



ANDRES Z. SILVA, MAYOR

RICHARD F. MCINTURFF, ADMINISTRATOR

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

CITY COUNCIL MEETING

September 9, 2013

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 8/12/13
- B. Minutes - Planning and Zoning Commission Meeting *(no meeting scheduled)*
- C. Minutes - Tourism Development Committee *(no meeting scheduled)*
- D. Minutes - Airport Commission Meeting 8/13/13
- E. Minutes - Marshall Memorial Library Board Meeting 8/27/13 *(meeting cancelled)*
- F. Minutes - Parks Commission Meeting *(no meeting scheduled)*
- G. Out of State Travel Request for Wesley Hooper to attend the Green Fleet Conference & Expo-CNG Training in Phoenix, AZ September 30-October 3, 2013.
- H. Out of State Travel Request for Laura Holguin and Lloyd Valentine to attend the Government Finance Officers Association (GFOA) -Preparing a CAFR Training in Phoenix, AZ on October 8, 2013.
- I. Out of State Travel Request for Ricardo Molina to attend CNG Training in Norfolk, VA on October 22-25, 2013.

2. Public Forum

- 3. Acknowledgement of DFA Approval of the FY2104 Budget
- 4. Approval of Patrol Captain Job Description
- 5. City of Deming Disposition Committee - Auction Items Approved
- 6. Update to Resolutions 13-36 Transportation Alternative Program (TAP) Application
- 7. Resolution Authorizing Acceptance of Federal Aviation Administration Airport Improvement Program Funding
- 8. Resolution to Participate in Municipal Arterial Program Administered by the New Mexico Department of Transportation
- 9. Resolution Identifying A Partnership Between The City Of Deming And Deming MainStreet To Create A State Authorized Arts And Cultural District
- 10. Public Hearing to Consider an Ordinance Amending Title 1, Chapter 8, Section 13, Subsection D "Prohibitions" of the Municipal Code of the City of Deming

11. Bids:

- a. Bid #14-03-Heavy Duty Rescue Equipment
- b. Bid #14-04 Legal Services

12. Closed Session: To Discuss potential litigation and the sale and purchase of commercial property and lease of agricultural property pursuant to NMSA 1978, Section 10-15-1(H)(7) & (8), of the Open Meetings Act
13. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., October 14, 2013.

**CITY COUNCIL
WORKSHOP MINUTES
September 9, 2013**

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 F. McInturff, City Administrator
Aaron Sera, Assistant City Administrator
Wesley Hooper, Community Svcs. Dir.
Jim Massengill, Public Works Director

Edgar Davalos, Fire Chief
Vicki Engle, HR Specialist
Brandon Gigante, Police Dept. Chief

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

Mayor, Council and staff members of the City of Deming, New Mexico held a workshop on September 9, 2013 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 as follows:

Consent Agenda: It was suggested by Mr. McInturff that items "G", "H", and "I", out of state travel requests, be explained. A discussion regarding the CNG stations was entertained.

Acknowledgement of DFA Approval of the FY2014 Budget: Mr. McInturff will present this item to Mayor and Council.

Approval of Patrol Captain Job Descriptions: Ms. Engle will present this item to Mayor and Council. Mayor Silva asked if this job description had been approved, previously. Ms. Engle stated that she was not able to locate a job description for Patrol Captain, in file. Therefore, it would be presented at today's meeting.

City of Deming Disposition Committee-Auction Items Approved: Mr. Massengill will present this item to Mayor and Council. He stated the committee would be requesting approval to auction off obsolete and excess equipment. This would have to be approved by Council in order to request approval from the NM Office of the State Auditor to proceed with an auction.

Update to Resolution 13-36 Transportation Alternative Program (TAP) Application: Mr. Sera will present this item to Mayor and Council. He stated that this resolution was previously approved and that this update would be done to modify it to match funding that is available. The original estimated amount to complete this project was \$370,862.87 with a matching amount of \$53,997, which is now at \$217,195 with a matching amount of \$31,623.59. After the design work was completed on this project, they were able to lower

the project amount to \$271,195. Mr. Sera stated that he feels comfortable that the project can be completed with this amount of funding. The project is the multi-use path from Hwy. 11 to Country Club Road.

Resolution Authorizing Acceptance of Federal Aviation Administration Airport Improvement Program Funding: Mr. Sera will present this item to Mayor and Council. This resolution will authorize the City of Deming to obtain funding for pavement maintenance on Taxiway A & Apron to include striping and other maintenance associated. The FAA will provide \$211,638 towards project costs and the NMDOT Aviation division will grant \$11,758 of the project costs. The City of Deming will provide their match requirement of \$11,758.

Resolution to Participate in Municipal Arterial Program Administered by the New Mexico Department of Transportation: Mr. Massengill will present this resolution to Mayor and Council. He stated that this is a standard resolution used to fund another phase of the drainage project on Florida Street from Mallery Street to San Miguel Street. The funding from the NMDOT will be \$202,485.00 and the City's match will be \$67,495.00.

Resolution Identifying a Partnership Between the City of Deming and Deming MainStreet to Create a State Authorized Arts and Cultural District: Mr. Sera will present this item to Mayor and Council. Resolution required by the state in order to apply for the designation by MainStreet for an Arts and Cultural district. Mr. Sera stated that there have been some changes to the resolution.

Mayor Silva expressed his concern in "Article 1" and would like more clarification as to how much financial support the City is agreeing to. He would like to see this revised.

Mr. McInturff suggested that the statement be modified to "...agrees to operate as the fiscal agent of said Arts & Cultural District".

Mayor Silva was in agreement with the change suggested by Mr. McInturff.

Public Hearing to Consider an Ordinance Amending Title 1, Chapter 8, Section 13, Subsection D "Prohibitions" of the Municipal Code of the City of Deming:

Mr. McInturff stated that this ordinance is amending the "Prohibitions" section of the Code in which item D concerns itself with elected office. He stated that items 1-7 already existed in the code, but items 8 and 9 are new. He briefly described the new items.

Mr. Sera stated his concern regarding item 9 and the "Time off without pay..." Mr. McInturff clarified that the main concern in the item was to clarify that an employee would not be paid while conducting their duties as an elected official. Mr. McInturff referred to the Synthesizing and Option from the City Attorney regarding this ordinance.

Mayor Silva stated that he feels that this is necessary due to it may be a conflict of interest.

Bids:

- a. **Bid #14-03-Heavy Duty Rescue Equipment**-Chief Davalos will present this item to Mayor and Council. He stated that there was only one proposal received, from L.N. Curtis and Sons for \$21,300. He stated that the existing set of equipment is from 1978 and has become antiquated and is hard to replace parts. The proposal included equipment and training on new equipment. Chief Davalos stated that he will recommend that Council approve the bid from L.N. Curtis and Sons.

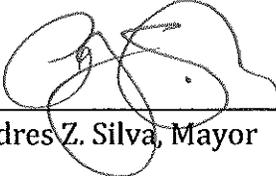
- b. **Bid #14-04 RFP-Legal Services**-Mr. McInturff will present this item to Mayor and Council. He stated that this would be for legal services for the municipal prosecution due to the expiration of the existing contract. Mayor Silva asked for clarification of the amount. Mr. McInturff responded that the amount is \$125.00/hour plus \$500.00/month.

Mayor Silva then stated that there will be a closed session scheduled to discuss potential litigation and the sale and purchase of commercial property.

Adjourn Meeting: With no further business to discuss, the workshop was adjourned at 4:30 p.m.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk

CITY COUNCIL MEETING MINUTES

September 9, 2013

Council Present: Andres Z. Silva, Mayor
David Sanchez, Councilor Bill Shattuck, Councilor

Council Absent: Joe "Butter" Milo, Councilor Linda Franklin, Mayor Pro Tem

Staff Present: Richard F. McInturff, City Administrator Brandon Gigante, Police Chief
Aaron Sera, Asst. City Administrator Vicki Engle, HR Specialist
Wesley Hooper, Community Svcs. Dir. Edgar Davalos, Fire Chief
Jim Massengill, Public Works Director
Norman R. Wheeler, Assoc. City Attorney

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

Mayor Silva called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

1. Consent Agenda

- A. Minutes - City Council Workshop and Regular Meeting 8/12/13
- B. Minutes - Planning and Zoning Commission Meeting (*no meeting scheduled*)
- C. Minutes - Tourism Development Committee (*no meeting scheduled*)
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- G. Out of State Travel Request for Wesley Hooper to attend the Green Fleet Conference & Expo-CNG Training in Phoenix, AZ September 30-October 3, 2013.
- H. Out of State Travel Request for Laura Holguin and Lloyd Valentine to attend the Government Finance Officers Association (GFOA) -Preparing a CAFR Training in Phoenix, AZ on October 8, 2013.
- I. Out of State Travel Request for Ricardo Molina to attend CNG Training in Norfolk, VA on October 22-25, 2013.

Mr. McInturff mentioned the out of state travel requests, items "G", "H", and "I". He stated that Wesley Hooper will attend the Green Fleet Expo in Phoenix, Arizona, Laura Holguin and Lloyd Valentine will attend the GFOA CAFR training in Phoenix, Arizona and for one of the foremen to attend CNG Training in Norfolk, Virginia.

Councilor Shattuck motioned that Council approve the Consent Agenda, as presented. Councilor Sanchez seconded the motion, motion carried unanimously.

2. **Public Forum:** A public comment session was entertained.
3. **Acknowledgement of DFA Approval of the FY2014 Budget-**Mr. McInturff referred to the memo from Mr. Valentine he stated that staff has received the attached notice by mail dated 8/27/2013 that the City of Deming final budget for FY 2013-14 has been approved by DFA.

Councilor Shattuck motioned to acknowledge DFA approval of the City of Deming FY2014 Budget. Councilor Sanchez seconded the motion, motion carried unanimously.

4. **Approval of Patrol Captain Job Description:** Ms. Engle presented this item to Council. She stated that this new job description was not a new position to police department; however in reviewing her files, she could find no evidence that a job description was ever established. This position is currently occupied by Captain Bobby Orosco.

Councilor Sanchez motioned to approve the job description for Patrol Captain, as presented. Councilor Shattuck seconded the motion, motion carried unanimously.

5. **City of Deming Disposition Committee-Auction Items Approved:** Mr. Massengill requested Council approval to publicly auction listed equipment and items, as excess and obsolete equipment by Dickerson, Inc. on October 26, 2013. A previously committee of three staff members have approved of the attached equipment list. He stated that upon Council approval, staff will request disposal of said equipment from the NM Office of the State Auditor.

Mr. McInturff stated that the County will be having an auction the same day at 10:00 a.m. and the City will conduct their auction at 2:00 p.m. held at different locations.

Councilor Shattuck asked where the funds from the auction would go. Mr. McInturff answered that the funds would go to their respective departmental funds.

Mr. Sera added that the list presented contains equipment in which the costs of repairs exceed its value.

Councilor Shattuck motioned to approve the auction items as presented to be auctioned by Dickerson, Inc. on October 26, 2013. The motion was seconded by Councilor Sanchez, motion carried unanimously.

6. **Update to Resolution 13-36 Transportation Alternative Program (TAP) Application:** Mr. Sera presented this resolution to Mayor and Council and pointed out that it had previously been approved by Council. He stated that there have been revisions made to the resolution based on the amount of funding that was allocated for the project. The original funding on the previous application was \$370,862.87 the funding now is \$217,195. The match requirement before was \$53,997.63 and now the match requirement is \$31,623.59. This project is for a multi-use path from Highway 11 to Country Club Road on the south side of Florida Street. The difference in costs is due to the fact that the City completed the design internally.

Councilor Sanchez motioned to accept the amended Resolution No. 13-36 Transportation Alternative Program (TAP), as presented. Councilor Shattuck seconded the motion, motion carried unanimously.

7. **Resolution Authorizing Acceptance of Federal Aviation Administration Airport Improvement Program Funding:** Mr. Sera presented this resolution to Mayor and Council to seek funding through the FAA Airport Improvement Program Funding. He read the resolution into record.

Councilor Shattuck motioned to approve the resolution to authorize acceptance of Federal Aviation Administration Airport Improvement Program Funding, as presented. Councilor Sanchez seconded the motion, motion carried unanimously.

8. **Resolution to Participate in Municipal Arterial Program Administered by the New Mexico Department of Transportation:** Mr. Massengill presented this resolution to Mayor and Council. He stated that this is a standard resolution required in order to enter into a cooperative agreement with the state. He added that this project is another phase of the drainage improvements on Florida Street from San Miguel to Mallery Street. He read the resolution into record. Mr. Massengill noted that in the resolution it mentions right-of-way, but there are no right-of-way issues, acquisitions, or changes.

Councilor Shattuck motioned to approve the Resolution to Participate in Municipal Arterial Program Administered by the New Mexico Department of Transportation, as presented. Councilor Sanchez seconded the motion, motion carried unanimously.

9. **Resolution Identifying A Partnership Between The City Of Deming And Deming MainStreet To Create A State Authorized Arts And Cultural District:** Mr. Sera presented this resolution to Mayor and Council. He read the resolution into record.

Councilor Sanchez asked what area the Arts and Cultural District would encompass. Barbara Reedy, President of Deming MainStreet, clarified the area to be the MainStreet District currently established; Cedar Street to Platinum Ave, to Hemlock Street to Copper Street. Councilor Sanchez asked if there would be any reason to expand that area. Ms. Reedy stated that the application ask that the organization identify any arts related area around that border. Councilor Sanchez asked what impact this would have for the residential owner who would want to sell their home. Ms. Reedy stated that it would have no impact on the residential owner. She stated that what the Arts and Cultural District does is open another avenue of potential state and federal funding for the district. Ms. Reedy stated that the requirements are extremely stringent, and there has not been an Arts and Cultural District designated since 2002. She stated that the state is looking at designating two districts and Deming MainStreet is one of fourteen to apply for this designation. Ms. Reed went on to name the different benefits of becoming an Arts and Cultural District. She listed several partners that are in support of the Arts and Cultural District.

Councilor Sanchez motioned to approve the Resolution Identifying a Partnership Between the City of Deming and Deming MainStreet to Create a State Authorized Arts and Cultural District, as presented. Councilor Shattuck seconded the motion, motion carried unanimously.

10. Public Hearing to Consider an Ordinance Amending Title 1, Chapter 8, Section 13, Subsection D “Prohibitions” of the Municipal Code of the City of Deming: Mr.

McInturff presented a memo to Mayor and Council regarding this proposed ordinance. He noted that in Section 1-8-13, Subsection D, items 1 through 7 currently exist in the code. The additions to this subsection are 8 and 9. Mr. McInturff recited both new items. He stated that the new items clarify the code. Mr. McInturff stated that Mr. Foy, the City Attorney, has reviewed this ordinance and given his opinion. Mr. McInturff stated after taking Mr. Foy’s opinion under advisement he would recommend going forward with this ordinance amendment.

Mayor Silva opened the floor for public comment.

Edward Khanbajian, 1721 W. Pine St., stated that he was in agreement with the proposed ordinance. He stated that this would help with the monitoring of whether or not an employee is on City time while conducting business as an elected official.

With no other public comment, Mayor Silva entertained a motion from Council.

Councilor Shattuck motioned to approve the Ordinance Amending Title 1, Chapter 8, Section 13, Subsection D “Prohibitions” of the Municipal Code of the City of Deming, as presented. Councilor Sanchez seconded the motion, motion carried unanimously.

11. Bids:

- a. **Bid #14-03-Heavy Duty Rescue Equipment:** Chief Davalos presented this bid to Mayor and Council. He stated that he and Ms. Engle reviewed the only proposal received from L.N. Curtis and Sons at \$21,300 for the heavy duty rescue equipment. Councilor Shattuck asked Chief Davalos for clarification as to what type of equipment this was. Chief Davalos stated that the best way to describe it would be for the purchase of a set of “Jaws of Life”. He stated that the current equipment is outdated and it is difficult to obtain replacement parts for it. He stated that L.N. Curtis and Sons will come and provide the training for the new equipment.

Councilor Sanchez motioned that Council accept Bid #14-03 Heavy Duty Rescue Equipment form L.N. Curtis and Sons at \$21,300 without gross receipts tax. Councilor Shattuck seconded the motion, motion carried unanimously.

- b. **Bid #14-04 Legal Services:** Mr. McInturff stated that the bids were opened and only one bid was received. This is for legal services for prosecution of the Municipal Court and other matters. The bid received was from Hofacket Law Firm, LLC at \$125.00/hour and \$500.00 retainer per month. Mr. Hofacket was the previous prosecutor and management recommends acceptance of the proposal.

Councilor Shattuck motioned to approve Bid #14-04-Legal Services with Hofacket Law Firm, LLC, as presented. Councilor Sanchez seconded the motion, motion carried unanimously.

12. Closed Session: To Discuss potential litigation and the sale and purchase of commercial property and lease of agricultural property pursuant to NMSA 1978, Section 10-15-1(H)(7) & (8), of the Open Meetings Act:

Mayor Silva asked for a motion to go into closed session

Councilor Shattuck motioned that they go into closed session. Councilor Sanchez seconded the motion, motion carried unanimously by roll call vote.

ROLL CALL VOTE

Councilor Shattuck	Aye
Councilor Sanchez	Aye
Mayor Silva	Aye

Mayor Silva stated that Mayor Pro Tem Franklin would be called in telephonically for the closed session of the meeting.

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

Councilor Sanchez motioned to go back into open session. Councilor Shattuck seconded the motion, motion carried unanimously by roll call vote.

ROLL CALL VOTE

Councilor Sanchez	Aye
Councilor Shattuck	Aye
Mayor Pro Tem Franklin	Aye-telephonically

Mayor Silva noted for the record that only items listed were discussed in closed session and that nothing was moved on during closed session.

Councilor Sanchez motioned to authorize the purchase of lots 7 thru 12 and 15 thru 22 plus an unnumbered lot south of lot 15 of Block 79 of the Boles Addition from Luna County contingent on approval from the County and the State Board of Finance; that a budget adjustment be authorized for the stated amount in the sales agreement; and that the revocation and dissolution of the Joint Economic Development Project #1 Joint Powers Agreement be effective September 20, 2013. Councilor Shattuck recused himself from voting on the motion. The motion was seconded by Mayor Pro Tem Franklin, who was in attendance telephonically. The motion carried by the following votes:

Councilor Sanchez	Aye
Mayor Silva	Aye
Mayor Pro Tem Franklin	Aye
Councilor Shattuck	Abstained

Councilor Shattuck motioned to approve the sale of approximately 25 feet by 80 feet of land to Mimbres Memorial Hospital at appraised value, with the developer Laharca, Inc.

repositioning the fence and trees along the south side of the property at the City's direction; and allowing Mayor to authorize and sign all closing documents. Councilor Sanchez seconded the motion, motion carried unanimously.

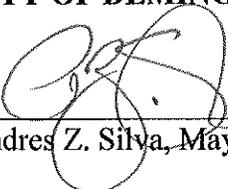
Councilor Shattuck motioned to authorize staff to negotiate a lease agreement with J & D Produce, Inc. for a 5 year term in the amount of \$18,700/year and the Mayor to execute the lease. The lease agreement must be in compliance with State Statute 3-54-1 that would be approved on September 27, 2013 by ordinance. Councilor Sanchez seconded the motion, motion carried unanimously.

Councilor Shattuck motioned to authorize staff to negotiate and Mayor Silva to sign documents to sell a 1.01 ac. of land to Mr. Trejo at appraised value, which is off of Hermanas Grade Road. Councilor Sanchez seconded the motion, motion carried unanimously.

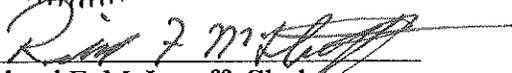
13. Adjourn Meeting: With no further business to discuss, Councilor Sanchez motioned to adjourn the meeting. Councilor Shattuck seconded the motion, motion carried unanimously. Meeting adjourned at 7:27 p.m.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk



ANDRES Z. SILVA, MAYOR

RICHARD F. MCINTURFF, ADMINISTRATOR

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We, the officials of the City of Deming, do hereby authorize the disposal of used or obsolete property to the auction process covered in statute. The lists included are inventoried items and non-inventoried items of little or no value.

Signed this 9th day of September, 2013.

David Sanchez, Councilor

Andres Z. Silva, Mayor

Richard F. McInturff, City Administrator

RESOLUTION NO. 13-36

**A resolution declaring the eligibility and intent of the City of Deming
to submit an application to the New Mexico Department of Transportation
for Federal Fiscal Year 2014/2015 Transportation Alternatives Program funds.**

WHEREAS, the City of Deming New Mexico, has the legal authority to apply for, receive and administer federal funds; and,

WHEREAS, the City of Deming is submitting an application for Federal Fiscal Year 2014/2015 (FFY14/15) New Mexico Transportation Alternatives Program (TAP) funds in the amount of \$217,195, as set forth by the Federal legislation, Moving Ahead for Progress in the 21st Century (MAP-21) and as outlined in the FFY 14/15 New Mexico TAP Guide; and,

WHEREAS, the Florida Street Multi Use Path named in the TAP application is an eligible project under New Mexico TAP and MAP-21; and,

WHEREAS, the City of Deming acknowledges availability of the required local match of \$31,623.59 and the availability of funds to pay all upfront costs, since TAP is a cost reimbursement program; and,

WHEREAS, the City of Deming agrees to pay any costs that exceed the project amount if the application is selected for funding; and,

WHEREAS, the City of Deming agrees to maintain all project(s) constructed with TAP funding for the useable life of the project(s); and,

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Deming, New Mexico, that:

1. The City of Deming, authorizes the Public Works Director, or Assistant City Administrator, to submit an application for FFY14/15 New Mexico TAP funds in the amount of \$217,195.00 from the New Mexico Department of Transportation (NMDOT) on behalf of the citizens of The City of Deming.

2. That the City of Deming assures the NMDOT that if TAP funds are awarded, sufficient funding for the local match and for upfront project costs are available, since TAP is a reimbursement program, and that any costs exceeding the award amount will be paid for by the City of Deming.

3. That the City of Deming assures the NMDOT that if awarded TAP funds, sufficient funding for the operation and maintenance of the TAP projects will be available for the life of the projects.

4. That the Public Works Director or the Assistant City Administrator, of the City of Deming are authorized to enter into a Cooperative Project Agreement with the NMDOT for construction of TAP projects using these funds as set forth by MAP-21 on behalf of the citizens of the City of Deming. The Public Works Director or the Assistant City Administrator, are also authorized to submit additional information as may be required and act as the official representatives of the City of Deming in this and subsequent related activities.

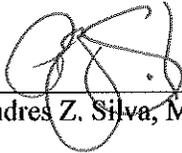
5. That the City of Deming assures the NMDOT that the City of Deming is willing and able to administer all activities associated with the proposed project.

PASSED, ADOPTED, AND APPROVED this 9th day of September, 2013.

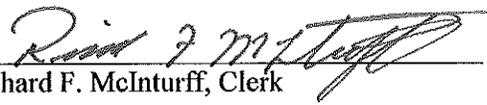


CITY OF DEMING, NEW MEXICO

By



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

RESOLUTION NO. 13-38

**A RESOLUTION AUTHORIZING ACCEPTANCE
OF FEDERAL AVIATION ADMINISTRATION
AIRPORT IMPROVEMENT PROGRAM FUNDING**

WHEREAS, the City Of Deming is seeking FAA funding for the Pavement Maintenance Taxiway A & Apron for the 2013 FAA project year; and

WHEREAS, this project is contingent on receipt of a grant from the FAA for \$211,638 of the eligible project costs and a grant from the New Mexico Department of Transportation Aviation Division for \$11,758 of the project costs; and

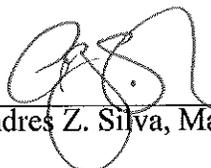
WHEREAS, the City is committed to appropriating an additional \$11,758 in funds, consistent with the regulations and policies governing the FAA AIP Fund Program and NMAD Grant Agreements.

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

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

PASSED, ADOPTED, AND APPROVED this 9th day of September, 2013

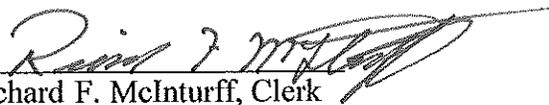
CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



ATTEST:



Richard F. McInturff, Clerk

RESOLUTION NO. 13-39

**PARTICIPATION IN MUNICIPAL ARTERIAL PROGRAM
ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Deming and the New Mexico Department of Transportation have entered into a joint and Cooperative Agreement.

WHEREAS, the total minimum cost of the project will be \$269,980.00 to be funded in proportional share by the parties hereto as follows:

a. New Mexico Department of Transportation's share shall be 75% or not exceed \$202,485.00

and

b. City of Deming's proportional matching share shall be 25% or a minimum of \$67,495.00.

The City of Deming shall pay all costs, which exceed the total amount of \$269,980.00.

NOW THEREFORE BE IT RESOLVED in official session that City of Deming determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on June 15, 2015 and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW THEREFORE, BE IT RESOLVED by the City of Deming to enter into Cooperative Agreement Project Number MAP-7629 (904), Control Number HW2 L100153 with the New Mexico Department of Transportation for MAP Project for year 2013-2014 for **planning design, ROW, Construction, Reconstruction, Pavement Rehabilitation, Drainage and Misc. Improvements of Florida Street (SR 427) – from San Miguel Street to Mallery**, within the control of the city of Deming in Deming/Luna County, New Mexico.

PASSED, ADOPTED, AND APPROVED this 9th day of September, 2013



Attest:


Richard F. McInturff, Clerk

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

RESOLUTION NO. 13-40
IDENTIFYING A PARTNERSHIP
BETWEEN THE CITY OF DEMING AND DEMING MAINSTREET
TO CREATE A STATE AUTHORIZED ARTS AND CULTURAL DISTRICT

WHEREAS, The City of Deming will enter into partnership with Deming Luna County MainStreet to create a State Authorized Arts and Cultural District (ACD); and

WHEREAS, the duration of the partnership to be for at least five (5) years, the District to be named: Deming Arts and Cultural District;

WHEREAS, the community wishes to pursue a State Authorized" Arts & Cultural District (ACD) through the New Mexico Arts Commission of the State of New Mexico and the City wishes to assist the district and community to develop a public-private partnership to support said District; and

WHEREAS, The Deming Luna County MainStreet has adopted a resolution to develop said Arts & Cultural District with other arts and cultural agencies, institutions and organizations and community economic development organizations; and

WHEREAS, this resolution will be included in an application to the State Coordinator of Arts and Cultural Districts in the Economic Development Department (EDD) who staffs for this Program the New Mexico Arts Commission of the Department of Cultural Affairs (DCA), requesting to be authorized as said State Arts & Cultural District;

NOW THEREFORE BE IT RESOLVED, the Governing Body in and for the City of Deming, that it;

Article 1. Endorses the submission of this application and agrees to participate in the development and also agrees to operate as the fiscal agent of said Arts & Cultural District.

Article 2. Endorses the goals of cultural economic development of said Arts & Cultural District within the context of preservation and rehabilitation of our historic buildings.

Article 3. Will appoint a city official to officially represent the city on the governing Arts & Cultural District Steering Committee of said Arts & Cultural District.

Article 4. By this action, directs city staff to actively support and cooperate with the ACD Steering Committee to develop said Arts & Cultural District.

Article 5. By this action, requests all residents of city and especially those citizens who own property or businesses within said Arts & Cultural District to support, promote and help sustain and support activities, projects and events in said ACD district.

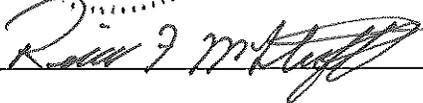
Article 6. Directs the Mayor to sign and submit such resolution upon application of said Arts & Cultural District.

PASSED, ADOPTED AND APPROVED this 9th day of September, 2013.





Andrés Z. Silva, Mayor



Richard F. McInturff, City Clerk / Administrator

ORDINANCE NO. 1238

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 8, SECTION 13, SUBSECTION D
"PROHIBITIONS" 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 1, Chapter 8, of the City of Deming Municipal Code is hereby amended by deleting Section 1-8-13 D in its entirety and replacing as follows:

1-8-13 PROHIBITIONS:

D. Elected Office: The city council finds that certain political activities are inconsistent with merit principles and are not in the best interests of the city or its employees. Therefore, the following political activities are prohibited or restricted:

1. No city employee shall engage in any partisan political activity during his hours of work for the city.
2. No person shall hold a political position which is incompatible with his city employment.
3. No city person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or for any partisan political purpose whatever from any city employee during such city employee's hours of work for the city.
4. No city employee shall, during his hours of work for the city, solicit or receive any contribution to the campaign funds of any partisan political organization or any partisan candidate for public county, state or federal office or take any policy making or fundraising part in the management or partisan political campaign of any partisan political organization or any partisan candidate for public county, state or federal office.
5. No city employee shall use his/her position or employment to influence support from other City employees for or against any candidate or issue in any election, provided, however, that nothing in this section shall deny the right of an employee to express his/her views on any issue or candidate whatsoever during nonworking hours.
6. No city employee shall engage in political activity while on the job.
7. There shall be no use of City bulletin board or other City property for political purposes.
8. No city employee shall hold an elective office of the State of New Mexico or any of its political subdivisions (i.e. municipal, local school board, county, state legislature, etc.),

provided, however, that nothing contained in this section shall be construed to prevent any city employee from seeking election to an elective position. Such employee may request a leave of absence without pay from his position beginning nine calendar days prior to and including the day of any primary, municipal, county or general election in which such employee shall be a candidate. A leave of absence may be granted by the City Administrator if the vacancy does not negatively affect the daily operations of the City. If not elected, upon completion of his leave of absence without pay, the employee shall be reinstated to his former position. If elected, employee must submit a letter of resignation from current employment with the City of Deming within three calendar days.

9. City employees that currently hold an elected position, may continue their elected position until the employee is not elected for a consecutive term. Time off without pay from regularly scheduled work hours must be coordinated with immediate supervisor and approved by the City Administrator to attend functions requiring the elected official's presence or participation.

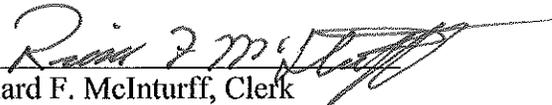
PASSED, ADOPTED, AND APPROVED, this 9th day of September, 2013.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk