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

CDBG PUBLIC HEARING

August 13, 2012

6:00 P.M.

AGENDA

Call to Order / Pledge of Allegiance

1. Open Public Hearing for the 2013 Community Development and Planning Applications
 - A. CDBG Progress Report
 - B. Input - General Community
 - C. Close CDBG Hearing

CITY COUNCIL MEETING

August 13, 2012

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order

1. Consent Agenda
 - A. Minutes - City Council Workshop and Regular Meeting 07/09/12
 - B. Minutes - Special City Council Meeting 07/25/12
 - C. Minutes - Planning and Zoning Commission Meeting (no meeting held)
 - D. Minutes - Airport Commission Meeting (no meeting held)
 - E. Minutes - Tourism Development Committee Meeting 08/08/12
 - a.. Explore Deming, NM tag logo be developed copyrighted and permanently adopted for use in all co-op funding
 - F. Minutes - Marshall Memorial Library Board Meeting (no meeting held)
 - G. Minutes - Parks Commission Meeting 07/10/12
 - H. Minutes - Historic Landmark Commission (no meeting held)
2. Public Forum
3. Oath of Office Phillip Rodriguez Firefighter/EMT

4. Announcement from Deming Public Schools Superintendent Harvilee Moore Regarding Appreciation for Afterschool Program Funding
5. Insurance Services Office Update ISO-Edgar Davalos
6. Approval of Request from Ben Archer Health Center to Waive Fees at the Girl Scout Park for Family Fun Health Day on August 10, 2012
7. Approval for Lieutenant Conrad Jacquez and Officer Robert Chavez to attend a Special Response Team Command Leadership Training in Henderson, Nevada on August 27th – Sept 1st, 2012
8. Resolution Approving 2012 Final Quarter Financial Report Year Ending June 30, 2012
9. Resolution Authorizing Acceptance of Federal Aviation Administration Airport Improvement Program Funding and Airport Aid from the New Mexico Aviation Division of the New Mexico Department of Transportation
10. Agreement and Resolution Ratifying the Agreement Between the City of Deming and the Southwest New Mexico Council of Governments.
11. Ratification of AR DM 12-34 An Administrative Regulation Governing Regulatory Compliance with External Agencies
12. Public Hearing to consider an Application from Taramart Truckstops for a Restaurant Liquor License for Beer and Wine On-Premise Consumption Only at the Deming Truck Stop
13. Bids
 - a. Bid #13-01- 18" PVC Sewer Pipe and Accessories
14. Closed Session to Discuss Real Estate Pursuant to NMSA 1978, Sections 10-15-1 (H)(8), of the Open Meetings Act
15. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., September 10, 2012.

**CITY COUNCIL
WORKSHOP MINUTES
August 13, 2012**

Council Present:

Andres Z. Silva, Mayor

Council Absent:

David Sanchez, Councilor
William Shattuck, Councilor

Joe "Butter" Milo, Councilor
Linda Franklin, Mayor Pro Tem

Staff Present:

Richard McInturff, City Administrator
Lawrence Brookey, Public Works Director
Michael Carrillo, Chief of Police
Vicki Engle, Human Resources

Aaron Sera, Assistant City Administrator
Edgar Davalos, Fire Chief
Rick Kocab, Assistant Treasurer

Recording Secretary: Berenda McWright, Assistant Deputy Clerk

Mayor Andres Z. Silva and members of City Staff held a workshop on August 13, 2012 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting to be held at 6:00 p.m. the same day. The following items of the agenda were discussed as follows:

Open Public Hearing for the 2013 Community Development and Planning Applications: Mr. Sera stated that he and Lawrence Brookey would be presenting the CDBG Progress Report as well as providing an update from the last CDBG Council Meeting. Mr. Sera stated that the CDBG is focusing on water and wastewater projects. Mr. McInturff suggested having any staff input be separate from the progress reports in the future.

