



Phone (575) 546-8848 • Fax (575) 546-6442  
E-MAIL: deming@cityofdeming.org • Website: www.cityofdeming.org  
P.O. BOX 706 • DEMING, NEW MEXICO 88031  
POPULATION 14,000

# CITY COUNCIL MEETING

**June 11, 2012**

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 05/14/12
  - B. Minutes - Special City Council Meeting 05/23/12
  - C. Minutes - Planning and Zoning Commission Meeting 05/21/12
  - D. Minutes - Parks Commission Meeting 05/08/12
  - E. Minutes – Marshall Memorial Library 05/29/12
2. Public Forum
3. Presentation of Certificate of Appreciation to City of Deming Police Lieutenant Kathleen Schindler
4. Resolution and Presentation Supporting the SunZia Southwest Transmission Project
5. Public Hearing: To adopt an Ordinance Amending the Zoning Map for Annexation of Pleyte Plat, Block 2 into the City Limits
6. Quasi-Judicial Public Hearing for Zoning Map Amendment of Pleyte Plat, Block 2 to "C" Commercial District
7. Approval of Appointment of City Clerk
8. Approval of Appointment of Assistant Police Chief
9. Approval of Appointments to Tourism Development Committee (member and alternate), Airport Commission, Historic Landmark Commission and re-appointment to the Deming Luna County Commission on Aging

10. Approval of Job Description for Pipe Fitter Assistant
11. Approval of Job Description for Assistant Police Chief
12. Approval of Extension of Professional Engineering Services Agreement for the Deming Municipal Airport
13. Resolution Authorizing the Write-Off of Uncollectible Utility and Ambulance Accounts Receivables for Fiscal Year 2008 in the Amount of \$382,954.08
14. Approval of Pay Plan Range Adjustment
15. Bids
  - a. Bid #12-16 Automated Truck Scale System
16. Adjourn Meeting

*The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., July 9, 2012.*

# CITY COUNCIL WORKSHOP MINUTES June 11, 2012

**Council Present:**

Linda Enis Franklin, Mayor Pro Tem

William Shattuck, Councilor

**Council Absent:**

Andres Z. Silva, Mayor

David Sanchez, Councilor

Joe "Butter" Milo, Councilor

**Staff Present:**

Richard McInturff, City Administrator

Aaron Sera, Assistant City Administrator

Lawrence Brookey, Public Works Director

Brandon Gigante, Police Captain

Edgar Davalos, Fire Chief

Rick Kocab, Assistant Treasurer

Vicki Engle, HR/Safety Coordinator

Lloyd Valentine, Budget Analyst

**Recording Secretary:** Mary Mackey, Administrative Secretary

Mayor Pro Tem Franklin and the City Council of Deming, New Mexico held a workshop on June 11, 2012 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting to be held at 6:00 p.m. the same day. The following items of the agenda were discussed as follows:


1. **Consent Agenda:** Mr. Sera asked why the action items of the Planning and Zoning Minutes were not listed in the Consent Agenda. Mr. McInturff stated that if the items are listed in the Regular Meeting Agenda they should not be listed in the Consent Agenda.
2. **Public Forum:** No discussion.
3. **Presentation of Certificate of Appreciation to City of Deming Police Lieutenant Kathleen Schindler:** Mayor Pro Tem Franklin requested Captain Gigante prepare a write-up of the events that took place regarding Officer Schindler. It was determined that signature lines for the Mayor, Mayor Pro Tem, Chief of Police and Administrator needed to be on the certificate and a new certificate needed to be executed later.

4. **Resolution and Presentation Supporting the SunZia Southwest Transmission Project:** It was noted that some edits had been made to the resolution and a revised resolution was distributed.
5. **Public Hearing: To Adopt an Ordinance Amending the Zoning Map for Annexation of Pleyte Plat, Block 2 into the City Limits:** Mr. Sera stated that he will be presenting for staff.
6. **Quasi-Judicial Public Hearing for Zoning Map Amendment of Pleyte Plat, Block 2 to "C" Commercial District:** Mr. Sera stated that he will be presenting for staff.
7. **Approval of Appointment of City Clerk:** Mayor Pro Tem Franklin stated that she will be presenting the item.
8. **Approval of Appointment of Assistant Police Chief:** Mayor Pro Tem Franklin stated that she will be presenting the item.
9. **Approval of Appointments to Tourism Development Committee (member and alternate), Airport Commission, Historic Landmark Commission and re-appointment to the Deming Luna County Commission on Aging:** Mayor Pro Tem Franklin questioned why the letters of interest were not included in the packet. Mr. McInturff explained the City is using a basic form letter and the letters are available for inspection. Mr. McInturff stated that an alternate was also selected because the TDC historically has attendance issues.
10. **Approval of Job Description for Pipe Fitter Assistant:** Ms. Engle explained the job description would be used for differential pay purposes.
11. **Approval of Job Description for Assistant Police Chief:** Ms. Engle explained the position is authorized in the personnel regulations but a job description was needed.
12. **Approval of Extension of Professional Engineering Services Agreement for the Deming Municipal Airport:** Mr. Sera explained the extension of the professional services agreement is done yearly and required by the FAA.
13. **Resolution Authorizing the Write-Off of Uncollectible Utility and Ambulance Accounts Receivables for Fiscal Year 2008 in the Amount of \$382,954.08:** Mr. Valentine will be presenting. Mr. McInturff explained that the account detail was not provided in the packet but was available for inspection. Mr. Valentine reported that \$40,500 was being written off for utilities and \$342,500 for ambulance, for a period of one year beginning in July of 2007 and ending in June of 2008. He reported the write-offs for the utility accounts had increased from last year and the ambulance accounts had decreased.

14. **Approval of Pay Plan Range Adjustment:** Ms. Engle noted a correction and offered to make the correction prior to the meeting. The adjustment would increase the current pay plan 1%.
15. **Bid #12-16 Automated Truck Scale System:** The bid will be presented by Public Works Director Lawrence Brookey. Mayor Pro Tem Franklin pointed out a typographical error in the memo which needed to be corrected prior to the meeting.
16. **Adjourn Meeting:** With no further business to conduct the workshop was adjourned at 4:24 p.m.

*The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., July 9, 2012.*

CITY OF DEMING, NEW MEXICO

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

ATTEST:

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

# CITY COUNCIL MEETING MINUTES

June 11, 2012

## **Council Present**

Linda Enis, Mayor Pro Tem  
Joe "Butter" Milo, Councilor

William Shattuck, Councilor  
David Sanchez, Councilor

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

## **Staff Present**

Richard McInturff, City Administrator  
Aaron Sera, Assistant City Administrator  
Lawrence Brookey, Public Works Director  
Vicki Engle, Human Resource Coordinator  
Rick Kocab, Assistant Treasurer

Jim Foy, City Attorney  
Brandon Gigante, Police Captain  
Lloyd Valentine, Budget Analyst  
Edgar Davalos, Fire Chief

**Recording Secretary:** Mary Mackey, Administrative Assistant

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

## **1. Consent Agenda:**

- A. Minutes - City Council Workshop and Regular Meeting 05/14/12**
- B. Minutes - Special City Council Meeting 05/23/12**
- C. Minutes - Planning and Zoning Commission Meeting 05/21/12**
- D. Minutes - Parks Commission Meeting 05/08/12**
- E. Minutes - Marshall Memorial Library 05/29/12**

Councilor Shattuck motioned to approve the Consent Agenda as presented. The motion was seconded by Councilor Sanchez and carried unanimously.

- 2. Public Forum:** There were no members of the audience wishing to comment.
- 3. Presentation of Certificate of Commendation to City of Deming Police Lieutenant Kathleen Schindler:** Mayor Pro Tem Franklin presented a Certificate of Commendation to Police Lieutenant Kathleen Schindler in recognition of Officer Schindler being a Good Samaritan by unselfishly providing financial assistance to a stranded motorist.
- 4. Resolution and Presentation Supporting the SunZia Southwest Transmission Project:** John Strand gave a presentation on behalf of the SunZia Southwest Transmission Project. Mr. Strand reported that the Draft Environmental Impact Study was published in the National Register and is available on the Bureau of Land Managements website. He stated that New Mexico is very rich in renewable energy resources and the added transmission lines will

provide for projects that will bring revenues to the state and local entities. Mayor Pro Tem Franklin read the resolution for the record which supports the construction of two high voltage 500 kV transmission lines and related interconnecting substations within an area lying between central Arizona and central New Mexico. Councilor Sanchez motioned to adopt the Resolution Supporting SunZia Southwest Transmission Project. The motion was seconded by Councilor Milo and carried unanimously.

**5. Public Hearing: To adopt an Ordinance Amending the Zoning Map for Annexation of Pleyte Plat, Block 2 into the City Limits:** Assistant City Administrator Aaron Sera recommended approval of the application submitted by Roe Pleyte for annexation of the property known as the Pleyte Plat, Block 2, into the City limits. Mr. Sera reported the subject property is located within the ETZ immediately adjacent to the city limits, fronting Highway 180 and is zoned "D" Industrial District. The Planning and Zoning Commission recommended approval of the annexation contingent upon the rezoning of the property to "C" Commercial. Mayor Pro Tem Franklin opened for public comment. Local resident Ricardo Molina asked if the City utilities were already in place. Mr. McInturff stated city utilities were not in place and the property owner intends to extend utilities to the area. Councilor Shattuck motioned to adopt the Ordinance Amending the Zoning Map for the Pleyte Plat, Block 2 into the City limits. The motion was seconded by Councilor Milo and carried unanimously.

**6. Quasi-Judicial Public Hearing for Zoning Map Amendment of Pleyte Plat, Block 2 to "C" Commercial District:** Mayor Pro Tem Franklin conducted a quasi-judicial public hearing to consider a rezoning request for the Gertrude Pleyte Trust. Mayor Pro Tem Franklin 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. Mr. Sera recommended approval of the rezoning request of the Pleyte Plat, Block 2 from "D" Industrial District to "C" Commercial and pointed out the exact location of the property on the map. Mr. McInturff reported the DOT is in the process of purchasing a portion of the property for the construction project expanding Hwy 180. There were no applicants or other interested parties wishing to give testimony. Councilor Shattuck motioned to approve the Zoning Map Amendment of Pleyte Plat, Block 2 to "C" Commercial District. The motion was seconded by Councilor Sanchez and was approved unanimously by a roll call vote.

**ROLL CALL**

Councilor Milo	Aye
Councilor Sanchez	Aye
Councilor Shattuck	Aye

**7. Approval of Appointment of City Clerk:** Mayor Pro Tem Franklin presented the letter of recommendation from Mayor Silva to Richard F. McInturff to serve as the City of Deming's City Clerk effective immediately. Councilor Shattuck motioned to accept the Mayor's recommendation to appoint Richard F. McInturff as the City Clerk. The motion was seconded by Councilor Milo and carried unanimously.

8. **Approval of Appointment of Assistant Police Chief:** Mayor Pro Tem Franklin presented the letter from Mayor Silva recommending the appointment of Brandon Gigante to serve as the City of Deming's Assistant Police Chief and requesting the authority for the Mayor to execute the employment contract effective June 30, 2012. Councilor Shattuck motioned to approve the appointment of Brandon Gigante as the Assistant Police Chief effective June 30, 2012. The motion was seconded by Councilor Sanchez and carried unanimously.
9. **Approval of Appointments to Tourism Development Committee (member and alternate), Airport Commission, Historic Landmark Commission and re-appointment to the Deming Luna County Commission on Aging:** Mayor Pro Tem Franklin presented the letter from Mayor Silva recommending the following Commission appointments: Arsen Khanbabian as member and Stephanie Ward as a floating alternate to the Tourism and Development Commission; Greg Hudson as a member to the Airport Commission; David Smith as a member to the Historic Landmark Commission; and Virginia Pool as a re-appointed member to the Deming Luna County Commission on Aging. Councilor Shattuck motioned to approve the Mayor's recommendations for appointments to the Tourism Development Commission, Airport Commission, Historic Landmark Commission, and Deming Luna County Commission on Aging as presented. The motion was seconded by Councilor Milo and carried unanimously.
10. **Approval of Job Description for Pipe Fitter Assistant:** Administrator Richard McInturff recommended approval of the job description for a Pipe Fitter Assistant, Range 11, which was created for differential pay purposes. Councilor Milo motioned to approve the job description for Pipe Fitter Assistant. The motion was seconded by Councilor Sanchez and was approved unanimously.
11. **Approval of Job Description for Assistant Police Chief:** Mr. McInturff recommended approval of the job description for the position of Assistant Police Chief which would be an appointed position with an employment contract executed by the Mayor. Councilor Shattuck motioned to approve the job description for Assistant Police Chief as presented. The motion was seconded by Councilor Sanchez and carried unanimously.
12. **Approval of Extension of Professional Engineering Services Agreement for the Deming Municipal Airport:** Mr. Sera recommended approval of the extension of the Professional Engineering Services Agreement with WHPacific of Albuquerque, New Mexico for the Deming Municipal Airport. Mr. Sera stated the original agreement was executed July 13, 2009 for a term of two years with two additional option years and the performance of WHPacific had met all contractual obligations. Mr. Sera recommended executing the option for the year, from July 13, 2012 to July 12, 2013. Councilor Milo motioned to approve the extension of the Professional Engineering Services Agreement with WHPacific for the Deming Municipal Airport. The motion was seconded by Councilor Sanchez and carried unanimously.
13. **Resolution Authorizing the Write-Off of Uncollectible Utility and Ambulance Accounts Receivables for Fiscal Year 2008 in the Amount of \$382,954.08:** Budget Analyst Lloyd Valentine recommended approval of the resolution which provides for the removal of stale



accounts that were billed in fiscal year 2008. Mr. Valentine reported 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 and last year Council approved the removal of stale accounts that were billed prior to fiscal year 2008. The accounts requested to be removed have been incurred due to either use of City utilities or by use of City ambulance services and are highly unlikely to be collected. The accounts will still be monitored and collection efforts will continue even after the accounts are removed from the accounts receivables report. The total amount of the write-off for utility accounts is \$40,505.31 with a collection rate of 99.51% and the total amount of write-off for ambulance accounts is \$342,448.77 with a total collection rate of 38.99% for the fiscal year 2008. Mr. Valentine read the resolution for the record. Councilor Shattuck motioned to approve the Resolution Authorizing the Write-Off of Uncollectible Utility and Ambulance Accounts Receivables for Fiscal Year 2008 in the Amount of \$382,954.08. The motion was seconded by Councilor Milo and carried unanimously.

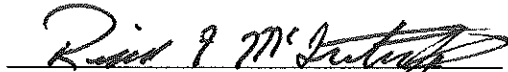
**14. Approval of Pay Plan Range Adjustment:** Mr. McInturff stated that last month Council approved the modification of the pay plan which eliminated the step increases and approved the ranges. Mr. McInturff recommended approval of adjusting the pay schedule by 1% for the next fiscal year, in order to remain competitive. He reported the adjustment would not trigger any raises and that raises would only be considered through the merit based system. Councilor Sanchez motion to approve the Play Plan Rage Adjustment as presented. The motion was seconded by Councilor Shattuck and carried unanimously.

**15. Bid #12-16 Automated Truck Scale System:** Public Works Director Lawrence Brookey explained the automated truck scale system would allow customers using the Butterfield Trail Regional Landfill to weigh in and out of the facility without the use of a scale attendant. Mr. Brookey recommended Council authorize staff to enter into an agreement with Fairbanks Scale to upgrade the existing scale with an FB2550 unattended scale system for a total of \$27,224.00 without gross receipts tax. Councilor Shattuck motioned to approve Bid #12-16 Automated Truck Scale System to Fairbanks Scale FB 2550 System for \$27,224 without gross receipts tax. The motion was seconded by Councilor Sanchez and was approved unanimously.

**16. Adjourn Meeting:** Upon a motion by Councilor Sanchez and a second by Councilor Milo the meeting was adjourned at 7:00 p.m.

*The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., July 9, 2012.*

ATTEST:

  
Richard F. McInturff, Deputy Clerk

CITY OF DEMING

  
Linda Enis Franklin, Mayor Pro Tem

**CITY OF DEMING, NEW MEXICO**  
**RESOLUTION NO. 12-20**

**WHEREAS**, the SunZia Southwest Transmission Project (SunZia) is proposing to construct up to two high voltage 500 kV transmission lines and related interconnecting substations within an area lying between central Arizona and central New Mexico, which will provide new electrical delivery capacity for natural gas and renewable energy resources, primarily wind, solar, and geothermal projects in new Mexico; and,

**WHEREAS**, New Mexico is rich in these renewable energy resources and state and local communities stand to benefit greatly from the creation of new jobs, economic development and resulting revenues (New Mexico State University Economic Impact Study) for the necessary provision of local governmental services; and,

**WHEREAS**, New Mexico's renewable energy development resources are located primarily in the central and southern parts of the state where available transmission capacity is extremely limited, and SunZia will provide from 3,000 to 4,500 megawatts of needed transmission capacity; and,

**WHEREAS**, renewable energy projects are good for the environment and help to minimize our dependence upon foreign oil, reduce air pollution and diversify energy generation sources; and,

**WHEREAS**, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (DEIS) and is inviting comments; and,

**WHEREAS**, the DEIS has provided a detailed analysis of potential environmental impacts of the project and a range of mitigation measures to such impacts, including reasonable routing alternatives; and,

**WHEREAS**, the BLM has conducted nine public scoping meetings throughout SunZia's study area, including Luna County, and has held meetings to request public input and identify possible issues of concern that may result from the project; and,

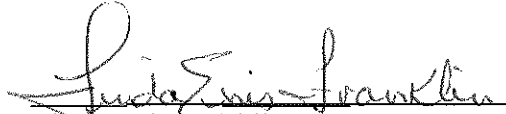
**WHEREAS**, the BLM is seeking comments on specific issues and concerns related to the DEIS for consideration in forming a Final Environmental Impact Statement; and,

**WHEREAS**, statements from local governing bodies such as this City Council are very important to development of a complete record for the Final Environmental Impact Statement.

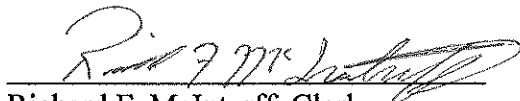
**NOW THEREFORE BE IT RESOLVED** that the Deming City Council supports the construction and operation of additional transmission infrastructure to provide electrical capacity for the area's natural gas and renewable energy projects; and

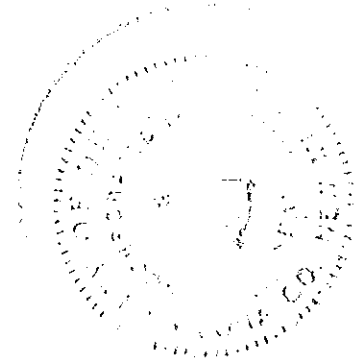
**BE IT FURTHER RESOLVED** that the Deming City Council urges the BLM and all cooperating agencies to judiciously expedite the SunZia Southwest Transmission Project's Final Environmental Impact Statement to expand regional economic development opportunities in central and southwestern New Mexico, by creating the necessary transmission capacity to deliver these areas' renewable energy resources to Southwestern customers and markets.

**PASSED, APPROVED AND ADOPTED THIS** 11th day of June, 2012

  
Linda Enis Franklin, Mayor Pro Tem

ATTEST:

  
Richard F. McInturff, Clerk



Ordinance No. 1224

**AN ORDINANCE CONSENTING TO THE  
ANNEXATION OF CONTIGUOUS TERRITORY TO THE  
CITY OF DEMING, LUNA COUNTY, NEW MEXICO**

1. In accordance with NMSA 1978 §3-7-17, a petition seeking the annexation of certain territory contiguous to the City of Deming, New Mexico was submitted by a majority of the owners of the number of acres in the contiguous territory, and
2. A plat of said contiguous territory is attached hereto as Exhibit "A" and made a part hereof which shows the extended boundary of the territory to be annexed and the relationship of that territory to the existing boundary of the City, and
3. The annexation of such contiguous territory to the City of Deming, New Mexico is hereby approved and the same is hereby made part of the City of Deming, New Mexico and is described on Exhibit "B".

**PASSED, ADOPTED AND APPROVED 11<sup>th</sup> day of June, 2012.**

By:   
Linda Enis Franklin, Mayor Pro Tem

**ATTEST:**

  
Richard F. McInturff, Clerk



LUNA COUNTY-NM  
KAREN SHYER, CLERK  
201202259  
1 of 3  
06/15/2012 01:16:58 PM  
BY ANDREA

HATCH AREA  
MEDICAL CENTER  
FOUNDATION  
13.61 AC.

TRACT 2  
14.66 AC

OF DEMING  
.96 ACS

TRACT 3  
4.04 AC

TRACT "C"

TRACT 4  
2.30 AC

COLUMBUS  
ELECTRIC CO-OP

PUBLIC  
SERVICE CO.  
953 AC.

SIVER CITY HIGHWAY

GOLD STREET

GOLD ST.

AVE.

AVE.

ILVER AVENUE

AVE.

PLATINUM AVENUE

AVE.

HAWTHORNE GROUP  
18.5 AC.

LUNA COUNTY-NN  
KAREN SHYER, CLERK  
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2 of 3  
06/15/2012 01:16:58 PM  
BY ANDREA

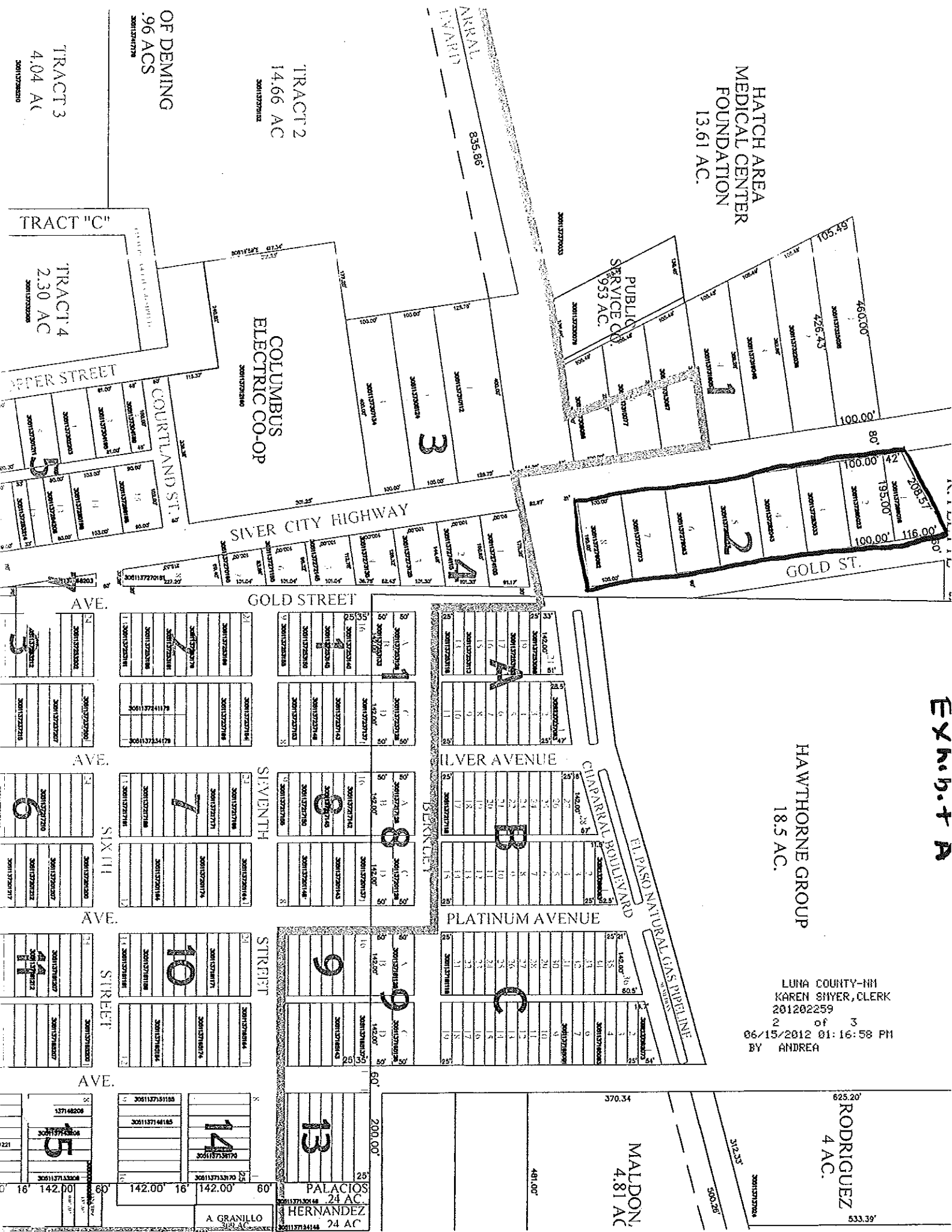
EXHIBIT A

RODRIGUEZ  
4 AC.

MALDON,  
4.81 AC

PALACIOS  
HERNANDEZ  
24 AC

A GRANILLO  
38 AC



**Exhibit B**

1. Pleyte Plat Block 2  
Lot 1  
Property ID# 3051137286016
2. Pleyte Plat Block 2  
Lot 2  
Property ID# 3051137285023
3. Pleyte Plat Block 2  
Lot 3  
Property ID# 3051137283033
4. Pleyte Plat Block 2  
Lot 4  
Property ID# 3051137282043
5. Pleyte Plat Block 2  
Lot 5  
Property ID# 3051137280053
6. Pleyte Plat Block 2  
Lot 6  
Property ID# 3051137279063
7. Pleyte Plat Block 2  
Lot 7  
Property ID# 3051137277073
8. Pleyte Plat Block 2  
Lot 8  
Property ID# 3051137276082

**RESOLUTION NO. 12-21**

**A RESOLUTION AUTHORIZING THE WRITE-OFF OF UNCOLLECTIBLE UTILITY AND AMBULANCE ACCOUNTS RECEIVABLE FROM FISCAL YEAR 2008 IN THE AMOUNT OF \$382,954.08**

The City Council is informed that:

**WHEREAS**, the City has uncollectible utility and ambulance accounts receivable from fiscal year 2008 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 2008, listed in Exhibit "A" attached hereto and made a part hereof, totaling \$382,954.08, be removed from the City's list of accounts receivable.

(II)

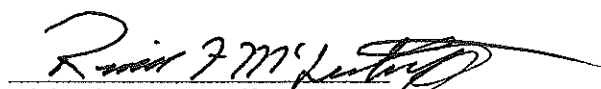
**THAT** the City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

**PASSED, ADOPTED, AND APPROVED** this 11<sup>th</sup> day of June 2012.

**CITY OF DEMING**

  
Linda Enis Franklin, Mayor Pro Tem

ATTEST:

  
Richard F. McInturff, Clerk

