



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 11<sup>th</sup>, 2011**

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

## AGENDA

Call to Order / Pledge of Allegiance

1. Open Public Hearing for 2012 CDBG Application
  - a. CDBG Progress Report on Past Projects
  - b. Input – General Community
  - c. Close CDBG Hearing
2. Consent Agenda
  - A. Minutes - City Council Workshop and Regular Meeting 03/14/11
  - B. Minutes – Tourism Development Committee 03/09/11
    - a. Recommendation to use the excess budgeted money for the creative process of the 8-panel brochure by Wilson-Binkley
  - C. Minutes - Airport Commission 03/15/11
    - a. Recommendation to amend Title 2, Chapter 4 pertaining to Airport Commission meetings – Set for Public Hearing at a later date
  - D. Minutes - Parks Commission 03/15/11 – Meeting Cancelled
  - E. Minutes – P&Z 03/21/11
  - F. Minutes – Marshall Memorial Library 03/29/11
2. Public Forum
3. Mayor's Appointment to the Economic Development Committee
4. Proclamation Declaring the week of April 16<sup>th</sup> through 24<sup>th</sup> as Individual Personal Planning Week
5. Proclamation Declaring the week of May 1<sup>st</sup> through 7<sup>th</sup> as Municipal Clerk's Week
6. Proclamation Declaring the Month of April as Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day
7. Request to Waive Rental Fees for the Use of the Special Events Center by Deming Cesar Chavez Charter High School
8. Out of State Travel Request by Laura Holguin to attend the 105<sup>th</sup> GFOA Annual Conference in San Antonio, Texas from May 22<sup>nd</sup> through 25<sup>th</sup>, 2011
9. Authorization to HR/Safety Coordinator and Administrator to Approve Area Safety Operation Procedures Manuals
10. Ratification of Memorandum of Understanding between the City of Deming Police Department and the Luna County Sheriff's Office regarding Operation Stonegarden

11. Resolution: To Approve an Extension on an Agreement with NMDOT for the Construction of the Pear Street and Country Club Road Project
12. Resolution: To Authorize and Approve the Submission of a Completed Application for Financial Assistance and Project Approval to the NMFA
13. Bids
  - a. RFP #11-15 External Auditor Services
  - b. RFP #11-16 Legal Services
14. Closed Session: To Discuss personnel matters, litigation matters, and real estate, pursuant to NMSA 1978 Sections 10-15-1 (H) (2) (7) and (8) of the Open Meetings Act
15. Open Session: Motions if any
16. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., May 9<sup>th</sup>, 2011.

# CITY COUNCIL WORKSHOP MINUTES April 11, 2011

**Council**      **Andres Z. Silva, Mayor**      **Linda Enis, Councilor**  
**Present:**      **William Shattuck, Mayor Pro Tem**

**Absent:**      **Joe "Butter" Milo, Councilor**      **David Sanchez, Councilor**

**Staff**      **Richard McInturff, City Administrator**      **Aaron Sera, Community Svcs. Director**  
**Present:**      **Mary Jo Valdez, City Clerk**      **Edgar Davalos, Fire Chief**  
                    **Richard Kocab, Assistant Treasurer**      **Michael Carillo, Chief of Police**

The Mayor and the City Council of Deming, New Mexico held a workshop on April 11<sup>th</sup>, 2011 at 4:00 p.m. to discuss items on the agenda of the City Council Regular Meeting scheduled for 6:00 p.m. the same day.

Mr. McInturff stated that reallocating funds this close to year end is not appropriate. Mr. McInturff recommended considering the 8-panel brochure in next fiscal year's budget and recommended that Council deny the request at this time

Mr. Kocab stated that Mr. Jacobson, Adobe Deli, is hosting the "Steakfest" event that is planned for May; adding that they anticipate approximately 15,000 patrons to attend. McInturff asked if safety personnel have been notified about the event and if they are prepared to handle this large of a crowd. Chief Davalos stated that he has met with New Mexico State Police, and Luna County Sheriff's Office.

Mr. McInturff stated that Planning and Zoning is reviewing the special use section which doesn't list medical marijuana as a special use activity; adding that it will be added to the section. Mr. McInturff stated that the commission would like to know the City's stance on the issue. Mr. McInturff stated that he is opposed to making the approval a conditional use which is granted by right but allows the City to place conditions on the special use. Mr. McInturff's preference is to list it as a special use (not conditional special use) and let the community decide if it is acceptable or not. Mayor Pro Tem Shattuck asked who is requesting to add medical marijuana as a special use. Mr. McInturff stated that an individual who has family in Hawaii approached the City wanting to establish a store to distribute locally. Councilor Enis stated that medical marijuana is used as an alternative when other medications do not help control pain, anxiety, and other issues that some cancer patients experience. Mayor Silva stated that he felt that medical marijuana should be administered by a pharmacist. Currently, the doctor does not issue a prescription but authorizes use. Mr. Sera stated that he will inform the Planning and Zoning Commission about the City's concerns.

Mr. McInturff stated that Deming Cesar Chavez Charter High School has submitted a request to have the rental fees waived for their annual graduation.

Mr. McInturff stated that Ms. Holguin is requesting Council's approval to attend the 105<sup>th</sup> GFOA Annual Conference. Ms. Holguin stated that GFOA will pay \$500 for per diem and that the City will pick up the excess cost associated with the trip.

Chief Carillo stated that the MOU between Luna County and the Deming Police Department is

similar in context from the 2009 MOU. Chief Carillo added that the scope is also similar to the 2009 MOU. Chief Carillo stated that the department is awaiting approval from Washington before expending the funds; adding that the MOU will allow them to move forward. Chief Carillo stated that the 2010 funding will be utilized to purchase a CAD system, Verizon Wireless Cards, laptops for the units, and two vehicles.

Mr. Sera stated that the resolution pertaining to the extension is being requested in case there is a delay in the work progress. Mr. Sera stated that the project should be completed by June 30<sup>th</sup>.

Mr. Kocab stated that the application for the project has been completed and submitted; adding that upon signing, the State Fire Marshall wouldn't sign off on the Intercept Agreement because the intercept agreement exceeded 50% of the minimum annual allocation. Therefore, NMFA staff had to resubmit the application with extended terms to their board for re-approval.

Mr. McInturff stated that the audit firm reviewing committee interviewed the two highest ranked choices as part of the selection process. Mr. McInturff stated that the audit will start before year end and that the process should be about 80% done by July 1<sup>st</sup>. Councilor Enis asked if the amount of hours dedicated to the audit is of concern. Mr. McInturff stated that he feels comfortable with their method and anticipates audit-staff will send exactly what they require to start in May. Mayor Pro Tem Shattuck asked if the City can fire the firm if they are not satisfactorily completing the audit. Mr. McInturff stated that they can be fired; adding that the additional years is to lock in a price for four years. Mayor Pro Tem Shattuck asked where they are from. Mr. McInturff stated that the firm has a total of five offices, one in Roswell which will be performing our audit, one in Albuquerque, one in Alamogordo, and one in northeastern New Mexico, and one in Lubbock, TX.

Mr. McInturff stated that an evaluation committee reviewed and ranked all submitted proposals for RFP 11-16 for On-Call Legal Services. Mr. McInturff stated that based on the ranking, Jim Foy and Associates ranked first and that staff is requesting to negotiate on a contract with Jim Foy and Associates; adding that if the City is unable to come to terms with Jim Foy and Associates, the City should re-advertise for legal services.

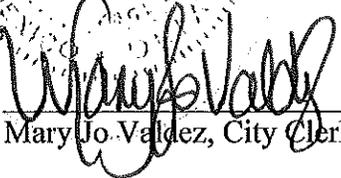
Mr. McInturff stated that there would be a closed session to conduct the review of self-appraisals for appointed officials.

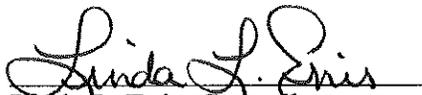
With no further business to conduct the workshop was adjourned at 4:37 p.m.

The next Special Meetings are scheduled for April 19<sup>th</sup> at 8:30 a.m. and April 22<sup>nd</sup> at 9:00 a.m. The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., May 9<sup>th</sup>, 2011.

CITY OF DEMING, NEW MEXICO



ATTEST:  
  
Mary Jo Valdez, City Clerk

  
Linda L. Enis, Councilor

22

# CITY COUNCIL MEETING

## MINUTES

### April 11<sup>th</sup>, 2011

**Council** Andres Z. Silva, Mayor William C. Shattuck, Mayor Pro Tem  
**Present:** Joe "Butter" Milo, Councilor David Sanchez, Councilor Linda Enis, Councilor

**Absent:**

**Staff** Richard F. McInturff, Administrator Aaron Sera, Community Services Director  
**Present:** Mary Jo Valdez, City Clerk Edgar Davalos, Fire Chief  
Richard Kocob, Assistant Treasurer Laura Holguin, Sr. Budget Analyst  
Michael Carillo, Chief of Police

**Jim Foy, City Attorney**

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

**1. Open Public Hearing for 2012 CDBG Application**

Mayor Silva conducted the first public hearing for the 2012 CDBG Application.

**a. CDBG Progress Report on Past Projects**

Mr. Sera reported that the City has previously been awarded 25 CDBG grants which have been used for local community development needs. Mr. Sera stated that the City is seeking additional public input to determine a project for next year's funding opportunity.

**b. Input-General Community**

Mayor Silva opened the public hearing for public input.

Ms. Burr, with New Mexico Department of Health addressed Council with input regarding two potential projects. One idea is to obtain funding to assist Luna County in renovating the Old Pepsi Building to use for youth programs such as martial arts; adding that there is a need for a youth center on the north side of town where entities who are currently serving the youth in the community can offer their services. Ms. Burr's second idea is to assist Mr. Reggie Price, VA Representative, in creating a shelter for Veterans; adding that staff should consider collaborating with Mr. Price in hopes of discussing possible options.

Mayor Silva recognized Commissioner Spivey's attendance and asked about the Pepsi Building. Commissioner Spivey stated that the County has applied for \$450,000 in CDBG funding for the Pepsi Building Project.

**c. Close CDBG Hearing**

Mayor Silva closed public comments and closed the first public hearing for the 2012 CDBG Application process.

Mayor Silva asked Mr. Sera to report on the CDBG Hearing that took place on March 30, 2011. Mr. Sera stated that he and the Mayor attended CDBG Hearings to present the City's application before a

board. Mr. Sera stated that funding will be allocated at the end of May; adding that funding for the City looks promising. Mayor Silva thanked staff for their work in preparing the 2011 application.

## **2. Consent Agenda**

- A. Minutes - City Council Workshop and Regular Meeting 03/14/11**
- B. Minutes – Tourism Development Committee 03/09/11**
  - a. Recommendation to use the excess budgeted money for the creative process of the 8-panel brochure by Wilson-Binkley
- C. Minutes - Airport Commission 03/15/11**
  - a. Recommendation to amend Title 2, Chapter 4 pertaining to Airport Commission meetings – set for public hearing at a later date
- D. Minutes - Parks Commission 03/15/11 – Meeting Cancelled**
- E. Minutes – P&Z 03/21/11**
- F. Minutes – Marshall Memorial Library 03/29/11**

Councilor Enis asked to pull item “B” Tourism Development Committee Minutes for clarification. Mayor Pro Tem motioned to pull item “B” Tourism Development Committee Minutes and to approve the rest of the consent agenda as presented, second by Councilor Milo; carried unanimously.

Mr. McInturff stated that reallocating funds this close to year end is a bad practice. Mr. McInturff recommended considering the 8-panel brochure in next fiscal year’s budget and suggested Council deny the request at this time.

Councilor Enis motioned to deny the request by TDC at this time and recommended considering the cost of the 8-panel brochure in next year’s fiscal budget, second by Mayor Pro Tem Shattuck; carried unanimously.

## **3. Public Forum**

### **4. Mayor’s Appointment to the Economic Development Committee**

Mayor Silva requested Council’s acceptance of his recommendation to appoint Mayor Pro Tem Shattuck to the Economic Development Committee and to appoint Councilor Enis as his alternate.

Councilor Sanchez motioned to accept the Mayor’s appointment, second by Councilor Milo; carried unanimously.

### **5. Proclamation Declaring the week of April 16<sup>th</sup> through April 24<sup>th</sup> as Individual Personal Planning Week**

Mayor Silva read the proclamation into the record and asked Ms. Burr, in attendance, if there were any events planned to promote individual personal planning. Ms. Burr stated that there is elder training given by the Adult Protective Services on April 15. (Proclamation attached)

### **6. Proclamation Declaring the week of May 1<sup>st</sup> through 7<sup>th</sup> as Municipal Clerk’s Week**

Mayor Silva read the proclamation into the record. (Proclamation attached)

### **7. Proclamation Declaring the Month of April as Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day**

Mayor Silva read the proclamation into the record. Mayor Silva stated that the Deming/Luna County Academic Booster Club recognizes ten local outstanding teachers each year; adding that this year’s reception will be held on May 7<sup>th</sup> at 7 p.m. at the Luna Rossa Winery.

11

**Proclamation**  
**Declaring the Week of April 16<sup>th</sup> through 24<sup>th</sup> as**  
**“Individual Personal Planning Week”**

WHEREAS, we value our family members, friends, communities, and ourselves; and

WHEREAS, everyone is encouraged to plan ahead if we want to keep some control over what happens to us related to future healthcare decisions and to our financial matters; and

WHEREAS, our inability to make or communicate decisions can be a sudden and temporary situation such as a brain injury, or it can be a long lasting condition such as dementia or Alzheimer’s disease; and

WHEREAS, we may be faced with temporary incapacity at the informed consent is required medical treatment, or related to financial or other matters; and

WHEREAS, preparation are as important for younger individuals as it is for the elderly for the possible event of our having limited capacity to make or communicate decisions for our own well-being; and

WHEREAS, assistance is available in order to complete the appropriate forms, in the unfortunate event we are unable to make decisions for ourselves; and

WHEREAS, we strongly encourage discussing our personal choices with adult family members, trusted friends, and professionals. This is a gift you can give your loved ones to make their life so much easier in caring for you and your financial affairs; and

WHEREAS, we must all remember this must be completely voluntary on the part of each individual, where each individual decides freely under no undue influence; and

WHEREAS, everyone is encouraged to review their arrangements perhaps every year, at least with significant changes in our life and upon diagnosis of a major medical condition, to make sure they remain current; and

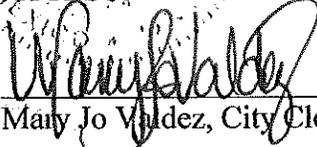
WHEREAS, New Mexico is fortunate with many professionals , religious, social, and other state-wide and community organizations who can arrange for broad education and training of our communities; and

WHEREAS, we need our community leaders and others state-wide to organize community-wide forums and campaigns.

NOW THEREFORE, I Mayor Andres Z. Silva, Mayor of the City of Deming, DO HEREBY PROCLAIM THE 16<sup>TH</sup> DAY THROUGH THE 24<sup>TH</sup> DAY OF APRIL 2011 AS “INDIVIDUAL PERSONAL PLANNING WEEK”

SIGNED this 11<sup>th</sup> day of April 2011 in the City of Deming, New Mexico.

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

  
ATTEST:  
  
\_\_\_\_\_  
Mary Jo Valdez, City Clerk

# Proclamation

## Municipal Clerks Week

May 1st through May 7th, 2011

**WHEREAS**, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

**WHEREAS**, The Office of the Municipal Clerk is the oldest among public servants; and

**WHEREAS**, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, The Municipal Clerk serves as the information center on functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and

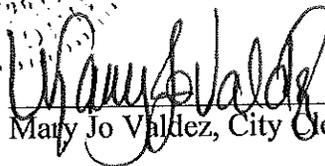
**WHEREAS**, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

**NOW, THEREFORE**, I, Andres Z. Silva, Mayor of the City of Deming do recognize the week of May 1<sup>st</sup> through May 7<sup>th</sup>, 2011, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Mary Jo Valdez; Deputy Clerk, Richard F. McInturff; and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

DONE this 11<sup>th</sup> day of April 2011 in the City of Deming, New Mexico

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

ATTEST:

  
\_\_\_\_\_  
Mary Jo Valdez, City Clerk



PROCLAMATION

WHEREAS, the Golden Apple Foundation of New Mexico is a non-profit organization dedicated to improving the quality of education in New Mexico through the recognition, recruitment and professional development of teachers; and

WHEREAS, the Foundation believes that the quality of the teachers in the classroom is the single most important factor in student achievement and success at any age or stage of study; and

WHEREAS, the community that honors its teachers honors itself; and

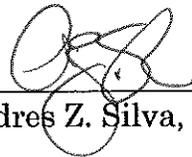
WHEREAS, by honoring teachers we seek to rekindle the honor of and passion for this profession now and in the years ahead; and

WHEREAS, amidst the turmoil of current events, teachers go on day after day helping prepare our children for the future; and

WHEREAS, we salute our teachers, we honor them and we give our thanks to them;

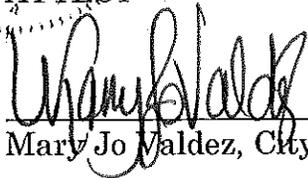
NOW, THEREFORE, in conjunction with Susana Martinez, Governor of the State of New Mexico's proclamation to declare April 1<sup>st</sup> as "Golden Apple Foundation Tribute to Teacher Excellence Day"; I, Andres Z. Silva, Mayor of the City of Deming, do hereby proclaim the month of April 2011 as Golden Apple Foundation of New Mexico Tribute to Teacher Excellence.

Done this 11<sup>th</sup> day of April, 2011.

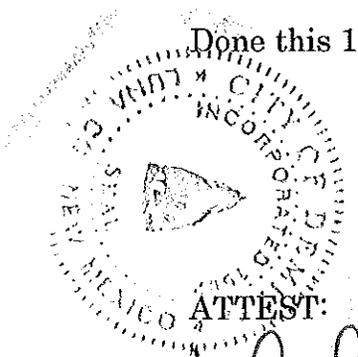


\_\_\_\_\_  
Andres Z. Silva, Mayor

ATTEST:



\_\_\_\_\_  
Mary Jo Valdez, City Clerk



8. **Request to Waive Rental Fees for the Use of the Special Events Center by Deming Cesar Chavez Charter High School**

Mayor Silva stated that Ms. Armijo, Director, on behalf of the Deming Cesar Chavez Charter High School has submitted a request to have the rental fees waived for their annual graduation. Mayor Silva stated that there are 48 graduating students this year.

Councilor Enis motioned to waive the rental fees for the use of the Special Events Center by the Deming Cesar Chavez Charter High School with the stipulation that they will be responsible for the cleaning fees, second by Councilor Milo; carried unanimously.

9. **Out of State Travel Request by Laura Holguin to attend the 105<sup>th</sup> GFOA Annual Conference in San Antonio, Texas from May 22<sup>nd</sup> through 25<sup>th</sup>, 2011**

Ms. Holguin requested Council's approval to attend the 105<sup>th</sup> GFOA Annual Conference; adding that she is the current State GFOA President and as President, one of her duties is to select guest speakers for the annual GFOA conference held in Albuquerque.

Mr. McInturff stated that GFOA will subsidize the cost of trip as well as room and board for Ms. Holguin's attendance.

Councilor Milo motioned to approve the out of state travel request by Ms. Holguin to attend the 105<sup>th</sup> GFOA Annual Conference in San Antonio, TX from May 22<sup>nd</sup> through 25<sup>th</sup>, second by Councilor Sanchez; carried unanimously.

10. **Authorization to HR/Safety Coordinator and Administrator to Approve Area Safety Operation Procedures Manuals**

Mr. McInturff asked that management with the HR/Safety Coordinator be granted the authority to approve the SOP Manuals so that they can appropriately distribute them and implement them. Mr. McInturff stated that there are several manuals which administration and the HR/Safety Coordinator will review before approval.

Councilor Enis motioned to grant the City Administrator or HR/Safety Coordinator the authority to approve the area safety operation procedures manuals, second by Councilor Sanchez; carried unanimously.

11. **Ratification of Memorandum of Understanding between the City of Deming Police Department and the Luna County Sheriff's Office regarding Operation Stonegarden**

Chief Carillo stated that the MOU between Luna County and the Deming Police Department is similar in context from the 2009 MOU. Chief Carillo added that the scope is also similar to the 2009 MOU. Chief Carillo stated that the department is awaiting approval from Washington before expending the funds; adding that the MOU will allow them to move forward. Chief Carillo stated that the 2010 funding will be utilized to purchase a CAD system, Verizon Wireless Cards, laptops for the units, and two vehicles.

Councilor Sanchez asked if the department would be adding two vehicles. Chief Carillo stated that they anticipate purchasing two vehicles with the funds. Chief Carillo added that the department has until 2013 to spend the funds. Mayor Silva expressed his gratitude to Lt. Mooradian, Sheriff Cobos, Captain Gigante and Chief Carillo for collaborating with each other.

Commissioner Spivey thanked the City for working with the County and contributing \$15,000 of funding which they plan to use to purchase software for Dispatch so that they are able to communicate with all entities.

Chief Carillo stated that scanners will not be able to pick up the computer frequency which will assist in providing a safer field environment for officers.

Mayor Pro Tem Shattuck motioned to ratify the MOU between the Deming Police Department and the Luna County Sheriff's Office, second by Councilor Enis; carried unanimously.

RESOLUTION NO. 11-13

**A RESOLUTION APPROVING APPLICATION FOR A TIME EXTENSION ON AN AGREEMENT BETWEEN THE CITY OF DEMING AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO PROVIDE MUNICIPAL ARTERIAL PROGRAM (MAP) FUNDS FOR PROJECT DEVELOPMENT AND CONSTRUCTION OF PEAR STREET & COUNTRY CLUB ROAD STREET & DRAINAGE IMPROVEMENTS.**

WHEREAS, the City of Deming has executed Cooperative Agreement No. MAP-7629(901), Control No. HW2 L100001, for Municipal Arterial Program (MAP) Funding from the New Mexico Department of Transportation for Project Development and Construction of Pear Street & Country Club Road Street and Drainage Improvements,

WHEREAS, the current agreement expires on June 30, 2011; 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

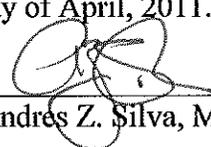
WHEREAS, The New Mexico Department of Transportation requires approval of an amended agreement for the City to extend the completion date for this project to September 30, 2011.

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

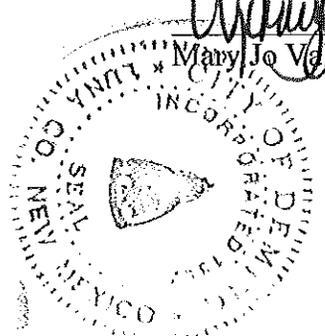
1. That the application for a three month time extension for Cooperative Agreement No. MAP-7629 (901), Control No. HW2 L100001, be prepared and submitted for Project Development and Construction of Pear Street & Country Club Road Street and Drainage Improvements.
2. That the Mayor is authorized to execute 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 11<sup>th</sup> day of April, 2011.

ATTEST

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

  
 \_\_\_\_\_  
 Mary Jo Valdez, City Clerk



**RESOLUTION NO. 11-14****AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION  
FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE  
NEW MEXICO FINANCE AUTHORITY**

WHEREAS, the City of Deming ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the City of Deming ("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 public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake acquisition, construction and improvement of the Fire Department Expansion ("Project") for the benefit of the Governmental Unit and its 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:

Section 1. That all actions previously taken by the Governing Body and the Governmental Unit and their respective officers and employees in connection with the Application and the Project are hereby ratified, approved and confirmed.

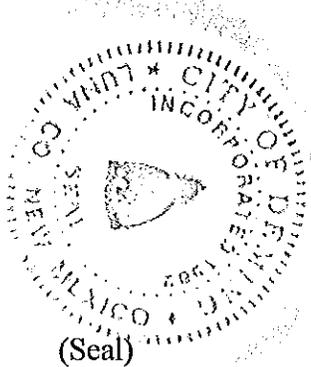
Section 2. That the completed Application submitted to the Governing Body is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority, and are further authorized to take such other action as may be requested by the Authority in connection with the Application and to proceed with arrangements for financing the Project.

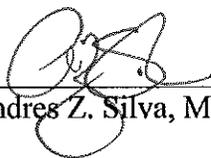
Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

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

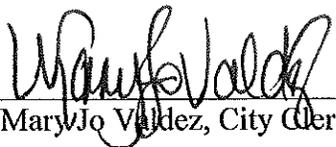
PASSES APPROVED AND ADOPTED this 11<sup>th</sup> day of April, 2011.



GOVERNING BODY

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

ATTEST:

 \_\_\_\_\_  
 MaryJo Valdez, City Clerk

**b. RFP # 11-16 Legal Services**

Mr. McInturff stated that an evaluation committee was formed to review and rank all submitted proposals for RFP 11-16 for On-Call Legal Services. Mr. McInturff stated that the committee was comprised of himself, Mary Jo Valdez, and Vicki Engle; adding that the committee reviewed four proposals based on criteria as defined in the request for proposals and then ranked the firms from 1 to 4, with number 1 being the highest ranking. Mr. McInturff stated that based on the ranking, Jim Foy and Associates ranked first and staff is requesting to enter into contract negotiations with Jim Foy and Associates. If the City is unable to come to terms with Jim Foy and Associates, the City will re-advertise for legal services.

Mayor Pro Tem Shattuck motioned to approve the RFP recommendations for legal services and authorize City to enter into negotiations with Jim Foy and Associates and if terms cannot be reached then staff will re-advertise for legal services, second by Councilor Enis; carried unanimously.

**15. Closed Session: To Discuss personnel matters, litigation matters, and real estate, pursuant to NMSA 1978 Sections 10-15-1 (H) (2) (7) and (8) of the Open Meetings Act**

Councilor Sanchez motioned to go into closed session to discuss personnel matters, litigation matters, and real estate, pursuant to NMSA 1978 Sections 10-15-1 (H) (2) (7) and (8) of the Open Meetings Act, second by Councilor Milo;

**ROLL CALL/VOTE**

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

Motion carried.

**16. Open Session: Motions if any**

Councilor Milo motioned to go into open session, second by Councilor Sanchez;

**ROLL CALL/VOTE**

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

Motion carried.

Mayor Silva noted for the record that items discussed were related to personnel matters, litigation matters, and real estate, pursuant to NMSA 1978 Sections 10-15-1 (H) (2) (7) and (8) of the Open Meetings Act and that no motions were made during closed session.

Mayor Pro Tem Shattuck motioned to amend the promissory note with Luna County Housing Corporation dated April 22, 2010 assigned to Southwestern Regional Housing Community Development in the amount of \$82,653.93 with the City of Deming for Lots 1-12 in Block IQ of the High School Addition in the City of Deming, the payment in full called for within 2 years should be amended to a period of 5 years from this date forward; also the sale of homes consists of two lots each, for a total of 6 homes, the amendment should read that upon the sale of a home, the City would

except a quiet second mortgage and forgive the homeowner mortgage after 15 years and to direct Counsel to create the documents to execute and authorizing the Mayor or City Administrator to execute the documents.

Councilor Enis made a friendly amendment to the motion to allow for the decrease starting at year 10 by 20% per year, Mayor Pro Tem accepted the friendly amendment, the motion and friendly amendment was second by Councilor Sanchez; carried unanimously.

**17. Adjourn Meeting**

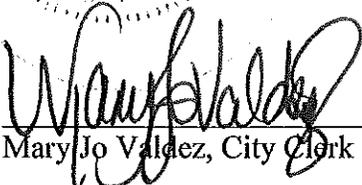
With no further business to conduct, Councilor Sanchez motioned to adjourn the meeting at 7:25 p.m., second by Councilor Milo; carried unanimously.

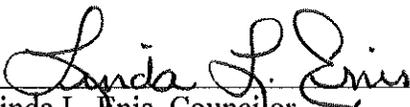
The next Special Meetings are scheduled for April 19<sup>th</sup> at 8:30 a.m. and April 22<sup>nd</sup> at 9:00 a.m. The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., May 9<sup>th</sup>, 2011.

CITY OF DEMING



ATTEST:

  
Mary Jo Valdez, City Clerk

  
Linda L. Enis, Councilor