opened the floor for the Public Hearing. No comments were made by the public.

Councilor Shattuck motioned to approve the resolution to ratify the execution and delivery of a Purchase Power Agreement by and between the City of Deming and Affordable Solar, Inc. Councilor Sanchez seconded the motion, motion carried unanimously.

- 10. Quasi-Judicial Public Hearing to Consider a Special Use Permit for An Auto Body and Paint Shop:** Mayor Silva called the public hearing to consider a special use permit request for an Auto Body and Paint Shop by the applicant, Double H LLC, Daniel Hickey, to order. Mayor Silva confirmed that the legal notice for this meeting was properly posted, that there were no abstentions, "ex-parte contacts", or "conflict of interest" by Council, and that all parties have signed in to testify. Ms. Gentile made a last call for parties interested to testify, no more responses were made. Mayor Silva swore in those parties which will be giving their testimonies.

Ms. Gentile, Planner for the City of Deming, presented the case to Council. She stated the following: that the applicant, Double H LLC, Daniel Hickey, is seeking a special use permit for an auto body and paint shop to be located at 200 E. Spruce Street. The business is to be located in a building that has previously been used as an auto repair business. The applicant will be upgrading the building to include the installation of a code compliant paint booth and

will meet all applicable state and local regulations for an auto body paint business. The property is zoned commercial and is located at the corner of Spruce and Silver.

Mayor Silva clarified the building location and if there were any objections to issuing this permit. Ms. Gentile stated that there were no objections. She went on to state that P&Z recommended approval of the application with the condition that the business meets all federal, state, and local regulations. She mentioned to Council the options available which were to 1. Recommend approval of the special use, 2. Recommend denial of the special use, 3. Table the motion, 4. Allow the applicant to withdraw the application.

Mayor Silva asked Council members if they had any questions. There were none at this time.

Mayor Silva then called the applicant/agent to come up and make a statement.

Mr. Daniel Hickey, Double H LLC, stated that he is the owner of the business and would like to open his business in order to bring more money to Deming.

Mayor Pro-Tem Franklin asked Mr. Hickey if he has applied for the required permits and if he had been working with staff. He stated that he had been working with Ms. Gentile and the City building inspectors in order to get all the necessary permits in order to install the paint booth. Mr. Hickey stated that his intention is to create the paint booth or have auto fabrication shop in the three bays of the building. He stated that he was at a stand-still for approximately a month; while he was having a paint booth fabricated in Albuquerque. He stated that he is just waiting for the City's approval to proceed with his venture.

Mayor Silva asked Mr. Hickey how long, or if he is operating his business. Mr. Hickey stated that he is not currently open for business. Mayor Silva asked about the auto detailing business that was at the subject location. Mr. Hickey stated that he is not familiar with that business, and that he is not affiliated with at business. Mr. Silva asked Mr. Hickey if he is purchasing or leasing the property in which the proposed business will be located. Mr. Hickey stated that he is leasing the property, but there may be an option to purchase the property, in the future. Mr. Silva asked the term of the lease, and Mr. Hickey replied that the lease is for one year.

Councilor Sanchez asked if the paint booth was portable. Mr. Hickey stated that it is not. He currently has the paint booth, however it is not erected.

Mayor Silva asked for any affected parties to testify.

Micki Shillito stated that she owns a real estate office at 211 S. Silver Ave., behind the proposed location. She stated that she wanted to come hear the presentation in order to find out what was going to be opening up at the proposed location. She stated that she did have some concerns regarding paint booths and auto body repairs and the fumes and smells that would be emitted into the air. Her concern was for the health clinic, the restaurants in the area and the apartments next door.

Malinda Mahnke, who works at 211 S. Silver Ave., also had concerns regarding environmental issues and how this type of business would affect the surrounding area since there is a restaurant right across the street. She was also concerned about the appearance of the outside of the business. She stated that a lot of out of town visitor come to the downtown Deming area, and that it may be a negative image for the downtown area. She stated that she is in favor of new businesses in our community; she's just not convinced that this is the right location for this business.

Councilor Shattuck asked for the location to be pointed out on the zoning map. Ms. Gentile showed Council the location and the surrounding area zoning.

Mayor Pro-Tem Franklin mentioned the environmental concerns that have been brought up, and asked Mr. Hickey to explain how he would be addressing those concerns.

Mr. Hickey stated that prior to him stating this venture that he has purchased an enclosed paint booth, which is up to codes, which has a HEPA filtering system which goes through the building. Councilor Sanchez stated that the New Mexico Environmental Department would not let this business operate without the proper permits, therefore he recommended that Council could approve the application/permit contingent that the proper permits are in place.

Mayor Pro-Tem Franklin expressed her concern about the aesthetics of the outside of the building and the parking of the automobiles that are being repaired. She asked Mr. Hickey what measures he was planning on taking in order to be a good neighbor in the area.

