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

CITY COUNCIL MEETING

July 8, 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 6/10/13
- B. Minutes - City Council Special Meeting 5/29/13
- C. Minutes - City Council Special Meeting 6/04/13
- D. Minutes - City Council Special Meeting 6/17/13
- E. Minutes - Planning and Zoning Commission Meeting 6/17/13
(Items below are not approved in Consent Agenda)
 - a. Recommendation to approve special use permit for a Recycling Business at 1000 W. Spruce St., with condition that state statutes be followed. (To be presented later in agenda)
 - b. Recommendation to approve a special use permit for a mechanical repair business (To be presented later in agenda).
- F. Minutes - Tourism Development Committee 6/28/13 *(no quorum-discussion only)*
- G. Minutes - Airport Commission Meeting 6/11/13
 - a. Recommendation for the City to continue negotiations for helicopter Medevac Service
- H. Minutes - Marshall Memorial Library Board Meeting 6/25/13
- I. Minutes - Parks Commission Meeting *(no meeting scheduled)*
- J. Out of State Travel Request: For Detective Matthew Rudiger to attend the APSAC Child Forensic Interview Clinic on July 22-26, 2013 in Seattle, Washington
- K. Out of State Travel Request: For Richard F. McInturff, Aaron Sera, and Brandon Gigante to Attend the ICMA Annual Conference in Boston, Massachusetts from Sept. 19-25, 2013.

2. Public Forum

- 3. Mayor's Swear-in of Deming Firefighters Michael Flores and Phillip Rodriguez
- 4. Presentation and Update on SunZia Transmission Project
- 5. Approval of a Resolution to Support the Construction and Operation of Additional Transmission Infrastructure Regarding the SunZia Transmission Project
- 6. Recommendation for Tourism Development funding for the Great American Duck Races
- 7. Donation of City Property to New Mexico Department of Transportation-Cambray Bridge Project
- 8. Approval of a Resolution to Participate in the Local Government Road Fund (LGRF)

9. Approval of Resolution of Support and Biennial Memorandum of Understanding for Deming MainStreet
10. Approval of Consent and Agreement Reassignments for Power Purchase Agreement/Site Lease Agreement-Affordable Solar
11. Public Hearing To Consider A Proposed Ordinance Amending Title 5, Chapters 5-2-1 Through 5-2-4 Of The Municipal Code Of The City Of Deming, New Mexico
12. Quasi-Judicial Public Hearing to Consider a Special Use Permit for a Recycling Business at 1000 W. Spruce Street.
13. Quasi-Judicial Public Hearing to Approve A Special Use Permit For A Mechanical Repair Business at 1900 E. Pine Street.
14. Bids:
 - a. Bid #13-15 Washed ½ inch Chip Rock
 - b. Bid #13-16 Washed 3/8 inch Chip Rock
 - c. Bid #13-17 Concrete
 - d. Bid #13-18 Type II Base Course
15. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., August 12, 2013.

CITY COUNCIL WORKSHOP MINUTES

July 8, 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
Wesley Hooper, Community Svcs. Director

Edgar Davalos, Fire Chief
Robert Orosco, Police Captain
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 July 8, 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: Mr. McInturff noted that under item F. Tourism Development Committee 6/28/13, there was no quorum but there are notes of the discussion. He noted the misspelling of Medevac in item G. (a.). He also discussed that he would like Chief Gigante to give more explanation regarding item J-Out of State Travel Request for Detective Matthew Rudiger to attend the APSAC Child Forensic Interview Clinic. He also mentioned the Out of State Travel request for himself, Aaron Sera, and Brandon Gigante to attend the ICMA Annual Conference in Boston, MA.

Mayor's Swear-in of Deming Firefighters Michael Flores and Phillip Rodriguez: Mayor Silva will swear in both firefighters.

Presentation and Update on SunZia Transmission Project: Mr. John Strand, representative for SunZia will give a presentation and answer questions regarding the transmission project.

Approval of a Resolution to Support the Construction and Operation of Additional Transmission Infrastructure Regarding the SunZia Transmission Project: Mr. McInturff will present this resolution to Mayor and Council in support of the SunZia project.

Recommendation for Tour Development funding for the Great American Duck Races: Mr. McInturff stated that since there was not a quorum at the TDC meeting on 6/28/13, he would present the funding for the Great American Duck Races to Council for approval. This

would be done at this meeting, since the next TDC meeting is not scheduled until October 9, 2013 and the Duck Races would take place next month in August.

Donation of City Property to New Mexico Department of Transportation-Cambray Bridge Project: Mr. Hooper will present this item to Mayor and Council. He referred to the map in the meeting packet and explained the area to be donated.

Approval of a Resolution to Participate in the Local Government Road Fund (LGRF): Mr. Massengill will present this item to Mayor and Council.

Approval of a Resolution of Support and Biennial Memorandum of Understanding for Deming MainStreet: Mr. McInturff will present this item to Mayor and Council. He briefly explained that this item had been tabled at a previous City Council meeting in order for Counsel to further review the MOU.

Approval of Consent and Agreement Reassignments for Power Purchase Agreement/Site Lease Agreement-Affordable Solar: Mr. McInturff stated he would ask for approval to proceed with negotiations and a final draft to be executed.

Public Hearing to Consider a Proposed Ordinance Amending Title 5, Chapter 5-2-1 through 5-2-4 of the Municipal Code of the City of Deming, New Mexico: Chief Davalos will present this item to Mayor and Council. He stated that this amendment will update the current fire code from the 2003 version to the 2012 version. He also stated that it contained a new section; 511-Hazards to Firefighters.

Quasi-Judicial Public Hearing to consider a Special Use Permit for a Recycling Business at 1000 W. Spruce Street: Ms. Gentile will present this item to Mayor and Council.

Quasi-Judicial Public Hearing to consider a Special Use Permit for a Mechanical Repair Business at 1900 E. Pine Street: Ms. Gentile will present this item to Mayor and Council.

