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CITY COUNCIL MEETING

August 10, 2015

6:00 P.M.

AGENDA

Call to Order/Pledge of Allegiance

1. Consent Agenda

- A. Minutes – City Council Regular Meeting 07/13/15
- B. Minutes – Special City Council Meeting 07/02/15
- C. Minutes – Special City Council Meeting 07/28/15
- D. Minutes – Parks Commission 07/14/15
 - a. Recommendation to rename Pocket Park to Arts Park
- E. Minutes – Planning & Zoning Commission 07/20/15
 - a. Recommendation to approve the variance request for a porch and carport (non-conforming use) and setback at 307 S. 12th Street (*to be presented later as a Quasi-Judicial Public Hearing*)
 - b. Recommendation to approve a variance request for an off-premise sign at the NE corner of Pine Street and Silver Avenue, contingent on the applicant obtaining approval from the property owner and the State Department of Transportation (*to be presented later as a Quasi-Judicial Public Hearing*)
 - c. Recommendation to approve the request for an alternate subdivision dividing a 6.379 acre parcel of land into two lots, located on the north side of Poplar Street, west of Mimbres Street and South of Ash Street (*to be presented later as a Quasi-Judicial Public Hearing*)
 - d. Recommendation to approve the special use permit by the City of Deming for the installation of a tower/antenna at 2301 S. Tin Street (*to be presented later as a Quasi-Judicial Public Hearing*)
 - e. Recommendation to approve the preliminary plat for Desert Willow Estates Subdivision (*to be presented later as a Quasi-Judicial Public Hearing*)
 - f. Recommendation to approve the final plat of Phase 1 of Desert Willow Estates Subdivision (*to be presented later as a Quasi-Judicial Public Hearing*)
- F. Minutes – Tourism Development Committee Meeting 07/23/15
- G. Out-of-State Travel Request for Cassie Arias to attend the International Economic Development Council (IEDC) 2015 Annual Conference in Anchorage, Alaska on October 4-7, 2015.
- H. Bids:
 - a. Bid #16-01 Washed One-half Inch Fractured Chip Rock
 - b. Bid #16-02 Washed Three-eighths Inch Fractured Chip Rock
 - c. Bid #16-03 Type II Base Course
- I. Disposal of Fixed Assets

2. Public Forum
3. Resolution to Consider Adopting the 2017-2021 Infrastructure Capital Improvements Plan (ICIP) for the City of Deming, New Mexico.
4. Public Hearing to Consider an Ordinance Amending Title 9, Chapter 5 “Sewer Rates, Formula” Of The Municipal Code Of The City Of Deming, New Mexico
5. Bids:
 - a. Bid #15-16 Low Bid Recommendation for Pear Street Revitalization Phase III WTB-311 Waterline Replacement
 - b. Bid #15-07 Low Bid Recommendation for Florida Street Widening Project (*Supporting documents to be provided at meeting*)
6. Opening of Quasi-Judicial Public Hearings
 - a. Quasi-Judicial Public Hearing to Consider a Special Use Permit for a tower/antenna for the City of Deming
 - b. Quasi-Judicial Public Hearing to Consider a Variance for Setback and for Structural Alteration of a Non-Conforming at 307 S. 12th St.
 - c. Quasi-Judicial Public Hearing to Consider a Variance request for an off-premise sign
 - d. Quasi-Judicial Public Hearing to Consider an Alternate Subdivision request for a lot split
 - e. Quasi-Judicial Public Hearing to Consider the Subdivision Preliminary Plat for Desert Willow Subdivision
 - f. Quasi-Judicial Public Hearing to Consider the Subdivision Final Plat Phase 1 for Desert Willow Subdivision
7. Administrator’s Report
8. Closed Session to Discuss the Potential Litigation and Purchase, Acquisition or Disposal of Real Property pursuant to NMSA 10-15-1(H)(7) & (8) of the Open Meetings Act.
9. Adjourn Meeting

The next regular City Council Meeting is scheduled for September 14, 2015 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES August 10, 2015

Council Present: Benny L. Jasso, Mayor
David L. Sanchez, Councilor
Roxana Rincon, Councilor
Joe “Butter” Milo, Mayor Pro Tem
Dr. Victor Cruz, Councilor

Council Absent: None

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Wesley Hooper, Community Svcs. Dir.
Jim Foy, City Attorney
Raul Mercado, Fire Chief
Gina Gentile, City Planner
Brandon Gigante, Police Chief

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 called attention to the following items on the Consent Agenda:

He noted that in Item D. Minutes-Parks Commission 07/14/15, they have made a recommendation to rename Pocket Park to Arts Park. He went on to say that in Item E. Minutes-Planning & Zoning Commission 07/20/15, there are six cases which will be presented later in the meeting as Quasi-Judicial Public Hearings.