Councilor Shattuck asked if there is any code requirement regarding fencing that would apply to this business. Ms. Gentile addressed this question, stating that there is an 8 foot, obscure, fence requirement for that type of business.

Councilor Sanchez asked Mr. Hickey what the total number of vehicles he would have on site at any given time. Mr. Hickey stated that there would be no more than ten vehicles on site.

Councilor Shattuck motioned that Council go into closed session to further discuss this item. Councilor Sanchez seconded the motion. Motion carried by roll call vote.

ROLL CALL VOTE

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

Mayor Silva requested a motion to go back into open session. Councilor Sanchez motioned to go back into open session. Councilor Shattuck seconded the motion. Motion carried by roll call vote.

ROLL CALL VOTE

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

Mayor Silva noted for the record that only the item that was noted in the motion to close was discussed and that nothing was voted on during the closed session.

Mayor Silva entertained a motion on this item. Mayor Pro-Tem Franklin motioned to approve a one year special use permit from the date Mr. Hickey opens his business, at the end of that year he would be required to reapply for a special use permit, and that a slatted fence be erected at the business site to comply with the City code. This would all be contingent on presenting an air quality permit from the State of New Mexico and all other necessary permits that are deemed appropriate to staff. Councilor Shattuck seconded the motion. Motion carried by roll call vote.

ROLL CALL VOTE

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

Mayor Silva asked Mr. Hickey if he understood all the stipulations of this limited permit. Mr. Hickey confirmed that he understood. Mayor Silva recommended that Mr. Hickey follow up with Ms. Gentile regarding the issuance of the special use permit.

11. Bids:

- a. **Bid #13-09 Janitorial Services:** Mr. Sera read the recommendation memo into record in which the award was made to both responsive contractors. The low bidder will be utilized for services but in the event of default or breach of contract, staff would like to award to the next bidder. A discussion was entertained regarding the bid lots. Councilor Sanchez motioned to award Bid #13-09 Janitorial Services to both responsive contractors with the low bidder being utilized for services and the next bidder being awarded in the event of default or breach of contract from the low bidder. The award will be to the low bidder of Complete Care Cleaning Services for a total amount of \$5,802.40 per month, not including gross receipts tax. The next low bidder is Garcia's Janitorial with a total of \$7,107.22 per month, not including gross receipts tax. The motion was seconded by Mayor Pro-Tem Franklin and carried unanimously.

- b. **Bid #13-10 RFP Professional Services for Pine Street and Spruce Street Intersection Realignment:** Mr. Massengill read the recommendation memo into record in which it is stated that the RFP notification as published in accordance with federal guidelines. He stated that Engineers, Inc. was the only responsive bidder for the project. Staff is requesting an award from Council for RFP 13-10 to Engineers, Inc. and allows staff to negotiate and execute any related documents for this project. Mr. Massengill stated that this project requires federal funding and that it was necessary to obtain an RFP specifically for federal funding projects. Mayor Pro-Tem Franklin motioned to award Bid #13-10 RFP Professional Services RFP for Pine Street and Spruce Street Intersection Realignment to Engineers, Inc. and to

allow staff to negotiate and execute any related documents for this project. Councilor Sanchez seconded the motion. Motion carried unanimously.

12. Adjourn Meeting: Upon a motion made by Councilor Sanchez and seconded by Councilor Shattuck, the meeting was adjourned at 7:05 p.m.

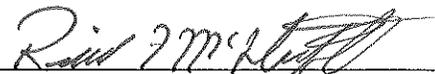
The next regular City Council Workshop and Meeting are scheduled for 4:00 p.m. and 6:00 p.m. on May 13, 2013.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

Proclamation
National Child Abuse Prevention Month

Whereas, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Luna County; and

Whereas, every child is entitled to be loved, cared for, nurtured, and to feel secure and free from verbal, sexual, emotional & physical abuse and neglect; and

Whereas, approximately 3 million children are reported abused and neglected in this country each year. Most physical abuse or neglect occurs among children under the age of two, during a critical period of brain development; and

Whereas, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

Whereas, warning signs of child abuse or neglect include nervousness, aggression, inability to concentrate for long periods of time, sudden dramatic changes in personality, acting out sexually, frequent or unexplained injuries, low self-esteem, and poor hygiene; and

Whereas, all citizens, community agencies, faith organizations, and businesses will work to increase their efforts to support families

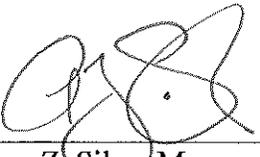
THEREFORE BE IT RESOLVED that I, Andres Z. Silva, Mayor of the City of Deming, do hereby proclaim the month of April 2013 Child Abuse Prevention Month. **AND BE IT FURTHER RESOLVED** that the City of Deming enthusiastically endorses *Child Abuse Prevention Month* and encourages fellow residents in the City to support our young people by protecting and providing them a safe environment free from physical, sexual, and emotional abuse.

