



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

CITY COUNCIL MEETING

August 8th, 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 – City Council Workshop and Regular Meeting 07/11/11
 - B. Minutes – Special City Council Meeting 07/26/11
 - C. Minutes – Tourism Development Committee 07/13/11 (Discussion Only)
 - D. Minutes – P&Z 07/18/11
 - a. Recommendation to deny a Special Use Permit for LaSalle LaBaron
 - b. Recommendation to approve an Alternate Subdivision for Frederick Sherman (Withdrawn before Council Meeting)
 - E. Minutes – Marshall Memorial Library 07/26/11
 - F. Approval to Transfer Obsolete Fire Equipment to Savoy Volunteer Fire Department
3. Public Forum
4. Southwest Regional Planning Organization Presentation – Traci Heffelbower
5. Presentation of Certificates By Deming Police Department to 1st Lieutenant Gomez, 2nd Lieutenant Tarazon, and Sergeant Pacheco
6. Approval of Supplemental Agreement with Luna Energy Facility Partners
7. Authorization for Management Action Concerning 12 Lots on Slate Street Owned by SWRHDCD
8. Mayor's Re-Appointments to Commissions, Committees, and Boards
9. Quasi Judicial Public Hearing: To Consider a Special Use Permit for a Mobile Oil Change Shop by Ms. Pizarro
10. Quasi-Judicial Public Hearing: To Consider a Special Use Permit for a Transmission Shop by Mr. Diaz
11. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision, Zoning Amendment, and Dedication of Subdivision Name for Approximately 53 Acres Northwest of Northside Park and East 8th Street
12. Closed Session: To Discuss the Sale of Farm Real Estate and Water Rights Pursuant to NMSA 1978, Sections 10-15-1 (H) (8) of the Open Meetings Act
13. Open Session: Motions if any
14. Adjourn Meeting

The next Regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., September 12th, 2011.

CITY COUNCIL WORKSHOP MINUTES August 8TH, 2011

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

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

Staff Present: Richard McInturff, City Administrator
Aaron Sera, Assistant City Administrator
Mary Mackey, Administrative Assistant
Nancy White, Acting City Planner Technician

Mayor Silva and the City Council of Deming, New Mexico held a workshop on August 8th, 2011 at 1:30 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 noted a typo on page two of the workshop minutes of July 11th, 2011, paragraph six, that should read "...County would allow the City to rent the facility..."

Mr. McInturff stated that Traci Heffelbower, from the Council of Governments, would be giving an update on the Regional Planning Organization.

Mr. McInturff stated that item six (6) on the agenda is to finalize the outstanding items regarding easements. He stated there is a gas easements in which a portion on the south was missed, as well as satisfying some gaps with this agreement. Mr. McInturff stated that the City is getting an additional \$12,000 because of a miscalculation in the gas easement. Mr. McInturff stated that the check has already been received by the City.

Mr. McInturff gave a recap on item seven on the agenda regarding the sale of 12 lots back in 2008 to Southwest Regional Housing and Community Development Corporation. He stated there was a time limit of 18 months from the time of the sale to develop the lots but the homes have not sold. Mr. McInturff stated that Council decided to authorize a three-year extension of the existing note and allow a soft second mortgage to be put on the property when it is sold to the home buyer. It has come to the attention of management that it is not possible for the city to place a soft second mortgage on the property, due to anti-donation. Mr. McInturff stated that according to Ordinance 1-14 the City can donate to a housing organization but not to an individual.

Mayor Silva stated that that is what he thought was going to happen to begin with. Mr. McInturff stated that the city was to actually hold a second mortgage in the city's name against the owner when they sold it.

Mr. McInturff stated that management recommends extending an offer of an additional three years; that the time limit to develop the lots should be extended to the expiration of the note; the provision to allow a soft second mortgage be placed on the mortgage be rescinded. Mr. McInturff stated that management is also requesting authority to negotiate a plan of relief including donation or forgiveness of debt for the four lots that are developed and return the eight remaining lots to the City. The plan of relief will be in conformance with Title 1, Chapter 14, which is known as the City's affordable housing ordinance. Mr. McInturff stated that the New Mexico Finance Authority (NMFA) would be a

party to the negotiations and that management would return to Council for approval at the appropriate time.

