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

# CITY COUNCIL MEETING

July 11<sup>th</sup>, 2011

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

## AGENDA

Call to Order / Pledge of Allegiance

1. Open Public Hearing for the 2012 Community Development and Planning Applications
  - A. CDBG Progress Report
  - B. Input – General Community
  - C. Close CDBG Hearing
2. Consent Agenda
  - A. Minutes – Special Council Meeting 06/06/11
  - B. Minutes – City Council Workshop and Regular Meeting 06/13/11
  - C. Minutes – P&Z 06/20/11 (Cancelled)
  - D. Minutes – Tourism Development Committee 06/21/11
    - a. Recommendation to approve TDC funding as follows:
      - i. Gem & Mineral Society - \$5,000
      - ii. Smokin' Oldies - \$1,000
      - iii. Old Timers - \$1,000
      - iv. Luna County Historical \$7,000
      - v. Great American Duck Race - \$3,000
  - E. Minutes – Airport Commission 06/21/11
  - F. Minutes – Park Commission 06/21/11
  - G. Minutes – Marshall Memorial Library 06/28/11
3. Public Forum
4. Out of State Travel Request by Chief Carillo to Attend a REMI Training in Salt Lake City, UT September 19-22, 2011
5. Out of State Travel Request by Judge Van Gundy to Attend a Course by NM Judicial Education Center in Reno, NV August 24-27, 2011
6. Mayor's Appointment to the Commission on Aging Board
7. Request to Grant Staff the Authority to Prepare a Quit Claim Deed to NMDOT for the Hwy. 180 Project on Chaparral Blvd.
8. City of Deming and Deming Police Officer's Association Agreement
9. Adoption of the ADA Transition Plan

10. Resolution: Ratifying a Certain Agreement Between the City of Deming and the Southwest New Mexico Council of Governments, Dated July 11, 2011
11. Resolution: Authorizing and Approving the Submission of a Completed Application for Financial Assistance and Project Approval to the NM Finance Authority for Wastewater Treatment Plant Liner Replacement Project
12. Resolution: Authorizing Participation in the Municipal Arterial Program Administered by the NM Department of Transportation
13. Resolution: Authorizing Participation in the Local Government Road Fund Program Administered by the NM Department of Transportation
14. Resolution: Sponsoring the Safe Routes to School Phase 2 Infrastructure Award and Maintenance of Phase 2 Projects
15. Amendment to the 2011-2012 Multi-Services Agreement Between Luna County and the City of Deming
16. Bids
  - a. Bid #11-20 3000# Redi-Mix Concrete
  - b. Bid #11-21 Type II Base Course
  - c. Bid #11-22 Washed 3/8 Inch Fractured Rock
  - d. Bid #11-23 Washed 1/2 Inch Fractured Rock
  - e. Bid #11-27 Fire Department Renovation
17. Adjourn Meeting

The next Special City Council Meeting is scheduled for 9:30 a.m. on July 26, 2011.

The next Regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., August 8<sup>th</sup>, 2011.

# CITY COUNCIL WORKSHOP MINUTES July 11, 2011

**Council**      **Andres Z. Silva, Mayor**      **William Shattuck, Mayor Pro Tem**  
**Present:**      **Linda Enis, Councilor**

**Absent:**      **Joe "Butter" Milo, Councilor**      **David Sanchez, Councilor**

**Staff**      **Richard McInturff, City Administrator**      **Aaron Sera, Community Svcs. Director**  
**Present:**      **Mary Jo Valdez, City Clerk**      **Edgar Davalos, Fire Chief**  
                    **Richard Kocab, Assistant Treasurer**      **Michael Carillo, Chief of Police**  
                    **Vicki Engle, HR Coordinator**      **Lloyd Valentine, Sr. Budget Analyst**

Mayor Silva and the City Council of Deming, New Mexico held a workshop on July 11<sup>th</sup>, 2011 at 4:00 p.m. to discuss items on the agenda of the City Council Regular Meeting scheduled for 6:00 p.m. the same day.

Councilor Enis asked if an ordinance to legalize medical marijuana had been presented to Council. Mr. McInturff explained that an ordinance to place medical marijuana as a special use, requiring a permit had been approved by Council; adding that there are legal issues still pending on the legalization of medical marijuana.

Councilor Enis asked to obtain the funding amounts that TDC approved last year. Mr. McInturff stated that the requests that were recommended this year had not been approved. Mr. Kocab stated that there was \$3,000 left to use discretionally by TDC. Councilor Enis asked if their over spending had been balanced out. Mr. McInturff stated that the revenues being received for TDC are approximately \$170,000; explaining that expenditures are \$250,000 to get back into compliance with State cash balance requirements. Mr. McInturff stated that the expenditures will be lowered over a three year period and balanced.

Chief Carillo stated that he is requesting out of state travel to attend the Rural Executive Management Institute (REMI) in Salt Lake City, Utah. Chief Carillo informed Council that all costs incurred would be paid by REMI. Chief Carillo also stated that he was one of the nominees out of eight from the West to attend a conference in October.

Mr. McInturff stated that Judge VanGundy has attended the Judicial conferences for the last two years; adding that the Judge's attendance at the conferences have been very beneficial.

Mr. Sera addressed Council stating that staff is requesting Council's approval to prepare a quit claim deed to the NMDOT for 2,436 +/- square feet east of the Chaparral intersection and 4,870 +/- square feet west of the same intersection to be signed by the Mayor. Mr. Sera further explained that the NMDOT is planning on a resurfacing project of Hwy. 180. The project will consist of widening the highway to create a four lanes; the project will also include turn out lanes at Chaparral Blvd

Mr. McInturff explained the agreement between the Police Department and the City of Deming stating that the agreement changes are similar to the Fire Department's agreement previously passed. Mr. McInturff explained the changes within the contract and recognized Ms. Engle's efforts as the lead negotiator; stating that she did an excellent job.

Mr. Patel stated that the ADA Transition Plan contains three separate policies. Mr. Patel stated that Section I mirrors Title VI of the Civil Rights Act. Mr. Patel stated that the plan contains a non-

discrimination policy and specifics regarding projects that are state and federally funded. Mr. Patel further stated that the plan specifies the appointment of a person to handle grievances. Mr. Patel stated that Section II contains the transition plan for City owned facilities. Mr. Patel stated that Section III addresses new subdivisions and major road construction. Mr. Patel stated that he was very proud of the City's compliance with ADA requirements. Mr. McInturff stated that Exhibit A lists needed improvements on City facilities. Mr. Sera stated that staff has interviewed people from the general public; adding that Mr. Patel has worked attentively on the plan.

Mr. Sera stated that the resolution to approve the agreement with Southwest Council of Governments (COG) is an annually required resolution. Mayor Silva asked if the City utilizes the COG's services. Mr. Sera stated that their entire staff is helpful and that the City utilizes their assistance often.

Mr. McInturff stated that the City is contemplating an application for approximately \$1.8 million to complete the first phase of construction and improvement of the Deming Wastewater Treatment Plant Liner Replacement Project; adding that there will be no prepayment penalty.

Mr. Sera stated that there are two resolutions, one dealing with Municipal Arterial Program (MAP) and one dealing with the Local Government Road Fund Program (LGRF), both associated with grant funding to repair Country Club Road. Mr. Sera stated that projects will repair Country Club Road from Dona Ana towards Pine Street.

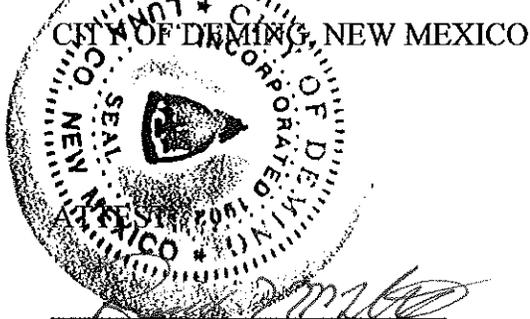
Mr. Sera stated that the resolution pertaining to Safe Routes pertains to the installation of sidewalks north of town by RST Elementary. Mr. McInturff asked if DOT was going to take the lead and if Deming Public Schools would be performing the work. Mr. Sera stated that NM Department of Transportation would be going out to bid and that the City would supply the documentation for the project.

As for the multi-services agreement, Mr. McInturff stated that that care of prisoners stayed the same. Mr. McInturff stated that consolidated dispatch changed quite a bit with the City taking responsibility for 50% or \$387,000 (estimated) of their budget, which is less than last year. Mr. McInturff stated that the Special Events Center changed dramatically with the County taking over on operations and maintenance of the Center commencing on July 1, 2011. Mr. McInturff stated that the City will terminate all financial interest and responsibilities accruing after the transfer date and that the County would allow the City to rent the facility for a five year period free from charges in consideration of the chairs, tables, dishes, equipment purchased by the City. Mr. McInturff stated that the County has been in contact with the Cancer Support Group and will be providing suitable office space and furnishings for the group for a year. Mr. McInturff stated that the solid waste management was reduced \$10,000; and the fire mutual aid was reduced \$25,000.

Mr. Sera stated that bids 11-20, 11-21, 11-22, and 11-23 are annually solicited bids.

Chief Davalos stated that the bids received were lower than estimated by the architects. Chief Davalos stated that the lowest bid was submitted by Classic Industries in the amount of \$1,055,055 without gross receipts tax for all three bid lots.

With no further business to conduct the workshop was adjourned at 4:45 p.m.



  
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Andres Z. Silva, Mayor

Richard F. McInturff, Deputy Clerk

# CITY COUNCIL MEETING MINUTES July 11<sup>th</sup>, 2011

**Council** Andres Z. Silva, Mayor William C. Shattuck, Mayor Pro Tem Linda Enis, Councilor  
**Present:** Joe "Butter" Milo, Councilor David Sanchez, Councilor

**Absent:**

**Staff** Richard F. McInturff, Administrator Aaron Sera, Community Services Director  
**Present:** Mary Jo Valdez, City Clerk Edgar Davalos, Fire Chief  
Premal Patel, Planner Michael Carillo, Chief of Police  
Richard Kocab, Assistant Treasurer

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

## 1. Open Public Hearing for the 2012 Community Development and Planning Applications

Mayor Silva conducted the fourth public hearing for the 2012 Community Development and Planning Applications.

### A. CDBG Progress Report

Mr. Sera read a CDBG progress report into the record. (Attached)

### B. Input – General Community

Mayor Silva opened the public hearing for public comments.

With no comments made, Mayor Silva closed public comments.

### C. Close CDBG Hearing

With no further comments made, Mayor Silva closed the public hearing.

## 2. Consent Agenda

A. Minutes – Special City Council Meeting 06/06/11

B. Minutes – City Council Workshop and Regular Meeting 06/13/11

C. Minutes – P&Z 06/20/11 (Cancelled)

D. Minutes – Tourism Development Committee 06/21/11

a. Recommendation to approve TDC funding as follows:

i. Gem & Mineral Society - \$5,000

ii. Smokin' Oldies - \$1,000

iii. Old Timers - \$1,000

iv. Luna County Historical - \$7,000

v. Great American Duck Race - \$3,000

E. Minutes – Airport Commission 06/21/11

F. Minutes - Parks Commission 06/21/11

Councilor Enis motioned to approve the consent agenda as presented, second by Councilor Sanchez; carried unanimously.

**3. Public Forum**

**4. Out of State Travel Request by Chief Carillo to Attend a REMI Training in Salt Lake City, UT September 19-22, 2011**

Chief Carillo addressed Council asking for their approval allowing him to attend the Rural Executive Management Institute (REMI) in Salt Lake City, Utah. Chief Carillo informed Council that all costs incurred would be paid by REMI.

Mayor Pro Tem Shattuck motioned to approve the out of state travel request by Chief Carillo to attend a REMI Training in Salt Lake City, UT from September 19 through 22, 2011, second by Councilor Milo; carried unanimously.

**5. Out of State Travel Request by Judge Van Gundy to Attend a Course by NM Judicial Education Center in Reno, NV August 24-27, 2011**

Mr. McInturff explained that this would be the Judge's third or fourth year attending the conference; adding that all costs incurred would be paid for by the Judicial Education Center.

Councilor Milo motioned to approve the out of state Travel Request by Judge Van Gundy to Attend a Course by NM Judicial Education Center in Reno, NV August 24-27, 2011, second by Councilor Sanchez; carried unanimously.

**6. Mayor's Appointment to the Commission on Aging Board**

Mayor Silva asked Council to accept his recommendation to appoint Ms. Teresa McLane to the Commission on Aging Board. Mayor Silva stated that Ms. Borden informed him of the need to fill a vacant spot on the board and recommended Ms. McLane as the appointee.

Councilor Sanchez motioned to approve the Mayor's appointment of Ms. Teresa McLane to the Commission on Aging Board, second by Mayor Pro Tem Shattuck; carried unanimously.

**7. Request to Grant Staff the Authority to Prepare a Quit Claim Deed to NMDOT for the Hwy. 180 Project on Chaparral Blvd.**

Mr. Sera addressed Council stating that staff is requesting Council's approval to authorize staff to prepare a quit claim deed to the NMDOT for 2,436 +/- square feet east of the Chaparral intersection and 4,870 +/- square feet west of the same intersection to be executed by the Mayor. Mr. Sera further explained that the NMDOT is planning on a reconstruction project of Hwy. 180. The project will consist of widening the highway to create a four lanes; the project will also include turn out lanes at Chaparral Blvd.

Councilor Milo asked if it affects the road that passes in front of Ben Archer. Mr. Sera confirmed. Mayor Silva asked if it the road in front of Ben Archer would be resurfaced as well. Mr. Sera confirmed that Chaparral would not be paved in this project.

Councilor Enis motioned to authorize staff to prepare a quit claim deed to NMDOT for 2,436 +/- square feet east of the intersection and 4,870 +/- square feet west of the intersection to be executed by the Mayor, second by Mayor Pro Tem Shattuck; carried unanimously.

**8. City of Deming and Deming Police Officer's Association Agreement**

Mr. McInturff stated that there were minor changes made to the Police Agreement, recognizing Ms. Engle for her efforts in negotiating the contract. Mr. McInturff reviewed the sections that have been changed as follows: The last sentence of Section 3, paragraph A was deleted; the sentence referenced probationary employees as they are not covered by the bargaining unit. Paragraph C.3 of Section 3 was deleted; the paragraph referenced the STAR program. Paragraph A of Section 9 was changed to include

the designation of a hearing officer in addition to or in place of the Committee. Paragraph C of Section 14 contained a correction in the last sentence. Paragraph D. 5. Of Section 14 was added the word "employee" before "illness" in the first sentence. And the word "employee" was placed before the word "sick" in the last sentence in the same section and paragraph. Paragraph E.1.m. in Section 14 was deleted; referring to School Resource Officer. Section 25, Shift Bidding was added. Paragraph B. in Section 29 was deleted as it was superseded by Amendment 1 on May 10, 2010. The third and fourth sentences were deleted in paragraph A. of Section 31. Paragraph E. of Section 34 was deleted. Section 43 was deleted. And the dates in Section 45 were changed to reflect the current contract timeframes.

Mr. McInturff added that the bargaining unit approved the agreement in final form.

Mayor Pro Tem Shattuck motioned to approve the agreement between the City of Deming and the Police Officer's Association, second by Councilor Enis; carried unanimously.

#### **9. Adoption of the ADA Transition Plan**

Mr. Patel presented the ADA Transition Plan stating that the plan is an umbrella plan containing three separate policies. Mr. Patel stated that Section I mirrors Title VI of the Civil Rights Act nondiscrimination policy. The plan contains a non-discrimination policy and specifics regarding projects that are state and federally funded. The plan specifies the appointment of a person to handle grievances. This appointed person shall also act as the ADA Coordinator. Mr. Patel stated that there is also a standardized procedure to file grievances as well as to investigate them.

Mr. Patel stated that Section II contains the transition plan for City owned facilities. Mr. Patel stated that staff surveyed City owned facilities and addressed obstacles and needed improvements to be ADA compliant. Mr. Patel stated that the plan also promotes programmatic barriers for City held meetings.

Mr. Patel stated that Section III addresses new subdivisions and major road construction. Mr. Patel stated that he was very proud of the City's compliance with ADA requirements. Councilor Milo asked if all buildings have been walked through. Mr. Patel stated that all publically accessible buildings were surveyed. Councilor Sanchez asked if the policy would serve as a living document. Mr. Patel stated that it would serve as a living document needing updates as necessary.

Councilor Milo motioned to adopt the ADA Transition Plan as presented, second by Councilor Enis; carried unanimously.

Mayor Silva thanked Mr. Patel for his efforts in organizing the plan.

#### **10. Resolution: Ratifying a Certain Agreement Between the City of Deming and the Southwest New Mexico Council of Governments, Dated July 11, 2011**

Mr. Sera read the resolution into the record.

Councilor Enis motioned to approve the resolution ratifying a certain agreement between the City of Deming and the Southwest New Mexico Council of Governments, dated July 11, 2011, second by Mayor Pro Tem Shattuck; carried unanimously.

#### **11. Resolution: Authorizing and Approving the Submission of a Completed Application for Financial Assistance and Project Approval to the NM Finance Authority for Wastewater Treatment Plant Liner Replacement Project**

Mr. McInturff stated that the City is contemplating a loan application for approximately \$1.8 million to complete the first phase of construction and improvement of the Deming Wastewater Treatment Plant Liner Replacement Project. Mr. McInturff stated that there will be no prepayment penalty. Mr. McInturff stated that the financing would come from the public project revolving fund. Mr. McInturff stated that there is a possibility that the City would obtain grant funding; and stated that staff requests the approval of the resolution as presented.

Councilor Milo asked what the timetable estimation is for the completion of the project. Mr. McInturff stated that the timeframe is dependent on securing the funds; adding that Phase I is budgeted for this year.

RESOLUTION NO. 11-19

**RESOLUTION OF THE CITY OF DEMING, NEW MEXICO RATIFYING A CERTAIN AGREEMENT BETWEEN THE CITY OF DEMING AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JULY 11<sup>th</sup>, 2011 AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF THE CITY OF DEMING.**

WHEREAS, The City of Deming is a member of and desires to have the services of the Southwest New Mexico Council of Governments; and

WHEREAS, it is necessary that an agreement setting forth the services to be performed by the Southwest New Mexico Council of Governments for the City of Deming be entered into and it is a requirement of the New Mexico State Laws; and

WHEREAS, it is necessary to set forth the sum to be paid by the City of Deming to the Southwest New Mexico Council of Governments, as annual dues, for said services; and

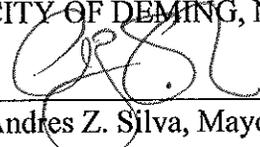
WHEREAS, it is the desire of the City of Deming to accomplish these purposes:

NOW THEREFORE BE IT RESOLVED BY THE CITY OF DEMING THAT:

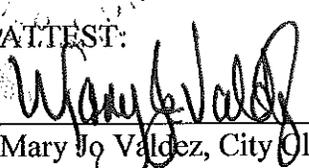
1. The AGREEMENT referred to in the caption of this Resolution (a copy of which is attached hereto and made a part hereof) expresses the desires and intent of the City of Deming.
2. The AGREEMENT set above is hereby ratified and approved by the authorized representatives of the City of Deming and is hereby authorized and instructed to affix their signature thereto.
3. A certified copy of this Resolution (together with the Agreement) shall be filed at the Southwest New Mexico Council of Governments.

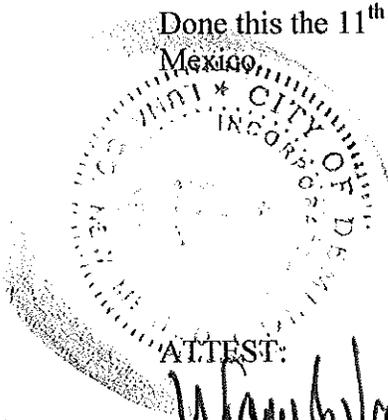
Done this the 11<sup>th</sup> day of July, 2011 in Regular Council Session, at the City of Deming, New

CITY OF DEMING, NEW MEXICO

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

ATTEST:

  
\_\_\_\_\_  
Mary Jo Valdez, City Clerk



Councilor Milo motioned to approve the resolution as presented, second by Mayor Pro Tem Shattuck; carried unanimously.

**12. Resolution: Authorizing Participation in the Municipal Arterial Program Administered by the NM Department of Transportation**

Mr. Sera read the resolution into the record. Mr. Sera stated that the City's match will be \$75,336.00 which is 25% of the project.

Councilor Enis motioned to approve the resolution authorizing participation in the Municipal Arterial Program Administered by the NM Department of Transportation, second by Councilor Sanchez; carried unanimously.

**13. Resolution: Authorizing Participation in the Local Government Road Fund Program Administered by the NM Department of Transportation**

Mr. Sera read the resolution into the record. Mr. Sera stated that the City's match will be \$12,958.00 which is 25% of the project.

Mayor Pro Tem Shattuck motioned to approve the resolution as presented, second by Councilor Milo; carried unanimously.

**14. Resolution: Sponsoring the Safe Routes to School Phase 2 Infrastructure Award and Maintenance of Phase 2 Projects**

Mr. Sera read the resolution into the record. Councilor Milo asked what area the project would be performed in. Mr. Sera stated that the project would be completed north of 2<sup>nd</sup> Street west of Hwy. 180. Mr. Sera stated that sidewalks would be constructed heading towards RST Elementary School. Mr. McInturff asked if Section 1 was correct; clarifying which entity would receive the funds. Mr. Sera stated that the City would act as the fiscal agent and the NMDOT would perform the work on the project.

Councilor Milo motioned to approve the resolution, second by Mayor Pro Tem Shattuck; carried unanimously.

**15. 2011-2012 Multi-Services Agreement Between Luna County and the City of Deming**

Mr. McInturff explained the changes to the agreement between the City of Deming and Luna County stating that the City will budget 50% of the County's actual total dispatch budget. Mr. McInturff stated that the City will meet with service participants on a periodic basis to discuss operational improvements and issues. Mr. McInturff stated that the County took over the operations and maintenance of the Special Events Center commencing on July 1, 2011. Mr. McInturff stated that the City will terminate all financial interest and responsibilities accruing after the transfer date and that the County would allow the City to rent the facility for a five year period free from charges in consideration of the chairs, tables, dishes, equipment purchased by the City. Mr. McInturff stated that the County has been in contact with the Cancer Support Group and will be providing suitable office space and furnishings for the group for a year. Mr. McInturff stated that the solid waste management was reduced \$10,000; and the fire protection was reduced \$25,000.

Councilor Enis asked if the County was transferred funds for the rental contracts at the Special Events Center. Mr. McInturff stated that the County requested the deposits for events scheduled after July 1; adding that City staff had delivered a check for those events.

Councilor Milo motioned the 2011-2012 Multi-Services Agreement between Luna County and the City of Deming, second by Mayor Pro Tem Shattuck; carried unanimously.

**16. Bids**

**a. Bid #11-20 3000# Redi-Mix Concrete**

Mr. Sera stated that the following four bids are done on an annual basis in efforts of obtaining a locked in price for these items so that they are available for the City's use as needed.

Mr. Sera stated that Desert Valley submitted the lowest bid at \$85 per yard, which was \$1 lower than

**CITY OF DEMING, NEW MEXICO**  
**RESOLUTION NO. 11-20**

**A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A  
COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND  
PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY**

**WHEREAS**, the City of Deming ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the Deming City Council ("Governing Body") is authorized to borrow funds and/ or issue bonds for financing of public projects for benefit of the Governmental Unit; and

**WHEREAS**, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

**WHEREAS**, the Governing Body intends to undertake acquisition, construction and improvement of the Deming Wastewater Treatment Plant Liner Replacement Project ("Project") for the benefit of the Governmental unit and its citizens; and

**WHEREAS**, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE  
CITY OF DEMING:**

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, by and the same is hereby ratified, approved and confirmed.

Section 2. That the officers and employees for the governing Body are hereby directed and requested to submit a completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the project.

Section 3. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

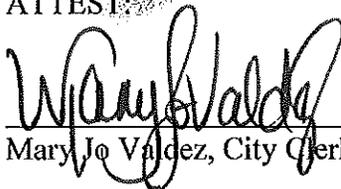
Section 4. This resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED THIS** 11<sup>th</sup> day of July 2011



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

ATTEST

  
\_\_\_\_\_  
Mary Jo Valdez, City Clerk

RESOLUTION NO. 11-21

PARTICIPATION IN MUNICIPAL ARTERIAL PROGRAM ADMINISTERED BY  
NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Deming and the New Mexico Department of Transportation have entered into a joint and coordinated effort.

WHEREAS, the total minimum cost of the project will be \$301,344.00 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 \$226,008.00

and

b. City of Deming's proportional matching share shall be 25% or a minimum of \$75,336.00.

The City of Deming shall pay all costs, which exceed the total amount of \$301,344.00.

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 June 30, 2013 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 MAP-7629 (902), Control Number HW2 L100055 with the New Mexico Department of Transportation for LGRF Project for year 2011-2012 for project

development, design, and reconstruction of Country Club Road from Dona Ana Rd. to Florida Street.

PASSED, ADOPTED, AND APPROVED this 11th day of July 2011.



**CITY OF DEMING, NEW MEXICO**

A handwritten signature in black ink, appearing to read "Andres Z. Silva".

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

**ATTEST:**

A handwritten signature in black ink, appearing to read "Mary Jo Valdez".

\_\_\_\_\_  
Mary Jo Valdez, City Clerk

RESOLUTION NO. 11-22  
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 joint and coordinated effort.

WHEREAS, the total minimum cost of the project will be \$51,833.00 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 \$38,875.00

and

- b. City of Deming's proportional matching share shall be 25% or a minimum of \$12,958.00.

The City of Deming shall pay all costs, which exceed the total amount of \$51,833.00.

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.

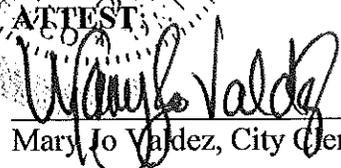
The agreement terminates on December 31, 2012 and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Project Number SP-1-12 (908), Control Number HW2 L100017 with the New Mexico Department of Transportation for LGRF Project for year 2011-2012 for "Project development, design and rehabilitation of driving lane for 1930 feet -Country Club Road (NM 427) "BOP" 600' north of Florida Street intersection north for approx. 1930-feet".

PASSED, ADOPTED, AND APPROVED this 11th day of July 2011.

CITY OF DEMING, NEW MEXICO

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

  
ATTEST:  
  
\_\_\_\_\_  
Mary Jo Valdez, City Clerk

**RESOLUTION OF SPONSORSHIP**  
**For a Safe Routes to School Phase 2 Infrastructure Award and Maintenance of**  
**Phase 2 Projects**

Resolution No. 11-23

**A resolution declaring the eligibility and intent of the City of Deming to sponsor an award from the New Mexico Department of Transportation for Safe Routes to School infrastructure funds and enter into a maintenance agreement for projects constructed with these funds.**

WHEREAS, the City of Deming, New Mexico, has the legal authority to apply for, receive and administer federal funds;

WHEREAS, the City of Deming, New Mexico, has been awarded up to \$250,000 in Phase 2 infrastructure funds by the New Mexico Department of Transportation (NMDOT) for Safe Routes to School (SRTS) projects as set forth by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU);

WHEREAS, the projects named in the SRTS Phase 2 application are eligible activities under the NM SRTS program and SAFETEA-LU and are included in the City of Deming and Deming Public Schools, New Mexico's SRTS Action Plan;

WHEREAS, the City of Deming, New Mexico, will enter into a maintenance agreement with the NMDOT regarding maintenance responsibility for all projects constructed with this funding;

WHEREAS, the Deming Public Schools is a co-sponsor of this project application; and

WHEREAS, after appropriate public input and due consideration, the City of Deming accepts this funding award from the New Mexico Department of Transportation.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Deming, NEW MEXICO, that

SECTION 1. The City of Deming, New Mexico, does hereby authorize Aaron Sera to accept SRTS Phase 2 infrastructure funds from the NMDOT for SRTS Phase 2 projects on behalf of the citizens of the City of Deming, New Mexico.

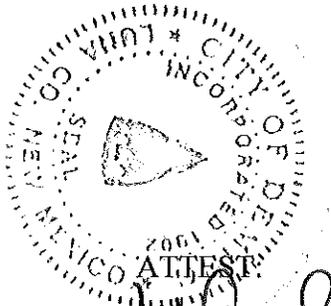
SECTION 2. The City of Deming, New Mexico, hereby assures the NMDOT that sufficient funding for the operation and maintenance of the SRTS Phase 2 infrastructure projects will be available for the life of the projects.

SECTION 3. The City of Deming representative, Aaron Sera, of the City of Deming, New Mexico, is authorized to enter into a maintenance agreement with the NMDOT for maintenance of SRTS projects constructed using these funds as set forth by SAFETEALU on behalf of the citizens of the City of Deming, New Mexico. The City of Deming representative is also authorized to submit additional information as may be required and act as the official representative of the City of Deming in this and subsequent related activities.

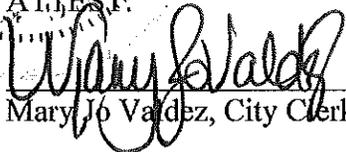
SECTION 4. The City of Deming, New Mexico, hereby assures the NMDOT that the City of Deming, New Mexico, is willing and able to administer all activities associated with the proposed project.

PASSED, ADOPTED, AND APPROVED this 11th day of July, 2011.

CITY OF DEMING NEW MEXICO



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

  
\_\_\_\_\_  
Mary Jo Valdez, City Clerk

last year's bid and recommended awarding the bid to Desert Valley.

Councilor Enis motioned to award Bid#11-20 to Desert Valley at \$85 per yard, second by Councilor Sanchez; carried unanimously.

**b. Bid #11-21 Type II Base Course**

Mr. Sera stated that O'Kelly Sand and Gravel submitted the lowest bid out of the three bids received at \$6.15 per ton, which was \$0.46 higher than last year's bid and recommended awarding the bid to O'Kelly.

Mayor Pro Tem Shattuck motioned to award Bid#11-21 to O'Kelly at \$6.15 per ton, second by Councilor Milo; carried unanimously.

**c. Bid #11-22 Washed 3/8 Inch Fractured Rock**

Mr. Sera stated that O'Kelly Sand and Gravel submitted the lowest bid out of the two bids received at \$16.94 per ton, which was \$0.26 lower than last year's bid and recommended awarding the bid to O'Kelly.

Councilor Enis motioned to award Bid#11-22 to O'Kelly at \$16.94 per ton, second by Mayor Pro Tem Shattuck; carried unanimously.

**d. Bid #11-23 Washed 1/2 Inch Fractured Rock**

Mr. Sera stated that O'Kelly Sand and Gravel submitted the lowest bid out of the two bids received at \$15.88 per ton, which was \$0.10 lower than last year's bid and recommended awarding the bid to O'Kelly.

Councilor Sanchez motioned to award Bid#11-23 to O'Kelly at \$15.88 per ton, second by Councilor Milo; carried unanimously.

**e. Bid #11-27 Fire Department Renovation**

Chief Davalos stated that there were four bids submitted for Bid #11-27 containing three bid lots. Chief Davalos stated that the lowest bid was submitted by Classic Industries in the amount of \$1,055,055 without gross receipts tax. Councilor Sanchez asked if the lowest bid included all three bid lots. Chief

Davalos confirmed that Classic Industries submitted the lowest bid for all three lots. Councilor Milo asked how long it would take after the bid was awarded for completion of the project. Chief Davalos stated that he spoke to Mr. Haas, architect, and was informed that the project would commence the first or second week of August; adding that the project completion should take approximately ten to twelve months.

Mayor Pro Tem Shattuck motioned to award Bid #11-27 Fire Department Renovation to Classic Industries for \$1,055,055 excluding gross receipts tax, second by Councilor Sanchez; carried unanimously.

**17. Adjourn Meeting**

With no further business to conduct, Councilor Sanchez motioned to adjourn the meeting at 7:12 p.m. second by Councilor Milo; carried unanimously.

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., August 8<sup>th</sup>,



CITY OF DEMING

  
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Andres Z. Silva, Mayor

  
Richard F. McInturff, Deputy Clerk