Signed this 8th day of April, 2013 in the City of Deming, New Mexico.



ATTEST:


Richard F. McInturff, Clerk



Andres Z. Silva, Mayor

Proclamation

TO DECLARE THE MONTH OF APRIL AS FAIR HOUSING MONTH

WHEREAS, fair and equal housing is a right guaranteed to all Americans; and

WHEREAS, the principle of fair and equal housing is not only a national law and policy, but a fundamental human entitlement; and

WHEREAS, all citizens have the right to live where they choose within their financial means; and

WHEREAS, people must not be denied housing because of race, color, religion, sex, national origin, handicap or family status; and

WHEREAS, the City of Deming acknowledges the importance of assuring fair and equal treatment to all citizens as identified in the City's Fair Housing Policy (Ord. 11-1-4); and

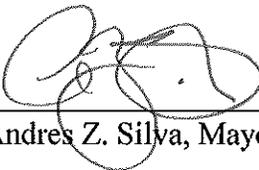
WHEREAS, the City of Deming is assisting and cooperating with the Southwestern Regional Housing and Community Development Corporation.

NOW, THEREFORE I, Andres Z. Silva, Mayor of the City of Deming, do hereby proclaim the month of April 2013 as

"Fair Housing Month"

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 8th day of April, 2013.





Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

Proclamation
City of Deming Spring into Walking & Bicycling

WHEREAS, walking and bicycling are among the most efficient and healthiest forms of transportation available, by saving hundreds of children lives each year if communities take steps to make pedestrian safety a priority, and

WHEREAS, initiating walking and bicycling between work, school, and home benefits all residents of Deming by easing traffic congestion, reducing motor vehicle miles travelled, improving air quality, attracting new residents and businesses, and saving highway construction and maintenance dollars; and

WHEREAS, an important role for parents and caregivers is to encourage walking and bicycling in order to promote health and fitness, encouraging family recreation, which reduces the impact of transportation costs on families; and

WHEREAS, walking and bicycling is a convenient way to incorporate physical activity into the daily lives of Deming residents, contributing to a healthier population by reducing the risks of obesity, and decreasing the risk of many chronic diseases; and

WHEREAS, community leaders and parents can determine the safest walkability route for their community by developing a route in accordance with the New Mexico Safe Routes to Schools Program; and

WHEREAS, the Deming Public Schools with the City of Deming and the New Mexico Department of Transportation continue to support the "Complete Streets" guiding principles. They will work diligently together in acknowledging the contributions of walking and bicycling as means to reduce vehicle miles and vehicle emissions, as well as to increase the safety of all road users, by integrating safe walking and bicycling into standard street and land use planning; and

WHEREAS, the City of Deming supports the work of Deming Public Schools through the Safe Routes to School Program as plans are implemented to facilitate safe and beautiful multimodal paths and roads throughout the City; and

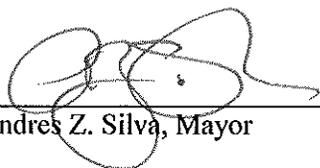
NOW, THEREFORE, I, Mayor Andres Z. Silva, do hereby proclaim the months of May and June as,

"The Spring Kickoff to Year-Round Walking & Bicycling"

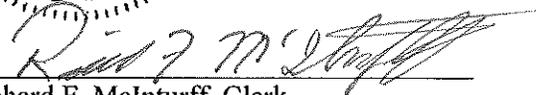
throughout the City and encourage all City residents to walk and ride bicycles for transportation and recreation, recognizing the importance of bicycle safety and urging motorists to be more aware of walkers and cyclists on our streets and highways.

Signed this 8th day of April 2013, in the City of Deming, New Mexico.





Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

RESOLUTION NO. 13-21

CITY OF DEMING, NEW MEXICO

A RESOLUTION RATIFYING THE EXECUTION AND DELIVERY OF A POWER PURCHASE AGREEMENT BY AND BETWEEN THE CITY OF DEMING AND AFFORDABLE SOLAR, INC. OR ITS SUCCESSOR IN INTEREST, FOR THE PURPOSE OF OBTAINING GUARANTEED SAVINGS IN THE CITY'S COST OF ELECTRICITY DURING THE TERM OF THE POWER PURCHASE AGREEMENT; AND PROVIDING FOR THE PLEDGE OF UTILITY COST SAVINGS FOR THE PURPOSE OF SECURING PAYMENT OF AMOUNTS DUE UNDER THE POWER PURCHASE AGREEMENT; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; REPEALING ALL ACTION IN CONFLICT HEREWITH.