1. **Consent Agenda:** Mayor Silva pointed out typographical errors in the Council Minutes concerning Mayor Pro Tem Franklin being referred to as Enis. Ms. McWright offered to make the corrections prior to the meeting.
2. **Public Forum:** There was no discussion regarding the public forum.
3. **Oath of Office Phillip Rodriguez Firefighter/EMT:** Chief Davalos stated that due to illness, Mr. Rodriguez would not be present and his Oath would have to be rescheduled.

4. **Announcement from Deming Public Schools Superintendent Harvillee Moore Regarding Appreciation for Afterschool Program Funding:** Mr. McInturff explained the City budgeted \$77,500 for the afterschool program this year, which is \$2,500 more than last year; however, it was \$6,385 less than what the schools requested for this year. Mr. Sera stated that one of the activities included in the proposal for the After School Programs was a weight training class during the lunch hour, which was deleted from the program. There was further discussion regarding the effect the early release days were going to have on the program.
5. **Insurance Services Office Upgrade ISO-Edgar Davalos:** Fire Chief Edgar Davalos offered to present the Insurance Services Office Upgrade to Council.
6. **Approval of Request from Ben Archer Health Center to Waive Fees at the Girl Scout Park for Family Fun Health Day on August 10, 2012:** Mr. Sera explained the event had already taken place; however, if the request to waive fees at the Girl Scout Park is not approved by Council, staff will send them a bill for the \$35.00 cleaning fee.
7. **Approval for Lieutenant Conrad Jacquez and Officer Robert Chavez to attend a Special Response Team Command Leadership Training in Henderson, Nevada on August 27th – Sept 1st, 2012:** Police Chief Michael Carrillo explained the reason he chose to send the officers to the training in Henderson, Nevada as opposed to the other trainings that were offered on the East Coast, was due to the fact; it would be less expensive for them to travel to Henderson.
8. **Resolution Approving 2012 Final Quarter Financial Report Year Ending June 30, 2012:** Mr. McInturff stated this resolution is a new requirement set forth by the Department of Finance.
9. **Resolution Authorizing Acceptance of Federal Aviation Administration Airport Improvement Program Funding and Airport Aid from the New Mexico Aviation Division of the New Mexico Department of Transportation:** Mr. Sera stated the resolution is required for the acceptance of grant funds and is due by August 31, 2012. He also explained the FAA used to fund 95% and now they are only funding 90%.
10. **Agreement and Resolution Ratifying the Agreement between the City of Deming and the Southwest New Mexico Council of Governments:** It was determined that Mr. Sera would present the agreement and resolution with the Southwest New Mexico Council of Governments.
11. **Ratification of AR DM 12-34 An Administrative Regulation Governing Regulatory Compliance with External Agencies:** Human Resource Director Vicki Engle stated the new regulation was created to inform supervisors and employees what they need to do when contacted by external agencies and to ensure management is informed.

12. **Public Hearing to consider an Application from Taramart Truckstops for a Restaurant Liquor License for Beer and Wine On-Premise Consumption Only at the Deming Truck Stop:** Mr. McInturff questioned if surrounding property notifications were required by the State. It was determined that the Public Hearing notices that were published in the Headlight, met the requirements of the State.
13. **Bids #13-01- 18" PVC Sewer Pipe and Accessories:** Mr. Brookey stated he would present Bid #13-01 for Council approval.
14. **Closed Session to Discuss Real Estate Pursuant to NMSA 1978, Sections 10-15-1 (H)(8), of the Open Meetings Act:** There was no discussion regarding the closed session.
15. **Adjourn Meeting:** The workshop was adjourned by Mayor Silva at 4:27 p.m.