Mr. Sera next called attention to Item F. Minutes-Tourism Development Committee Meeting 07/23/15, he stated that several recommendations were made but were not put on the agenda due to fact that the recommendations are within the budget Council has previously approved. He did note that the Committee is trying to establish their own method of advertising for tourism and they are doing this through the consultant that was hired, HK Advertising. Another recommendation is to change the meeting time from 10:00 a.m. to 9:00 a.m.

Mayor Pro Tem Milo stated that he can see they are trying to get away from having too many signs around town. He stated that one of the members wanted to keep one sign. Mr. Sera stated that the Visitor’s Center was the one who made this recommendation in regards to billboards. However, the consultant stated that the billboards are not the best “bang for our buck”. A brief discussion was entertained between Mayor Pro Tem Milo and Mr. Sera regarding the billboards.

Mr. Sera went on to mention that the TDC Committee also made a recommendation to cancel the rack card distribution through Certified Folder, due to the fact that there is already a rack card distributor, Fun ‘N Games, who was approved through the TDC budget.

Mr. Sera went on to discuss Item G. Out-of-State Travel Request for Cassie Arias to attend the International Economic Development Council 2015 Annual Conference in Anchorage, Alaska on October 4-7, 2015. He stated that Ms. Arias has requested out of state travel approval to attend this conference and that the DLEDC Board will be paying her registration fees if the City covers travel expenses. He stated that he highly recommends she attend this conference as it is almost a requirement for her to obtain her certification as a professional in the Certified Economic Developer Program (CEcD).

Councilor Cruz stated that it would be beneficial to the City and Council, for Ms. Arias to present a 5-10 minute presentation regarding the information from the conference she will be attending. He went on to say that this would be helpful when approached by the citizens when asked what the City is doing to promote economic development. Mr. Sera stated that due to her current schedule, it is difficult for Ms. Arias to attend the Monday evening Council Meeting, but he will try to get her in to speak on this topic.

Mr. Sera went on to address the next item, Item H. Bids, he stated that these are standard annual bids in which the vendors provide pricing for the pick-up of these materials. He noted that the bid tabulation copies and recommendation memos are provided for all three bids.

He went on to Item I. Disposal of Fixed Assets and stated that these items that we are asking for the property mentioned, and housed at the Senior Center, to be approved for disposal. He referred to the enclosed memo and supporting documentation.

He asked Council if they had any questions. Councilor Cruz stated that he would like to discuss the renaming of Pocket Park to Arts Park. Councilor Cruz stated that he was not disagreeing with the name, but wondered if anyone had considered engaging the public in this process in the form of a contest. Mr. Dan Henke, MainStreet board member, stated that they have been working in the park for the past 3-4 years and currently had their first event in which local artists displayed their artwork in the park. Mr. Henke stated that he felt the name would be appropriate.

Mayor Jasso entertained a motion from Council.

Councilor Sanchez moved to approve the Consent Agenda, as presented. Mayor Pro Tem Milo seconded the motion. Mayor Jasso asked if there was any further discussion. Councilor Cruz asked if he would have to recuse himself from this vote, due to the fact that two of the Quasi-Judicial recommendations pertained to him. Mr. Sera clarified that this vote was only to approve the consent agenda and that it was not approving or denying any of the cases, as they will be heard later in the meeting. Mayor Jasso called for a vote. The motion carried unanimously.

2. Public Forum

Comments were made by the following person:

- Mauricio Dominguez, 915 San Miguel Street

With no further comments, Mayor Jasso closed the public forum session.

3. Resolution to Consider Adopting the 2017-2021 Infrastructure Capital Improvements Plan (ICIP) for the City of Deming, New Mexico

Mr. Sera presented this resolution for the ICIP to Mayor Jasso and Council. He stated that there have been some public meetings already held regarding this and have taken input from staff to comprise a list of prioritized projects. He noted that priority #1 is the Public Safety Facility, which is a building to house both the police and fire departments. Mr. Sera emphasized that the top 5 priorities are looked at for consideration of Capital Outlay monies. He went on to speak of the Truck Alternate Route, which he stated was very critical due to the port of entry expansion. He stated that this would alleviate the heavy truck traffic on the downtown roads. He also mentioned the three other proposed projects of the top five which were: Sewerlines Replacement, Street Maintenance, and Multi-use Paths, respectively.

Mr. Sera went on to read the resolution into record.

Mayor Jasso entertained a motion from Council.

Councilor Sanchez moved to adopt the resolution for the 2017-2021 Infrastructure Capital Improvements Plan (ICIP) for the City of Deming, as presented. Councilor Rincon seconded the motion; motion carried unanimously.

4. Public Hearing to consider an Ordinance Amending Title 9, Chapter 5 “Sewer Rates, Formula” of the Municipal Code of the City of Deming, New Mexico

Mr. Massengill presented this item to Mayor and Council. He stated that this is a proposed ordinance for a change to the sewer incremental rate. He stressed that there is no change to the cost of sewer and recalled the recently passed ordinance to change the water unit from cubic feet to gallons. Mr. Massengill noted that the City is proposing the same scenario, a change to the incremental rate, going from cubic feet to gallons. He stated that this will align the current water and sewer rates to both be read in gallons. Mayor Pro Tem Milo asked for clarification in the unit used when reading water rates. Mr. Massengill stated that they are currently being read in 100 gallon increments. Mr. Massengill briefly explained the sewer rate calculation.