Mr. McInturff stated that when the ordinance was adopted, it was new within the state, and it has been recommended that updates be made to the ordinance, so Council may need to go through an ordinance amendment process to accomplish the recommendation.

Mr. McInturff stated that he would like to meet with NMFA to request an expedited attention to this matter, further stating that the longer the process takes interest is building up, the insurance is high, the houses are not being sold, are not being occupied therefore are at risk. Mr. McInturff stated that he just gave an updated report to the housing Corporation so that they are aware of the status.

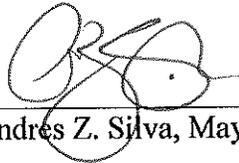
Mr. McInturff stated that there is a two-part request in the third paragraph, as well as a request for authority to negotiate a plan in the fourth paragraph.

Mr. McInturff stated that the quasi-judicial items nine, ten and eleven on the agenda will be presented by Nancy, and Mr. Sera would be assisting her.

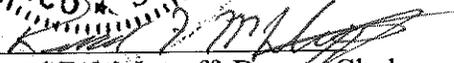
With no further business to conduct the workshop was adjourned at 1:44 p.m.

CITY OF DEMING, NEW MEXICO





Andres Z. Silva, Mayor



Richard F. McInturff, Deputy Clerk

**CITY COUNCIL MEETING
MINUTES
August 8th, 2011**

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

Absent: None

Staff Richard F. McInturff, Administrator Aaron Sera, Assistant City Administrator
Present: Mary Mackey, Administrative Secretary Edgar Davalos, Fire Chief
Richard Kocab, Assistant Treasurer Michael Carillo, Chief of Police
Nancy White, Acting City Planner Technician

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 fifth 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.

Ms. Lively stated she would like to see lighting, curbs and sidewalks along the east and west side of Pear Street. Ms. Lively stated that the area looks run down.

C. Close CDBG Hearing

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

2. Consent Agenda

A. Minutes – City Council Workshop and Regular Meeting 07/11/11

B. Minutes – Special City Council Meeting 07/26/11

C. Minutes – Tourism Development Committee 07/13/11 (Discussion Only)

D. Minutes – P&Z 07/18/11

a. Recommendation to deny a Special Use Permit for LaSalle LaBaron

b. Recommendation to approve an Alternate Subdivision for Frederick Sherman (Withdrawn before Council Meeting)

E. Minutes – Marshall Memorial Library 07/26/11

F. Approval to Transfer Obsolete Fire Equipment to Savoy Volunteer Fire Department

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

3. Public Forum

Luna County Commissioner Spivey is seeking endorsement from City Council to partner with Luna County in approaching Department of Homeland Security to increase the visa allotted boundary that international travelers can reach, from the 25 miles to 75 miles. Commissioner Spivey stated that the travelers would be in violation of the set boundary if they came to Deming to shop. Commissioner Spivey stated that Arizona has been successful in obtaining a traveler boundary extension and would like to do the same here in Luna County.

Luna County Commissioner Spivey stated that Luna County would like to partner up with the City of Deming in installing a convenience station at the transfer station. Commissioner Spivey presented a set of plans on an already existing convenience station for review that would allow dumping by the public when the transfer station closed. Mr. Miller, Luna County Road Superintendent, stated that any solid waste dumping station that receives under 240 cubic yards of waste does not have to be manned. Mr. Miller stated that the rules are posted at the locations and that the general public has been abiding by the rules. Mr. Miller stated that Luna County has trucks and containers and are looking for different sites to install the dumping containers to assist with solid waste.

Ms. Lively asked if there would be any insurance requirement for the international travelers, and stated that they should be required to have insurance should they get into an accident. Atty. Jim Foy stated that New Mexico has a mandatory financial responsibility requirement.

4. Southwest Regional Planning Organization Presentation – Traci Heffelbower

Ms. Heffelbower gave an overview of the functions of the Southwest Regional Planning Organization (SWRPO). Ms. Heffelbower stated that there is a transportation bill that requires that the state to consult with all local government to develop projects under certain funding programs. Ms. Heffelbower stated that under the SWRPO, four to five of the 50 funding programs are addressed. Ms. Heffelbower stated that within our region the SWRPO is made up of 13 local governments, that is made up of a policy committee and a technical advisory committee. Ms. Heffelbower stated that the region compiles a list of projects that are ranked and rated and submitted to the New Mexico Department of Transportation which in turn reviews their funding for the projects. Ms. Heffelbower stated that she is a facilitator for the RPO meetings that meet every other month, and is a resource to the local government.

Councilor Sanchez asked what role Ms. Heffelbower would play when it comes to projects such as the truck bypass project that is wanted.

Mr. Sera stated that Ms. Heffelbower reviews project forms and makes suggestions as to how to make a stronger request to the NMDOT. Mr. Sera stated that different funding opportunities are reviewed by Ms. Heffelbower who in turn forwards the information to the local government.

Councilor Milo asked if the City has a project that is ongoing that Tracy would help us with. Mr. Sera stated that the City of Deming has the most project requests submitted to the DOT.

5. Presentation of Certificates By Deming Police Department to 1st Lieutenant Gomez, 2nd Lieutenant Tarazon, and Sergeant Pacheco

Chief Carrillo presented a certificate of commendation to Mounted Patrol 1st Lieutenant Robert Gomez, 2nd Lieutenant Frankie Tarazon and Sergeant Gildardo “Junior” Pacheco for their dedicated service to the City of Deming and the Deming Police Department.

6. Approval of Supplemental Agreement with Luna Energy Facility Partners

Mr. McInturff stated that this is the last portion of the settlement with Luna Energy Facility partners. Mr. McInturff referred to page two, section two that mentions the settlement payments. Mr. McInturff stated that it was also discovered that there was an underpayment for the easement in the survey. Mr. McInturff stated that in the agreement it was agreed to execute the easement documentation and recording it upon the acceptance of the agreement. Mr. McInturff stated that there was a small leg of gas

easement that was left out on the western end that has been corrected in the supplemental agreement. Mr. McInturff recommended council approval.

Councilor Shattuck motioned to approve the supplemental agreement as presented, second by Counselor Sanchez.

Councilor Shattuck amended his motion to include finalization of the western easement of the gas line, second by Councilor Sanchez; carried unanimously.

7. Authorization for Management Action Concerning 12 Lots on Slate Street Owned by SWRHCDC

Mr. McInturff read the memo into record which describes the transaction that occurred between the City of Deming and the Southwest Regional Housing and Community Development Corporation (SWRHCDC) concerning 12 lots. Mr. McInturff stated that four of the 12 lots have been developed but the new homes have not sold. Mr. McInturff is recommending that the City extend the note for an additional three years, extend the time limit to develop the lots to the expiration date of the note, and the provision of the soft second mortgage be rescinded. Mr. McInturff is also requesting authority to negotiate a plan of relief including donation or forgiveness of debt for the four lots that are developed and return of the eight remaining lots.

Councilor Shattuck motioned to allow the city to continue the extension of the note for an additional three years; extend the time limit to develop the lots until the expiration of the new extension of the note; allow the soft second mortgage originally placed on the property to be rescinded; also give management the authority to negotiate a plan of relief to include the donation or forgiveness of the debt of the four lots with negotiations involving New Mexico Finance Authority.

Councilor Enis asked if the motion should include the return of the lots to the city.

Councilor Shattuck amended the motion to include the return of the eight lots to the City, second by Councilor Milo; carried unanimously.

8. Mayor's Re-Appointments to Commissions, Committees, and Boards

Mayor Silva read into record the memo of his recommendation of reappointments to commissions, committees, and boards. Mayor Silva is recommending Julia Russell and Barbara Walsh to the Marshall Memorial Library Board. Mayor Silva is recommending Manny Ortiz, Michael Martin, Dr. James O'Connell to the Planning and Zoning Commission. Mayor Silva is recommending Laura Pottorff and Tony Sayre to the Parks Commission. Mayor Silva is recommending James Olson and Janell Faudoa to the Tourist Development Committee. Mayor Silva is recommending Michael Martin, Danny King and Richard Little, to the Extraterritorial Zoning Commission.

Councilor Enis motioned to accept the recommendations as requested, second by Councilor Sanchez; carried unanimously.

9. Quasi Judicial Public Hearing: To Consider a Special Use Permit for a Mobile Oil Change Shop by Ms. Pizarro

Mayor Silva conducted a quasi-judicial public hearing to consider a special use permit for Mobil oil change service; confirmed that Council had no conflict of interest; that the public notices were legally posted; and swore in all parties who would be giving testimony. Mayor Silva asked staff to present the case.

Ms. White stated that the headquarters for this service is located in the county; however, services will be performed within the city and therefore require special use permit as an automotive service or repair. Ms. White stated that used oil is removed by vacuum eliminating drain plug removal. The oil filters are removed and a drain pan will be used to catch residual drainage. Ms. White stated that the applicant has secured Canyon State Oil for oil recycling. Ms. White stated that staff has no objections to the request.

Mr. Caldwell asked if a skid will be mounted on the truck. Ms. White affirmed.

Councilor Enis requested clarification whether the acreage total was 53 or 56. Mr. Underwood stated it was 56.758 acres.

Councilor Enis made a friendly amendment to her motion to change the acreage from 53 to 56.758 acres, second by Councilor Milo;

ROLL CALL VOTE:

Councilor Sanchez aye
Mayor Pro Tem Shattuck aye
Councilor Enis aye
Councilor Milo aye
Motion passed and carried unanimously.

12. Closed Session: To Discuss the Sale of Farm Real Estate and Water Rights Pursuant to NMSA 1978, Sections 10-15-1 (H) (8) of the Open Meetings Act

Councilor Shattuck motioned to go into closed session to discuss the modification of employment contracts pursuant to NMSA 1978 Section 10-15-1 (H) (2) of the Open Meetings Act, second by Councilor Milo;

ROLL CALL/VOTE

Councilor Enis Aye
Councilor Sanchez Aye
Mayor Pro Tem Shattuck Aye
Councilor Milo Aye
Motion passed and carried unanimously.

13. Open Session: Motions if any

Councilor Enis motioned to go into open session, second by Councilor Milo;

ROLL CALL/VOTE

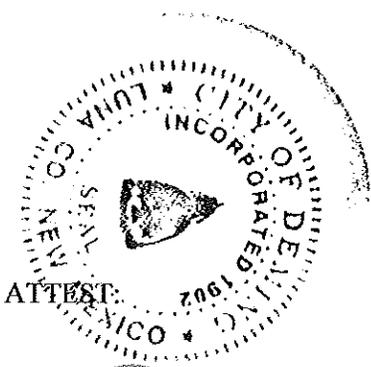
Mayor Pro Tem Shattuck Aye
Councilor Sanchez Aye
Councilor Enis Aye
Councilor Milo Aye
Motion passed and carried unanimously.

Mayor Silva stated for the record that there were no motions made during closed session and that only those items that were stated upon the motion to close were discussed.

14. Adjourn Meeting

With no further business to conduct, Councilor Shattuck motioned to adjourn the meeting at 7:52 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., September 12th, 2011.



ATTEST:

Richard F. McInturff, Deputy Clerk

Andres Z. Silva, Mayor

Proclamation

Friendship Circle

Whereas, every person has been endowed by the Creator with a precious soul; a soul with unique capabilities and talents

Whereas, for too long the precious souls of special needs children have been neglected and under-valued by society, resulting in isolation and loneliness, instead of integration and belonging

Whereas, the Friendship Circle helps special needs children make the most of the capabilities and talents by providing teen and adult volunteers to replace isolation and loneliness with happiness, self-confidence and a sense of community

Whereas, the Friendship Circle has grown from one city serving a (few) dozen kids to Friendship Circle centers in many cities serving hundreds upon hundreds of children

Whereas, three cyclists, Zalman Perleman, Dani Saul, and Shmuel Rothstein, are pedaling from New Jersey to California to raise awareness of, and support for special needs children, and the work of the Friendship Circle

Whereas, they have stopped in Deming, NM on August 10, 2011 to promote the Friendship Circle's many achievements, such as helping to increase the self-esteem of special needs' children, while training a new generation of volunteers to support community organizations, and

Whereas, inclusion and acceptance is a foundation of our society, and an important part of spiritual growth for all people,

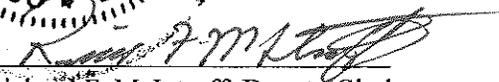
NOW THEREFORE, I Andres Z. Silva, Mayor of the City of Deming, commend and congratulate Zalmen, Dani and Shmuel for their impressive deed, and add our community's best wishes for the continued success and awareness for special needs children, their parents and Friendship Circle centers in the United States and around the world.

Done this 10th day of August of 2011 in the City of Deming, New Mexico.





Andrés Z. Silva, Mayor



Richard F. McInturff, Deputy Clerk