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P.O. BOX 706. DEMING, NEW MEXICO 88031
POPULATION 14,000

CITY COUNCIL MEETING

April 14, 2014

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order/Pledge of Allegiance

1. Consent Agenda
 - A. Minutes - City Council Workshop and Regular Meeting 3/10/14
 - B. Minutes - City Council Special Meeting 3/26/14
 - C. Minutes - Planning and Zoning Commission Meeting 3/17/14
 - a. Recommendation to take the amended zoning change plan and allow the agricultural with stipulation it is kept clean.
 - D. Minutes – Parks Commission Meeting 3/11/14 (*no meeting-cancelled*)
 - E. Minutes–Marshall Memorial Library Board Meeting(*no meeting scheduled*)
 - F. Minutes – Historic Landmark Commission Meeting 3/13/14
 - G. Out-of-State Travel Request for Judge Van Gundy to Attend the Judicial Education Center (JEC) on May 18 through May 23, 2014 in Reno, Nevada
 - H. Out-of-State Travel Request for D.J. Ritchlin to attend CNG Training on May 19-22, 2014 in Norfolk, Virginia
2. Public Forum
3. Mayor's Swearing-in of New Firefighter Andrew Decker
4. Proclamation to Ratify National Day of Prayer
5. Proclamation to Ratify April as Child Abuse Prevention Month
6. Public Hearing to Consider an Ordinance Amending Title 12, Chapter 3 of the City Code of Deming, New Mexico to Amend the City Zoning District Map.
7. Approval of Sam Baca Aquatic Center Brochure, Fees, and Schedule
8. Bids:
 - a. Bid #14-14 Keeler Farm Crop
9. Closed Session to Discuss Limited Personnel Matters, Pending litigation, and purchase, acquisition or disposal of real property pursuant to NMSA1978, Section 10-15-1 (H)(2), (H)(7), and (H)(8), of the Open Meetings Act.
10. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for May 12, 2014 at 4:00 and 6:00 p.m.

CITY COUNCIL WORKSHOP MINUTES April 14, 2014

Council Present: Benny Jasso, Mayor

Linda Franklin, Mayor Pro Tem

Council Absent: Joe "Butter Milo, Councilor
Dr. Victor Cruz, Councilor

David L. Sanchez, Councilor

Staff Present: Aaron Sera, Asst. City Administrator
Jim Massengill, Public Works Director
Wesley Hooper, Community Svcs. Dir.

Edgar Davalos, Fire Chief
Brandon Gigante, Police Chief
Gina Gentile, City Planner II

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

Mayor Jasso and staff members of the City of Deming, New Mexico held a workshop on May 12, 2014 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting, held at 6:00 p.m. the same day. The following items of the agenda were discussed:

Consent Agenda: A discussion was entertained regarding item C. Minutes-Planning and Zoning pertaining to the recommendation. The recommendation will be presented in the May meeting as a Quasi-Judicial public hearing if he cures current code violations. Items H. & I.-Out-of -State travel requests were explained by Mr. Sera and Mr. Hooper.

Mayor's Swearing-in of New Firefighter Andrew Decker: Mr. Sera stated that Mayor Jasso will swear in Mr. Decker.

Proclamation to Ratify National Day of Prayer: Mayor Jasso will present this item.

Proclamation to Ratify April as Child Abuse Prevention Month: Mayor Jasso will present this item.

Public Hearing to Consider an Ordinance Amending Title 12, Chapter 3 of the City Code of Deming, New Mexico to Amend the City Zoning District Map: Ms. Gentile explained that this public hearing assigning zoning to the area that was annexed in February; the use will be similar to the ETZ Zoning. Ms. Gentile explained that Mr. Garcia was the only resident in this area who had requested the zoning change due to the animals he has on his property and would like to keep. Mr. Garcia's request will not be considered until he comes into other code violation compliance.

Approval of Sam Baca Aquatic Center Brochures, Fees, and Schedule: Mr. Sera and Mr. Hooper will present this item to Council. Mr. Sera explained that due to the vandalism at the pool, there have been a few changes. He stated that due to the extra time needed to make the necessary repairs to the pool, staff will request that Council approve the schedule.

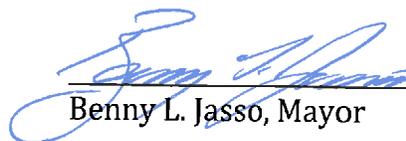
Bids-Bid #14-14 Keller Farm Crop: Mr. Sera stated that Mr. Massengill will present this item to Council and will explain staff's recommendation.

Closed Session to Discuss Limited Personnel Matters, Pending litigation, and purchase, acquisition or disposal of real property pursuant to NMSA 1978, Section 10-15-1 (H)(2), (H)(7), and (H)(8), of the Open Meetings Act: Mr. Sera state that there would be a closed session to discuss these matters

Adjourn Meeting: With no further business to discuss, Mayor Jasso adjourned the meeting at 4:14 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:



Richard F. McInturff, Clerk (not available)
Signed by Lila Jasso, Asst. Deputy Clerk

CITY COUNCIL MEETING MINUTES

April 14, 2014

Council Present: Mayor Benny L. Jasso
David Sanchez, Councilor
Joe "Butter" Milo, Councilor

Linda Franklin, Mayor Pro Tem
Dr. Victor Cruz, Councilor

Council Absent: None

Staff Present: Richard F. McInturff, City Administrator
Wesley Hooper, Community Svcs. Dir.
Jim Massengill, Public Works Director
Edgar Davalos, Fire Chief
Randy Blankenship, Fire Captain
Ken McFaul, Captain

Aaron Sera, Asst. City Administrator
Brandon Gigante, Police Chief
Lloyd Valentine, Financial Svc. Mgr.
Gina Gentile, City Planner II
Jim Foy, City Attorney

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

Mayor Jasso called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. Mayor Jasso observed a moment of silence in memory of former Mayor, Andres Z. Silva.

1. Consent Agenda

Mayor Jasso entertained a motion from Council regarding the Consent Agenda.

Mayor Pro Tem Franklin motioned to table item 1 of the Planning and Zoning Commission meeting regarding the recommendation made at the 3/17/14 meeting, and to approve all other items in the consent agenda. Councilor Sanchez seconded the motion; motion carried unanimously.

2. Public Forum

A public comment session was entertained.

3. Mayor's Swearing-In of new Firefighter Andrew Decker

Mayor Jasso swore in new firefighter Andrew Decker.

4. Proclamation to Ratify National Day of Prayer

Mayor Jasso read the proclamation for the National Day of Prayer, which will be on May 1, 2014, into record.

Councilor Cruz motioned to ratify the proclamation for National Day of Prayer. Councilor Milo seconded the motion; motion carried unanimously.

5. Proclamation to Ratify April as Child Abuse Prevention Month

Mayor Jasso read the proclamation to declare April as Child Abuse Prevention Month into record.

Councilor Cruz motioned to ratify the proclamation to declare April as Child Abuse Prevention Month. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

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

Mr. McInturff explained that the memo pertaining to this item will be presented by Ms. Gina Gentile, City Planner. He explained that this item was previously tabled due to a technicality and is now being re-presented.

Ms. Gentile stated that this case is in regard to the zoning assignments for the land that was recently annexed into the City of Deming in February 2014. She stated that the City Codes states in 12-3-3 that “All territory which may be hereafter annexed to the city which has been zoned by the Deming-Luna County Extra-Territorial authority shall be subject to all of the regulations of the same district which said territory has been zoned at the time of such annexation until otherwise changed by an amendment to this chapter.” Ms. Gentile went on to state that the lands that were annexed were subject to the regulations of the districts they were in prior to the annexation, and this proposed ordinance is amending this chapter to officially change these lands to City zoning districts. She stated that the privately owned land are being assigned similar city zoning designations to those which they held in the ETZ, and the City-owned lands will be zoned “G” Governmental.

Mayor Jasso opened the floor for public comment.

Larry Caldwell, 711 N. Zinc, asked staff what is the difference between Governmental and Industrial zoning. He asked why this subject was not being zoned industrial since the City had signed a contract has been signed for a solar plant with TradeWind Energy approved in the March 10th meeting. Mr. McInturff stated that the solar plant is a more passive type of industry. Mr. McInturff, Mr. Foy, and Ms. Gentile addressed Mr. Caldwell’s questions.

Edward Khanbajian, 1721 E. Pine, asked Mayor and Council if the solar plant would bring any relief to the citizens of Deming, since the plant was located in the Government zoning area. Mr. McInturff stated that the revenue from this lease would go towards the water fund of the City.

Mayor Jasso closed the public comment session.

Mayor Pro Tem Franklin moved to approve the ordinance amending Title 12, Chapter 3 of the City Code of Deming, New Mexico to amend the city zoning district map, as proposed. Councilor Sanchez seconded the motion, motion carried unanimously.

7. Approval of Sam Baca Aquatic Center Brochure, Fees, and Schedule.

Mr. Hooper presented this item to Mayor and Council. He noted that two major changes were the \$10 increase to \$25 in the fee for swimming lessons per session, and the second was closing the swimming pool on Monday and Tuesday. Mr. Hooper stated that the reason for closing the pool two days is to allow for repairs due to the vandalism and to allow for the manager to conduct staff training.

Councilor Sanchez asked if Monday and Tuesday were days that were less attended. Mr. Sera stated that actually Sunday was a slower day; however the only certified trainer in the area was only going to be available on Mondays or Tuesdays.

Members of Council entertained a discussion regarding the schedule and fees. Mr. Hooper reiterated that the only fees that were changed were the swimming lesson fees.

Councilor Sanchez asked how many children enrolled in swimming lessons the past year. Mr. Sera stated that the data was not available due to the fact that the computer containing the data was damaged during the vandalism.

Councilor Sanchez motioned to approve the Sam Baca Aquatic Center Brochure, Fees, and Schedule, as presented. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

8. Bids:

a. Bid#14-14 Keeler Farm Crop

Mr. Massengill presented this item to Mayor and Council. He stated that City is offering to sell the highest bidder approximately 140 acres of crop and that the crop is currently and will continue to be irrigated with effluent water from the Waste Water Treatment Plant. He stated that the bidder must provide bale count and certified weigh tickets with the payment; and also that the crop will be sold as-is and where-is. The crop must be off the farm and final payment made to the City of Deming by July 1, 2014.

Mr. Massengill stated that five bids were received and recommends Blair Farms, Inc. be awarded the bid at \$105.50 per ton. He also asked that Council authorize the Public Works Director and/or Assistant City Administrator to enter into agreement with Blair Farms, Inc. and execute any documents related to this project.

Councilor Cruz motioned to approve bid #14-14 to Blair Farms, Inc. at \$105.50 per ton and to authorize the Public Works Director and/or Assistant City Administrator the authority to enter into agreement with Blair Farms, Inc. and execute the necessary documents for this

project. Mayor Pro Tem Franklin seconded the motion and friendly amendment; motion carried unanimously.

9. Closed Session: To Discuss Limited Personnel Matter, Pending litigation, and Purchase, Acquisition, or Disposal of Real Property Pursuant to NMSA 1978, Section 10-15-1(H)(2), (H)(7), and (H)(8), of the Open Meetings Act

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

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Sanchez	Aye
Mayor Pro Tem Franklin	Aye
Councilor Cruz	Aye

Mayor Jasso entertained a motion to go back into open session.

Mayor Pro Tem Franklin motioned to go back into open session. Councilor Milo seconded the motion, motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Councilor Cruz	Aye
Councilor Sanchez	Aye
Councilor Milo	Aye
Mayor Pro Tem Franklin	Aye

Mayor Jasso stated for the record that no motions were made during the closed session and that only the items mentioned in the motion to go into closed session were discussed.

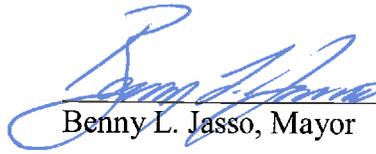
Councilor Cruz motioned to proceed with the acquisition of the property located on West Pine Street. Councilor Sanchez seconded the motion and made a friendly amendment to include the authorization of staff to negotiate and Mayor to execute any documentation involved with this transaction. Councilor Cruz accepted the friendly amendment. Mayor Pro Tem Franklin seconded the motion and friendly amendment. Motion carried.

10. Adjourn Meeting

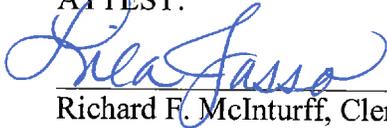
With no further business to discuss, Councilor Sanchez motioned to adjourn the meeting. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously. Meeting adjourned at 9:22 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:



Richard F. McInturff, Clerk (not available)
Signed by Lila Jasso, Asst. Deputy Clerk

Proclamation
National Day of Prayer

WHEREAS: The National Day of Prayer is a tradition first proclaimed by the Continental Congress in 1775; and

WHEREAS: In 1988, legislation was unanimously ratified by both Houses of Congress and signed by President Ronald Reagan stating that the National Day of Prayer was to be observed on the first Thursday of every May; and

WHEREAS: It is fitting and proper to give thanks to the Lord by observing this day in Deming when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our state and nation.

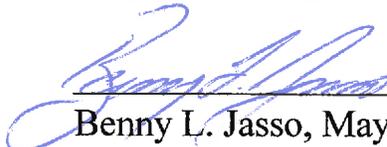
NOW THEREFORE, I, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim Thursday, May 1, 2014 as:

“A DAY OF PRAYER”

Done this 14th day of April, 2014 in the City of Deming, New Mexico.



City of Deming, New Mexico


Benny L. Jasso, 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 and 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.

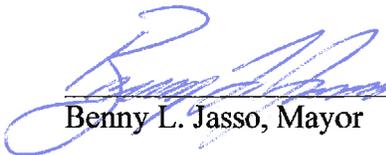
Therefore Be It Resolved that I, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim the month of April 2014 Child Abuse Prevention Month.

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.

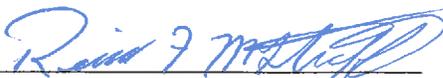
Signed this 14th day of April, 2014 in the City of Deming, New Mexico.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Richard F. McInturff, Clerk

**CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1246**

AN ORDINANCE AMENDING TITLE 12 OF THE DEMING CITY CODE, NEW MEXICO

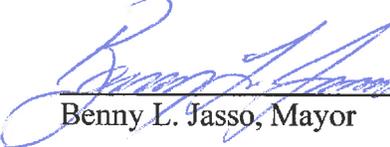
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO:

Title 12, Chapter 3 of the Deming City Code is hereby amended by adding to the City District Map those lands and specific zone districts shown on the map attached hereto as Exhibit "A".

PASSED, ADOPTED, AND APPROVED, this 14th day of April, 2014.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Richard F. McInturff, Administrator/Clerk