Mayor Jasso opened the public hearing for public comments.

Mauricio Dominguez, 915 San Miguel St., asked for clarification regarding the sewer rate as he understood the rate would be increased. A brief explanation was given to Mr. Dominguez by Councilor Cruz and Mr. Massengill. Mr. Massengill explained the calculation process to Mr. Dominguez. Mr. Massengill stated there would be no change to Mr. Dominguez’s bill at all.

Mrayor Pro Tem Milo moved to approve an ordinance amending Title 9, Chapter 5 “Sewer Rates, Formula” of the Municipal Code of the City of Deming, New Mexico. Councilor Cruz seconded the motion; motion carried unanimously.

5. Bids:

a. Bid #15-16 Low Bid Recommendation for Pear Street Revitalization Phase III WTB-311 Waterline Replacement

Mr. Massengill started off by summarizing the history of this project. He stated that the City received funds from the Water Trust Board for a waterline replacement on Pear Street, which is a combination of loan, grant, and City match funds. Mr. Massengill mentioned that nine (9) bids were received for this bid and opened on July 29, 2015. Smithco Construction submitted the lowest initial bid in the amount of \$538,001.21 including NMGRT. He stated that staff recommends awarding the construction bid to Smithco Construction and staff requests authorization for the Public Works Director and/or City Administrator to enter into an agreement with Smithco Construction and execute any documents related to this project. He explained that the project will include the area on Pear Street from Highway 11 to Eighth Street, which will be a full replacement of a trunk line. He went on to say that there are 4 streets in which parts of the line to the north and south of Pear Street will also be worked on. Mr. Massengill went on to say that this old asbestos line will remain abandoned in place and the new line will run adjacent to it.

Council Cruz commented on the variation of the bids received. A lengthy discussion was entertained regarding the bid amounts, the experience and location of the top 4 bidders, and change orders on a project.

Councilor Cruz moved to approve Bid #15-16 Low Bid Recommendation for Pear Street Revitalization Phase III WTB-311 Waterline Replacement to Smithco Construction for \$538,001.21 including NMGRT. Councilor Sanchez seconded the motion; motion carried unanimously.

b. Bid #15-07 Low Bid Recommendation for Florida Street Widening Project

Mr. Massengill explained that this item was put on the agenda with hopes that a recommendation would be available in time for this meeting. However, in reviewing the bids, it was discovered that the received bids came in at over the budgeted amount. Therefore, further review of the project is being done in order to determine if it is feasible to continue with the project as planned. Mr. Massengill and Mr. Sera recommend tabling this item for further review. Mr. Massengill stated that these projects go on over a long period of time, which at the time of the initial estimate, an application is turned in for the proposed amount. He went on to say that due to the estimate being at conditions from the time of the estimate, in comparison to now, the costs of the estimate has increased.

Mayor Pro Tem Milo moved to table Bid#15-07 Low Bid Recommendation for Florida Street Widening Project. Councilor Cruz seconded the motion; motion carried unanimously.

6. Opening of Quasi-Judicial Public Hearings

Mayor Jasso read the six (6) public hearings to be presented. They are as follows:

- a. Special Use Permit for a tower/antenna for the City of Deming

- b. Variance for setback and for structural alteration of a non-conforming use
- c. Variance for an off-premise sign
- d. Alternate Subdivision
- e. Desert Willow Subdivision Preliminary Plat
- f. Desert Willow Subdivision Final Plat Phase 1

He called all six Quasi-Judicial public hearings to order. He swore in all parties who were signed in to give testimony.

Mayor Jasso went on to say that once a decision is announced by the authority, it will become effective after the written order is executed and filed with both the Municipal and County Clerks, and any action of the City Council in approving conditionally approving or denying this application may be appealed to the District Court 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council or by the City Administrator.

The first hearing, Special use permit for a tower/antenna for the City of Deming was called to order. Mayor Jasso confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest and that the legal notices were properly posted by the secretary.

Ms. Gentile, City Planner, presented the case to Mayor Jasso and Council. She stated that the case involved a special use permit request for a monopole structure for the purpose of installation of an antenna and associated equipment used for the City of Deming's new meter reading system. She stated that due to the fact that this is a type of telecommunications tower, it is necessary for the tower to have a special use permit. She stated that staff had no technical objections to this request and referred to a photo of the tower and site plan showing where the tower is located; on Tin Street at South Park.

Mayor Jasso asked if there were any questions of staff by any Council member. Councilor Sanchez asked for Ms. Gentile to point out the location of the tower on the map. She did so. Mayor Jasso asked if this tower was next to the Literacy Center. Ms. Gentile stated it was.

Mayor Jasso asked if any affected parties would like to speak. There was no response.

