



ANDRES Z. SILVA, MAYOR

RICHARD F. MCINTURFF, ADMINISTRATOR

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POPULATION 14,000

# CITY COUNCIL MEETING

**June 10, 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 5/13/13
  - B. Minutes - City Council Special Meeting 5/29/13
  - C. Minutes - Planning and Zoning Commission Meeting 5/20/13  
*(Items below are not approved in Consent Agenda)*
    - a. Recommendation to approve the request for a Summary Subdivision
    - b. Recommendation to approve the split a ½ acre lot
    - c. Recommendation to approve the split of lot 3 of the Wal-Mart Supercenter into two lots
    - d. Recommendation to approve the subdivision request to divide lot 4 of Wal-Mart Supercenter Subdivision
    - e. Recommendation to approve the Variance Request for a Verizon cell tower *(To be presented at future meeting)*
  - D. Minutes - Tourism Development Committee 5/08/13
  - E. Minutes – Airport Commission Meeting *(no meeting scheduled)*
  - F. Minutes – Marshall Memorial Library Board Meeting *(no meeting schedule)*
  - G. Minutes - Parks Commission Meeting 5/14/13
    - a. Recommendation to request financials from the sports leagues
2. Public Forum
3. Presentation of Heritage Preservation Award for Community Preservation Planning for the Downtown Deming Historical District to Bill Duncan, Manager, Deming MainStreet
4. Approval of Proclamation Declaring Extreme or Severe Drought Conditions with the City Limits and Imposing Restrictions on the Use of Fireworks
5. Approval of Resolution: Neighborhood Redevelopment Area Designation: Making Certain Findings and Determinations Pursuant to the Metropolitan Redevelopment Code, and Designating the City of Deming Florida Street Neighborhood Redevelopment Area

6. Approval of Resolution: To Support the Southwest New Mexico Energy & Green Jobs Task Force's "Regional Strategic Plan for Energy Efficiency and Renewable Energy (EERE) and Associated Job Creation
7. Approval of Resolution: Authorizing the Write-Offs of Uncollectible Utility and Ambulance Accounts Receivable from Fiscal Year 2009
8. Approval of Resolution of Support and Biennial Memorandum of Understanding for Deming MainStreet
9. Approval of Mayor's Appointment for Deming Municipal Court Alternate Judge
10. Approval of Job Description for Landfill Foreman
11. Approval of Pay Adjustments for Fiscal Year 2013/2014
12. Approval of Pay Schedule Waiver Request
13. Approval of Administrative Regulation DM12-32, Regarding Establishment of Amended Pay Plan
14. Approval of Bargaining Unit Agreement and Memorandum of Understanding for Deming Police Officer Association (DPOA)
15. Approval of Bargaining Unit Agreement for International Association of Fire Fighters (IAFF)
16. Approval of the City of Deming and Luna County Multi-Services Agreement 2013-2014
17. Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision of Lot 10 in Block 20, Deming Town Site
18. Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision Creating a half-acre lot
19. Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision, Dividing Lot 3 of Wal-Mart Supercenter into two lots
20. Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision, Dividing Lot 4 of Wal-Mart Supercenter into two lots
21. Closed Session to Discuss the Sale or Lease of Rural Land Pursuant to NMSA 1978, Section 10-15-1(H)(8), of the Open Meetings Act
22. Adjourn Meeting

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

**CITY COUNCIL  
WORKSHOP MINUTES  
June 10, 2013**

**Council Present:** Andres Z. Silva, Mayor

Linda Franklin, Mayor Pro Tem

**Council Absent:** David Sanchez, Councilor  
William Shattuck, Councilor

Joe "Butter Milo, Councilor

**Staff Present:** Richard F. McInturff, City Administrator  
Aaron Sera, Assistant City Administrator  
Brandon Gigante, Police Dept. Chief  
Jim Massengill, Public Works Director  
Lloyd Valentine, Finance Svcs. Manager

Edgar Davalos, Fire Chief  
Vicki Engle, HR Specialist  
Patsy Rodriguez, Receptionist  
Gina Gentile, City Planner

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

Mayor and staff members of the City of Deming, New Mexico held a workshop on June 10, 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 Pro Tem Franklin pointed out typographical errors in the Minutes of 5/13/13 which were corrected.

Mr. McInturff requested that item (B) Minutes-City Council Special Meeting of 5/29/13 be pulled and tabled for review.

Mr. McInturff asked Council to note, that in item (C) Minutes-Planning and Zoning Commission Meeting 5/20/13, items (a)(b)(c) and (d) are items that are mentioned further on in the agenda. He wanted Council to also note that they would be approving the minutes of that meeting, and not the recommendations made to Council.

Mr. McInturff stated that in the Minutes for Tourism Development Committee of 5/08/13, no quorum was present but the notes of the discussion are noted. He also pointed out that the Minutes for the Parks Commission meeting have a recommendation that Council would be acting on in their motion on the Consent Agenda.

Mayor Pro Tem Franklin noted a typographical error in the minutes for the Parks Commission that was corrected.

**Presentation of Heritage Preservation Award for Community Preservation Planning for the Downtown Deming Historical District to Bill Duncan, Manager, Deming MainStreet:** Mayor will present the award to Mr. Duncan.

**Approval of Proclamation Declaring Extreme or Severe Drought Condition within the City Limits and Imposing Restrictions on the Use of Fireworks:** Chief Davalos will present this item to Council.

**Approval of Resolution: Neighborhood Redevelopment Area Designation: Making Certain Findings and Determinations Pursuant to the Metropolitan Redevelopment Code, and Designating the City of Deming Florida Street Neighborhood Redevelopment Area:** Mr. McInturff will present this item to Council. He stated that this designation is for the parcel off of Florida Street near Pepper's Supermarket. Mayor Pro Tem Franklin was concerned about the designation and the area it pertained to. Mr. McInturff referred to the previous designation, the Metropolitan Redevelopment Area (MRA), which was approved in January 2013. This would be an additional area to be designated to assist the community in achieving goals to acquire financing to build more affordable housing units. This would boost the commercial retail in the area and improve economic conditions through coordinated public and private investments.

**Approval of Resolution: To Support the Southwest New Mexico Energy & Green Jobs Task Force's "Regional Strategic Plan for Energy Efficiency and Renewable Energy (EERE) and Associated Job Creation:** Mr. Sera will present this item to Council. He stated that the task force was originally started by Senator Bingaman and is also being supported by Senator Udall. Mr. Sera will go over the Executive Summary of the Regional Strategic Plan, and refer to the most critical actions needed over the next 1 to 5 years. He will have the complete plan to review if anyone would like to do so.

**Approval of Resolution: Authorizing the Write-Offs of Uncollectible Utility and Ambulance Accounts Receivable from Fiscal Year 2009:** Mr. Valentine will present this item to Council. He stated that this action is done annually around this time of the year. He reviewed the amounts that would be written-off. He stressed that the debts would not be forgiven, they would only be written off the books for audit purposes. He stated that this would make the financial statements look more accurate.

**Approval of Resolution of Support and Biennial Memorandum of Understanding for Deming MainStreet:** Mr. McInturff will present this item to Council. He stated that every two years, a resolution is made to list the intentions of the City to support the Deming MainStreet to participate in Community Economic Development Downtown Revitalization Activities. A discussion was entertained between Mayor, Council, and Staff regarding the required level of support in the Biennial Memorandum of Understanding.

Mr. McInturff referred to the Biennial Memorandum of Understanding Section I. Participation Responsibilities of MainStreet Communities. He read the paragraph to Council and stated that Ms. Barbara Reedy of MainStreet had assured him that they Deming MainStreet is in "Good Standing.

He then reviewed Section II. Expectations of Affiliated Communities Through Their MainStreet Organization: Deming Mainstreet. He went over the sub-points, in which Mayor Silva asked for further discussion on sub-point B. There was a discussion regarding the State's expectations listed in this point. Mr. McInturff stated that the wording, "to ensure", is holding the City accountable for certain financial revitalization tools such as Tax Increment Finance District (TID), the Quality of Life Tax, a Tax Increment Development District (TIDD) and/or Business Improvement District (BID).

Council and Staff entertained a discussion regarding sub-point C, and would like to include the City Attorney in further discussions.

**Approval of Mayor's Appointment for Deming Municipal Court Alternate Judge:**

Mayor Silva will present this item to Council. Mayor Pro Tem Franklin asked for information on the nominated individual.

**Approval of Job Description for Landfill Foreman:** Ms. Engle will present this item to Council. She stated that this is a new position and the purpose for this position is to get some better supervision out at the Butterfield Trail Regional Landfill. This would help relieve the current foreman of duties since the current supervisor is over the BTRL, the transfer station and solid waste collection departments. The position was previously advertised, however, none of the responses were qualified. The Mayor suggested that the advertisement be extended to the other areas. Ms. Engle stated that was already being considered.

**Approval of Pay Adjustments for Fiscal Year 2013/2014:** Ms. Engle will present this item to Council. She referred to the memo included in the meeting packet.

**Approval of Pay Schedule Waiver Request:** Ms. Engle stated that on this item there was a 15% benefits premium increase and a 1.5% increase on annual salary contribution for PERA. Therefore, management is requesting approval to waive the maximum pay scale range limits for fiscal year 2013-2014, only to help out maxed employees cover these additional costs.. The waiver would not apply to bargaining unit police personnel as they had negotiated a different provision.

**Approval of Administrative Regulation DM12-32, Regarding Establishment of Amended Pay Plan:** Ms. Engle will present this item to Council. She stated this is a revision of the previously issued Administrative Regulation. She stated that the only change is in Section Four, in the last sentence was added: "Employees who are at the minimum range at the time of an adjustment will have their pay increased to the new minimum rate to avoid disparity in pay with those who are hired after the adjustment."

**Approval of Bargaining Unit Agreement and Memorandum of Understanding for Deming Police Officer Association (DPOA):** Ms. Engle will present this to Council. She stated that negotiations have been completed between the local unions and both have signed off with the changes that are listed in the summary.

She went over the summary page and noted the changes. She wanted it to be noted that the Police Memorandum of Agreement expires in one (1) year, and is not part of the negotiated agreement.

**Approval of Bargaining Unit Agreement for International Association of Fire Fighters (IAFF):** Ms. Engle went over the summarized changes of this Bargaining Unit Agreement. Most of the changes made were clarifying the current agreement.

**Approval of the City of Deming and Luna County Multi-Services Agreement 2013-2014:** Mr. McInturff will present this to Council. He reviewed the Care of City Prisoners and Consolidated Dispatch sections. All other sections remained the same with the

exception of the Solid Waste Management, in which the County will pay \$28,000 more this year.

**Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision of Lot 10 in Block 20, Deming Town Site:** Ms. Gentile will present this item to Council.

**Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision Creating a half-acre lot:** Ms. Gentile will present this item to Council.

**Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision, Dividing Lot 3 of Wal-Mart Supercenter into two lots:** Ms. Gentile will present this item to Council.

**Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision, Dividing Lot 4 of Wal-Mart Supercenter into two lots:** Ms. Gentile will present this item to Council.

**Closed Session to Discuss the Sale or Lease of Rural Land Pursuant to NMSA 1978, Section 10-15-1(H)(8), of the Open Meetings Act:** Mr. McInturff will present this item to Council.

**Adjourn Meeting:** With not further business to discuss, the workshop was adjourned at 4:57 p.m.



**CITY OF DEMING, NEW MEXICO**

  
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Andres Z. Silva, Mayor

  
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Richard F. McInturff, Clerk

# CITY COUNCIL MEETING MINUTES

June 10, 2013

**Council Present:** Andres Z. Silva, Mayor  
Joe "Butter" Milo, Councilor

Linda Franklin, Mayor Pro Tem  
Bill Shattuck, Councilor

**Council Absent:** David Sanchez, Councilor

**Staff Present:** Richard F. McInturff, City Administrator  
Aaron Sera, Asst. City Administrator  
Wesley Hooper, Community Svcs. Dir.  
Jim Massengill, Public Works Director  
Vicki Engle, HR Specialist

Brandon Gigante, Police Chief  
Jim Foy, City Attorney  
Edgar Davalos, Fire Chief  
Gina Gentile, City Planner  
Lloyd Valentine, Financial Svcs. Mgr.

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

Mayor Silva called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

## 1. Consent Agenda

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- B. Minutes – City Council Special Meeting 5/29/13
- C. Minutes – Planning and Zoning Commission Meeting 5/20/13  
(*Items below are not approved in Consent Agenda*)
  - a. Recommendation to approve the request for a Summary Subdivision
  - b. Recommendation to approve the split of a ½ acre lot
  - c. Recommendation to approve the split of lot 3 of the Wal-Mart Supercenter into two lots
  - d. Recommendation to approve the subdivision request to divide lot 4 of Wal-Mart Supercenter Subdivision
  - e. Recommendation to approve the Variance Request for a Verizon cell tower (*To be presented at future meeting*)
- D. Minutes – Tourism Development Committee 5/08/13
- E. Minutes – Airport Commission Meeting (*no meeting scheduled*)
- F. Minutes – Marshall Memorial Library Board Meeting (*no meeting scheduled*)
- G. Minutes – Parks Commission Meeting 5/14/13
  - a. Recommendation to request financials from the sports leagues

Mr. McInturff requested that Council pull and table item (B) Minutes –City Council Special Meeting 5/29/13. He stated that staff did not have adequate time to review the minutes, and would like to present them at a later meeting.

Under items C. Minutes-Planning and Zoning Commission Meeting 5/20/13; Mr. McInturff clarified that items a. through d. would not be approved in the consent agenda, and they would be presented later in the meeting. Item e. would be

presented at a future meeting. He also noted the item G.a.in the Minutes-Parks Commission Meeting of 5/14/13.

Councilor Milo asked for more clarification regarding the recommendation of item G.a.-to request financials from the sports leagues. Mr. Sera stated that the City had received several phone calls regarding the Little League and that the league was providing false information to the public. The City was being blamed for the teams not having adequate equipment. Mr. Sera clarified that the City has no authority over the sports leagues finances. This concern was brought up to the parks commission and they recommend that the City request the sports leagues provide certain financial records.

Parks Commission Chair, Sonia Arteche, was called to address the topic. She stated that for approximately the past 2 years, the Parks Commissioners have been receiving complaints about the different sports leagues and how the monies are being spent. She stated that the commissioners have recommended the City to request limited financial records.

Councilor Milo expressed his concern about overstepping the authority of those leagues governing boards.

Mayor Silva clarified that all sports leagues will be required to provide financial documentation and records to the City.

Councilor Shattuck asked if any of the leagues, other than baseball/softball, were being reported to the City regarding the financial records. Mr. Sera stated that there was a complaint a few years back, regarding the Youth Football League. He stated the soccer league provides the parents with a financial document of how the money is spent, but he said that there have been many complaints regarding the Deming Little League.

Councilor Shattuck motioned to pull and table Item B. Minutes of the 5/29/13 Special Council Meeting, and approve all other items of the Consent Agenda, as presented. The motion was seconded by Mayor Pro Tem Franklin, and carried unanimously.

## **2. Public Forum**

Mr. Bill Duncan, MainStreet Director, made an announcement regarding the farmer's market location and hours.

Mr. Edward Khanbabian, 1721 E. Pine Street, wanted to complement the City for awarding the Visitor's Center contract to an individual.

He also had a complaint regarding the long wait at the DMV. He feels that they are very short handed and they really need additional staff to tend to the customers. Mr. Khanbabian feels that since the City imposed the \$2.50 service fee, they should be able to provide better service.

Mr. Sera stated that the DMV operates at a deficit of approximately \$66,000 per year. Mr. Valentine, Financial Services Manager, also affirmed the deficit.

Mr. McInturff stated that the Deming DMV is the third busiest office in the state.

3. **Presentation of Heritage Preservation Award for Community Preservation Planning for the Downtown Deming Historical District to Bill Duncan, Manager, Deming MainStreet:** Mayor Silva presented the award to Bill Duncan, MainStreet Manager. He stated that on May 10, 2013, he and Mr. McInturff attended the awards ceremony in Santa Fe. He read the award and a letter from Congressman Steve Pearce, into record.
4. **Approval of Proclamation Declaring Extreme or Severe Drought Conditions with the City Limits and Imposing Restrictions on the Use of Fireworks:** Chief Davalos presented this item to Mayor and Council. He read the proclamation into record. A public hearing was opened for public input.

Mr. Edward Khanbaian asked if this proclamation would ban all fireworks. Chief Davalos responded that there would be restrictions on certain fireworks but those within regulation would be sold and that fireworks stands would still be allowed.

Mayor Pro Tem Franklin motioned to approve the proclamation as presented. The motion was seconded by Councilor Milo and carried unanimously.

5. **Approval of Resolution: Neighborhood Redevelopment Area Designation: Making Certain Findings and Determinations Pursuant to the Metropolitan Redevelopment Code, and Designating the City of Deming Florida Street Neighborhood Redevelopment Area:** Mr. McInturff presented this item to Council. He referred to a similar resolution; Metropolitan Redevelopment Area, which was approved in January 2013. This is an additional area within the City limits. Mr. McInturff referred to the designation report and explained the subject area. He also referred to the goals to be achieved by this designation. They are:

- Conservation, improvement and expansion of commercial building stock.
- Elimination of detrimental public health and welfare conditions.
- Expansion of commercial retail activity.
- Improvement and expansion of available and affordable housing.
- Improvement of economic conditions through coordinated public and private investments.

He stressed on the forth bullet item, in which he stated that there is currently a developer interested in developing this area.

Councilor Shattuck motioned to approve the resolution of the Neighborhood Redevelopment Area Designation: Making Certain Findings and Determinations Pursuant to the Metropolitan Redevelopment Code, and Designating the City of Deming Florida Street Neighborhood Redevelopment Area; with the changes to the Exhibit A and B or read as delineated in the attached designation report. The motion was seconded by Mayor Pro Tem Franklin and carried unanimously.

- 6. Approval of Resolution: To Support the Southwest New Mexico Energy & Green Jobs Task Force's "Regional Strategic Plan for Energy Efficiency and Renewable Energy (EERE) and Associated Job Creation:** Mr. Sera presented this resolution asking for support from the City of Deming. He stated that this initiative was originally created by Senator Bingaman in which he created the Southwest New Mexico Energy & Green Jobs Task force with members of the four-county region, Luna, Hidalgo, Grant and Catron counties. Together the Task Force has been working on a strategic plan than can be utilized due to the renewable energy resources in the area. Mr. Sera read the resolution into record.

Mayor Pro Tem Franklin motioned to approve the resolution to support the Southwest New Mexico Energy & Green Jobs Task Force's "Regional Strategic Plan For Energy Efficiency And Renewable Energy (EERE) And Associated Job Creation, as presented. The motion was seconded by Councilor Shattuck and carried unanimously.

- 7. Approval of Resolution: Authorizing the Write-Offs of Uncollectible Utility and Ambulance Accounts Receivable from Fiscal Year 2009:** Mr. Valentine presented this resolution to Mayor and Council. He read the resolution into record. He clarified that the resolution would only remove the uncollectible accounts from the City's financial statement. This would in no way be forgiving the debt and collection of these outstanding balances would be pursued by a collection agency.

Councilor Milo motioned to approve the resolution authorizing the write-offs of uncollectible utility and ambulance accounts receivable from fiscal year 2009. The motion was seconded by Councilor Shattuck and carried unanimously.

- 8. Approval of Resolution of Support and Biennial Memorandum of Understanding for Deming MainStreet:** Mayor Silva asked that Council table this item for further review by the City Attorney. He stated that the MOU would be presented at the next Council meeting in July.

Mayor Pro Tem Franklin motioned to table the resolution of support and biennial Memorandum of Understanding for Deming MainStreet. The motion was seconded by Councilor Shattuck and carried unanimously.

- 9. Approval of Mayor's Appointment for Deming Municipal Court Alternate Judge:** Mayor Silva presented his recommendation to appoint Wayne Snyder, as alternate Municipal Judge for the Deming Municipal Court. He explained that Mr. Snyder would only step in, in the event of Judge Van Gundy's absence.

Councilor Milo motioned to approve Mayor Silva's appointment of Mr. Wayne Snyder as Deming Municipal Court Alternate Judge. The motion was seconded by Mayor Pro Tem Franklin and carried unanimously.

- 10. Approval of Job Description for Landfill Foreman:** Ms. Engle presented this item to Mayor and Council. She stated that this is a new job description that will supervise the operation of the Butterfield Trail Regional Landfill. She stated that the position was

previously advertised locally and no qualified applicants responded. Therefore, the job advertisement will be published in the surrounding area to seek qualified applicants.

Mayor Pro Tem Franklin motioned that the job description for Landfill Foreman be approved. The motion was seconded by Councilor Shattuck and carried unanimously.

- 11. Approval of Pay Adjustments for Fiscal Year 2013/2014:** Ms. Engle presented this item to Mayor and Council. She referenced the memo presented from Mr. McInturff which asks for approval of salary increases for the appointed officials, merit increases for City employees, and 1% adjustment for the pay plan ranges. She also noted the increase to minimum pay if an employee pay is less than the minimum pay range when the 1% adjustment takes place.

Councilor Shattuck motioned to approve the pay adjustments memo for fiscal year 2013-14, as presented. The motion was seconded by Mayor Pro Tem Franklin and carried unanimously.

- 12. Approval of Pay Schedule Waiver Request:** Ms. Engle presented this item to Mayor and Council. This request is asking for a waiver of the maximum pay limit within each pay range for fiscal year 2013-14. If approved, this waiver would allow employees at the maximum of their pay range to receive the full benefit of their annual merit increase, thus offsetting some of the costs associated with the recently enacted PERA changes and the increased premiums for health benefits. This waiver would not apply to bargaining unit police personnel as the union had negotiated a different provision.

Mayor Pro Tem Franklin motioned to approve the request of pay schedule waiver request, as presented. The motion was seconded by Councilor Shattuck and carried unanimously.

- 13. Approval of Administrative Regulation DM12-32, Regarding Establishment of Amended Pay Plan:** Ms. Engle presented this item to Mayor and Council. She explained that the only change is in Section Four. The statement, "Employees who are at the minimum range at the time of an adjustment will have their pay increased to the new minimum rate to avoid any disparity in pay with those who are hired after the adjustment" was added.

Councilor Shattuck motioned to approve the Administrative Regulation DM12-32 Regarding Establishment of Amended Pay Plan, as presented. The motion was seconded by Councilor Milo and carried unanimously.

- 14. Approval of Bargaining Unit Agreement and Memorandum of Understanding for Deming Police Officer Association (DPOA):** Ms. Engle presented this item to Council. She went over the summarized changes that were made to the previous agreement. There were changes regarding uniform allowance, retirement, group insurance, internal affairs, disciplinary action, and terms of the agreement. The agreement would be a four year contract with the option to renegotiate a limited number of items annually.

She then explained the Memorandum of Understanding which provides the difference in salary, in the event that the employee does not work overtime to cover the additional charges from increased health benefits and PERA contribution.

Mr. McInturff stated that this provides a "safety net" in case the officers do not work overtime, to make up the difference due to the increases. This MOU is effective for one year, until June 30, 2014 and is not part of the agreement.

Mayor Pro Tem Franklin motioned to approve the Bargaining Unit Agreement and Memorandum of Understanding for the Deming Police Officer Association (DPOA). The motion was seconded by Councilor Milo and carried unanimously.

- 15. Approval of Bargaining Unit Agreement for International Association of Fire Fighters (IAFF):** Ms. Engle presented this item to Mayor and Council. She summarized the changes that were made to the previous agreement. The changes made are regarding compensation, leaves and holiday pay, retirement, emergency call backs/Call-Back Sign Up Program, and terms of the agreement. The agreement would be a four year contract with the option to renegotiate a limited number of items annually.

Councilor Shattuck motioned to approve the Bargaining Unit Agreement for the International Association of Fire Fighters (IAFF), as presented. The motion was seconded by Councilor Milo and carried unanimously.

- 16. Approval of the City of Deming and Luna County Multi-Services Agreement 2013-2014:** Mr. McInturff gave an overview of the Multi-Services Agreement for 2013-2014. He stated that there were no major changes.

Care of City Prisoners: There was an increase of about 10% from last year.

Consolidated Dispatch: The percentage went up, but the actual budget has decreased. The City is anticipating a \$5,000 to \$30,000 savings.

Special Events Center: Remains the same.

Luna County agrees to pay the City of Deming: Remains the same as the previous year, with the exception of the Solid Waste Management which will increase \$28,000.00 due to the imposed solid waste rate increase.

Councilor Milo motioned to approve the City of Deming and Luna County Multi-Services Agreement 2013-2104, as presented. Councilor Shattuck seconded the motion, motion carried unanimously.

- 17. Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision of Lot 10 in Block 20, Deming Town Site:** Mayor Silva conducted a Quasi-Judicial Public Hearing to consider a request for a Summary Subdivision of Lot 10 in Block 20 of Deming Town Site. Mayor Silva confirmed that Council had no conflicts of interest; that the public notices were legally posted; and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, presented the case to Mayor and Council in which the applicants, Ron and Susan Harrington, own 5 lots in Block 20 of the Deming Town Site subdivision. There are two residences on these lots and they wish to split the middle lot in half to create two tracts each containing 2 ½ lots. The reason for this request is so that the applicants can sell one of the residences to another party. Currently, one of the houses is straddling lot 10. The property is located at the corner of Maple and Copper Streets. Ms. Gentile stated that staff recommends approval of this request.

Mayor Silva opened the floor for public comment, no one responded. The comment session was closed and brought back to Council.

Councilor Shattuck motioned to approve the request for a Summary Subdivision of lot 10, Block 20 in the Deming Town Site, as presented. The motion was seconded by Mayor Pro Tem Franklin and carried unanimously upon a roll call vote.

**ROLL CALL VOTE**

Mayor Pro Tem Franklin	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Mayor Silva announced that any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court, 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council or by the City Administrator.

- 18. Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision Creating a half-acre lot:** Mayor Silva conducted a Quasi-Judicial Public Hearing to consider a request for a Summary Subdivision of a 6.25 acre parcel of land into two lots; a 5.75 acre and a ½ acre lot. Mayor Silva confirmed that Council had no conflicts of interest; that the public notices were legally posted; and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, presented the case to Mayor and Council. The applicants, Lizabeth Alvarado Perez and Joaquin Barrera Jr., are requesting a lot split, creating a ½ acre lot for a family member to build a home upon. The property to be split off is approximately less than ½ acre. It is .417 acres. The property is located at 1990 E. Pear Street, and both lots fully front on Pear Street. The property is zoned "A1" Single Family Dwelling. Staff recommends that council approve this request.

Mayor Silva opened the floor for public comment, no one responded. The comment session was closed and brought back to Council.

Councilor Milo motioned to approve the request for a Summary Subdivision creating a half-acre lot. Councilor Shattuck made a friendly amendment to include the location address of 1990 E. Pear Street. Councilor Milo accepted the friendly amendment.

Councilor Shattuck seconded the motion and friendly amendment, and the motion carried unanimously upon a roll call vote.

**ROLL CALL VOTE**

Councilor Shattuck	Aye
Councilor Milo	Aye
Mayor Pro Tem Franklin	Aye

Mayor Silva announced that any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court, 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council or by the City Administrator.

- 19. Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision, Dividing Lot 3 of Wal-Mart Supercenter into two lots:** Mayor Silva conducted a Quasi-Judicial Public Hearing to consider a request for a Summary Subdivision dividing Lot 3 of the Wal-Mart Supercenter into two lots. Mayor Silva confirmed that Council had no conflicts of interest; that the public notices were legally posted; and swore in all parties who would be giving testimony.

Ms. Gina Gentile, City Planners, presented this case to Mayor and Council. She stated that the applicant, PDG, Inc. is requesting a lot split of Lot 3. The lots will be approximately 0.981 acres in size and 0.474 acres in size. The land is currently vacant. The applicant has provided an example cite development plan to illustrate the possible layout of the lots. The land is located at the intersection of East Cedar and Pine Streets. The Planning and Zoning Commission recommended approval of this case, with the condition that the development receive proper access permits.

Mayor Silva opened the floor for public comment, no one responded. The comment session was closed and brought back to Council.

Council Shattuck motioned the approval for the request of a Summary Subdivision to Divide Lot 3 of Wal-Mart Supercenter into two lots, as presented; with the stipulation that they receive proper NMDOT access permits. The motion was seconded by Councilor Milo and carried unanimously upon a roll call vote.

**ROLL CALL VOTE**

Councilor Milo	Aye
Mayor Pro Tem Franklin	Aye
Councilor Shattuck	Aye

Mayor Silva announced that any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court, 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council or by the City Administrator.

**20. Quasi-Judicial Public Hearing to Consider a Request for a Summary Subdivision, Dividing Lot 4 of Wal-Mart Supercenter into two lots:** Mayor Silva conducted a Quasi-Judicial Public Hearing to consider a request for a Summary Subdivision dividing lot 4 of Wal-Mart Supercenter into two lots. Mayor Silva confirmed that Council had no conflicts of interest other than Councilor Shattuck; that the public notices were legally posted; and swore in all parties who would be giving testimony.

Councilor Shattuck recused himself from voting on this item, as he will be representing the applicant in this matter.

Ms. Gina Gentile, City Planner, presented the case to Mayor and Council in which the applicant, DWME Enterprises, is requesting a lot split of Lot 4. The lots will be approximately 1.119 acres in size and 0.683 acres in size. Wendy's Restaurant will occupy the 1.119 acre lot. Staff recommends approval of this request.

Mayor Silva opened the floor for public comment.

Mr. Bill Shattuck, 410 E. Florida, representative for the applicant, Mr. Martinez addressed Council. The lot next to Wendy's is currently vacant and Mr. Martinez would like to sell the lot next door for future development. He has no intention of developing on the vacant land.

Mr. Edward Khanbajian, 1721 E. Pine, asked for clarification regarding the previous lot that was presented to Council in the previous case. Ms. Gentile pointed out both lots 3 and 4 of the Wal-Mart Supercenter subdivision on the map. She clarified that both lots were owned by two separate owners. The summary subdivisions are two separate cases. A discussion between Mr. Khanbajian and Mr. Shattuck was entertained regarding the ownership history of both lots.

With no further comments, the public comment session was closed and brought back to Council.

Mayor Pro Tem Franklin motioned to approve the Summary Subdivision, Dividing Lot 4 of the Wal-Mart Supercenter into two lots, as applied for by DWME Enterprises with the stipulation that the applicants receive the proper access permits. The motion was seconded by Councilor Milo and carried unanimously upon a roll call vote.

**ROLL CALL VOTE**

Councilor Milo	Aye
Mayor Silva	Aye
Mayor Pro Tem Franklin	Aye

Mayor Silva announced that any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court, 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council or by the City Administrator.

21. **Closed Session to Discuss the Sale or Lease of Rural Land Pursuant to NMSA 1978, Section 10-15-1(H)(8), of the Open Meetings Act:** Mayor Silva asked for a motion to go into closed session to discuss the sale or lease of rural land, pursuant to NMSA 1978, Section 10-15-1(H)(8).

Councilor Milo motioned to go into closed session. The motion was seconded by Mayor Pro Tem Franklin and motion carried unanimously upon a roll call vote.

**ROLL CALL VOTE**

Mayor Pro Tem Franklin	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Mayor Silva entertained a motion to go back into open session. Councilor Shattuck motioned to go back into open session. The motion was seconded by Councilor Milo carried unanimously upon a roll call vote.

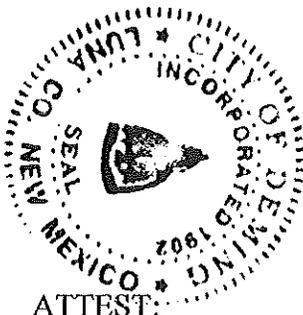
**ROLL CALL VOTE**

Mayor Pro Tem Franklin	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Mayor Silva noted for the record that only items listed were discussed in closed session and that nothing was moved on during closed session.

Mayor Pro Tem Franklin motioned to approve the Solar Energy Lease between the City of Deming and Solar Project LLC and/or assigns, to be finalized by staff and executed by Mayor Silva in proper form. The motion was seconded by Councilor Shattuck and motion carried unanimously.

22. **Adjourn Meeting:** A motion was made by Councilor Milo to adjourn the meeting. The motion was seconded by Councilor Shattuck and carried unanimously. The meeting was adjourned at 7:50 p.m.



ATTEST:

Richard F. McInturff  
Richard F. McInturff, Clerk

**CITY OF DEMING, NEW MEXICO**

Andrés Z. Silva  
Andrés Z. Silva, Mayor

# 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 10, 2013, 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:

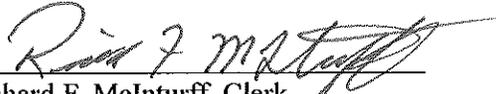
**THAT** extreme drought conditions do exist within the community and hereby imposes firework restrictions according to Ordinance 6-1C-5 and NMSA 1978 60-2C-8.1; and that this proclamation be issued for a period of thirty (30) days from June 10, 2013 to July 9, 2013, unless a subsequent proclamation is issued by City Council.

**SIGNED** this 10<sup>th</sup> day of June, 2013 in the City of Deming, New Mexico.



**CITY OF DEMING, NEW MEXICO**

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

  
\_\_\_\_\_  
Richard F. McInturff, Clerk

RESOLUTION NO. 13-24

**NEIGHBORHOOD REDEVELOPMENT AREA DESIGNATION:  
MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO  
THE METROPOLITAN REDEVELOPMENT CODE,  
AND DESIGNATING THE CITY OF DEMING  
FLORIDA STREET NEIGHBORHOOD REDEVELOPMENT AREA.**

**WHEREAS**, Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code (Sections 3-60A-1 through 3-60A-48 NMSA 1978) states: "A municipality shall not prepare a metropolitan redevelopment plan for an area unless the governing body by resolution determine the area to be a blighted area and designated the area as appropriate for a metropolitan redevelopment project.", and

**WHEREAS**, the City of Deming ("City") and their employees, have for some time engaged in a study of blighted areas within the Florida Street neighborhood, and have submitted their findings and recommendations concerning the area detailed in the Designation Report which was included in packets for the June 10, 2013 City Council meeting, a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, pursuant to Section 30-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code, the City Council caused to be published in the Deming Headlight, a newspaper of general circulation, a notice containing a general description of the proposed Florida Street Neighborhood Redevelopment Area and the date, time and place where the City Council will hold a public hearing to consider the adoption of this resolution; and

**WHEREAS**, the boundaries of the City of Deming Florida Street Neighborhood Redevelopment Area are explicitly delineated in the attached designation report; and

**WHEREAS**, the City Council has considered the findings and determinations of the Designation Report and all comments made at the public hearing concerning the conditions that exist in the proposed Neighborhood Redevelopment Area.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY** that:

1. The City Council finds and determines that in the Florida Street neighborhood there are deteriorated and vacant parcels and other declining improvements, unsafe conditions, long term consequences of obsolete and impractical planning and platting, and low levels of development activity that substantially impair and arrest the sound growth and economic well being of the area and the City.
2. The City Council finds and determines that this deteriorated area would benefit from a neighborhood redevelopment project or projects, that the designation of a Neighborhood Redevelopment Area is appropriate in the interests of public health, safety, and welfare,

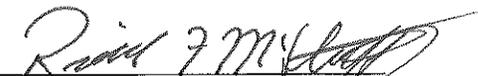
and it hereby designates a Florida Street Neighborhood Redevelopment Area.

3. The City Council designates the boundaries of the Florida Street Neighborhood Redevelopment Area to be as delineated in the attached designation report.
4. If any section paragraph, sentence, clause, word or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

**PASSED, APPROVED AND ADOPTED**, this 10<sup>th</sup> day of June, 2013.

  
\_\_\_\_\_  
Andrés Z. Silva, Mayor

ATTEST:

  
\_\_\_\_\_  
Richard F. McInturff, City Clerk



RESOLUTION NO. 13-25

**A RESOLUTION TO SUPPORT THE  
SOUTHWEST NEW MEXICO ENERGY & GREEN JOBS TASK FORCE'S  
"REGIONAL STRATEGIC PLAN FOR ENERGY EFFICIENCY AND  
RENEWABLE ENERGY (EERE) AND ASSOCIATED JOB CREATION"**

**WHEREAS**, this Resolution is partnered with similar resolutions in Catron County, New Mexico; Grant County, New Mexico; Hidalgo County New Mexico; and Luna County, New Mexico; the City of Bayard, New Mexico; and the City of Lordsburg, New Mexico; the Town of Hurley, New Mexico; the Town of Silver City, New Mexico; the Village of Reserve, New Mexico; the Village Santa Clara, New Mexico; the Village of Columbus; and the Village of Virden; in addition to the Memorandum of Understanding Providing for Economic Development signed by these bodies in 2011; and

**WHEREAS**, it is the opinion of the Counties, Cities, Towns, and Villages that this Resolution will support regional strategies to develop new economic opportunities, the creation of jobs, and will enhance the quality of life in the region; and

**WHEREAS**, the Southwestern New Mexico Energy and Green Jobs Task Force, with representation from the Counties, Cities, Towns, and Villages, developed this Regional Strategic Plan based on a belief that a combination of policy, increased regional capacity and collaboration, proactive education, innovative financing models, and creative and flexible infrastructure development combined in a practical and cost effective manner will achieve the vision of an innovative regional economy known for its favorable clean energy business environment and exceptional quality of life; and

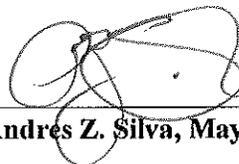
**WHEREAS**, the Southwestern New Mexico Energy and Green Jobs Task Force respectfully requests from all regional local governments a resolution of support to pursue the recommendations in the proposed Plan; and

**WHEREAS**, members of the Task Force and others will assist the region with resource development to enable implementation of the recommendations;

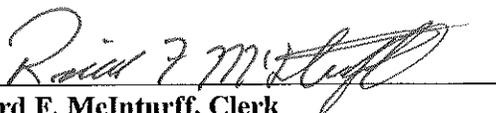
**NOW THEREFORE, BE IT RESOLVED THAT THE GOVERNING BODY OF THE CITY OF DEMING, COUNTY OF LUNA, NEW MEXICO**, hereby adopts said resolution supporting the proposed Regional Strategic Plan for Energy Efficiency and Renewable Energy (EERE) and Associated Job Creation

**PASSED, ADOPTED AND APPROVED** this 10<sup>th</sup> day of June, 2013 in regular session.

**CITY OF DEMING, NEW MEXICO**



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

RESOLUTION NO. 13-26

**A RESOLUTION AUTHORIZING THE WRITE-OFF OF UNCOLLECTIBLE  
UTILITY AND AMBULANCE ACCOUNTS RECEIVABLE FROM  
FISCAL YEAR 2009 IN THE AMOUNT OF \$354,469.96**

The City Council is informed that:

**WHEREAS**, the City has uncollectible utility and ambulance accounts receivable prior to and including fiscal year 2009 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 2009, listed in Exhibit "A" attached hereto and made a part hereof, totaling \$27,047.60 for utilities and \$327,422.36 for ambulance, be removed from the City's list of accounts receivable.

(II)

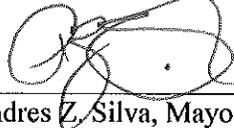
**THAT** the City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

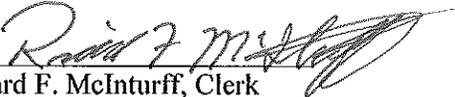
**PASSED, ADOPTED, AND APPROVED** this 10<sup>th</sup> day of June 2013.



ATTEST:

**CITY OF DEMING, NEW MEXICO**

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

  
Richard F. McInturff, Clerk

**LUNA COUNTY RESOLUTION NO. 13-34**  
**CITY OF DEMING RESOLUTION NO. 13-27**

**CITY OF DEMING AND LUNA COUNTY**  
**MULTI-SERVICES AGREEMENT**  
**2013-2014**

The term of this agreement shall be for July 1, 2013 through June 30, 2014, unless amended.

**The City of Deming agrees to pay Luna County as follows:**

**Care of City Prisoners:**

- a) City of Deming will pay \$3.04 per hour with a minimum of 6 hour charge per prisoner for adult prisoners towards the operation of detention of city arrests and municipal prisoners. City of Deming will pay \$3.30 per hour with a minimum 6 hour charge per prisoner for juvenile prisoners towards operation of detention of city arrests and municipal prisoners.
- b) The definition of a City Prisoner being:
  - 1. At the time of booking, an individual in the custody of a City Police Officer charged either under state statute and/or municipal code until the individual makes an appearance in front of the municipal and/or magistrate judge.
  - 2. Individuals arrested under a mix of municipal, magistrate or district outstanding warrants shall be deemed City prisoners by virtue of at least one municipal warrant until the individual bonds out under the municipal warrant.
  - 3. Individuals arrested under a single or multiple municipal outstanding warrants by the Luna County Sheriff's Office until the individual bonds out under the municipal warrants.
  - 4. Time served by individuals sentenced by order of the municipal judge.
- c) The definition of Non-City Prisoner being:
  - 1. Individuals arrested and booked by City Police under magistrate or district outstanding warrants only; time served by individuals sentenced by order of the magistrate judge; or those prisoners bound over on only state charges.

**Consolidated Dispatch:**

The City of Deming will pay 60% of the actual County's total dispatch budget expenses, not to exceed \$415,000.00. Payments will be made in monthly installments after the June 30, 2014 billing a true-up will be performed in July of 2014 covering the terms of this section. The City needs to consent to preliminary and final Consolidated Dispatch Budget including interim adjustments. City will meet with service participants on a periodic basis to discuss operational improvements and issues.

**Special Events Center:**

The County of Luna took over operation and maintenance of the Special Events Center from the City of Deming effective July 1 2011. Deposits for bookings after June 30, 2011, were turned over to the

County. The City has terminated all financial interest and responsibilities accruing after June 30, 2011. County will not charge the City rental fees for use of the facility for a period of four years, beginning July 1, 2012, in consideration for the chairs, tables, dishes, and equipment purchased by the City and given to the County. This arrangement will expire June 30, 2016.

**Luna County agrees to pay the City of Deming as follows:**

**Library** – Luna County will pay the City of Deming Thirty-Five Thousand, Five Hundred Dollars (\$35,500.00) toward the operation costs of the library. Payment will be made in equal quarterly installments of \$8,875 to be paid on the 15<sup>th</sup> day of the third month of each fiscal year quarter. The library will be available for the use of County residents on the same terms and conditions as City residents.

**ETZ** – a) Luna County will pay the City of Deming the sum of Four Thousand Dollars (\$4,000) per fiscal year for ETZ administrative services; and 50% of contractual services approved by the County in advance; b) The County will provide building permit and inspection services in the ETZ at County Expense; c) The City shall provide all ETZ zoning and code administration and enforcement services; d) The County will administer and enforce all applicable County Ordinances. e) Joint Powers Agreements dated December 4, 2002 and August 28, 2006 are hereby terminated by mutual agreement. f) Both the City and county agree to cooperate for the purpose of negotiating a new Joint Powers Agreement that replaces the JPA in e) above and more clearly defines the roles and duties of each respective entity in the ETZ District. Payment will be made in equal quarterly installments of \$1,000.00 to be paid on the 15<sup>th</sup> day of the third month of each fiscal year quarter.

**Recreation** – Luna County will pay the City of Deming Thirty Thousand Dollars (\$30,000) toward salaries and operational costs for summer recreation programs so that residents in the unincorporated areas can enjoy all City recreational services on the same terms and conditions as City residents. Payment will be made in equal quarterly installments of \$7,500 to be paid on the 15<sup>th</sup> day of the third month of each fiscal year quarter.

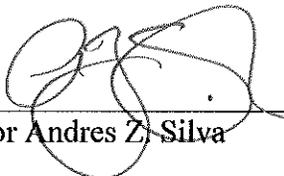
**Solid Waste Management** – Luna County will pay One Hundred Forty Eight Thousand Dollars (\$148,000) toward the operation of the City's Transfer Station so that County residents can use these facilities on the same terms and conditions as City residents. Payment will be made in equal quarterly installments of \$37,000 to be paid on the 15<sup>th</sup> day of the third month of each fiscal year quarter. The County will operate solid waste collection points at various convenient locations throughout the County to encourage County residents to properly dispose of their refuse in these controlled locations. In addition, the County will commit to provide in-kind services in the form of labor and equipment toward the closure of the 4<sup>th</sup> Street Landfill. The County will process all their collected recyclables, except for actual baling, and remove prohibited items from the recycle stream.

**Ambulance/EMS** – For the fiscal year ending June 30, 2014, the County will pay the City of Deming Three Hundred Fifteen Thousand Dollars (\$315,000) for ambulance/EMS services in the unincorporated areas of the County. Payment will be made in equal quarterly installments of \$78,750 to be paid on the 15<sup>th</sup> day of the third month of each fiscal year quarter. The City will provide a report to Luna County once annually during March of each fiscal year detailing the number of County residents living in unincorporated areas of the County who received services from Deming Ambulance/EMS.

**Fire** – For fire prevention and suppression, Luna County and the City of Deming agree to render mutual aid. The City agrees to provide primary first response fire fighting to structure fires occurring within the unincorporated areas of the County and Luna County agrees to pay the City of Deming Seventy-Five Thousand Dollars (\$75,000) this fiscal year for this service. Payment will be made in equal quarterly installments of \$18,750 to be paid on the 15<sup>th</sup> day of the third month of each fiscal year quarter. Primary first response, as defined, will include initial response and fire suppression efforts until such time as the responsible volunteer fire department arrives on scene and commences operation and the fire is deemed by the Incident Commander to be under control. The City of Deming Fire Department will provide command of all such incidents (structural fires) until command is transferred or the incident is terminated. At least annually, during the month of March of each fiscal year, the City of Deming will provide a report to Luna County identifying the number and nature of responses Deming Fire has made under this agreement during the year, what resources have been deployed during response, and the outcome of the response.

for: **CITY OF DEMING, NEW MEXICO**

Date: 6/10/13

By:   
Mayor Andres Z. Silva

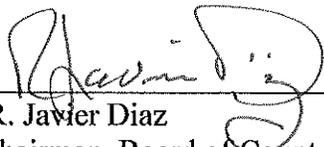
ATTEST:

  
Richard F. McInturff, City Clerk

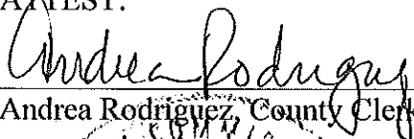


for: **LUNA COUNTY, NEW MEXICO**

Date: June 13, 2013

By:   
R. Javier Diaz  
Chairman, Board of County  
Commissioners

ATTEST:

  
Andrea Rodriguez, County Clerk