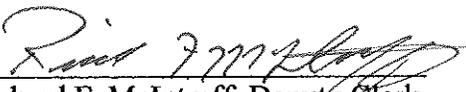
The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., September 10, 2012.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Deputy Clerk

CITY COUNCIL MEETING MINUTES

August 13, 2012

Council Present

William Shattuck, Councilor
Joe "Butter" Milo, Councilor

Andres Z. Silva, Mayor

David Sanchez, Councilor

Council Absent:

Linda Franklin, Mayor Pro Tem

Staff Present

Richard F. McInturff, City Administrator
Aaron Sera, Assistant City Administrator
Lawrence Brookey, Public Works Director
Delbert Rivera, Battalion Chief

Jim Foy, City Attorney
Michael Carrillo, Police Chief
Edgar Davalos, Fire Chief

Recording Secretary: Berenda McWright, Assistant Deputy Clerk

Mayor Andres Z. Silva called the meeting to order at 6:30 p.m.

1. Consent Agenda:

- A. Minutes - City Council Workshop and Regular Meeting 07/09/12
- B. Minutes - Special City Council Meeting 07/25/12
- C. Minutes - Planning and Zoning Commission Meeting (no meeting held)
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- E. Minutes - Tourism Development Committee Meeting 08/08/12
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- G. Minutes - Parks Commission Meeting 07/10/12
- H. Minutes - Historic Landmark Commission (no meeting held)

Councilor Sanchez motioned to accept the Consent Agenda as presented. The motion was seconded by Councilor Shattuck and carried unanimously.

2. Public Forum: A public comment period was entertained.

3. Oath of Office Phillip Rodriguez Firefighter/EMT: Councilor Milo motioned to table the Oath of Office for Phillip Rodriguez. The motion was seconded by Councilor Shattuck and carried unanimously.

4. **Announcement from Deming Public Schools Superintendent Harvilee Moore Regarding Appreciation for Afterschool Program Funding:** Connie Grove, Coordinator of the Deming Public Schools After School Program, gave a brief update regarding the afterschool programs. She reported that a community garden had been established with grant funds in order to support the New Mexico Healthy Kids initiative. Valerie Pastran, Vice President of the Youth Council thanked the Mayor and Council for their support of the after school programs.
5. **Insurance Services Office Update ISO-Edgar Davalos:** Fire Chief Edgar Davalos reported the Deming Fire Department recently obtained an "Insurance Services Office" assessment, in which their rating was upgraded from a class five to a class four. The "ISO" rating directly impacts insurance rates for homeowners and commercial businesses. Mr. McInturff stated the number four rating puts the Deming Fire Department in the top 25% of the State.
6. **Approval of Request from Ben Archer Health Center to Waive Fees at the Girl Scout Park for Family Fun Health Day on August 10, 2012:** Mr. Sera reported a letter requesting the fees be waived at the Girl Scout Park was received from Stephanie Corral, Program Coordinator at the Ben Archer Health Center. The request was for a free community event "Family Fun Health Day" that was held on August 10, 2012 encouraging people in the community to participate in healthy activities. Councilor Sanchez motioned to approve the request from Ben Archer Health Center to waive the fees at the Girl Scout Park for the Family Fun Health Day that was held on August 10, 2012. The motion was seconded by Councilor Shattuck and carried unanimously.
7. **Approval for Lieutenant Conrad Jacquez and Officer Robert Chavez to attend a Special Response Team Command Leadership Training in Henderson, Nevada on August 27, 2012 – September 1, 2012:** Police Chief Michael Carrillo recommended approval of the out-of-state travel request for Lt. Jacquez and Officer Chavez to attend a command level training pertaining to the operations of the SWAT Team. Chief Carrillo stated the training in Henderson, Nevada is cost effective, due to the fact, the officers can travel by car and haul all of their equipment. He also stated the training will be paid out of the Law Enforcement Protection Fund. Councilor Milo motioned to approve the travel request for Lieutenant Conrad Jacquez and Officer Robert Chavez to attend Special Response Team Command Leadership training in Henderson, Nevada. The motion was seconded by Councilor Shattuck and carried unanimously.
8. **Resolution Approving 2012 Final Quarter Financial Report Year Ending June 30, 2012:** Mr. McInturff discussed and recommended approval of quarterly report resolution which is a new requirement set forth by the Department of Finance and Administration Local Government Division. Councilor Shattuck motioned to adopt the Resolution Approving the 2012 Final Quarter Financial Report Year Ending June 30, 2012. The motion was seconded by Councilor Sanchez and carried unanimously.

9. **Resolution Authorizing Acceptance of Federal Aviation Administration Airport Improvement Program Funding and Airport Aid from the New Mexico Aviation Division of the New Mexico Department of Transportation:** Mr. Sera recommended approval of the resolution which is required for the acceptance of funding from the Federal Aviation Administration and the New Mexico Aviation Division of the New Mexico Department of Transportation. Mr. Sera reported the project includes the installation of precision approach path indicator lights on runways 4, 22 and 8. The FAA is funding 90%, the NMDOT is funding 5%, and the City is funding 5% of the eligible project costs. Councilor Sanchez motioned to adopt Resolution Authorizing Acceptance of Federal Aviation Administration Airport Improvement Program Funding and Airport Aid from the New Mexico Aviation Division of the New Mexico Department of Transportation. The motion was seconded by Councilor Shattuck and carried unanimously.

10. **Agreement and Resolution Ratifying the Agreement between the City of Deming and the Southwest New Mexico Council of Governments:** Mr. Sera recommended approval of the agreement and resolution pertaining to the services provided by the Southwest New Mexico Council of Governments. Councilor Sanchez motioned to approve the Agreement and Resolution Ratifying the Agreement between the City of Deming and the Southwest New Mexico Council of Governments. The motion was seconded by Councilor Milo and carried unanimously.

11. **Ratification of AR DM 12-34 an Administrative Regulation Governing Regulatory Compliance with External Agencies:** Mr. McInturff recommended approval of the administrative regulation which establishes proper procedures for regulatory compliance with external agencies and ensures management is informed of interactions with outside agencies. Councilor Shattuck motioned to ratify AR DM 12-34 an Administrative Regulation Governing Regulatory Compliance with External Agencies. The motion was seconded by Councilor Sanchez and carried unanimously.

12. **Public Hearing to consider an Application from Taramart Truckstops for a Restaurant Liquor License for Beer and Wine On-Premise Consumption Only at the Deming Truck Stop:** Mr. McInturff stated the application was forwarded to the City from the State for a restaurant liquor license for beer and wine on-premise consumption only at the Deming Truck Stop located at 1310 Spruce Street, Deming, New Mexico 88030. The application states the nearest school (Red Mountain) is located one mile away, and the nearest church (American Orthodox) is located a half of a mile away.

Mayor Silva opened the public hearing for comments. Larry Caldwell stated there is not a church located at 713 W. Spruce St. and, it was his opinion, that the nearest school was not the Red Mountain as stated on the application. Mr. Caldwell opposed the liquor license application due to false statements and safety reasons.

Edward Khanbajian expressed concern about enforcement issues pertaining to the deadline for selling alcohol and the Truck Stop being a twenty-four hour operation.

There being no further comments, Mayor Silva closed the public hearing. Attorney Jim Foy commented that the liquor laws are strictly enforced by the State and the issue to be considered by the Council is the health, safety and welfare of the community and not technical issues related to the application.

Councilor Shattuck motioned to approve the application from Taramart Truckstops, LLC for a restaurant liquor license for beer and wine on premise consumption only at the Deming Truck Stop and instructed staff to send a letter to the Alcohol and Gaming Division stating the possible errors with the application. The motion was seconded by Councilor Sanchez and carried unanimously.

13. Bids #13-01- 18" PVC Sewer Pipe and Accessories: Mr. Brookey recommended awarding the bid for 18" PVC sewer pipe and accessories that will be used to connect an existing sewer main on Dona Ana to the new sewer main on Solano to the low bidder Baker Utility Supply, in the amount of \$85,137.12 without NMGR. Councilor Sanchez motioned to accept Bid #13-01 PVC Sewer Pipe and Accessories from Baker Utility Supply for the amount of \$85,137.12 without New Mexico Gross Receipt Tax. The motion was seconded by Councilor Milo and carried unanimously.

14. Closed Session to Discuss Real Estate Pursuant to NMSA 1978, Sections 10-15-1 (H)(8), of the Open Meetings Act: Mayor Silva entertained a motion to go into Closed Session to discuss real estate pursuant to NMSA 1978, Sections 10-15-1(H)(8), of the Open Meetings Act. Councilor Sanchez motioned to go into Closed Session. The motion was seconded by Councilor Milo and was approved unanimously by a roll call vote.

Councilor Sanchez	-	Aye
Councilor Shattuck	-	Aye
Councilor Milo	-	Aye

Mayor Silva entertained a motion to come back into Open Session. Councilor Sanchez motioned to come back into Open Session. The motion was seconded by Councilor Milo and approved unanimously by a roll call vote.

Councilor Sanchez	-	Aye
Councilor Shattuck	-	Aye
Councilor Milo	-	Aye

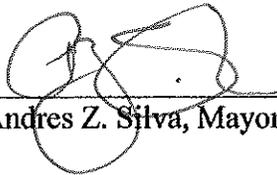
Mayor Silva noted for the record that only items listed in the motion to go into closed session were discussed.

15. Adjourn Meeting: Upon a motion by Councilor Shattuck and a second by Councilor Milo the meeting was adjourned at 7:52 p.m.

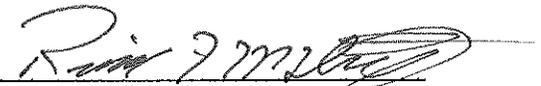
*The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m.,
September 10, 2012.*



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

RESOLUTION NO. 12-27

2012 FINAL QUARTER FINANCIAL REPORT
YEAR ENDING JUNE 30, 2012

WHEREAS, the Governing Board in and for the City of Deming, State of New Mexico has developed a budget for fiscal year 2012 – 2013; and

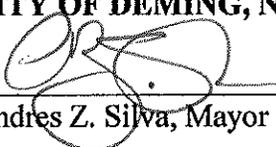
WHEREAS, the final quarterly report has been reviewed and approved to ensure the accuracy of the beginning balances used on the FY 2013 budget; and

WHEREAS, it is hereby certified that the contents in this report are true and correct to the best of our knowledge and that this report depicts all funds for fiscal year 2012

NOW THEREFORE, BE IT HEREBY RESOLVED that the governing body of the City of Deming, State of New Mexico hereby approves the final quarterly report for FY 2012 hereinafter described as Attachment "A" and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED, AND APPROVED this 13th day of August, 2012.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, City Clerk



RESOLUTION NO. 12-28

**A RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION
ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM FUNDING AND
AIRPORT AID FROM THE NEW MEXICO AVIATION DIVISION OF THE NEW
MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City Of Deming is seeking FAA and NMDOT funding to Install Precision Approach Path Indicator (PAPI) Lights Runways 4, 22 and 8 for the 2012 FAA project year; and

WHEREAS, this project is contingent on receipt of a grant from the FAA for 90% of the eligible project costs and a grant from the New Mexico Department of Transportation Aviation Division for 5% of the project costs; and

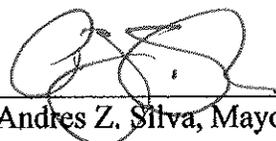
WHEREAS, the project is within the City of Deming's jurisdiction, necessary for the public good and convenience, and to serve the public of the City of Deming; and

WHEREAS, the City is committed to appropriating an additional 5% in funds, consistent with the regulations and policies governing the FAA AIP Fund Program and NMAD Grant Agreements.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Deming hereby adopts and approves this Resolution, and authorizes the City Administrator and/or the Assistant City Administrator to execute all documents including grant applications and accepting grant offers related to the project and direct staff to take other actions necessary to implement this Resolution and Project.

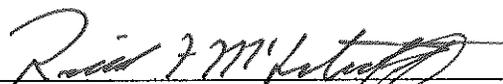
PASSED, ADOPTED, AND APPROVED this 13th day of August 2012.

CITY OF DEMING



Andres Z. Silva, Mayor

ATTEST



Richard F. McInturff, Administrator/Clerk



RESOLUTION NO. 12-29

RATIFYING A CERTAIN AGREEMENT BETWEEN THE CITY OF DEMING AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED AUGUST 13, 2012, AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF THE CITY OF DEMING.

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

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

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

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

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

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

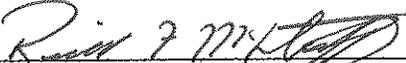
PASSED, ADOPTED AND APPROVED this 13th day of August, 2012.

CITY OF DEMING, NEW MEXICO

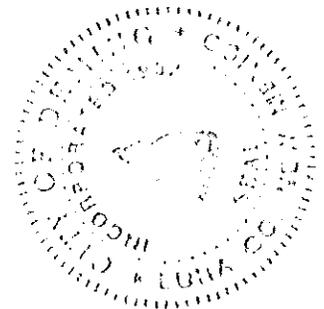


Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Administrator/Clerk



AGREEMENT

This AGREEMENT, entered into by and between the Southwest New Mexico Council of Governments (hereinafter known as COG), and the City of Deming a Member of said Southwest New Mexico Council of Governments (hereinafter known as Member) is as follows:

1. COG agrees to furnish the following services to Member:
 - (a) Provide an updated statistical data base of federal and state statistics.
 - (b) Furnish technical assistance to Member as requested by Member in planning development.
 - (c) Coordination of planning with other Members of COG and various other State of New Mexico and local agencies.
 - (d) Furnish management, advice and assistance to Member as Member requests in implementing their plans.
 - (e) Furnish clearinghouse and environmental review of all projects of Member and where requested by Member, assist in the development of material for clearinghouse review.
 - (f) Assist Member in developing Infrastructure Capital Improvement Plan.
 - (g) Assist Member, when requested, in the development of Community Development Block Grant applications, as well as, assistance in monitoring and compliance.
 - (h) Assist Member in the preparation of applications for funding under various State and Federal grants.
 - (i) Represent Member, when requested, with State and Federal Agencies in grant applications and program funding assistance.
 - (j) Assist Member, when requested, in the implementation of its Economic Development Plans and assist in securing funding on those projects, which will alleviate unemployment in the planning area.
 - (k) Assist Member, in development of Five Year Transportation Plan under the SAFETEA-LU.
 - (l) Assist Member, with the development of housing initiatives and programs.
 - (m) Assist Member in the preparation of applications under Department of Transportation.
 - (n) Represent membership, when requested, under NM Department of Transportation for program funding.
 - (o) Assist Member with Capital Outlay process.
 - (p) Provide training that will benefit the membership.

2. Member agrees to furnish the following:

- (a) To remain a voting member of the Southwest New Mexico Council of Governments and to participate in its policy development and administration.
- (b) Will designate Andres Z. Silva (asilva@cityofdeming.org), to be the Member of SWNM Council of Governments and Aaron Sera (asera@cityofdeming.org) as Alternate 1 and Wesley Hooper (whooper@cityofdeming.org) as Alternate 2.
- (c) To pay, in one lump sum, annual dues in the amount of \$4,500.00 into the treasury of COG as payment for these services.

Total Assessment for Fiscal Year 2012-2013 is \$4,500.00

- (d) Such payment shall be for all services rendered to Member, by COG, for the period beginning July 1, 2012 and ending June 30, 2013. Such sum shall be expended by COG of which Member is a voting member, or as such budget may be amended following laws and regulations.

This Agreement is entered into on the 13th day of August, 2012.

CITY OF DEMING, NEW MEXICO:



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Administrator/Clerk

(S E A L)

SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS



Priscilla C. Lucero, Secretary/Treasurer



Aaron Sera, Chairman