Mayor Jasso asked if any other persons would like to speak. There was no response.

Mayor Jasso asked if Council had any questions. Councilor Sanchez asked how tall the monopole is. Mr. Massengill responded that it is 75 feet tall and that it is one of the five transceivers used for the new water meter system. Mr. Massengill stated that this transceiver was inadvertently overlooked. Mr. Foy stated that the City is trying to do what's right and seek approval for this oversight.

Mayor Jasso asked if any Council member was prepared to make a motion or if they wanted to go into closed session under NMSA 1978 10-15-1(H)(3).

Councilor Sanchez moved to approve the special use permit for the tower/antenna for the City of Deming located at South Park, as presented. Councilor Cruz seconded the motion; motion carried unanimously by the following roll call vote:

ROLL CALL VOTE

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

The seconded hearing, a variance request for setback and structural alteration of a non-conforming use at 307 S. 12th Street, was called to order by Mayor Jasso. Mayor Jasso confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest and that the legal notices were properly posted by the secretary.

Ms. Gentile, City Planner, presented the case to Mayor and Council. She stated that this case involved an existing building, a residence that is located in a commercial zone at 307 S. 12th Street in which the front of the house faces the west. She explained that the applicant would like to build a porch on the front of the house and a carport on the side. The porch will be 10 feet by 31 feet and the carport will be 12 feet by 44 feet. The carport will be 1 foot from the property line on the north side of the property and will extend to the property line in the front.

Ms. Gentile stated that the variance being requested for the two structures is in regard to the enlargement or structural alteration of a non-conforming use, and there would be a two-part ruling on the case. She went on to say that the first ruling would be regarding whether or not the addition of the porch and carport are considered an enlargement or structural alteration of a non-conforming building. If not, the variance is not necessary regarding the structure. The second part is approval or denial regarding the 1 foot side setback from the property line on the north side of the property in lieu of the 2 foot requirement by code.

Mayor Pro Tem Milo asked if the porch and carport are going to be open structures. Ms. Gentile stated that they would be open structures. Council Sanchez suggested that in the first ruling, it should be stipulated that the building must remain open in order to continue falling under the decision. Ms. Gentile acknowledged that this would be a good idea.

Mayor Jasso asked the applicant/agent if they would like to make a statement. Johnny Villegas stated that he had also applied for approval of a six-foot fence, three feet block and three feet wrought iron. Ms. Gentile confirmed that the matter regarding the fence was look upon on a case-by-case basis and that it was determined that it would not require a variance.

Mayor Jasso asked if there were any questions of the applicant by any Council member. Council Sanchez reiterated that in the event the request is granted, it will be under the

condition that the structure remains open. He asked staff if a screened in porch would be considered a closed structure. Ms. Gentile stated that she does not believe a screened porch would be considered a closed structure. Mr. Villegas stated that he did not intend to close the structures.

Mayor Jasso asked if any affected parties would like to speak. There was no response.

Mayor Jasso asked if any other persons would like to speak. There was no response.

Mayor Jasso closed the public comments and brought the hearing back to Council. He entertained a motion from Council or asked if they would want to go into closed session under NMSA 1978 10-15-1(H)(3).

Councilor Cruz found in the ruling that the porch and carport are not considered an enlargement or structural alteration of a non-conforming building. Therefore, the variance for the first part of this case is not necessary. He moved to approve the variance for the side setback of 1 foot on the north side. Mayor Pro Tem Milo approved the finding and the motion; motion unanimously carried by the following roll call vote:

ROLL CALL VOTE

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

The third hearing, to consider a variance request for an off-premise sign, was called to order by Mayor Jasso. Mayor Jasso confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest and that the legal notices were properly posted by the secretary.

Ms. Gentile presented the case to Mayor Jasso and Council. She stated that this case involves a variance for a sign that the applicant would like to place on the corner of Pine and Silver, near his business but not on-site. She stated that there is a free-standing sign at this location that the applicant is going to lease and put up a sign for his business, should his request be approved. Ms. Gentile explained that the applicant would like to have the sign to make his business more visible to people going down Pine Street since his business is at the end of Silver and not readily visible to traffic. She noted that the variance pertains to section 11-1-2 that states that “no off-premise signs shall be allowed in the City of Deming.” She also noted that there are possibly state requirements that will prohibit this “off-premise” sign. Ms. Gentile stated that the only information she was able to ascertain from the New Mexico Department of Transportation is that if the sign was in the highway right-of-way, they would have a say over permitting this. She went on to say that staff understands that the sign is on private property. She noted the application, drawing of location of the sign, and a picture of the existing location of pole.

Councilor Cruz expressed his concern regarding the existing off-premise signs throughout

Deming and that it appears that they do not comply with the code. Ms. Gentile stated that older signs throughout Deming have been “grandfathered” in and going forward the City is trying to enforce the current sign code.

Mayor Jasso asked if the applicant/agent would like to make a statement. Mr. Robert Yacone, 222 W. Buckeye Street, applicant/owner of Forghedaboutit Pizza, stated that when he first opened at this current location, he noticed this sign. He went on to say that he contacted the owner of the property and negotiated the usage of this sign. Mr. Yacone stated that he just wants to promote his business since his business is located out of sight when driving on Pine Street.

Mayor Jasso asked if any affected party would like to speak. There was no response.

Mayor Jasso asked if any other people would like to speak. There was no response.

Mayor Jasso closed the public hearing and entertained a motion from Council or asked if they would like to go into closed session under NMSA 1978 10-15-1(H)(3).

Councilor Cruz moved to approve the variance request for an off-premises sign for Forghedaboutit Pizza. Mayor Pro Tem Milo seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

The fourth hearing, to consider an alternate subdivision request for a lot split was called to order by Mayor Jasso. Mayor Jasso confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest and that the legal notices were properly posted by the secretary.

Ms. Gentile, City Planner, presented this case to Mayor Jasso and Council. She stated that this case is for an alternate subdivision for a lot split of a 6.379 acre parcel of land into 2 lots. She went on to say that the lots front on a public street and the parcel of land has been legally divided through a court order, but has not been legally subdivided. Ms. Gentile stated that staff has no technical objections to the request. She added that the copy of the plat is available in the packet presented to Council; and that the property is located adjacent to Ash and Poplar Streets and borders on Mimbres Court. She also noted that the survey and court order concerning this property were also in their packet.

Councilor Sanchez asked if this same case and proposed plat had previously been presented to Council, as he recalls it from approximately two years ago. Ms. Gentile recalled that the ordinance states that after 2 years if a preliminary plat is not developed, it dissolves. Therefore, any ruling from the previous meeting would no longer be effective. She stated

that her understanding of the previous ruling is that there was a disagreement between the property owners in regard to the proposed plat and that nothing was ever done. Ms. Gentile also stated that the recent court order would supersede and previous ruling, as well. Ms. Gentile also made a note of the plat in regards to the cul-de-sac on Mimbres Street.

Council Cruz asked Mr. Foy for advice regarding Council's ruling in regard to the court order. Mr. Foy gave his explanation.

Mayor Jasso asked if the applicant/agent was present to make a statement. No one was present.

Mayor Jasso asked if there were any affected parties who would like to speak. There was no response.

Mayor Jasso asked if there were any other persons who would like to speak. There was no response.

Mayor Jasso closed the public hearing and entertained a motion from Council or asked if they would like to go into closed session under NMSA 1978 10-15-1(H)(3).

Councilor Cruz moved to approve the alternate subdivision request for a lot split, as presented. Mayor Pro Tem Milo seconded the motion; motion was carried by the following roll call vote:

ROLL CALL VOTE

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

The fifth hearing, to consider the subdivision preliminary plat for Desert Willow Subdivision, was called to order by Mayor Jasso. Mayor Jasso confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest and that the legal notices were properly posted by the secretary. Councilor Cruz stated that there was a conflict of interest due the fact that he is the owner of the subject property and he would be recusing himself from voting on this case and would be available only to answer questions.

Ms. Gentile, City Planner, stated that this case is for the preliminary plat approval and final approval of Phase 1 of the subdivision. She added that Phase 1 approval will be presented in the next case. She went on to say that the plans were submitted for the preliminary plat which include the infrastructure plan and drainage plans as required by the code. Ms. Gentile stated that staff conducted a "design review meeting" at which a representative from Engineering, Public Works, Planning and the City Administrator were present. She noted that the plans appear to be complete and in compliance with the City of Deming requirements. Ms. Gentile noted that the plat will be phased, and the phases are indicated on the preliminary plat; and the applicant would like to proceed with Phase 1 of the plat, right away. Ms. Gentile

commented that staff has no technical objections to the request.

Mayor Jasso asked if there were any questions of staff by any Council member. There were none.

Mayor Jasso asked if the applicant/agent would like to make a statement. Mr. Cruz stated for the record, that in the Planning and Zoning meeting, Commissioner O'Connell stated that the plans for his subdivision have been the most detailed request they have ever seen. Councilor Cruz stated that he has gone over and beyond the City's requirement to make sure he followed every rule that is in the Planning and Zoning Commission, and to make sure that there is not perception of favoritism. He went on to say that during this process, he has been made keenly aware of all rules and requirements of the City.

Mayor Jasso asked if there were any questions of the applicant/agent by Council. Mayor Pro Tem Milo commented that he feels Mr. Cruz has gone over and beyond and his intent is to comply all the regulations regarding the subdivision of this property.

Ms. Gentile commented that this is the first full subdivision request she has processed for the City of Deming in her 3 years of employment. She noted that she has 17 total years of planning experience, and affirmed that as long as she is employed at the City of Deming, she will handle future full subdivision requests in this manner and it is not unusual for this type of request. Mr. Sera stated that through the whole process, everyone learned that there are steps the City can take in the future to make things go easier.

Mayor Jasso asked if there were any affected parties who would like to speak. There were none.

Mayor Jasso asked if there were any other parties who would like to speak. Mr. Waldon Wolfe, 3303 Taos Court, asked for clarification of the location of the subject property.

Mayor Jasso closed the public hearing and entertained a motion from Council or asked if they would like to go into closed session under NMSA 1978 10-15-1(H)(3).

Mayor Pro Tem Milo moved to approve the request for the preliminary plat for Desert Willow Subdivision, as presented. Councilor Rincon seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Sanchez	Aye
Councilor Rincon	Aye
Mayor Pro Tem Milo	Aye

The sixth hearing, consider the final plat for Phase 1 of the Desert Willow Subdivision, was called to order by Mayor Jasso. Mayor Jasso confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest and that the legal notices were properly posted by the secretary. Mr. Cruz stated that there was a conflict of interest due the fact that

he is the owner of the subject property and he would be recusing himself from voting on this case and would be available only to answer questions.

Ms. Gentile, City Planner, stated that this case is for a final plat approval of Phase 1 of the subdivision and that Phase 1 consists of three lots, one of which was already platted in a previous alternate subdivision. She noted that the lots front on an existing paved road, the utilities, lighting, curb, gutter and sidewalks will be installed for the 3 lots after final plat approval. Ms. Gentile stated that staff has no technical objections to this request.

Mayor Jasso asked if there were any questions of staff by Council. There were none.

Mayor Jasso asked if the applicant/agent would like to make a statement. Mr. Cruz reiterated that he has followed all rules and regulations posed to him by the Planning and Zoning Committee.

Mayor Jasso asked if any affected parties would like to speak. There was no response.

Mayor Jasso asked if any other persons would like to speak. There was no response.

Mayor Jasso closed the public hearing and entertained a motion from Council or asked if they would like to go into closed session under NMSA 1978 10-15-1(H)(3).

Councilor Sanchez moved to approve the final plat for Phase 1 of the Desert Willow Subdivision, as presented. Councilor Rincon seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Sanchez	Aye
Councilor Rincon	Aye
Mayor Pro Tem Milo	Aye

7. Administrator's Report

Mr. Sera reported on the following items:

- Monthly Reports for Code Enforcement-He noted that a recent change in the code enforcement process has produced an increase in warnings to citizens regarding the weed situation. He noted that he hopes this process will work much better.
- Streets Department Monthly Report-Mr. Sera called attention to the section of this report in which it is referenced that they continue to work on the Reedy pond. He explained that the City Street Department is working on enlarging the pond owned by Mr. Reedy in the Country Club Estates in order to help correct the drainage issue in the Mills Subdivision. In exchange for Mr. Reedy allowing the City to use his pond, another pond on Slice Road will be enlarged to divert water from within the Country Club Estates Subdivision. Councilor Cruz commented that he commends the City of improving the process during his requests, so that these types of issues do not happen in the future.
- Water meter project looks like billing is back on track with minimal errors.

- He stated that the City is working on a joint venture with Freeport McMoran for a community project in the Economic Development realm. This entails CDL training for drivers since the City and Freeport McMoran are frequently in need of CDL drivers. He noted that PNM may also be contributing to this venture. A brief discussion was entertained on this topic.

8. Closed Session to Discuss the Potential Litigation, and Purchase, Acquisition or Disposal of Real Property pursuant to NMSA 10-15-1(H)(7) & (8) of the Open Meetings Act.

Mayor Jasso entertained a motion to go into closed session.

Councilor Sanchez moved to go into closed session. Mayor Pro Tem Milo seconded the motion; motion was carried by the following roll call vote:

ROLL CALL VOTE

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

Mayor Jasso entertained a motion to go back into open session.

Mayor Pro Tem Milo moved to go back into open session. Councilor Sanchez seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

Mayor Jasso stated for the record that only the items mentioned in the motion to go into closed session were discussed and that no items were moved upon during the closed session.

Mayor Jasso entertained a motion from Council.

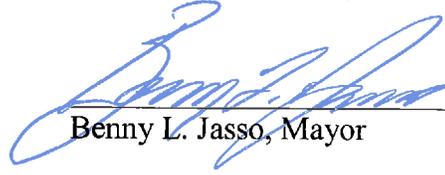
Mayor Pro Tem Milo moved to approve the purchase of 80 acres in the North Industrial Park for \$500 per acre, and to authorize the Mayor to execute any documents pertaining to this purchase. Councilor Sanchez seconded the motion; motion carried by a vote of 3-1 with Councilor Cruz voting nay.

9. Adjourn Meeting

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Mayor Pro Tem Milo seconded the motion; motion carried unanimously. Meeting adjourned at 8:57 p.m.



