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POPULATION 14,000

CITY COUNCIL MEETING

September 8, 2014

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

AGENDA

Call to Order/Pledge of Allegiance

1. Consent Agenda
 - A. Minutes – City Council Workshop and Regular Meeting 8/11/14
 - B. Minutes – Airport Commission 8/12/14
 - C. Minutes – Planning & Zoning Commission 8/18/14
 - a. Recommendation to approve Special Use Permit request from Verizon Wireless
 - b. Recommendation to approve Variance Request on setbacks to allow an RV garage
 - c. Recommendation to table Subdivision Request at Tennyson and Florida Streets.
 - D. Minutes – Library Board Meeting (*no meeting*)
 - E. Out-of-State Travel Request for Vicki Engle to travel to Savannah, GA to attend the 2015 National Public Employers Labor Relations Annual (NPELRA) Training Conference; March 29-April 2, 2015.
 - F. Out-of- State Travel Request for D.J. Ritchlin to attend the CNG Certification Conversion Training Courses for the Conversion Process in San Clemente, CA on October 6-10, 2014.
 - G. Out-of-State Travel Request for Frank VanGundy to attend The National Judicial College Civil Mediation Conference in Reno, Nevada on October 6-10, 2014.
2. Public Forum
3. Mayor's Appointment of Finance Director/Treasurer
4. Public Hearing To Consider an Ordinance Amending Title 7, Chapter 1, 1 of the Municipal Code Pertaining to the Uniform Traffic Code
5. Bid:
 - a. Bid #15-02 Low Bid Recommendation for Automatic Meter Reading System
 - b. Bid #15-03 Re-solicitation for Fixed Base Operator for Deming Municipal Airport
6. Administrator's Report
7. Closed Session: To discuss the purchase, acquisition or disposal of real property, pursuant to NMSA 1978, Section 10-15-1(H)(8), of the Open Meetings Act
8. Adjourn Meeting

The next regularly scheduled Council Meeting is on October 13, 2014 at 6:00 p.m.

CITY COUNCIL WORKSHOP MINUTES September 8, 2014

Council Present: Benny Jasso, Mayor

Linda Franklin, Mayor Pro Tem

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

David L. Sanchez, Councilor

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Wesley Hooper, Community Svcs. Dir.

Edgar Davalos, Fire Chief
Brandon Gigante, Police Chief

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

Mayor Jasso and staff members of the City of Deming, New Mexico held a workshop on September 8, 2014 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting, held at 6:00 p.m. the same day. The following items of the agenda were discussed:

Consent Agenda: Mr. Sera went over the Consent Agenda. He discussed the following items. Item C. Minutes of Planning & Zoning Commission of 8/18/14. He stated sub items a., b., and c. He noted that the P & Z commission had made recommendations to approve a special use permit from Verizon Wireless to erect a tower on the property next to the hospital. Mayor Pro Tem Franklin asked if the land would be leased. Mr. Sera and Mr. Hooper stated that the land would be leased, and they had received a lease agreement and were in the process of reviewing it.

Chief Davalos asked if Verizon mentioned the height of the tower due to the medevac helicopter landing at the hospital. Mr. Hooper stated that it was 84 feet and they were aware of the flight pattern of the helicopter. Chief Davalos stressed that depending on the direction the wind is blowing; at times the helicopter may have to come in a different direction.

Mr. Sera spoke briefly about the variance request on setbacks to allow for an RV garage and the recommendation to the subdivision request at Tennyson and Florida streets due to the applicant not being available to present their information.

Mr. Sera discussed the three out-of-state travel requests for Vicki Engle to attend the NPELRA Training Conference in Savannah, GA, D.J. Ritchlin to attend the CNG Certification Conversion Training Courses in San Clemente, CA, and Judge Van Gundy to attend the Nation Judicial College Civil Mediation Conference in Reno, NV.

Mayor's Appointment of Finance Director/Treasurer: Mr. Sera stated that Mayor Jasso will announce his appointment for the Finance Director/Treasurer

Public Hearing to Consider an Ordinance Amending Title 7, Chapter 1, Section 1 of the Municipal Code Pertaining to the Uniform Traffic Code: Mr. Sera stated that this ordinance is in accordance to the legislation passed by Governor Martinez, pertaining to texting while driving. He stated that the City must adopt the amendment to the Uniform Traffic Code as prescribed by the new law.

Bid #15-02 Low Bid Recommendation for Automatic Meter Reading System: Mr. Sera stated that Mr. Massengill will present this item to Mayor and Council.

Bid #15-03 Re-solicitation for Fixed Base Operator for Deming Municipal Airport: Mr. Sera stated that Mr. Hooper will present this item to Mayor and Council.

Administrator's Report: Mr. Sera stated that he would be giving a brief report on what he has been working on and what the City is trying to accomplish.

Closed Session: To discuss the purchase, acquisition or disposal of real property, pursuant to NMSA 1978, Section 10-15-1(H)(8), of the Open Meetings Act: Mr. Sera stated that the purchase, acquisition, or disposal of real property will be discussed during the closed session.

Adjourn Meeting: With no further business to discuss, the meeting was adjourned at 4:07 p.m.



Aaron Sera, Clerk

CITY OF DEMING, NEW MEXICO

Benny L. Jasso, Mayor

CITY COUNCIL MEETING MINUTES September 8, 2014

Council Present: Mayor Benny L. Jasso
Joe "Butter" Milo, Councilor
Linda Franklin, Mayor Pro Tem
David L. Sanchez, Councilor
Dr. Victor Cruz, Councilor

Council Absent: None

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Wesley Hooper, Community Svcs. Dir.
Laura Holguin, Financial Ops. Officer
Patty Ciccotelli, Payroll Clerk
Edgar Davalos, Fire Chief
Raul Mercado, Asst. Fire Chief
Brandon Gigante, Police Chief
Jim Foy, City Attorney

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

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

1. Consent Agenda

Mr. Sera presented the Consent Agenda to Mayor Jasso and Council. He discussed item C. Planning and Zoning Minutes with them.

Mayor Pro Tem Franklin motioned to approve the Consent Agenda without item C. a. to allow for further discussion. Councilor Cruz seconded the motion, motion carried unanimously.

Mayor Pro Tem Franklin expressed her concern in regards to the height and position of the cell phone tower due to the medevac flight pattern. She requested that a letter or some type of confirmation be obtained from Verizon to confirm this.

Mayor Pro Tem Franklin moved to approve the Verizon variance request on the condition that the tower does not interfere with the flight pattern of the medevac helicopter. Councilor Cruz seconded the motion, motion carried unanimously.

2. Public Forum

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

- Edward Khanbabian, 1721 E. Pine Street
- Jerry Owens, 535 Dodson Dr. SE
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3. Mayor's Appointment of Finance Director/Treasurer

Mayor Jasso announced Laura Holguin as his appointment for Finance Director/Treasurer.

Councilor Sanchez asked if this item could be pulled and discussed in closed session. Mr. Foy stated that since the only items cited in the closed session were to discuss real property, NMSA 1978, Section 10-15-1(H)(8) of the Open Meetings Act, it could not be discussed in a closed session. Councilor Sanchez expressed some concern with not being kept informed of the interview process. In the past, the process has been done differently with more information being provided to Council. Mayor Jasso stated that the interviews for this position started over a week ago with four candidates being interviewed. With Mr. Sera being out last week there, was an interview conducted the morning of this meeting.

Mr. Sera stated that the reason this position is being filled as a Finance Director/Treasurer, is that due to the resignation of Mr. Valentine, they wanted to fill the position with someone who could perform the duties at the capacity of the previous person in addition to other duties. He went on to say that Ms. Laura Holguin was interviewed and came out on top of the list. Mr. Sanchez reiterated that it is important to have more information in order to be able make sure the best person is getting the job. Councilor Cruz concurred.

Mayor Pro Tem Franklin agreed with Councilor Sanchez in that, in the past, they were kept more informed of the process.

Councilor Milo concurred with Council regarding the process, but is in support of Mayor Jasso's appointment of Ms. Holguin.

Councilor Sanchez moved to accept the Mayor's appointment of Laura Holguin as Finance Director/Treasurer. Councilor Milo seconded the motion; motion carried unanimously.

4. Public Hearing To Consider an Ordinance Amending Title 7, Chapter 1, Section 1 of the Municipal Code Pertaining to the Uniform Traffic Code

Chief Gigante presented this item to Mayor Jasso and Council. He stated that the NMML has requested that each municipality adopt an ordinance to add to the existing new uniform traffic code. He referenced the state law that became effective July 1, 2014 in regards to texting while driving. He stated that the NMML has adopted that state law and explained that it is up to each municipality to adopt that state law by ordinance for the municipal police to be able to enforce the law through municipal court. Councilor Milo asked if the City police have issued any citations regarding this law. Chief Gigante stated that the City police have issued citations for this, but they had to go through the Magistrate Court because this ordinance had not been adopted by the City.

Councilor Sanchez asked about the hands free law and what the statistics look like regarding cell phone usage. Chief Gigante replied that their statistics show one serious accident has been related to cell phone usage. Mayor Pro Tem Franklin asked how Chief Gigante feels about cellular phone use while driving. He stated that he has mixed opinion about this issue due to the fact that the officers also use their radios while driving, and he does not want it to be a double standard.

Jerry Owens, 535 Dodson Dr. SE, commented that the fine of \$25 for this violation seems to be low and feels that it should be a larger fine.

Larry Caldwell, 711 N. Zinc, stated that he feels the fines of \$25 and \$50 for subsequent violations, is too little.

A brief conversation was entertained regarding the fines.

Edward Khanbabian, 1721 E. Pine, disagreed with the law. He stated that in this day in age of technology, a cell phone is necessary to conduct business.

Mr. Foy weighed in and stated the real reason for these types of statues is to be able determine responsibility in the event of an accident.

Captain Gigante pointed out that he has a concern with the challenge the police department may face because these citations are civil penalties, and they would not show up on someone's driving record. He stated that that there really would be no way to track these citations on someone's record. A brief discussion was entertained regarding this topic.

Councilor Sanchez moved to adopt this ordinance Amending Title 7, Chapter 1, Section 1 of the Municipal Code of the City of Deming, New Mexico, as presented. Councilor Milo seconded the motion; motion carried unanimously.

5. Bid:

a. Bid #15-02 Low Bid Recommendation for Automatic Meter Reading System

Mr. Massengill presented this item to Mayor Jasso and Council. He stated that five bids were received and opened on August 29, 2014. He stated that File Construction, LLC submitted the lowest combined construction bid package for Bid Lots 1, 2, 3, 4, and 5 at \$1,834,904.83 including NMGRT. He went on to say that File Construction, LLC is in compliance with the bid requirements and is qualified to perform the required work. Mr. Massengill stated that staff recommends awarding Installation of Automatic Read Water Meter System project to File Construction, LLC., and staff would like authorization for the Public Works Director and/or City Administrator to enter into agreement with File Construction, LLC and execute any documents related to this project.

Mr. Massengill went on to explain the details involved in each bid lot. He stated that a survey of within the city limits would have to be conducted to determine how many transceivers will be needed. He explained that the transceivers will send the information directly to city hall to be able to monitor usage.

A brief discussion was entertained between Council and Mr. Massengill regarding the details of this system.

Councilor Sanchez moved to accept bid #15-02 Low Bid Recommendation for automatic Meter Reading System to File Construction, LLC. for bid lots 1, 2, 3, 4, and 5 at

\$1,834,904.83 including NMGR; and also authorize the Public Works Director and/or City Administrator to enter into agreement with File Construction, LLC and execute any documents related to this project. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

b. Bid #15-03 Re-solicitation for Fixed Base Operator for Deming Municipal Airport

Mr. Hooper presented this item to Mayor and Council. He stated that the RFP was posted on August 14, 2014 and published on August 15, 2014. He went on to say that staff received one proposal of which was responsive and met the requirements of the RFP instructions. He stated that the proposal was reviewed by and staff and they recommend that the RFP be awarded to Desert Aviation and Car Rental.

Mayor Pro Tem Franklin asked if this was the same provider that currently has the contract. Mr. Hooper confirmed that they are. Councilor Sanchez asked what services they provide at the airport. Mr. Hooper stated that they fuel aircrafts and have the car rental service. Mr. Sera stated that this agreement was originally written as a lease agreement, but was advertised as an RFP, to provide service to the community hangar, snack bar service, fuel for aircrafts, after-hour fueling, and a variety of other services. Councilor Sanchez asked the terms of the RFP. Mr. Hooper stated that the contract is an eight-year contract renewable on a year-by-year basis. It was clarified that the authority to negotiate annually would be granted this one time.

Sanchez moved to accept bid #15-03 Re-solicitation for Fixed Base Operator for Deming Municipal Airport and to allow staff to review, negotiate and execute any documents related to the FBO contract with Desert Aviation and Car Rental. Councilor Cruz seconded the motion; motion carried unanimously.

5. Administrator's Report

Mr. Sera stated that he and staff have been reviewing the solid waste rate analysis. He stated that there is a 4-month operating expense worked into the rate analysis that is being reviewed. He and staff are looking at changing this to a 3-month operating expense instead. He and staff are waiting for a 3-month report of true figures for solid waste in order to get a better idea of what is needed to operate the department. He and staff reviewing all avenues to justify not raising the rates. In their review they are looking at projects, equipment, lease agreements and other factors involving the solid waste budget.

6. Closed Session: To discuss the purchase, acquisition or disposal of real property, pursuant to NMSA 1978, Section 10-15-1(H)(8), of the Open Meetings Act

Mayor Jasso entertained a motion to go into closed session under NMSA 1978, Section 10-15-1(H)(8), of the Open Meeting Act.

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

ROLL CALL VOTE

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

Mayor Jasso stated for the record that no decisions or motions were made during the closed session, and that only the items mentioned in the motion to go into closed session were discussed.

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

ROLL CALL VOTE

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

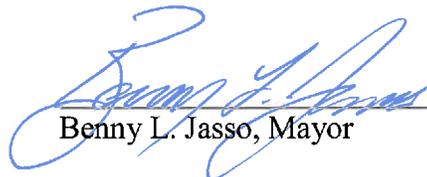
Mayor Jasso entertained a motion from Council.

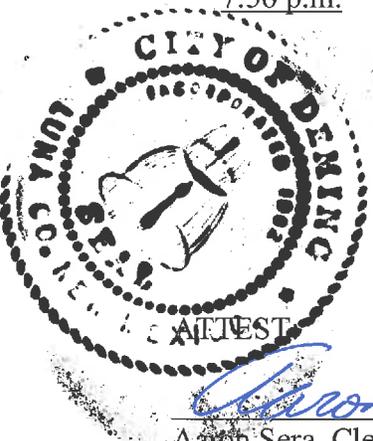
Mayor Pro Tem Franklin moved to approve the purchase of the property located at 219 E. Maple Street for \$160,000 plus applicable fees and conditions as described in the purchase agreement with the following changes in the General Addendum No. One-2014, in item 2 take out the words, “at the rate of \$3.43 per square foot or” and add to end of the sentence, all maintenance and utilities.” Also, in item 3, change the “10 days” to “30 days after acceptance”. Councilor Sanchez Seconded the motion, motion carried unanimously.

7. Adjourn Meeting

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Councilor Milo seconded the motion; motion carried unanimously. Meeting adjourned at 7:56 p.m.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor



Aaron Sera, Clerk

ORDINANCE NO. 1250

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 1, SECTION 1 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:

Title 7, Chapter 1, Section 1 is hereby deleted and replaced with the following:

**Chapter 1
TRAFFIC CODE**

7-1-1: UNIFORM TRAFFIC CODE¹:

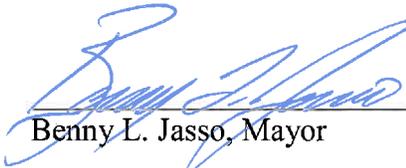
- A. Adoption: The 2014 Compilation of the New Mexico Uniform Traffic Ordinance, comprising Sections 12-1-1 through 12-13-6 inclusive, and all changes through July 1, 2014, are herewith adopted by reference, pursuant to Section 3-17-6 NMSA 1978..
- B. Copies On File: The Uniform Traffic Code, 2014 Compilation, and amendments thereto, is available for inspection during the normal and regular business hours of the Municipal Court, 309 South Gold Avenue, Deming, New Mexico.

Footnote 1: See subsection 1-11-8C of this code for penalty assessments for various violations of the uniform traffic code.

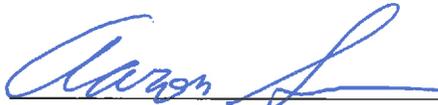
PASSED, ADOPTED, AND APPROVED, this 8th day of September, 2014.

CITY OF DEMING, NEW MEXICO




Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Clerk