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

CITY COUNCIL MEETING

June 9, 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 5/12/14
 - B. Minutes – City Council Special Meeting 5/22/14
 - C. Minutes – Parks Commission Meeting 5/13/14
 - D. Minutes – Planning & Zoning Commission 5/19/14
 - a. Recommendation to approve a Special Use Permit request, with conditions. *(To be presented at a later meeting)*
 - b. Recommendation to table a request for a mobile home or RV, to ensure compliance. *(To be presented at a later meeting)*
 - c. Recommendation to deny the Zone Change Request in the Wallis Subdivision.
 - d. Recommendation to approve the Zoning Map amendment for the “G Governmental” District. *(To be presented at a later meeting)*
 - E. Minutes – Tourism Development Committee 4/9/14
 - a. Recommendation to approve the proposed TDC budget at \$152,000
 - F. Out of State Travel Request for D.J. Ritchlin to travel to attend the CNG Systems Training and Certification Course in Tulsa, Oklahoma on July 21-25, 2014.
2. Public Forum
3. Appointment of Captain for Deming Fire Department
4. Presentation by Steve Westenhofer, Mimbres Memorial Hospital -2014 Hospital Outlook
5. Resolution to Consider Authorizing the Write-Offs of Uncollectible Utility and Ambulance Accounts Receivable billed prior to Fiscal Year 2011
6. Approval of Proclamation Declaring Extreme or Severe Drought Conditions with the City Limits and Imposing Restrictions on the Use of Fireworks
7. Public Hearing to Consider a Proposed Ordinance Amending Title 9, Chapter 1, Sections 4 and 6 of the City Code
8. Public Hearing to Consider a Proposed Ordinance Amending Title 7, Chapter 4, Section 2 of the City Code

9. Closed Session to Discuss Limited Personnel Matters regarding the Administrator Employment Agreement, Potential Litigation and Purchase of Real Estate in the North Industrial Park and Areas within the City Limits pursuant to NMSA 1978, Section 10-15-1 (H)(2), (H)(7), and (H)(8), of the Open Meetings Act

10. Adjourn Meeting

A special City Council Meeting is scheduled for June 17, 2014 at 9:00 a.m.

The next regular City Council Workshop and Meeting are scheduled for July 14, 2014 at 4:00 and 6:00 p.m.

CITY COUNCIL WORKSHOP MINUTES June 9, 2014

Council Present: Benny Jasso, Mayor

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

David L. Sanchez, Councilor
Linda Franklin, Mayor Pro Tem

Staff Present: Aaron Sera, City Administrator
Wesley Hooper, Community Svcs. Dir.
Jim Massengill, Public Works Director
Gina Gentile, City Planner II

Edgar Davalos, Fire Chief
Lloyd Valentine, Financial Svcs. Mgr.
Brandon Gigante, Police Chief

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 June 9, 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: Mr. Sera stated that under Item D. Minutes – Planning & Zoning Commission 5/19/14, the sub items a., b., and d., would be presented at a later meeting. Sub item c. Recommendation to deny the Zone Change Request in the Wallis Subdivision, the applicant has not yet informed the City if he would be proceeding with an appeal. Mr. Sera also mentioned item E. Minutes – Tourism Development Committee 4/9/14 in which the action item of that meeting was a recommendation to approve the proposed TDC budget at \$152,000.

Mr. Hooper explained the Out-of State Travel request for D.J. Ritchlin to attend the CNG Systems Training and Certification. He and Mr. Sera spoke about the benefit of certifying Mr. Ritchlin and that this training would be a great asset to the City.

Appointment of Captain for Deming Fire Department: Chief Davalos will discuss his recommendation for Shift-A Fire Captain and the Mayor will announce his appointment.

Presentation by Steve Westenhofer, Mimbres Memorial Hospital-2014 Hospital Outlook: Mr. Sera asked Ms. Jasso if the presentation was reviewed and ready for the meeting. Ms. Jasso stated that it was.

Resolution to Consider Authorizing the Write-Offs of Uncollectible Utility and Ambulance Accounts Receivable billed prior to Fiscal Year 2011: Mr. Valentine will

present this item to Mayor and Council. He stated that this resolution would take the balance off of the accounting books, but there would still be efforts to collect on these debts. Mr. Sera reiterated that the debt would not be forgiven; only taken off the accounting books.

Approval of Proclamation Declaring Extreme or Severe Drought Conditions with the City Limits and imposing Restrictions on the Use of Fireworks: Mr. Sera stated that this similar proclamation has been done for the past couple of years based off the drought conditions, and that it restricts the fireworks usage for the 4th of July. Chief Davalos will present this item to Mayor and Council.

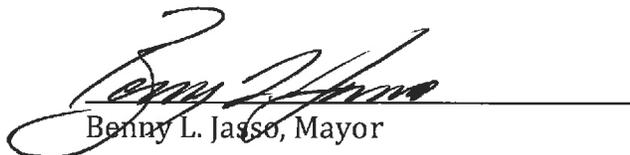
Public Hearing to Consider a Proposed Ordinance Amending Title 9, Chapter 1, Sections 4 and 6 of the City Code: Mr. Sera stated that Mr. Valentine will present this item to Mayor and Council. This was advertised a while back while conducting the rate analysis. Mr. Sera stated he, Mr. Massengill and Mr. Valentine have had several discussions regarding the rate analysis to determine what steps should be taken. Mr. Sera stated, that at this time, they recommend not approving the rate increase. Mr. Valentine interjected that staff will monitor the rates and if need be, the proposal for the rate increase will be brought back to Council.

Public Hearing to Consider a Proposed Ordinance Amending Title 7, Chapter 4, Section 2 of the City Code: Mr. Sera stated that this amendment pertains to the administration fees at the Motor Vehicle Department. He stated that currently, the administration fee is \$2.50, and this amendment will propose a fee increase to \$5.00. Mr. Sera referenced the memo from Mr. Valentine which explains the need to increase the fee in order to help offset the deficit in the MVD budget.

Closed Session to Discuss Limited Personnel Matters regarding the Administrator Employment Agreement, Potential Litigation and Purchase of Real Estate in the North Industrial Park and Areas within the City Limits pursuant to NMSA 1978, Section 10-15-1 (H)(2), (H)(7), and (H)(8), of the Open Meetings Act: Mr. Sera stated that Council should have their packet for closed session and that there may be additional items handed out at the meeting. He stated that Mr. Massengill and Ms. Engle would be asked to stay in closed session to discuss their items with Council.

Adjourn Meeting: With no further business to discuss, Mayor Jasso adjourned the workshop at 4:12 p.m.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor




Aaron Sera, Clerk

CITY COUNCIL MEETING MINUTES June 9, 2014

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

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

Council Absent: David L. Sanchez, Councilor

Staff Present: Aaron Sera, City Administrator
Wesley Hooper, Community Svcs. Dir.
Jim Massengill, Public Works Director
Vicki Engle, Human Resource Specialist

Edgar Davalos, Fire Chief
Brandon Gigante, Police Chief
Lloyd Valentine, Financial Svc. Mgr.
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.

1. Consent Agenda

Mayor Jasso entertained a motion regarding the Consent Agenda. Mr. Sera addressed the following items on the Consent Agenda. He stated that under item D. Minutes –Planning & Zoning Commission, sub items a., b., d., will be addressed at a later meeting; while sub item c., the applicant has not yet advised if they want to pursue the issue. Under item E. Minutes-Tourism Development Committee 4/9/14, Mr. Sera stated that there is a recommendation to approve the proposed budget at \$152,000. He then touched on the out of state travel request for D.J. Ritchlin to travel to Tulsa, Oklahoma on July 21-25, 2014, to attend the CNG Systems Training and Certification Course.

Mayor Pro Tem Franklin motioned to approve the Consent Agenda as requested by staff. Councilor Milo seconded the motion; motion carried unanimously.

2. Public Forum

Mayor Jasso entertained a public forum session.

3. Appointment of Captain for Deming Fire Department

Chief Davalos read his recommendation of Kevin Hensley for promotion of A-Shift Captain to the Deming Fire Department. Mayor Jasso asked Chief Davalos to clarify the process of other qualified candidates for the position. Chief Davalos stated that there were two qualified applicants for the Captain position, Lt. Hensley and Lt. Acosta. He stated that Lt. Acosta had opted not to apply for this position at this time, and wait for possible vacancies in the future.

Councilor Milo asked Chief Davalos about the process of fully training and certifying a new employee. Chief Davalos explained the process and time frame to do so.

Councilor Milo moved to approve Mayor Jasso's appointment of Kevin Hensley to A-Shift Captain of the Deming Fire Department. Councilor Cruz seconded the motion; motion carried unanimously.

4. Presentation by Steve Westenhofer, Mimbres Memorial Hospital -2014 Hospital Outlook

Mr. Westenhofer thanked the Mayor and Council for allowing him to make this presentation. He went on to say that he feels the hospital is a critical part of the quality of life in the community and has an economic impact. He also stated that he feels it is important to give City officials a periodic report to better understand what is going on at the hospital.

Mr. Westenhofer went on with his presentation. He touched on the issues of the affordable care act, the rise of cross-border admissions (particularly the number of babies delivered at our hospital) federal regulations-Two-midnight Rule, ICD 10 Coding, and the issue of finding enough qualified personnel for the hospital. He also mentioned the addition of the new medical office facility to their campus.

Mr. Westenhofer mentioned the various community benefits the hospital offers which he stated are estimated at \$22million.

Mayor Pro Tem Franklin stated that her concern regarding the Affordable Care Act would increase the emergency room visits. He stated that the emergency room visits have gone up in the past 5 months, and he feels that there needs to be more options and education regarding the health care coverage.

5. Resolution to Consider Authorizing the Write-Offs of Uncollectible Utility and Ambulance Accounts Receivable billed prior to Fiscal Year 2011

Mr. Valentine presented this item to Mayor Jasso and Council. He stated that this request is to remove the stale accounts billed prior to FY2011. He mentioned that state statute allows for municipalities to remove stale accounts from the accounts receivable report if they are determined to be uncollectable for more than four years. He went on to say that last year, Council approved the removal of stale accounts that were billed prior to FY 2010. Mr. Valentine explained to Mayor and Council that the accounts have been sent to collection with no success in collecting. The summary of request amounts are: \$35,330.92 for Utility Accounts and \$446,353.47 for Ambulance Accounts, for a total of \$481,684.39. He went on to read the resolution into record.

Mayor Pro Tem Franklin moved to approve the resolution to consider authorizing the write-offs of uncollectible utility and ambulance accounts receivable billed prior to Fiscal Year 2011, as presented. Councilor Cruz seconded the motion; motion carried unanimously.

6. Approval of Proclamation Declaring Extreme or Severe Drought Conditions with the City Limits and Imposing Restrictions on the Use of Fireworks

Chief Davalos presented the proclamation to Mayor Jasso and City Council. He read the proclamation into record.

Mayor Pro Tem Franklin asked if this proclamation takes the ordinance a little further. Chief Davalos stated that it does restrict the sale and use of certain types of fireworks in certain areas. This also helps the Fire Department with monitoring and the sales of the restricted fireworks.

A public comment session was opened.

Larry Caldwell, 711 N. Zinc, stated that his concern is the noise from the fireworks and the people who set them off at all hours of the day and night. He is also concerned about this for small children and animals. He asked if there is any way the noises can be controlled in certain hours or if they could be eliminated all together? Councilor Milo stated that this is probably an issue that could be brought up to the police. Mr. Caldwell redirected his question and stated that his question was more about the noises and if the ordinance could be more specific in addressing those issues of noise. Mr. Foy stated that in order to deal with issues of noise, especially during the 4th of July, it should be brought to the attention of the police. Mr. Foy went on to explain the types of fireworks this proclamation deals with.

Mayor Pro Tem Franklin stated she was confused, because Chief Davalos stated that this proclamation would add to the existing restrictions. Mr. Foy explained that this proclamation deals with extreme or severe drought conditions and Mr. Caldwell's concern would be more of a noise ordinance issue. Mr. Foy stated that Council could, if agreed upon, look at the noise ordinance to address Mr. Caldwell's concerns.

The public comment session was closed.

Councilor Milo moved to approve the Proclamation Declaring Extreme or Severe Drought Conditions within the City Limits and Imposing Restrictions on the Use of Fireworks, as presented. Councilor Cruz seconded the motion; motion carried unanimously.

7. Public Hearing to Consider a Proposed Ordinance Amending Title 9, Chapter 1, Sections 4 and 6 of the City Code

Mr. Valentine discussed the ordinance proposal to Mayor and Council. In the ordinance, he stated that the recommendation of a 5.78% increase is necessary for the City solid waste utility. He went on to state that this increase amount falls out of the threshold of where management is comfortable operating at current rates. He stated that, all things considered, staff feels that this increase can be postponed another year to allow for staff to work on honing in on efficiencies. He reiterated that staff is not suggesting that the analysis is misleading or incorrect and that an increase may be necessary in the future. However, staff feels we can sustain current operations another year without this increase.

Mr. Sera stated that he and staff have been working to address the efficiencies and that he would like to look at the overall operations of the department. Mr. Sera recommends that this resolution not be passed until staff can look into addressing more efficiency within the Solid Waste Department. Councilor Cruz stated that he would like to see staff work with the department before recommending a rate increase. Mayor Pro Tem Franklin concurred with Councilor Cruz.

Mayor Jasso opened the floor for public comment.

County Commissioner Jay Spivey commented that the County is one of the City's largest Solid Waste customers. He noted that if the increase goes through, it would greatly affect the County, as well. He noted that the County does not have Enterprise Funds to cover these kinds of expenses. He also noted that all municipalities and counties are facing challenges regarding the regulations of operating solid waste facilities.

County Commissioner R. Javier Diaz commented that he is concerned about the trash trucks transporting trash to the landfill. He stated that he has seen trash flying out of the back of these trucks and would like to see more diligence exercised in the covering of those loads of trash.

Charles Jackson, County Manager, reiterated that the County and City are working together to find a solution to the solid waste issues of costs. He stated that the County is looking at ways to reduce the costs by researching other entities facing the same issues.

Larry Caldwell, 711 N. Zinc, commended Mr. Valentine for the public analysis. He also noted his recommendation to change item F. He would like to see "resolution" replaced with "ordinance" so that the public can comment on the issue. He also commented that the state utility assistance program LIHEAP helps several people in the community. He noted that when he was on the board of Deming Helping Hand, there was a constant demand for assistance to pay for utilities, even with the availability of the state utility assistance program. Mr. Caldwell expressed his opposition to the rate increase due to the high participation of low income citizens utilizing the LIHEAP program.

Councilor Cruz moved to deny the proposed Ordinance Amending Title 9, Chapter 1, Sections 4 and 6 of the City Code. Councilor Milo seconded the motion; motion carried unanimously.

8. Public Hearing to Consider a Proposed Ordinance Amending Title 7, Chapter 4, Section 2 of the City Code

Mr. Sera stated that the ordinance pertains to the Motor Vehicle Division (MVD) administration fees. He referred to the handout prepared by Mr. Valentine. Currently, the administration fee is \$2.50 and the proposed increase would bring the fee to \$5.00. The increase in the fee would help offset the budget deficit for the MVD. A discussion was entertained by Council regarding the rate increase.

Mayor Jasso opened the hearing for public comment.

Larry Caldwell, 711 N. Zinc, commented on the decrease in the hours of availability of the facility and how they have been drastically cut. He stated that the City would be doubling the rate and providing less service. He supports denying this request to increase the administration fee.

Councilor Cruz moved to approve the proposed ordinance amending Title 7, Chapter 4, Section 2 of the City Code. Mayor Pro Tem Franklin seconded the motion, motion carried unanimously.

9. Closed Session to Discuss Limited Personnel Matters regarding the Administrator Employment Agreement, Potential Litigation and Purchase of Real Estate in the North Industrial Park and Areas within the City Limits pursuant to NMSA 1978, Section 10-15-1 (H)(2), (H)(7), and (H)(8), of the Open Meetings Act

Mayor Jasso entertained a motion to go into closed session.

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

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Cruz	Aye
Mayor Pro Tem Franklin	Aye

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

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

ROLL CALL VOTE

Mayor Pro Tem Franklin	Aye
Councilor Cruz	Aye
Councilor Milo	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.

Mayor Jasso entertained a motion from Council regarding the closed session items.

Councilor Cruz motioned to authorize the Equal Employment Opportunity Commission Conciliation Agreement with authorization granted to the administrator to execute the agreement. Councilor Milo seconded the motion; motion carried unanimously.

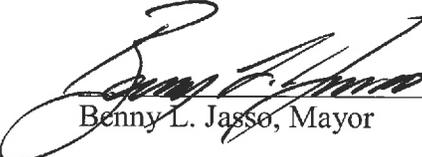
Mayor Pro Tem Franklin moved the ratification for the employment agreement for the City Administrator position between the City of Deming and Aaron Sera; with the city attorney to review the agreement, and the Mayor and City Administrator to execute the agreement. Councilor Milo seconded the motion; motion carried unanimously.

10. Adjourn Meeting

With no further business to discuss, Mayor Pro Tem Franklin moved to adjourn the meeting. Councilor Milo seconded the motion; motion carried unanimously. Meeting adjourned at 8:32.p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Clerk

**CITY OF DEMING
RESOLUTION NO. 14-19**

A RESOLUTION AUTHOURIZING THE WRITE-OFF OF UNCOLLECTIBLE UTILITY AND AMBULANCE ACCOUNTS RECIEVABLE FROM FISCAL YEAR 2010 IN THE AMOUNT OF \$ 481,684.39

The City Council is informed that:

WHEREAS, the City has uncollectible utility and ambulance accounts receivable from fiscal year 2010 listed and attached hereto as Exhibit "A", and

WHEREAS, the uncollectible amounts consist of balances from utility and ambulance billings, and

WHEREAS, City staff has made every reasonable effort to collect these accounts including, but not limited to, turning the accounts over to a collection agency, and

WHEREAS, these utility and ambulance accounts have been uncollectible for a period of more than four (4) years, and

WHEREAS, it is the opinion of the City's Treasurer that these accounts are uncollectable, and

WHEREAS, New Mexico Statute, section 3-37-7 NMSA 1978, attached hereto as Exhibit "B", grants the City Council authority to remove such accounts from the City's list of accounts receivable.

NOW, THEREFORE, Be it resolved by the governing body of the City of Deming:

(I)

THAT the uncollectible utility and ambulance accounts from fiscal year 2010, listed in Exhibit "A" attached hereto and made a part hereof, totaling \$481,684.39, be removed from the City's list of accounts receivable; and

(II)

THAT the City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

PASSED, ADOPTED, AND APPROVED this 9th day of June 2014.



CITY OF DEMING, NEW MEXICO

Benny L. Jasso, Mayor

Aaron Sera, Clerk

Proclamation

DECLARING EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN THE CITY LIMITS AND IMPOSING RESTRICTIONS ON THE USE OF FIREWORKS WITHIN THE CITY LIMITS

The City Council is informed that

WHEREAS, The Fire Department is responsible for fire protection within the City of Deming;
and

WHEREAS, each year the number of daily fire calls experienced in the City of Deming increases during the Fourth of July holiday; and

WHEREAS, southern New Mexico, to include the City of Deming, is experiencing severe drought conditions, as issued by the national weather service; and

WHEREAS, these conditions have created an increased risk of damage or loss of property due to fire; and

WHEREAS, the unrestricted use of permissible fireworks during these drought conditions would magnify the potential fire risk, thereby creating an emergency and threat to the health, safety, and welfare of residents of the City of Deming; and

WHEREAS, NMSA 1978 60-2C-8.1 grants authority to municipalities to regulate the sale and use of fireworks during times of severe or extreme drought; and

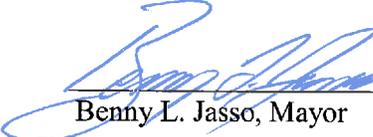
WHEREAS, on June 9, 2014, the City Council held a public meeting in conjunction with this proclamation to comment on firework restrictions.

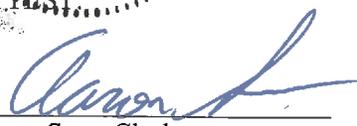
NOW, THEREFORE, Be it proclaimed by the governing body of the City of Deming:

THAT extreme drought conditions do exist within the community and hereby imposes firework restrictions according to Ordinance 60-1C-5 and NMSA1978 60-2C-8.1; and that this proclamation be issued for a period of thirty (30) days from June 9, 2014 to July 9, 2014, unless a subsequent proclamation is issued by City Council.

SIGNED this 9th day of June, 2014 in the City of Deming, New Mexico.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Clerk



ORDINANCE NO. 1249

AN ORDINANCE AMENDING TITLE 7 OF THE DEMING CITY CODE, NEW MEXICO

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

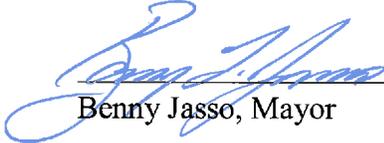
1. Title 7, Chapter 4 is hereby amended by the deletion of section 7-4-2 and is replaced with the following:

7-4-2: MVD ADMINISTRATION FEES: The City of Deming shall cause to be collected an administrative fee of five dollars (\$5.00) from each person requesting a service in connection with every transaction processed for the MVD by the City of Deming as an agent of MVD.

PASSED, ADOPTED, AND APPROVED, this 9th day of June, 2014.

CITY OF DEMING, NEW MEXICO




Benny Jasso, Mayor


Aaron Sera, City Clerk