CITY OF DEMING, NEW MEXICO



Benny L. Jasso, Mayor

ATTEST:



Lila Jasso, Assistant Deputy Clerk



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

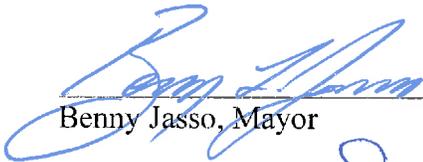
Phone (575) 546-8848 · Fax (575) 546-6442
E-MAIL: deming@cityofdeming.org · Website: www.cityofdeming.org
P.O. BOX 706 · DEMING, NEW MEXICO 88031
POPULATION 14,000

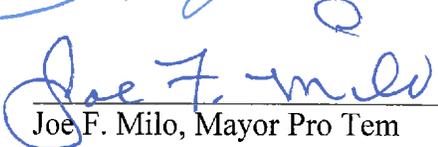
August 10, 2015

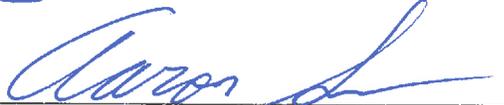
We, officials of the City of Deming, do hereby authorize the disposal of the used or obsolete property with a FMV of less than \$5,000, listed below.

Asset #9188-00	2004	Victory V Series 2-door Freezer VF-2	PO393361
Asset #3092-00	1995	True Mane 2-door Refrigerator T-49	AK4460Y

Signed this 10th day of August 2015.


Benny Jasso, Mayor


Joe F. Milo, Mayor Pro Tem


Aaron Sera, Administrator

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 15-30**

**RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS
PLAN (ICIP) FOR FY 2017-2021 FOR THE CITY OF DEMING, NEW MEXICO**

WHEREAS, the municipality of Deming recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their developments needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

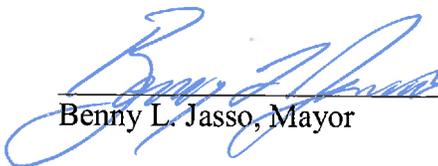
NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY OF DEMING
That:

1. The municipality has adopted the attached Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for the New Mexico's infrastructure.
3. This Resolution supersedes the previous Resolution.

PASSED, APPROVED AND ADOPTED by the governing body at its meeting of August 10, 2015.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Administrator/Clerk

Infrastructure Capital Improvement Plan FY 2017-2021

Deming Project Summary

ID	Year	Rank	Project Title	Category	Funded to date	2017	2018	2019	2020	2021	Total Project Cost	Amount Not Yet Funded	Phases?
30756	2017	001	Public Safety Facility	Public Safety Equipment/Bldgs	0	3,500,000	2,000,000	1,000,000	50,000	0	6,550,000	6,550,000	No
15756	2017	002	Truck Alternate Route	Hiways/Roads/Streets/Bridges	0	1,300,000	15,000,000	15,000,000	15,000,000	0	46,300,000	46,300,000	Yes
15755	2017	003	Sewerlines Replacement	Wastewater	0	600,000	600,000	600,000	600,000	600,000	3,000,000	3,000,000	Yes
22966	2017	004	Street Maintenance	Hiways/Roads/Streets/Bridges	0	500,000	250,000	250,000	250,000	250,000	1,500,000	1,500,000	Yes
29609	2017	005	Multi-use Paths	Other	0	160,000	405,000	0	0	0	565,000	565,000	No
15181	2017	006	Water System Line Replacement/Repair - Encanto Cir	Water Supply	0	1,222,886	0	0	0	0	1,222,886	1,222,886	Yes
30730	2017	007	Economic Development Facility	Economic Development	0	1,750,000	100,000	200,000	0	0	2,050,000	2,050,000	No
25269	2017	008	Colonias Utility Extension	Utilities (publicly-owned)	0	0	200,000	500,000	0	0	700,000	700,000	Yes
26095	2017	009	Effluent Reuse and Irrigation Improvements	Wastewater	0	1,100,000	0	3,500,000	1,000,000	0	5,600,000	5,600,000	Yes
13861	2017	010	Cedar Street Expansion Phase IV	Hiways/Roads/Streets/Bridges	0	25,000	1,150,000	0	0	0	1,175,000	1,175,000	Yes
26055	2017	011	Sidewalk and Street Improvements	Hiways/Roads/Streets/Bridges	0	500,000	500,000	500,000	500,000	500,000	2,500,000	2,500,000	No
24078	2017	012	Community Buildings- HVAC/ Roof and Lighting	Adm/Service Facilities (local)	0	75,000	75,000	75,000	75,000	75,000	375,000	375,000	Yes
28036	2017	013	Xeriscape Cemetery	Other	0	50,000	75,000	75,000	75,000	75,000	350,000	350,000	Yes
29608	2017	014	Street Lighting	Lighting	0	100,000	500,000	500,000	0	0	1,100,000	1,100,000	Yes
24075	2017	015	Training Facility Improvements-Deming	Public Safety Equipment/Bldgs	0	50,000	25,000	10,000	10,000	0	95,000	95,000	Yes

Infrastructure Capital Improvement Plan FY 2017-2021

13860	2017	035	Airport Improvements	Airports	0	795,000	930,000	2,000,000	3,150,000	0	6,875,000	6,875,000	Yes
22030	2017	036	Land Acquisition	Other	0	100,000	100,000	100,000	100,000	100,000	500,000	500,000	Yes
10411	2017	037	New Police Units	Public Safety Equipment/Bldgs	0	250,000	250,000	250,000	250,000	250,000	1,250,000	1,250,000	Yes
12791	2017	038	Street-Heavy Equipment	Hwy/Roads/Streets/Bridges	0	275,000	250,000	200,000	200,000	0	925,000	925,000	Yes
30739	2017	039	City Comprehensive Plan Update	Other	0	50,000	0	0	0	0	50,000	50,000	No
26734	2017	040	Silver Street Streetscape & Sidewalk Improvements	Other	0	400,000	50,000	50,000	25,000	10,000	535,000	535,000	Yes
22026	2017	041	Subdivision Reconstruction (Utilities/Streets)	Other	0	135,000	280,000	205,000	95,000	100,000	815,000	815,000	Yes
26732	2017	042	Downtown Public Art	Arts (other than museums)	0	50,000	25,000	0	0	0	75,000	75,000	Yes
26733	2017	043	Mahoney Parking Lot Electrical Improvements	Lighting	0	15,000	0	0	0	0	15,000	15,000	No
28024	2017	044	Well Upgrades/Optimization/Conversion/SCA	Water Supply	0	760,000	410,000	410,000	410,000	160,000	2,150,000	2,150,000	Yes
26047	2017	045	Sports Complex Improvements	Public Parks (local)	750,000	250,000	250,000	250,000	250,000	250,000	2,000,000	1,250,000	Yes
30733	2017	046	Pit Park Recreational Improvements	Water Supply	0	250,000	1,500,000	0	0	0	1,750,000	1,750,000	Yes
22970	2018	001	Wastewater Treatment Plant Equip Replacement	Wastewater	0	0	200,000	200,000	200,000	200,000	800,000	800,000	Yes
10816	2018	002	New Ambulance	Public Safety Vehicles	0	0	130,000	0	130,000	0	260,000	260,000	Yes
29603	2018	003	Buckey Street Drainage Improvements	Hwy/Roads/Streets/Bridges	0	500,000	250,000	0	0	0	750,000	750,000	No
26049	2018	004	New Compressed Natural Gas(CNG) Collection Truck	Solid Waste	0	290,000	290,000	0	0	0	580,000	580,000	No
26096	2019	001	1500 GPM Fire Engine	Public Safety Equipment/Bldgs	0	0	400,000	0	0	0	400,000	400,000	No

Infrastructure Capital Improvement Plan FY 2017-2021

11541	2020	001	Gas System Improvements-High Pressure line (North)	Utilities (publicly-owned)	0	750,000	0	0	0	0	750,000	750,000	No				
12793	2020	002	Sewer-Utility Equipment	Wastewater	0	0	385,000	0	0	0	385,000	385,000	No				
15083	2020	003	Morgan Hall Improvements	Adm/Service Facilities (local)	0	120,000	0	0	0	0	120,000	120,000	No				
20043	2020	004	Peru Mill Industrial Park Improvement	Economic Development	0	0	0	0	10,100,000	0	10,100,000	10,100,000	No				
26100	2020	005	Recycling Program	Solid Waste	0	25,000	0	0	0	0	25,000	25,000	No				
Number of projects:		55															
Grand Totals		Funded to date:	750,000	Year 1:	18,659,686	Year 2:	29,275,000	Year 3:	28,800,000	Year 4:	33,795,000	Year 5:	2,870,000	Total Project Cost:	114,149,680	Total Not Yet Funded:	113,399,680

**CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1256**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 5 “SEWER RATES, FORMULA”
OF THE MUNICIPAL CODE OF THE CITY OF DEMING, NEW MEXICO**

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

1. Title 9, Chapter 5 Section 9-5-8, D, 1. of the City of Deming Municipal Code is hereby amended by deleting Section 9-5-8 D, 1. in its entirety and replace with the following:

SECTION 9-5-8 D: Current Rates:

1. Rates:

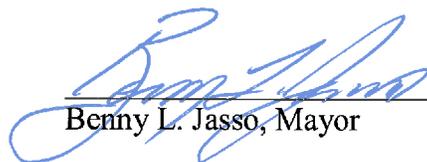
Effective August 20, 2015			
Monthly Rate	Base Rate	Incremental Rate per 1,000 Gallons	Incremental Rate per 100 Gallons
Residential	\$12.50	\$0.876	\$0.0876
Commercial	\$14.50	\$0.964	\$0.0964
Lift Station	-	\$1.216	\$0.1216

Sewer main extension greater than five feet (5') in depth to be installed at option of the city and charged at actual city cost for installation and material or the actual contract cost plus administration to the city.

PASSED, ADOPTED, AND APPROVED, this 10th day of August, 2015.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Clerk