Bids:

- a. **Bid #13-15 Washed ½ Inch Chip Rock:** Mr. Hooper will present bid recommendation to Mayor and Council.
- b. **Bid #13-16 Washed 3/8 Inch Chip Rock:** Mr. Hooper will present bid recommendation to Mayor and Council.
- c. **Bid #13-17 Concrete:** Mr. Hooper will present bid recommendation to Mayor and Council.
- d. **Bid #13-18 Type II Base Course:** Mr. Hooper will present bid recommendation to Mayor and Council.

Mr. Hooper asked that the bid description for #13-15 and #13-16 be verified to what is on the agenda.

Adjourn Meeting: With not further business to discuss, the workshop was adjourned at 4:30 p.m.

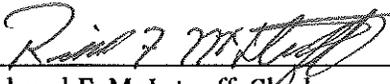


CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk

CITY COUNCIL MEETING MINUTES

July 8, 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
Brandon Gigante, Police Chief
Jim Foy, City Attorney
Edgar Davalos, Fire Chief
Gina Gentile, City Planner

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.

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Mr. McInturff noted that in item F. Tourism Development Committee 6/28/13, this was a discussion and not a meeting due to there being no quorum. He also pointed out item J. Out of State Travel Request for Detective Matthew Rudiger and asked Chief Gigante to explain the request.

Chief Gigante stated that the request is for Detective Matthew Rudiger to attend the invaluable training; APSAC Child Forensic Interview Clinic. He explained that the training would allow Det. Rudiger to investigate any crimes in which a child has been physically or sexually abused. At this time, these types of crimes have to be investigated by detectives out of Las Cruces. He stated that this training would make Det. Rudiger available to the Luna County Sheriff's Department and the local N.M. State Police for assistance in interviewing these types of crimes.

Mayor Silva asked Council if they had any questions for Chief Gigante.

Mayor Pro Tem motioned that the Consent Agenda be approved as presented. The motion was seconded by Councilor Milo and carried unanimously.

2. **Public Forum:** Mr. Arsen Khanbajian, 1721 E. Pine Street, thanked the Deming Police Department for their quick response to an incident at his business. Mr. Khanbajian also thanked the City of Deming for their support of the 4th of July event and helping make it a success.
3. **Mayor's Swear-in of Deming Firefighters Michael Flores and Phillip Rodriguez:** Mayor Silva swore in two new firefighters who have completed their training.
4. **Presentation and Update on SunZia Transmission Project:** Mr. John Strand, representative for SunZia Transmission Project, gave a presentation regarding the updates to the project and summarized the newsletter regarding the project. He stated that the final environmental impact statement has been published in the national register. He stated that by mid-September, SunZia should obtain a Record of Decision which would allow them access to the BLM right-of-way. He discussed the route for the transmission line project and what impact it will have on the designated areas. He stated that the plan through Luna County hasn't changed much from the original plan in 2009.

Mayor Silva asked how many miles of the project would go through Luna County. Mr. Strand estimated that there would be 60-70 miles traveling through Luna County, costing \$1.5 million/mile. There was also the mention of a possible substation to be located in the county. They entertained a discussion regarding the economic impact of this project traveling through the county.

County Commission Spivey asked Mr. Strand how many entities are on board with this project. Mr. Strand stated that he was not privileged to this information.

Mr. McInturff mentioned that the County entered into an Industrial Revenue Bond (IRB) for the solar project north of town. With that IRB agreement, the Deming Public

Schools and County will receive approximately \$4.5 million each. He stated that these types of projects greatly impact the local community.

5. **Approval of a Resolution to Support the Construction and Operation of Additional Transmission Infrastructure Regarding the SunZia Transmission Project:** Mr. McInturff read the resolution into record. Mayor Silva asked Council if they had any questions. There were none.

Councilor Shattuck motioned to approve the resolution to support the construction and operation of additional transmission infrastructure during the SunZia Transmission Project. The motion was seconded by Councilor Milo and carried unanimously.

6. **Recommendation for Tourism Development funding for the Great American Duck Races:** Mr. McInturff stated that the last Tourism Development Committee was called to allocate funds to various local events, but due to not having a quorum, no action was taken. However, with the Duck Races quickly approaching, he recommended action be taken regarding the funding for that event. He stated that Commissioner Olsen was strongly in favor of cutting all allocations to non-profits, due the budget cuts across the board. Despite Mr. Olsen's preference, Mr. McInturff recommends funding the Great American Duck Races \$5,000, the same amount as last year. The Museum did not request funding for this year.

Councilor Milo motioned to approve funding the Great American Duck Races \$5,000 for their annual event. The motion was seconded by Mayor Pro Tem Franklin and carried unanimously.

7. **Donation of City Property to New Mexico Department of Transportation-Cambray Bridge Project:** Mr. Hooper referred to the map depicting the two pieces of land in which the New Mexico Department of Transportation has requested to extend Cambray Bridge. The pieces of land are .2306 acres and .2003 acres.

Mayor Pro Tem Franklin motioned to approve the donation of land to the New Mexico Department of Transportation-Cambray Bridge Project, as presented, and to authorize staff to negotiate the completion of this transaction. The motion was seconded by Councilor Shattuck and carried unanimously.

8. **Approval of a Resolution to Participate in the Local Government Road Fund (LGRF):** Mr. Massengill presented stated that this is a standard resolution for participation of the grant agreement with the NMDOT for the LGRF. He read the resolution into record.

Councilor Milo stated his concern regarding the lack of lighting at the exits and I-10 interchange. He asked if this funding would take care of these lighting issues. Mr. McInturff stated that this funding is going to be dedicated to the repair of these issues and the maintenance of the existing lighting system. There was a discussion regarding the lighting agreement with the NMDOT and who is responsible for the lighting in certain areas.

Councilor Shattuck motioned to participate in the Local Government Road Fund (LGRF), as presented. The motion was seconded by Councilor Milo and carried unanimously.

9. Approval of Resolution of Support and Biennial Memorandum of Understanding for Deming MainStreet: Mr. McInturff introduced the MainStreet Board President, Barbara Reedy, and asked her to explain the resolution to Mayor and Council.

Ms. Reedy stated that the resolution and biennial memorandum of understanding are key components for eligibility for the Deming MainStreet to be part of the state organization. She explained that the key function of Deming MainStreet is cultural and historic preservation. She stated that MainStreet and the Deming Luna Mimbres Museum have met to collaborate on projects gearing toward cultural and historic preservation. They are seeking grants to fund the preservation of the downtown area. She mentioned that the Farmer's Market has been a great way to get foot traffic into the downtown area. Ms. Reedy introduced the new MainStreet director, Chris Stevens, who is replacing Bill Duncan, who is now the Farmer's Market Manager.

Ms. Reedy noted that the memorandum of understanding is now a 2 year instead of 3 year agreement.

Mr. McInturff stated that in the resolution, under the fourth "Whereas" was added to the resolution and the seventh "Whereas" has a change in wording from "will explore financial revitalization tools" to "may explore financial revitalization tools". He read the resolution into record.

Mayor Pro Tem Franklin motioned to approve the resolution of support by the City of Deming for the Deming MainStreet to participate in community economic development downtown revitalization activities, as presented by staff. The motion was seconded by Councilor Milo and carried unanimously. A friendly amendment was made to accept the amendments to the resolution as discussed. The friendly amendment was seconded by Councilor Milo and carried unanimously.

Mayor Pro Tem Franklin motioned to approve the Biennial Memorandum of Understanding (MOU), 2014-2015 between Deming MainStreet, the City of Deming, and the State of New Mexico, as presented. The motion was seconded by Councilor Shattuck and carried unanimously.

10. Approval of Consent and Agreement Reassignments for Power Purchase Agreement/Site Lease Agreement-Affordable Solar: Mr. McInturff stated that Affordable Solar is wanting to sell the project to PNC Energy Capital, LLC. He noted the three documents. First, is a Consent and Agreement of Re-Assignment. Second, the Assignment and Assumption of Lease. Third, the Host Acknowledgement. The Lease Agreement is an exhibit for the Agreement of Re-Assignment.

Mr. McInturff asked Mr. Foy to discuss the conflicts in the documents as they relate to the original Power Purchase Agreement. Mr. Foy stated that he and administration would have a conference call to discuss the conflicts and asked that Council grant staff and Counsel the authority to negotiate the final draft and for Mayor Silva to execute the final draft.

Mayor Pro Tem Franklin motioned to grant staff and Counsel the authority to negotiate the final agreement of a Consent and Agreement Reassignments for Power Purchase Agreement/Site Lease Agreement with Affordable Solar, with Mayor Silva given the authority to execute the final draft. The motion was seconded by Councilor Shattuck and carried unanimously.

- 11. Public Hearing To Consider A Proposed Ordinance Amending Title 5, Chapters 5-2-1 Through 5-2-4 Of The Municipal Code Of The City Of Deming, New Mexico:** Chief Davalos presented this proposed ordinance to amend Title 5 (Fire Prevention Code), Chapter 2, Section 1, to Mayor and Council. He stated that the ordinance would be an amendment to update the Fire Code from the 2003 to the 2012. Chief Davalos stated that Section 511, "Hazards to Fire Fighters", was an added item to the 2012 code.

Mr. McInturff asked Chief Davalos what version of the code the State follows. Chief Davalos stated that currently, the State follows the International Fire Code 2003. He stated that the City Fire Department has been waiting, for several years, for the State to upgrade to the 2012 code, and the City would follow suit. That has not happened, and Chief Davalos stated that after speaking to the State Fire Marshall's office, that is not going to happen anytime soon. Therefore, the City has decided to upgrade their Fire Code, due to new building materials and more current codes. Mr. McInturff stated that the State code is a minimum code and the City has decided to adopt a more stringent code.

Mayor Silva opened the floor for public comment. No comments were made.

Councilor Shattuck motioned to approve the ordinance amending Title t, Chapter 5-2-1 of the Municipal Code of the City of Deming, New Mexico, as presented. The motion was seconded by Councilor Milo and carried unanimously.

- 12. Quasi-Judicial Public Hearing to Consider a Special Use Permit for a Recycling Business at 1000 W. Spruce Street:** Mayor Silva conducted a Quasi-Judicial Public Hearing to consider a special use permit for a recycling business at 1000 W. Spruce. 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 applicant, Juan Madrid dba as L & M Recycling, is requesting a special use permit for a recycling business to be located at 1000 W. Spruce Street. The property is located in "C" commercial zone and all zoning is commercial as well. Ms. Gentile stated that there

was a previously unpermitted recycling business in this location. She stated that staff recommends approval of this special use permit with conditions recommended by the Planning and Zoning Commission.

Councilor Milo asked if Mr. Madrid was aware of the requirements involved in operating a recycling business. Ms. Gentile stated that upon Mr. Madrid coming by the office to apply for the permit, Ms. Gentile mentioned the state statutes involved in running this type of business and he confirmed he was aware of that.

Mayor Silva opened the floor for comments. There were none.

Mayor Silva asked Ms. Gentile for clarification of the location.

Councilor Milo motioned to approve the special use permit for a recycling business at 1000 W. Spruce Street. The motion was seconded by Councilor Shattuck. A friendly amendment was made by Mayor Pro Tem Franklin to include the name of the business, L & M Recycling. The friendly amendment was accepted by Councilor Milo. The motion and friendly amendment were both seconded by Councilor Shattuck and carried unanimously by 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.

- 13. Quasi-Judicial Public Hearing to Approve A Special Use Permit For A Mechanical Repair Business at 1900 E. Pine Street:** Mayor Silva conducted a Quasi-Judicial Public Hearing to consider a special use permit for a mechanical repair business at 1900 E. Pine Street. 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 applicant, Salvador Gutierrez, is requesting a special use permit for minor mechanical repair business at 1900 E. Pine Street, currently doing business as Thunder Lube. Ms. Gentile stated in order for a business to do mechanical repairs, a permit from the City must be obtained. The property is currently located in "C" commercial zone and all adjacent zoning is commercial as well.

Mr. McInturff stated during the last Planning and Zoning meeting, the commission asked for a definition regarding "minor" mechanical repair business. Mr. McInturff stated that this should be addresses as mechanical repair or no mechanical repair, rather than the degree of mechanical repair. Mr. McInturff asked Ms. Gentile if the business was equipped with the proper disposal requirements for this type of business.

Attorney Foy stated that in the future, a business applying for this type of special use permit should be address as mechanical repair business, straight across the board.

Mayor Silva asked if there were any effected parties who would like to speak. There were none. Public comment was closed and brought back to Council.

Mayor Pro Tem Franklin motioned to approve the special use permit for a mechanical repair business at 1900 E. Pine Street. The motion was seconded by Councilor Milo and carried unanimously by 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.

14. Bids:

- a. **Bid #13-15 Washed ½ inch Chip Rock:** Mr. Hooper presented this item to Mayor and Council. He stated that three bids were received. Mr. Hooper recommends Council to award the bid to O'Kelley Sand and Gravel at \$19.00/ton. Councilor Milo motioned to award Bid #13-15 Washed ½ inch Chip Rock to O'Kelley Sand and Gravel whose bid was \$19.00/ton. The motion was seconded by Councilor Shattuck and carried unanimously.
- b. **Bid #13-16 Washed 3/8 inch Chip Rock:** Mr. Hooper presented this item to Mayor and Council. He stated that three bids were received. Mr. Hooper recommends that Council award the bid to O'Kelley Sand and Gravel at \$20.00/ton. Councilor Shattuck motioned to award Bid #13-15 3/8 inch Chip Rock to O'Kelley Sand and Gravel whose bid was \$20.00/ton. The motion was seconded by Councilor Milo and carried unanimously.
- c. **Bid #13-17 Concrete:** Mr. Hooper presented this item to Mayor and Council. He stated that only one bid was received. Mr. Hooper recommends the award of this bid go to Southwest Concrete and Paving for \$95.00/yard with an additional standby fee; load discharge time 5 min./cu. yard, additional time is \$75.00/hour per load; under 4 yards is \$50.00/hour per load. Councilor Milo motioned to award Bid #13-17 Concrete, to Southwest Concrete and Paving, as presented. The motion was seconded by Councilor Shattuck and carried unanimously.

d. **Bid #13-18 Type II Base Course:** Mr. Hooper presented this item to Mayor and Council. He stated that three bids were received. Mr. Hooper recommends that Council award the bid to O'Kelley Sand and Gravel at \$6.95/ton. Mayor Pro Tem Franklin motioned to award Bid #13-18 Type II Base Course to O'Kelley Sand and Gravel at \$6.95/ton. The motion was seconded by Councilor Milo and carried unanimously.

15. **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 7:26 p.m.

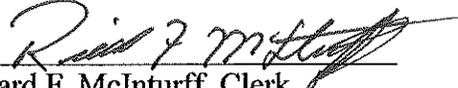


CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk

**RESOLUTION NO. 13-30
CITY OF DEMING, NEW MEXICO**

**RESOLUTION TO SUPPORT FINAL ENVIRONMENTAL IMPACT
STATEMENT (EIS) ALIGNMENT ISSUED BY THE BUREAU OF LAND
MANAGEMENT (BLM) FOR CONSTRUCTION AND OPERATION OF
ADDITIONAL TRANSMISSION INFRASTRUCTURE**

WHEREAS, the Bureau of Land Management (BLM) has studied various routes for the SunZia Southwest Transmission Project (SunZia) over the past five years for the purpose of constructing up to two 500 kV transmission lines and associated substations between Arizona and New Mexico to provide for needed new transmission capacity to deliver New Mexico's stranded renewable energy; and,

WHEREAS, we understand the economic benefits of New Mexico's rich renewable energy resources and their positive impacts to state and local communities in the form of job creation, economic development and resulting revenues (New Mexico State University Economic Impact Assessment); and,

WHEREAS, the BLM received 900 comment letters on the Draft Environmental Impact Statement (EIS) and has since prepared a Final EIS that was issued for public review on June 14, 2013; and,

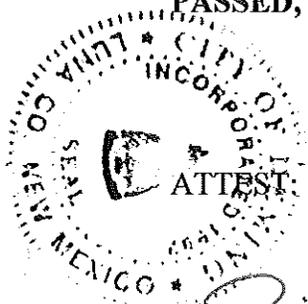
WHEREAS, the Final EIS has provided for mitigation measures to limit major impairment to all concerned; and,

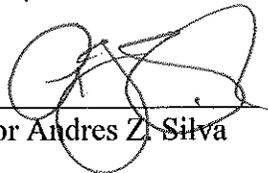
WHEREAS, the BLM has conducted public meetings during 2008 through 2010 throughout SunZia's study area to gather and consider the public's concerns and support on the project; and,

WHEREAS, statements from local governing bodies such as this City Council are very important to the completion of the BLM's federal permitting efforts pursuant to the National Environmental Policy Act.

NOW THEREFORE BE IT RESOLVED that the Deming City Council supports the construction and operation of additional transmission infrastructure to provide capacity for the area's renewable energy projects and urge all entities and cooperating agencies to assist with expeditious finalization of the Record of Decision and allow all to share the economic benefit of the needed SunZia Project.

PASSED, APPROVED AND ADOPTED THIS 8th day of July, 2013





Mayor Andres Z. Silva



Richard F. McInturff, Clerk

RESOLUTION NO. 13-31

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Deming and the New Mexico Department of Transportation have entered into a Cooperative Agreement.

WHEREAS, the total minimum cost of the project will be \$46,640.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or not exceed \$34,980.00

and

- b. City of Deming's proportional matching share shall be 25% or a minimum of \$11,660.00.

The City of Deming shall pay all costs, which exceed the total amount of \$46,640.00.

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

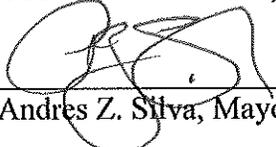
That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2014 and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Project Number SP-1-14 (909), Control Number HW2 L100117 with the New Mexico Department of Transportation for LGRF Project for year 2013-2014 for; "Project development, design and maintenance & parts replacement to existing lighting, including lamps, ballasts, night light cut off heads and solar power replacements – I-10 corridor and Pine Street (US70-80) corridor "from the west interchange of I-10 with Pine Street and to the east interchange of I-10 with Pine Street (US 70-80)" within the control of the City of Deming in Deming Luna County, New Mexico.

PASSED, ADOPTED, AND APPROVED this 8th day of July 2013.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor




Richard F. McInturff, City Clerk

RESOLUTION No. 13-32

A RESOLUTION OF SUPPORT BY THE CITY OF DEMING FOR THE DEMING MAINSTREET TO PARTICIPATE IN COMMUNITY ECONOMIC DEVELOPMENT DOWNTOWN REVITALIZATION ACTIVITIES

WHEREAS , the City of Deming supports the revitalization and economic development of its traditional and/or historic commercial core as a designated MainStreet District and,

WHEREAS, the City recognizes its traditional commercial core as representing the unique architectural history, heritage and culture of our community and,

WHEREAS, the City of Deming desires to maintain an economically vital and vibrant town center for its residents, visitors and tourists and,

WHEREAS, the City of Deming wishes to support business and property owners for commercial district revitalization with the assistance of the state Economic Development Department's MainStreet Program and,

WHEREAS, the City of Deming wishes to pursue a relationship with a MainStreet non-profit downtown revitalization efforts to enhance the quality of life for our community's citizens and,

WHEREAS, the City of Deming sees an economically healthy historic commercial center designated as a MainStreet District, as one of its critical economic assets and,

WHEREAS, the City of Deming realizes that a sustainable, resilient historic commercial center designated as a MainStreet District contributes to the community's economic health and well-being and may explore financial revitalization tools needed to assist economic development through partnership with the local MainStreet Organization and,

WHEREAS, the City of Deming wishes to maintain a livable, walk-able historic commercial core as a designated MainStreet District with opportunities to shop, work, live and discover recreational, cultural and heritage opportunities and,

WHEREAS, the City of Deming agrees to work with the New Mexico Economic Development Department's New Mexico MainStreet program dedicating through some of the strategies established by the National Main Street Center Inc.'s *MainStreet Four Point Approach* ®and;

WHEREAS, the City of Deming strives for accountability and requires monthly financial and progress reports from the Deming MainStreet Program.

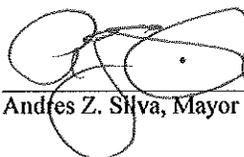
THEREFORE, the City Council resolves to work collaboratively with the local MainStreet Organization and the New Mexico Economic Development Department's MainStreet Program to meet the standards and principles of revitalizing the core commercial district of the community and;

1. The City of Deming will act as fiscal agent for any capital outlay funds received from the state or federal governments and their agencies as agreed upon between the MainStreet Project and the City and;
2. The City of Deming will pledge support of up to \$15,000 annually for two years with the Deming MainStreet Project to work on the City's behalf in the community economic develop efforts downtown (The County of Luna is expected to also pledge a matching amount of up to \$15,000 annually for 2 years), and;
3. The City authorizes the Mayor and/or the City Administrator to execute all documents including grant applications and accepting grant offers related to the program and directs staff to take other actions necessary to implement this Resolution and;

PASSED, APPROVED AND ADOPTED this 8th day of July, 2013.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, City Clerk



Biennial Memorandum of Understanding (MOU), 2014 -2015 Deming MainStreet

New Mexico MainStreet Program (NMMS), of the New Mexico Economic Development Department, is an economic development partnership program with local, eligible communities. The Department is licensed and certified to offer the *Main Street Four-Point Approach*® in downtown revitalization by the National Main Street Center, Inc. (NMSC). The Department, by New Mexico State Statute (3-60B-1 to 3-60B-4 NMSA 1978), is authorized to select affiliate communities based on the standards and principles as set forth by NMSC, that wish to partner local economic development resources to create jobs and build a strong downtown business environment. The municipality supports the work of community economic development within the dedicated MainStreet district through a services contract with the state-designated MainStreet organization (local non-profit affiliate). The local affiliate organization agrees to raise funds for the operation of a local non-profit downtown revitalization organization including a paid Executive Director. The local MainStreet organization is an economic development organization comprised of district stakeholders, whose programs, projects and activities enhance the local downtown economy and contribute to the health and well-being of its citizens. The Department will provide technical assistance, services, resources and professional support for local projects and activities through NMMS staff, Program Associates and Consultants.

NMMS as an affiliated "State Coordinating" program of the National Main Street Center, Inc. fostering community economic development by supporting local MainStreet commercial districts and neighborhood business district revitalization organizations that wish to utilize the *Main Street Four-Point Approach*® as the framework of their revitalization efforts. NMMS provides local affiliate organizations and municipalities with resources, training and technical services that enhance local culture, heritage and stimulate the economic vitality of each participating community's downtown; village plaza, town center, courthouse square, historic commercial corridors or traditional neighborhood central business district.

This Memorandum of Understanding (MOU) is based on the eligibility criteria and services defined in the accompanying document "Program Performance Standards and Technical Assistance, Resources, Services -Fiscal Years 2014-2015," which sets forth state and national accreditation criteria, services, resources and technical assistance available from New Mexico MainStreet and the requirements for participation by the local municipality in partnership with the MainStreet Project affiliate. This MOU covers a period of two-years beginning July 1, 2013. Once fully executed, it replaces any previous Letters of Agreement or Memorandum of Understanding related to the New Mexico MainStreet Program of the Economic Development Department.

New Mexico MainStreet is delegated by state statute and through the Economic Development Department to assist communities in building capacity in community economic development that benefits the local economy and raises the quality of life for its residents. New Mexico MainStreet is responsible for coordinating and orchestrating resources, services and professional technical assistance to its affiliates through the following programs and initiatives:

- A. The Main Street Revitalization Program
 - a. Emerging Community
 - b. Start-Up MainStreet Organization
 - c. State Certified Program
 - d. Nationally Accredited Program
 - e. The MainStreet Revolving Loan Fund

*New Mexico MainStreet Program of the Economic Development Department
Memorandum of Understanding (MOU), July 1, 2013 – July 31, 2015 with
City of Deming and the Deming MainStreet Project*

- B. The New Mexico Arts and Cultural District Program
- C. The Frontier Communities Initiative
- D. The Historic Movie House Theatres Initiative

I. PARTICIPATION RESPONSIBILITIES OF MAINSTREET COMMUNITIES

The City of Deming and the Local MainStreet organization Deming MainStreet agree to abide by the eligibility and participation requirements as set forth in "Program Performance Standards and Technical Assistance, Resources, Services -Fiscal Years 2014-2015." The City's official representative and the board of the local MainStreet Project have read and understand the "Good Standing, " requirements of New Mexico MainStreet Program and the "National Main Street Center Inc.'s Ten Standards of Accreditation" as set forth in that document (see www.mainstreet.org). Furthermore, the City of Deming and the board of the local MainStreet organization Deming MainStreet agree to abide by the New Mexico MainStreet's Good Standing requirements.

II. EXPECTATIONS OF AFFILIATED COMMUNITIES THROUGH THEIR MAINSTREET ORGANIZATION: DEMING MAINSTREET

- A. Provide community economic development revitalization services to the property and business owners and residents of the district through the Main Street Four-Point. Approach®.
- B. Maintain a fiscally stable, resilient and sustainable non-profit organization to do the work of the MainStreet Four-Point Approach® within the District.
- C. Work with the municipality to explore the appropriate financial revitalization tools created through state statute for economic development for adoption by the municipality for the MainStreet District and meet any statutory changes of the Local Economic Development Act (LEDA).
- D. Maintain an adequate budget to support board training for all board members in nonprofit management and leadership.
- E. Maintain the fiscal and legal integrity of the non-profit organization, completing its annual reporting to the IRS, NMPRC and Office of the New Mexico Attorney General.
- F. Adopt and implement policies, practices and procedures that advance MainStreet goals and priorities while maintaining consistency with the intents and purposes of tax-exempt organizations set forth under Internal Revenue Code.
- G. Ensure all required reports and surveys of the local affiliated organization by the National Main Street Center, Inc., the State Legislature, the Economic Development Department, and municipal and governmental partners, are filed in a timely fashion.
- H. Hire a paid Executive Director to oversee day-to day operations of the organization provide outreach and support to the MainStreet District's constituents and support the board and its committees in meeting the goals, projects, and activities the board has established for itself.
- I. Ensure the Executive Director has an office equipped to conduct the work of the program.
- J. Provide funding for the Executive Director's expenses in building skills knowledge and expertise to assist the organization, through the trainings and programs offered by New Mexico MainStreet and the National Main Street Center, Inc.
- K. Maintain a collaborative partnership with the municipality and other governmental entities to complete revitalization work in the District.
- L. Build local partnerships to leverage resources and buy-in into the revitalization of the District.
- M. Recruit, train, manage and maintain a core of volunteers to implement projects under each of the elements of the Main Street Four-Point approach .

N. The board of the local MainStreet Project agrees to strive toward annually meeting all ten of the National Main Street Center Accreditation Standards.

III. RESOLUTION OF THE CITY COUNCIL AND/OR COUNTY COMMISSION

The Main Street Four-Point Approach® to comprehensive revitalization of historic and traditional commercial neighborhoods requires a cooperative partnership of the public and private sectors to succeed. In conjunction with the execution of this MOU, New Mexico MainStreet Program requires each affiliated community to have in place a resolution adopted by the local government stating its support and funding commitment to the local MainStreet Project. The resolution(s) must be valid for the full term of this agreement of this MOU. New Mexico MainStreet encourages the municipality to enter into a contract for such financial support with the local MainStreet Project with deliverables and/or services clearly spelled out. Failure to adopt such resolution of financial support could result in the suspension of the Project and decertification as a MainStreet affiliated community.

IV. AGREEMENT

A.) The parties hereunder do mutually agree that they have read and fully understand the obligations and responsibilities in affiliating as a local MainStreet Project with New Mexico MainStreet Program as stated in the document "Program Performance Standards and Technical Assistance, Resources, Services Fiscal Years 2014-2015," accompanying this MOU. They further agree to abide by the terms of this memorandum of understanding, implementing it to the best of their ability, and with the assistance of services provided through the New Mexico MainStreet Program, and in accordance with the Main Street Four-Point Approach® as defined by the National Main Street Center, Inc.

B.) The municipality agrees to support the vision, principles and values of comprehensive commercial district revitalization through the Main Street Four-Point Approach®, assist in financial support as defined in "Program Performance Standards and Technical Assistance, Resources, Services -Fiscal Years 2014-2015," developing and administering funding opportunities for operations of the Project and its activities, projects and programs in partnership with the local MainStreet Project and the New Mexico MainStreet Program.

C.) The New Mexico MainStreet Program of the Economic Development Department agrees to provide technical professional assistance and resources based on its Annual Quality Improvement visit for district Master Plan or annual MainStreet board work plan, to assist the local affiliated MainStreet Project in setting goals and implementing MainStreet District revitalization.

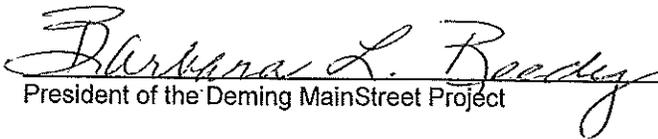
We do hereby sign:

On behalf of New Mexico MainStreet Program, a program of the New Mexico Economic Development Department:

Director, New Mexico MainStreet Program Date

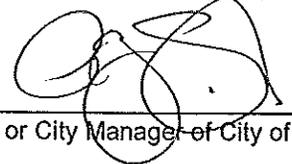
Division Director, Economic Development Division Date

On behalf of the local MainStreet Project, the President certifies the board has read both the "Program Performance Standards and Technical Assistance, Resources, Services -Fiscal Years 2014-2015" and this MOU before executing:

 _____ 7-8-13
President of the Deming MainStreet Project Date

Office Address City State Zip

On behalf of the Municipality:

 _____ 7/8/13
Mayor or City Manager of City of Deming Date

If Applicable – County Administrator Date

Please enclose a resolution of the City Council or County Commission identifying financial support for the MainStreet organization during the two-year time period of this agreement. Also attach any working agreement, Memorandum of Understanding or agreement between the municipality and the local MainStreet organization.

Revised and approved May 14, 2013

**New Mexico MainStreet Program of the Economic Development Department
Memorandum of Understanding (MOU), July 1, 2013 – July 31, 2015 with
City of Deming and the Deming MainStreet Project**

ORDINANCE NO. 1239

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 2,
SECTION 1-“Fire Prevention Code” OF THE
MUNICIPAL CODE OF THE CITY OF DEMING, NEW MEXICO**

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

1. Title 5, Chapter 2, Section 1 of the City of Deming Municipal Code is hereby deleted and replaced with the following:

**Chapter 2
FIRE PREVENTION AND PROTECTION**

5-2-1: Fire Prevention Code

- A. There is adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the International Fire Code, 2012 edition, including the following appendix chapters:

Appendix B, Fire-flow requirements for buildings

Appendix C, Fire hydrant locations and distribution

Appendix D, Fire apparatus access roads

- B. Copies on file: The International Fire Code mentioned in subsection A., of this section is adopted, save and except such portions as are deleted, modified or amended by subsection D of this section. One copy of the code is filed in the office of the city clerk. The International Fire Code is adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling within the city limits.
- C. Enforcement: The fire code as adopted in subsections A and B of this section and as amended in subsection D of this section, shall be enforced by the fire chief or his designee; interchangeable with the term fire code official.
- D. Amendments: The fire code adopted in section 5-2-1 is amended as set forth in this subsection. When an existing section number of the fire code is referred to in this subsection, the text in this subsection shall control. When a new section or subsection is referred to in this section it shall be added to the fire code as adopted. The fire code is amended and changed as follows:

Chapter 1 Administration.

Section 101.1 Title. shall be amended to read as follows:

These regulations shall be known as the Fire Code of the City of Deming, hereinafter referred to as "this code"

Section 104.6 Official records. shall be amended to read as follows:

The fire code official shall keep official records as required by Sections 104.6 through 104.6.4. Such records shall be retained in accordance with the record retention requirements established by the City of Deming and State of New Mexico.

Section 105.1 General. shall be amended to read as follows:

Permits required by the fire code official shall be in accordance with section 105.

Section 105.4 Construction documents. shall be amended to read as follows:

Construction documents shall be in accordance with this section and requirements established by the City of Deming and the State of New Mexico.

Section 105.7.1.1 Hydraulic calculations required. shall be added to read as follows:

Hydraulic calculations shall be provided for modification to an existing automatic fire-extinguishing system requiring the installation of additional heads when either of the following occur:

1. Number of heads being added exceeds 10.
2. Number of heads being added is greater than 10 percent of total heads for the system.

The fire code official may require hydraulic calculations be submitted for any modification to an existing system when deemed necessary to adequately evaluate the impact on the system.

Section 105.7.16 Temporary membrane structures, tents and canopies. shall be amended to read as follows:

A construction permit is required to erect an air-supported temporary membrane structure having an area in excess of 200 square feet.

Section 105.7.16 Exceptions. shall be deleted in its entirety.

Section 108.1 Board of appeals established. shall be amended to read as follows:

In order to hear and decide appeals of orders, decisions or determinations, made by the fire chief or his designee or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of this code has been misconstrued or wrongly interpreted, the affected party may appeal, from the decision, to city council, by writing to the fire chief, requesting an appeal within 30 days of the aggrieved action.

Section 108.2 Limitations on authority. shall be deleted in its entirety.

Section 108.3 Qualifications. shall be deleted in its entirety.

Section 109.3 Violation penalties. shall be amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation for the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than 500 dollars or by imprisonment not exceeding 179 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 Failure to comply. shall be amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be considered to be in violation of this code and shall be subject to the penalties as set forth in Section 109.3.

Chapter 2 DEFINITIONS

Section 202 GENERAL DEFINITIONS. definitions and language *shall* be added to read as follows:

Fire Marshal. The fire chief or designated fire code official, charged with enforcement of the fire code; interchangeable with the term fire code official, under this code.

Jurisdiction. This code shall be applicable to all property within the corporate limits of the City of Deming, New Mexico.

Chapter 4 Emergency Planning and Preparedness

Table 405.2 Fire and evacuation drill frequency and participation shall be amended as follows:

Group H occupancies shall be included with Group A occupancies in the table

Chapter 5 Fire Service Features

Section 505.1 Address numbers. shall be amended to read as follows:

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Numbers shall be a minimum of 2.5 inches high with a minimum stroke width of 0.5 inches. Address identification shall also conform to Section 11-3-3: A and B of the City of Deming Municipal Code.

Section 507.5.1 Where required. shall be amended to read as follows:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement may be increased to 600 feet (183 m) upon approval of the fire code official.
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement may be increased to 600 feet (183 m) upon approval of the fire code official.

Section 507.5.1.1 Fire protection in recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots. is added to read as follows:

Fire protection in recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with sections 503 and 508.

Section 511 will be added to Chapter 5. HAZARDS TO FIRE FIGHTERS will read as follows:

510.6.4 Trapdoors to be closed. Trapdoors and scuttle covers, other than those that are within a dwelling unit or automatically operated, shall be kept closed at all times except when in use.

510.6.5 Shaft way markings. Vertical shafts will be identified as required by this section.

510.6.6 Exterior access to shaft ways. Outside openings accessible to the fire department and which open directly on a hoist way or shaft way communicating between two or more floors in a building shall be plainly marked with the word SHAFT WAY in red letters at least 6 inches (152 mm) high on a white background. Such warning signs shall be placed as to be readily discernible from the outside of the building.

510.6.7 Interior access to shafts. Door or window openings to a hoist way or shaft way from the interior of the building shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152mm) on a white background. Such warning signs shall be placed as to be readily discernible.

Exception: Markings shall not be required on shaft way openings which are readily discernible as openings onto a shaft way by the construction or arrangement.

Section 902.1 Definitions shall have the definition of **STANDPIPE SYSTEM, CLASSES OF**. Standpipe classes are as follows: amended to read as follows:

Class I system. A system providing 2.5-inch (64 mm) hose connections to supply water for use by fire departments and those trained in handling heavy fire streams.

Class II system. A system providing 1.5-inch (38 mm) hose stations to supply water for use primarily by the building occupants or by the fire department during initial response. 1.5-inch hoses & hose cabinets shall not be provided, unless required by the Fire Code Official.

Class III system. A system providing 1.5-inch (38 mm) hose stations to supply water for use by building occupants and 2.5-inch (64 mm) hose connections to supply a larger volume of water for use by fire departments and those trained in handling heavy fire streams. 1.5-inch hoses & hose cabinets shall not be provided, unless required by the Fire Code Official.

Section 903.2 Exception: shall be deleted in its entirety.

Section 903.2.8 Group R. shall be amended to read as follows:

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: In detached one and two family dwellings.

Section 903.4 Exceptions: 2. shall be amended to read as follows:

2. Limited area systems serving fewer than 20 sprinklers in other than Group H and Group I occupancies.

Section 903.4.3 Floor control valves. shall be amended to read as follows:

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in multi-story buildings. For the purpose of this section a basement shall be considered a story.

Section 904.11 Exception: shall be deleted in its entirety.

Section 904.12 Commercial cooking systems in existing facilities. is added to read as follows:

Existing facilities with an automatic fire-extinguishing system that does not conform to Section 904.11 shall replace their non-conforming system when one of the following conditions occur:

1. Within 12 months from the effective date of the ordinance adopting this code.

2. Upon any alteration or repair to the non-conforming system during the 12 month period.
3. Upon discharge of the non-conforming system during the 12 month period.

Section 906.1 Exception: shall be amended to read as follows:

Exception: When approved by the fire code official, in all Group A, B, and E occupancies equipped throughout with quick response sprinklers, fire extinguishers shall be required only in special hazard areas.

Section [B]909.8.1 Smoke Layer shall be amended to read as follows:

The height of the lowest horizontal surface of the accumulating smoke layer shall be maintained at least 6 feet (1829 mm) above any walking surface which forms a portion of a required egress system within the smoke zone. The required exhaust rate for the zone shall be the largest of the calculated plume mass flow rates for the possible plume configurations. Provisions shall be made for natural or mechanical supply of air from outside or adjacent smoke zones to make up for the air exhausted. Makeup air flow rates, when measured at the potential fire location, shall not increase the smoke production rate beyond the capabilities of the smoke control system. The temperature of the make-up air shall be such that it does not expose temperature-sensitive fire protection systems beyond their limits.

Section [B]909.8.3 Balcony spill plumes. shall be deleted in its entirety.

Section [B]909.8.4 Window plumes. shall be deleted in its entirety.

Section [B]909.9 Design fire. shall be amended to read as follows:

The design fire shall be based a rational analysis performed by a registered design professional and approved by the building official. The design fire shall be based on the analysis in accordance with Section 909.4 and this section.

Section 913.4 Valve supervision. shall be amended to read as follows:

Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods.

1. Central-station, proprietary, or remote-station signaling service.
2. Local signaling service that will cause the sounding of an audible signal at a constantly attended location when approved by the fire code official.

Numbers 3 and 4 shall be deleted in their entirety.

Section 2701.5 Permits. Shall be amended as follows:

Section 2701.6.2. Is added to read as follows:

Permanently out of service facilities: Facilities for which a permit is not kept current or is not monitored and inspected on a regular basis shall be deemed to be permanently out of service and shall be closed in an approved manor. When required by the fire code official, permittees shall apply for approval to close permanently storage, use or handling facilities. The fire code official is authorized by an approval facility closure plan in accordance with Section 2701.6.3.

Section 2701.6.3. Is added to read as follows:

Facility Closure Plan: When a facility closure plan is required in accordance with Section 2701.5 to terminate storage, dispensing, handling or use of hazardous materials, it shall be submitted to the fire code official at least 30 days prior to facility closure. The plan shall demonstrate that hazardous materials which are stored, dispensed, handled or used in the facility will be transported, disposed of or reused in a manor that eliminates the need for further maintenance and any threat to public health and safety.

Chapter 56 Explosives and Fireworks

Section 5601.1.3 Exceptions: shall be amended as follows:

Exception 2 shall be deleted in its entirety.

Section 5608.11 is added to read as follows:

Retail display and sale: Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572mm) and not less than 10 feet (3048mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

APPENDIX D FIRE APPARATUS ACCESS ROADS

Appendix D of the fire code adopted in section 5-2-1 shall be amended and changed as follows:

Section D103 Minimum specifications

Section D103.1. Access road width with a hydrant. shall be amended to read as follows: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 20 feet (6096 mm).

Section D103.5 Fire apparatus access road gates. shall be amended to read as follows: Where required by the fire code official, gates securing the fire apparatus access roads shall comply with all of the following criteria:

(Remainder of the section to remain unchanged)

Section D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

Section D104.1 Buildings exceeding three stories or 30 feet in height. shall be amended to read as follows:

Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

Section D104.2 Buildings exceeding 62,000square feet in area. shall be amended to read as follows:

Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

Exception: When approved by the Fire Code Official, projects having a gross building area of up to 124,000 square feet (11 520 m2) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

Section D105 AERIAL FIRE APPARATUS ACCESS ROADS

Section D105.1 Where required. shall be amended to read as follows: by the fire code official, buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

Section D106. MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

Section D106.1 Exception: shall be amended to read as follows:

Exception: When approved by the fire code official, projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the fire code adopted in Section 5-2-1.

Section D107. ONE-OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

Section D107.1 Exceptions: shall be amended to read as follows:

Exceptions:

1. When approved by the fire code official, where there are 30 or more dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

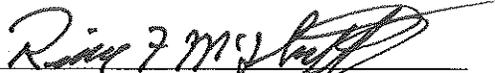
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

PASSED, ADOPTED, AND APPROVED, this 8th day of July, 2013.

CITY OF DEMING, NEW MEXICO

By  _____
Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk