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

CITY COUNCIL MEETING

July 14, 2014

4:00 P.M. CITY COUNCIL WORKSHOP
6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order/Pledge of Allegiance

1. Consent Agenda
 - A. Minutes – City Council Workshop and Regular Meeting 6/09/14
 - B. Minutes – City Council Special Meeting 06/17/14
 - C. Minutes – Airport Commission Meeting 6/10/14
 - D. Minutes – Planning & Zoning Commission (*meeting cancelled*)
 - E. Minutes – Library Board Meeting 6/24/14
2. Public Forum
3. Proclamation Declaring July 14-18, 2014 As “New Mexico Hunger Week”
4. Approval of New Administrative Assistant Position Community Services/Public Works
5. Approval of the City of Deming and Luna County Multi-Services Agreement 2014-2017
6. Discussion of Resolution No. 14-17 Authorizing the Budgeted Phased Design Approach at the Marshall Memorial Library
7. Approval of Sale of a Tract of Land to Marvin Clary
8. Quasi-Judicial Public Hearing to Consider a Request for a Fertilizer Mixing Plant at 3485 “D” Street
9. Quasi-Judicial Public Hearing to Consider a Request for a Mobile Home or RV for Security Guard’s Quarters at New Mexico Smelter, 1700 W. 2nd Street.
10. Bids:
 - a. Bid #14-18 Washed One-Half Inch Fractured Chip Rock
 - b. Bid #14-19 Washed Three-Eighths Inch Fractured Chip Rock
 - c. Bid #14-20 Type II Base Course
11. Adjourn Meeting

*A special City Council meeting has been scheduled for July 25, 2014 at 9:00 a.m.
The next regularly scheduled Council Meeting is on August 11, 2014 at 6:00 p.m.*

CITY COUNCIL WORKSHOP MINUTES July 14, 2014

Council Present: Benny Jasso, Mayor

Linda Franklin, Mayor Pro Tem

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

David L. Sanchez, Councilor

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Gina Gentile, City Planner II

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

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

Mayor Jasso and staff members of the City of Deming, New Mexico held a workshop on July 14, 2014 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting, held at 6:00 p.m. the same day. The following items of the agenda were discussed:

Consent Agenda: Mr. Sera stated that there is nothing to address other than in I. Minutes-Library Board Meeting of 6/24/14, there was a discussion regarding the library renovation and addition. He stated that the staff would like to get public input regarding this project. Mr. Sera stated that item 6 in the agenda will address the library project and any concerns.

Proclamation Declaring July 14-18, 2014 as "New Mexico Hunger Week": Mayor Jasso will present the proclamation to Council.

Approval of New Administrative Assistant Position Community Services/Public Works: Mr. Sera stated that the City would like to get this position approved in case there would be a need. He stated that staff is not sure they will be hiring for this position, but would like the position approved in case the need arises. At this time, staff has not come to a conclusion that they will hire for this position.

Approval of the City of Deming and Luna County Multi-Services Agreement 2014-2017: Mr. Sera stated that the difference in this agreement is that the term is three years instead of one year. He stated that there still needs to be some consideration between both entities regarding Consolidated Dispatch and Solid Waste. However, for the time being, the both parties would like to get the agreement in place and then exercise the 30 day notice to discuss areas of concern. Mr. Sera stated that under Consolidated Dispatch the City will pay \$390,000 for those services, or 60% of the actuals, not to exceed \$415,000. Under the Recreation section, the only change was the listing of the different types of recreational programs to detail which programs will benefit from the funds. Mr. Sera stated that under

the Solid Waste section, they have split the section and added another labeled Recycling, but the total amount remains the same as last year.

Discussion of Resolution No. 14-17 Authorizing the Budgeted Phased Design Approach at the Marshall Memorial Library: Mr. Sera will present this item to Council and discuss some updates to the proposal.

Approval of Sale of a Tract of Land to Marvin Clary: Mr. Sera stated that back when the farm was purchased from Mr. Clary, the Clary's overlooked proper access. The subject property will allow for Mr. Clary to access his home, without having to cross over City owned property.

Mr. Massengill will present to Mayor and Council. He stated that all closing costs will be paid by the purchaser.

Quasi-Judicial Public Hearing to Consider a Request for a Fertilizer Mixing Plant at 3485 "D" Street: Ms. Gentile will present this case to Mayor and Council.

Quasi-Judicial Public Hearing to Consider a Request for a Mobile Home or RV for Security Guard's Quarters at New Mexico Smelter, 1700 W. 2nd Street: Ms. Gentile will present this item to Mayor and Council.

Bids:

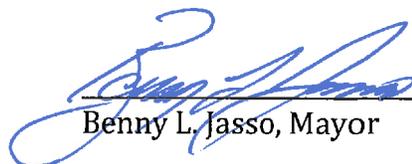
Bid #14-18 Wash One-Half Inch Fractured Chip Rock: Mr. Sera will present this item to Mayor and Council. He stated that only one bidder responded to the bid.

Bid #14-19 Washed Three-Eighths Inch Fractured Chip Rock: Mr. Sera will present this item to Mayor and Council. He stated that only one bidder responded to the bid.

Bid #14-20 Type II Base Course: Mr. Sera will present this item to Mayor and Council. He stated that only one bidder responded to the bid.

Adjourn Meeting: With no further business to discuss, Mayor Jasso adjourned the workshop at 4:09 p.m.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor




Aaron Sera, Clerk

CITY COUNCIL MEETING MINUTES July 14, 2014

Council Present: Mayor Benny L. Jasso
Joe “Butter” Milo, Councilor
David L. Sanchez, Councilor

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

Council Absent: None

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Gina Gentile, City Planner

Edgar Davalos, Fire Chief
Brandon Gigante, Police Chief
Jim Foy, City Attorney

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

Mayor Jasso called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

1. Consent Agenda

Mr. Sera presented the Consent Agenda to Mayor Jasso and Council and stated that there were items of discussion and that staff recommends approval of the consent agenda as presented.

Mayor Pro Tem Franklin moved to approve the Consent Agenda, as presented. Councilor Sanchez seconded the motion; motion carried unanimously.

2. Public Forum

Comments were noted for the following people who commented during the public hearing session:

- Jo Lindsay, 2001 S. Tin Street
- Tony Pedraza, 312 S. Iron Street
- Edward Khanbajian, 1721 E. Pine Street
- Larry Caldwell, 711 N. Zinc
- David Velez, 3770 Majestic View SW

3. Proclamation Declaring July 14-18, 2014 As “New Mexico Hunger Week”

Mayor Jasso read the proclamation into record. There was a brief comment period in which Larry Caldwell commented on the Helping Hand Organization.

Councilor Sanchez moved to approve the proclamation declaring July 14-18, 2014 as “New Mexico Hunger Week”, as presented. Councilor Milo seconded the motion; motion carried unanimously.

4. Approval of New Administrative Assistant Position Community Services/Public Works

Mr. Sera presented the new position job description to Council and asked that they tentatively approve this position. He stated that staff is exploring options as to whether or not they will fill the position, but it has been posted for internal applicants. Councilor Cruz asked Mr. Sera in what direction the City is looking at going with this position. Mr. Sera stated that they are looking at backfilling for the loss of employees without hiring a management position, at this point in time. He stated that since the project coordinator position was not filled, they would like to hire an administrative assistant to assist in both the Community Services and Public Works departments.

Although they have not finalized what that structure should look like, they would like the position approved in case they decide to hire, that way they would not have to wait for the approval. Councilor Milo asked what the salary for this position will be. Mr. Sera stated that a Range 22 is roughly \$40,000 annually. Mr. Sera stated that this is just an option in case staff decides to hire and go in that direction for staffing. Mayor Jasso stated that the decision would ultimately be up to Council and reminded them that they could hold off on a decision for further information from staff.

Councilor Cruz expressed his concern with the uncertainty of staff regarding what direction they will be taking. He also expressed his concern with allowing current employees to be able to be promoted within the organization. A lengthy discussion was entertained between staff and Council. Councilor Cruz also asked what the reason is that most people are leaving the City. Mr. Sera stated that basically it is due to them getting paid more with another employer.

Mayor Pro Tem Franklin made a recommendation to reevaluate this item once more information can be provided to Council.

Councilor Sanchez asked if the new position has been budgeted. Mr. Sera stated that it was within the budget.

Councilor Cruz stated that they would like to have more information in order to make a better decision on this position.

Councilor Milo moved to approve the new Administrative Assistant Position for Community Services/Public Works. Mayor Pro Tem Franklin seconded the motion. The motion was denied by the following vote: Councilor Milo, Aye; Councilor Cruz, Nay; Mayor Pro Tem Franklin, Nay; Councilor Sanchez, Nay.

5. Approval of the City of Deming and Luna County Multi-Services Agreement 2014-2017

Mr. Sera presented this item to Mayor Jasso and Council. He stated that this is the yearly Multi-Services Agreement with Luna County. He also pointed out that one of the key changes was that this agreement has been drafted with a 3-year term, from 2014-2017, in lieu of annually. He pointed out that the agreement can be renegotiated at any time with a 30-day written notice to the other party. He stated that another change is that there is no ETZ section in the new agreement. He also mentioned that in the Consolidated Dispatch section the City agrees to pay \$390,000 but has budgeted up to \$415,000. Mr. Sera went on to say that under the Recreation section, the only change was the listing of the different types of recreational programs to detail which programs will benefit from the funds. Mr. Sera stated that under the Solid Waste section, they have split up the section and added another labeled Recycling, but the total amount remains the same as last year at a total of \$148,000 for both. A discussion was entertained between staff and Council. Mr. Sera reiterated that the key change to the agreement was the term and the fact that any party can ask the other to renegotiate with a 30-day written notification. Councilor Cruz expressed several concerns he has with the Solid Waste section of the agreement.

Councilor Sanchez moved to approve the City of Deming and Luna County Multi-Services Agreement for 2014-2017, as presented. Councilor Cruz seconded the motion; motion carried unanimously.

6. Discussion of Resolution No. 14-17 Authorizing the Budgeted Phased Design Approach at the Marshall Memorial Library

Mr. Sera addressed Mayor and Council and referred to the copy of Resolution No. 14-17, which was passed at the May 12, 2014 Council Meeting. He stated that the Library Board has some concerns regarding the input of public comment. He also mentioned that he received a phone call from the architect stating that he could start the engineering design for the first phase and it would cost \$60,000. Mr. Sera stated that he told the architect that he could not believe that the whole project that was presented back in May would only cost \$60,000. The architects reply was that this amount was only for the first phase of the design and that the total costs of the full project would be in approximately \$2.5 to \$3 million. Mr. Sera is recommending that the City needs to suspend the project and gather more input from the public regarding the library project. He suggested rescinding Resolution 14-17 until more input can be obtained from the public.

Mayor Pro Tem Franklin moved to rescind Resolution No. 14-17 to get more input from the community. Councilor Milo seconded the motion; motion carried unanimously by the following roll call vote: Mayor Pro Tem Franklin, Aye; Councilor Sanchez, Aye; Councilor Milo, Aye; Councilor Cruz, Aye.

Councilor Cruz commented about the project and would hope that the community would value academics more than a baseball complex. The rest of the councilors stated that they would like to get the community's input before moving forward.

7. Approval of Sale of a Tract of Land to Marvin Clary

Mr. Massengill presented this item to Mayor and Council. He stated that the City owns the Clary farm, which is southwest of Deming. He went on to say that when the initial purchase was made, there was a piece of land that the Clary's retained for their personal residence. When the City was out at the farm installing a gas line on the leased farm, the Clary's realized that the property on the east side did not allow them access on to their property without crossing over City property. Mr. Clary then asked the City if he could purchase enough property in order to avoid this issue. Mr. Clary stated that he would pay all costs including surveys, and appraisal, and all other closing costs. Mr. Massengill stated that the appraisal shows the value at \$280.00. Mr. Massengill stated that the property sale is ready to go to closing, pending Council approval.

Councilor Sanchez asked if the City would be impacted in any way, if the sale is made to the Clary's. Mr. Massengill stated that the City access, wells or water rights would not be affected. Mr. Massengill stated that the request has been researched and feels comfortable with selling the subject property to Mr. Clary.

Councilor Cruz asked Mr. Massengill what the cost of the land was back when it was initially purchased. Mr. Sera stated that the appraisal was based on the initial purchase price. Councilor Cruz asked for some reassurance to make sure that the City would not be losing out on the sale of the property.

Mr. Foy stated that this sale is considered a "good neighbor" sale. By this he explained that the City would not want the Clary's to constantly be crossing through the City's property.

Councilor Sanchez moved to approve the sale of a track of land located at 5265 Hermanas Grade SW, for the purchase price of \$280.00 plus closing costs, to be paid by the purchaser. Mayor Pro Tem Franklin seconded the motion; motion was carried by the following vote: Mayor Pro Tem Franklin, Aye; Councilor Milo, Aye; Councilor Sanchez, Aye; Councilor Cruz, Nay.

8. Quasi-Judicial Public Hearing to Consider a Special Use Permit Request for a Fertilizer Mixing Plant at 3485 "D" Street

Mayor Jasso called the public hearing to consider a special use permit request for a fertilizer mixing plant proposed to be located at 3485 "D" Street, to order. He confirmed that Council had no conflicts of interest; that the public notices were properly posted; and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, presented the case to Mayor Jasso and Council. She stated that the applicant is leasing an existing building in the industrial park for this business. She also stated that the zoning regulations for the Industrial zone require that a use involving fertilizer manufacturing, first obtain a special use permit. She went on to say that the applicant has listed the chemicals he will be bringing to the site, for the mixing and production of finished products. She stated that the New Mexico Fertilizer Act has regulations that regulate the

activities involving fertilizer materials, manufacture, mixing, storing, distributing, and transporting. New Mexico Department of Agriculture is responsible for administering this act. Staff contacted the NMDA regarding this application and inquired as to the requirements and types of chemicals the applicant is proposing to use. The NMDA explained that the chemicals listed on this application do not pose an explosive hazard, but that a spill could be hazardous. The NMDA stated that the plant in Mesquite, NM produces similar materials, and that the odor from these materials was mild, and not detected by the inspector. Staff researched the Industrial park and found that there have been previous similar types of uses in the Industrial Park. If this application is approved, the building and equipment installation will be made to comply with building code requirements in addition to being inspected and approved by the NMDA prior to commencement of the business. The Planning Commission recommended the approval of the special use permit, provided further research was performed to insure safety. Ms. Gentile stated she contacted Dona Ana County to inquire what type of concerns or procedures they have for a similar use, since they have a few fertilizer mixing facilities in their County. She stated that she was told that it depends on the number of employees, and the scale of the facilities. She explained that this facility would have a maximum of 2 employees and was a small-scale facility, and the Planner at Dona Ana County stated with the proper zoning (such as Industrial), they would have no concerns regarding this use.

Mayor Pro Tem Franklin asked for clarification of the proposed location. Ms. Gentile pointed it out on the map. Mayor Pro Tem Franklin asked about the odor. Ms. Gentile stated that there would be a mild odor. Councilor Sanchez stated that he has been near the Mesquite plant and stated that there is an odor in that area. Mr. Sera stated that in the past, there used to be a fertilizer plant at that location.

Councilor Cruz asked if the fire department would be notified of the potential hazards imposed by this type of business. Ms. Gentile stated that they would be notified and was sure Chief Davalos would conduct an inspection prior to the commencement of business.

Mark Lewallen, 309 E. 6th Avenue, Oberlin, LA, stated that the reason he wants to start an operation in Deming, is because it is a competitive market for this type of business. He stated he has been selling in the area for 27 years and by opening a plant in Deming, it would be more cost effective than transporting the fertilizer from west Texas. Councilor Sanchez asked Mr. Lewallen if he is going to lease or rent the property. He stated that it would be leased.

Councilor Milo expressed his concern about the possibility of an explosion and referred to the recent explosion in west Texas. Mr. Lewallen stated that the chemicals used at the plant in west Texas were different from what he would use. They were handling ammonium nitrate, which has high explosive content. Mr. Lewallen stated that he would not be using ammonium nitrate at his plant, and has no desire to do so, since that chemical requires a permit from Homeland Security to handle that chemical.

Councilor Cruz asked Mr. Lewallen if there were any federal guidelines that he would have to adhere to in handling the products he will be using. He stated that there were not any. He

stated he has a list of all the NM regulations regarding the handling the products he will be using.

Councilor Milo asked how many months a year the plant would remain operating. Mr. Lewallen stated that it would remain operational, year-round. Mr. Lewallen stated that to start with, there would be two employees.

Mayor Jasso asked if there were any affective parties who would like to comment.

Jim Richardson, 2601 Water Hazard Drive, expressed his concerns regarding the MSDS sheets, explosives, particulates exposed into the air, chemical spills, and if Deming has a hazmat crew.

Councilor Cruz asked Mr. Lewallen how long he has been in the business of fertilizer mixing. He answered that as of June 1st, it has been 40 years. Councilor Cruz asked Mr. Lewellen that if in time he's been doing this, has there ever been any type of issues with any employees being affected by the chemicals he uses. He stated the only incident he can recall is a vehicle accident. He stated that is the reason he does not deal with ammonium nitrate.

Chief Davalos, Fire Department, stated that he would have to look at the plan for the plant, but he could not see any high risk involved based on the information he has been provided. He stated that anytime you deal with any type of chemicals there is a risk of hazmat spill. He stated that Deming does not have a hazmat crew, but Las Cruces is the closest crew available to respond. His only concern was that Mr. Lewallen would have to comply with the International Fire Code 2012 regarding storage of the chemicals and product. Chief Davalos stated that the Fire Department would have to go out and do a pre-operational inspection of the plant to make sure they address any issues prior to operations beginning.

Councilor Sanchez asked if the product would be in solid or liquid form. Mr. Lewellen addressed the question and stated that it would be brought in as a solid, then water would be added to make it liquid format. He would be storing 300-400 tons which roughly converts to 185 gallons per ton.

Mayor Jasso asked if there were any other persons who would like to speak.

Edward Khanbajian, 1721 E. Pine Street, asked if the property was 2 acres. Mr. Lewellen stated that according to the map he was provided, the property appeared to be approximately 2 acres. Mr. Khanbajian asked if the product would be stored indoors or outdoors. Mr. Lewellen stated that it would be stored both, indoor and outdoor. Mr. Khanbajian asked about the hours of operation. Mr. Lewellen stated that he was looking at 7 a.m. to 5 p.m., and would be on call. Mr. Khanbajian asked about the hazards involved, other than explosives. Mr. Lewellen explained that the chemicals, particularly sulfuric acid, could cause burns. Mr. Khanbajian stated that he has no objections to this business, but was wondering why the applicant chose a location so close to the City. Mr. Lewellen stated that he chose that location because it was readily available, however he would prefer to be further out from the City.

Larry Caldwell, 711 N. Zinc, expressed his concern of water usage for this operation. He also expressed his concern with water contamination. He asked if the ground water depth was known in this area. Mr. Massengill stated that it is approximately 160 feet deep. Mr. Caldwell asked how much water would be used for this operation. Mr. Lewellen stated that it would be approximately 120,000 gallons per year.

Mayor Jasso closed the public hearing and asked Council if they were prepared to make a motion or if it would require a closed session.

Councilor Cruz moved to approve the special use permit for a fertilizer mixing plant at 3485 “D” Street. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously by the following roll call vote:

ROLL CALL VOTE	
Councilor Sanchez	Aye
Mayor Pro Tem Franklin	Aye
Councilor Milo	Aye
Councilor Cruz	Aye

Mayor Jasso stated the decision announced by the authorities will be effective after the written order is executed and filed with both the Municipal and County Clerks. Any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court within 15 calendar days.

9. Quasi-Judicial Public Hearing to Consider a Request for a Mobile Home or RV for Security Guard’s Quarters at New Mexico Smelter, 1700 W. 2nd Street.

Mayor Jasso called the public hearing to consider a variance request for use of a mobile home or an RV at the New Mexico Smelter site located at 1700 W. 2nd Street, to order. He confirmed that Council had no conflicts of interest; that the public notices were properly posted; and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, presented this case to Mayor and Council. She stated that the case involves a variance request for use of a mobile home or an RV at the New Mexico Smelter site for 24 hours a day security. She went on to say that the applicant has had continued problems involving theft and vandalism to the property, and they are requesting that they be allowed to have either a mobile home or an RV to enable a person to remain on the premises 24 hours a day. Ms. Gentile stated that the property is zoned Industrial, which prohibits residential use, therefore, the applicant is seeking a variance. She stated that the case was denied by the Planning Commission due to the current conditions at the smelter including inoperative vehicles, unused campers on site and other code compliance violations. She stated that she and the code compliance officer visited the site and they did observe a couple of abandoned mobile homes, abandoned RVs, and inoperative vehicles, unused campers on site. However, the codes compliance officer did not want to cite the owner, since they are in the business of disassembling and melting metals, but they did note a couple of items on site that could be considered violations.

Mayor Pro Tem Franklin asked if any of the mobile homes or RVs were livable. Ms. Gentile state that at this time, they were not.

Councilor Sanchez asked that if the variance is granted, the owner should be asked to clean up the area and be given a reasonable time frame in which to do so.

A discussion was entertained regarding the cleaning up of the area by the applicant.

Ms. Gentile stated that the applicant's main reason for the request is that they have experienced theft of some of the precious metals they smelt, on site. Mr. Milo asked Police Chief Gigante if he could recall any reports of this to the Police Department. Chief Gigante stated that he did not recall any reports being filed with the department.

Mayor Jasso asked if there was anyone representing the applicant or agent available for comment. There were none.

Mayor Jasso asked if there were any affected parties wanting to speak. There were none. Mayor Jasso asked if there were any other persons wishing to speak.

Larry Caldwell, 711 N. Zinc, stated that this smelter has been in operation for a long time. He stated that the smelter has been a "junk yard" for several years, and is just accumulation all kinds of junk. He is concerned with the site and would like the applicant be held accountable for cleaning up the site before a variance is granted for another mobile home or RV.

A brief discussion was entertained regarding the permitting for a smelter.

Mayor Jasso closed the public hearing and asked Council if they were prepared to make a motion or go into closed session.

Councilor Sanchez moved to table the request pending the research of permitting requirements and require clean up on the site. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Mayor Pro Tem Franklin	Aye
Councilor Milo	Aye
Councilor Cruz	Aye
Councilor Sanchez	Aye

Mayor Jasso stated the decision announced by the authorities will be effective after the written order is executed and filed with both the Municipal and County Clerks. Any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court within 15 calendar days.

10. Bids:

a. Bid #14-18 Washed One-Half Inch Fractured Chip Rock

Mr. Sera stated that this bid is a yearly bid and only one bidder responded, which was Hobbs Sand and Gravel at \$24.00 per ton. He stated that staff recommends approval of this bid.

Councilor Sanchez moved to accept bid #14-18 for washed one-half fractured chip rock at \$24.00 per ton to Hobbs Sand and Gravel. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

b. Bid #14-19 Washed Three-Eighths Inch Fractured Chip Rock

Mr. Sera stated that this bid is, also, a yearly bid and Hobbs Sand and Gravel was the only bidder to respond at \$24.00 per ton. He stated that staff recommends approval of this bid.

Councilor Sanchez moved to accept bid #14-19 Washed three-eighths inch fractured chip rock to Hobbs Sand and Gravel for \$24.00 per ton. Councilor Milo seconded the motion; motion carried unanimously.

c. Bid #14-20 Type II Base Course

Mr. Sera stated that the one bid submittal at \$10.35 per ton, and staff recommends approval of Hobbs Sand and Gravel for \$10.35 per ton.

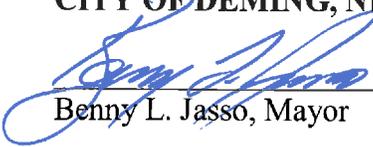
Councilor Sanchez moved to approve bid #14-20 for Type II Base Course at \$10.35 per ton from Hobbs Sand and Gravel. Councilor Cruz seconded the motion; motion carried unanimously.

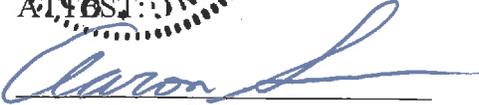
11. Adjourn Meeting

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Councilor Milo seconded the motion; motion carried unanimously. Meeting adjourned at 8:27 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Clerk

Proclamation

DECLARING JULY 14 THROUGH 18, 2014 AS "NEW MEXICO HUNGER WEEK"

WHEREAS, nationwide, New Mexico has one of the highest rates of overall food insecurity of all residents, including children, veterans, the homeless and seniors; and

WHEREAS, annual feeding America statistics ranked New Mexico as the most food insecure state for Children in the nation; and

WHEREAS, forty thousand New Mexicans seek food assistance each week; and

WHEREAS, forty percent of New Mexicans who receive food assistance are children under the age of eighteen, while seven percent for those children are under the age of five; and

WHEREAS, thirteen percent of people who seek food assistance are senior citizens; and

WHEREAS, it is a myth that people who need food assistance are homeless or out of work, when, in reality, only eight percent of people seeking assistance are homeless and thirty-two percent of households seeking emergency food assistance include at least one employed adult; and

WHEREAS, while thousands of New Mexicans receive assistance through the supplemental nutrition assistance program, the funding only provides for less than three weeks of groceries; and

WHEREAS, New Mexicans face difficult choices between paying for food and paying for utilities, rent or mortgage, medicine or medical care and transportation; and

WHEREAS, there is an urgent need to address New Mexico's food insecurity and to eliminate hunger in New Mexico; and

WHEREAS, a hunger summit coordinated and sponsored by the North Central New Mexico Economic Development District and the non-metro area agency on aging will be held on July 17-18, 2014 at the Isleta resort and casino in Albuquerque to address these issues; and

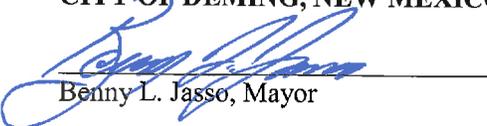
WHEREAS, statewide participation is expected to include federal and state agencies, local governments, non-profit agencies, food banks, faith-based organizations and other entities that are addressing hunger issues in New Mexico;

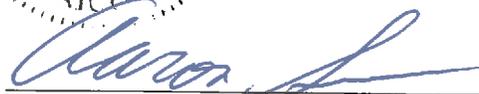
NOW THEREFORE, BE IT PROCLAIMED by the City of Deming City Council that July 14 through 18, 2014 be declared "New Mexico Hunger Week"; and

BE IT FURTHER PROCLAIMED that copies of this Proclamation will be transmitted to the North Central New Mexico Economic Development District/non-metro area agency on aging.

RESOLVED, APPROVED AND ADOPTED THIS 14th day of July, 2014.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, City Clerk



**LUNA COUNTY RESOLUTION NO. 14-38
CITY OF DEMING RESOLUTION NO. 14-22**

**CITY OF DEMING AND LUNA COUNTY
MULTI-SERVICES AGREEMENT
2014-2017**

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

Care of City Prisoners:

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

Consolidated Dispatch:

The City of Deming will pay three hundred ninety thousand dollars (\$390,000) for consolidated dispatch service. Payment will be made in equal quarterly installments of ninety-seven thousand five hundred dollars (\$97,500) to be paid on the 15th day of the third month of each fiscal year quarter. On June 15th of each fiscal year the City will review the actual dispatch budget and pay a true up amount of 60% of actuals not to exceed \$415,000. The City will meet with service participants on a periodic basis to discuss operational improvements and issues.

Special Events Center:

The County of Luna took over operation and maintenance of the Special Events Center from the City of Deming effective July 1, 2011. Deposits for bookings after June 30, 2011, were turned over to the County. The City has terminated all financial interest and responsibilities accruing after June 30, 2011. County will not charge the City rental fees for use of the facility for a period of four years, beginning July 1, 2012, in consideration for the chairs, tables, dishes, and equipment purchased by the City and given to the County. This arrangement will expire June 30, 2016.

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

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

Recreation – Luna County will pay the City of Deming Thirty Thousand Dollars (\$30,000) toward salaries and operational costs for recreation programs including but not limited to Summer Recreation Programs, Sam Baca Aquatic Center, Youth Football, Youth Soccer, etc... so that residents in the unincorporated areas can enjoy all City recreational services on the same terms and conditions as City residents. Payment will be made in equal quarterly installments of \$7,500 to be paid on the 15th day of the third month of each fiscal year quarter.

Solid Waste Management – Luna County will pay One Hundred Forty Thousand Dollars (\$140,000) toward the operation of the City's Transfer Station so that County residents can use these facilities on the same terms and conditions as City residents. Payment will be made in equal quarterly installments of \$35,000 to be paid on the 15th day of the third month of each fiscal year quarter. The County will operate solid waste collection points at various convenient locations throughout the County to encourage County residents to properly dispose of their refuse in these controlled locations. In addition, the County will commit to provide in-kind services in the form of labor and equipment toward the closure of the 4th Street Landfill.

Recycling – Luna County will pay Eight Thousand Dollars (\$8,000) toward the operation of the City's Recycling Program. The County will process all their collected recyclables, except for actual baling, and remove prohibited items from the recycle stream. Payment will be made in equal quarterly installments of two thousand dollars (\$2,000) to be paid on the 15th day of the third month of each fiscal year quarter.

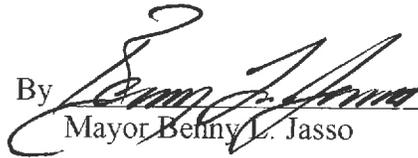
Ambulance/EMS – For the fiscal year ending June 30, 2014, the County will pay the City of Deming Three Hundred Fifteen Thousand Dollars (\$315,000) for ambulance/EMS services in the unincorporated areas of the County. Payment will be made in equal quarterly installments of \$78,750 to be paid on the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

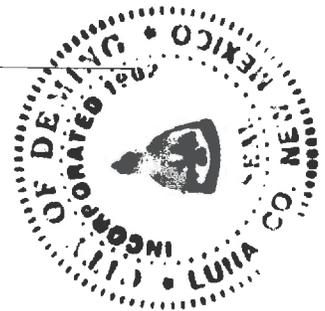
Fire – For fire prevention and suppression, Luna County and the City of Deming agree to render mutual aid. The City agrees to provide primary first response fire fighting to structure fires occurring within the unincorporated areas of the County and Luna County agrees to pay the City of Deming Seventy-Five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

Term of Agreement –The term of this agreement shall be annually beginning July 1, 2014 through June 30, 2017, unless amended or terminated by either party as hereinafter provided. The Agreement shall remain in effect so long as all terms and conditions of this Agreement are met. Either party may terminate or amend this Agreement by delivery of written notice to the other party at least thirty (30) calendar days prior. Amendments must be approved by both the Luna County Board of Commissioners and the City of Deming Council.

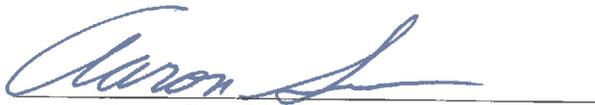
for: CITY OF DEMING, NEW MEXICO

Date: 7-14-14

By: 
Mayor Benny L. Jasso

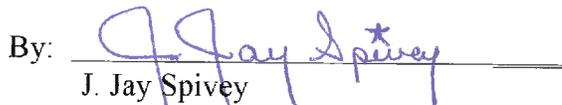


ATTEST:


Aaron Sera, City Clerk

for: LUNA COUNTY, NEW MEXICO

Date: June 26, 2014

By: 
J. Jay Spivey
Chairman, Board of County
Commissioners

ATTEST:


Andrea Rodriguez, County Clerk