Capitalized terms used in the following preambles have the same meaning as defined in Section 1 of this Resolution unless the context requires otherwise.

WHEREAS, the City is a legally and regularly created, established, organized and existing municipal corporation under the general laws of the State of New Mexico, and a governmental unit for purposes of the Public Facility Energy Efficiency and Water Conservation Act, Sections 6-23-1 through 6-23-10 NMSA 1978, as amended (the "Act"), specifically as defined in Section 6-23-2(C) of the Act; and

WHEREAS, the City Council of the City of Deming has previously authorized a form of power purchase agreement (the "PPA") with Affordable Solar Installation, Inc. ("Affordable") providing for the installation of solar energy facilities ("SEF") to provide electric power to certain public facilities owned by the City; and

WHEREAS, the Energy Minerals and Natural Resources Department (EMNRD), pursuant to NMSA 1978, Section 6-23-5 of the Act, has performed its certification duties and the PPA for the WWTP-Well-Booster Solar System is ready for City of Deming implementation; and

WHEREAS the EMNRD has recommended the City of Deming's governing body adopt a resolution that complies with NMSA 1978, 6-23-8 of the Act herein described; and

WHEREAS, there has been on deposit with the City Clerk and presented to the City Council the proposed form of this Resolution in connection with the PPA; and

WHEREAS, the City Council has determined and hereby determines that it is in the best interests of the City and its residents that the PPA be executed and delivered with a first lien on the Pledged Utility Cost Savings Revenues, as defined in the PPA.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING:

Section 1. Findings. The Governing Body hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. The SEF is an Energy Conservation Measure within the meaning of Section 6-23-2(B) of the Act.

B. The amount that the City would spend on the energy measures recommended in the PPA is not likely to exceed the cumulative amount of utility cost savings of all energy conservation measures in the proposal over twenty-five years, which is the expected useful life of the SEF, from the date of installation of the SEF, without consideration of the normal periodic repair and replacement of components of the SEF that are required after the SEF is installed or completed.

C. Affordable is a qualified provider within the meaning of Section 6-23-2(E) of the Act.

D. Affordable will provide a Written Guarantee within the meaning of Section 6-23-2(D) of the Act, which will provide that the Utility Cost Savings and conservation-related cost savings will meet or exceed the costs of the Energy Conservation Measures as required by Section 6-23-4 of the Act.

E. The Pledged Revenues may lawfully be pledged to secure the payment of all amounts due under the PPA.

F. The PPA complies with the Provisions of the Act.

G. The execution and delivery of the PPA pursuant to the Act is necessary and in the interest of the public health, safety and welfare of the residents of the City.

Section 2. Authorization, Execution and Delivery of the PPA.

A. Authorization. This Resolution has been adopted by the affirmative vote of a majority of the members of the Governing Body. For the purpose of protecting the public health, conserving the property, and protecting the general welfare and prosperity of the citizens of the City, it is hereby declared necessary that the City execute and deliver the PPA, which execution and delivery is hereby authorized. The terms and provisions of the PPA are hereby incorporated by reference and included in this Resolution.

B. Execution and Delivery of the PPA. The Mayor, Clerk and City Administrator ("Authorized Officers") are hereby authorized to execute and deliver the PPA in the form presented at the meeting of the City Council at which this Resolution is adopted, with such modifications as the City Administrator determines are necessary or

convenient to carry out the transactions contemplated hereby and thereby. Authorized Officers are further authorized to execute and deliver such additional certificates or instruments as are necessary or convenient to carry out the transactions contemplated in the PPA.

Section 3. Lien on Pledged Utility Cost Savings Revenues; Special Limited Obligations.

The Pledged Utility Cost Savings Revenues and the amounts on deposit in the Pledged Water Utility Cost Savings Account of the Water Utility Revenue Fund and Pledged Wastewater Utility Cost Savings Account of the Wastewater Utility Revenue Fund (each created pursuant to Section 10.6 of the PPA), and the proceeds thereof, are hereby authorized to be pledged to, and are hereby pledged, and the City grants a security interest therein for, the payment of amounts due pursuant to the PPA, subject to the uses thereof permitted by, and the priorities set forth in, this Resolution. The Pledge of Utility Cost Savings Revenues is an irrevocable and first lien, but not necessarily an exclusive first lien, on the Pledged Utility Cost Savings Revenues. All amounts payable by the City pursuant to the PPA shall be special limited obligations of the City and shall be payable and collectible solely from Pledged Utility Cost Savings.

PASSED, ADOPTED, SIGNED AND APPROVED THIS 8th DAY OF APRIL, 2013.

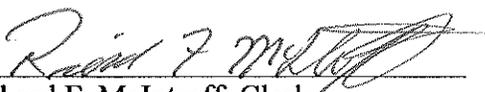


CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk