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

## CITY COUNCIL MEETING

September 12<sup>th</sup>, 2011

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 08/08/11
  - B. Minutes – Special City Council Meeting 08/22/11
  - C. Minutes – Tourism Development Committee 08/10/11
    - a. Recommendation to accept the five new board samples upon review of the two additional designs.
  - D. Minutes – P&Z 08/15/11
    - a. Recommendation to approve an Ordinance Amendment, Title 8, Chapter 1, adding Access Permits (Table for agenda).
    - b. Recommendation to approve an Alternate Subdivision for Naresh Patel (Table for agenda).
  - E. Minutes – Marshall Memorial Library 08/29/11
  - F. Minutes – Marshall Memorial Library 06/28/11 Amended
  - G. Minutes – Airport Commission 08/09/11
  - H. City of Deming Disposition Committee - Auction Items Approved
2. Public Forum
3. Mayor's Swear-in of Deming Firefighters Chris Holguin and Antoinette Calderon
4. Ratification of Proclamation to Remember the Anniversary of September 11<sup>th</sup>
5. Resolution: To adopt by resolution the City Section 3 Plan
6. Resolution: To adopt by resolution the City Residential Anti-Displacement and Relocation Assistance Plan
7. Resolution: To adopt by resolution the City Citizen Participation Plan
8. Resolution: Adopting an Infrastructure Capital Improvements Plan (ICIP) for the City of Deming
9. Public Hearing: To Consider an Ordinance Amending Title 8, Chapter 1, adding Access Permits
10. Quasi-Judicial Public Hearing: To Consider an alternate Subdivision for Naresh Patel
11. Approval of a contribution transfer of title to the Corre Caminos Southwest Regional Transit District
12. Acceptance of DFA budget approval letter.
13. Bids
  - a. Bid #12-1 Movie Set Building
14. Closed Session: To Discuss potential litigation involving debt collection, the sale and purchase of industrial real estate, and the sale and purchase of farm property pursuant to NMSA 1978, Sections 10-15-1 (H) (7) and (8) of the Open Meetings Act.
15. Open Session: Motions if any
16. Adjourn Meeting

The next Regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., October 10<sup>th</sup>, 2011.

# CITY COUNCIL WORKSHOP MINUTES September 12<sup>th</sup>, 2011

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

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

**Staff**      **Richard McInturff, City Administrator**      **Edgar Davalos, Fire Chief**  
**Present:**      **Mary Mackey, Administrative Assistant**      **Michael Carrillo, Chief of Police**  
                    **Nancy White, Acting City Planner Technician**  
                    **Richard Kocab, Assistant Treasurer**

Mayor Silva and the City Council of Deming, New Mexico held a Council workshop on September 12<sup>th</sup>, 2011 at 4:00 p.m. to discuss items on the agenda of the City Council Regular Meeting scheduled for 6:00 p.m. the same day.

Mr. McInturff stated that a recommendation was made by the TDC Committee to accept the five new billboard samples. Mr. Kocab stated he should be receiving the samples prior the Regular Council Meeting later that afternoon, and would be handing it out to be viewed. Mr. McInturff requested Mr. Kocab also include the TDC Financial Statement referred to in the TDC Minutes.

Mr. McInturff stated that Item D of the agenda has been tabled for later in the meeting agenda, that the recommendation will not be approved within the consent agenda.

Mr. McInturff asked if the Mayor had the script for the swearing in of the new firefighters. Chief Davalos stated he would get the script to the Mayor prior to the regular meeting.

Mr. McInturff stated that there will be a ratification of the September 11 Remembrance Proclamation signed by the Mayor on September 9<sup>th</sup>, 2011.

Mr. McInturff stated that items five, six and seven are now requirements by CDBG that need to be adopted by resolution. Mr. McInturff stated that these plans have already been approved the beginning of the current year, but the CDBG requirement is that the approval needs to be by resolution.

Mr. McInturff stated that the ICIP is adopted yearly. Mr. McInturff stated that the projects are prioritized, with CDBG being ranked number one, and that the top five ranked are all infrastructure related. Mr. McInturff stated that a ICIP public hearing was held to obtain public input for projects but no members of the public were in attendance. Staff proceeded with the plan during the hearing.

Mr. McInturff reviewed the proposed ordinance and suggested edits to item B which refers to "such construction, maintenance, or future maintenance is the responsibility of...", stating that maintenance and future maintenance is redundant, and is requesting the first maintenance be crossed out. Mr. McInturff also stated that the section that states "contractor, individual, or owner" should be made to read "the responsibility of the owner", therefore, crossing out contractor and individual. Mr. McInturff stated that in the next sentence it states "such construction, maintenance, or future maintenance", and is recommending crossing off maintenance. Mr. McInturff stated that in the section that states "responsibility of the contractor, individual, or owner", that contract and individual should be crossed out.

Mr. McInturff pointed out Section E and E-1, which state "heavy traffic commercial areas which include but are not limited to..." , and recommended scratching off E-1 which is a repeat, and re-number the a-b-c list to 1-2-3-4-5. Mayor Silva clarified that instead of a-b-c, they will be numbered 1-2-3. Councilor Enis acknowledged.

Mr. McInturff stated that the City did not have an ordinance governing access permits, stating that there needs to be some sort of process. Councilor Enis asked about the verbiage on section F which states that no curb cut or driveway shall be closer than 15 feet from property lines, stating that with the lot sizes in Deming, the driveway will be in the middle of the lot. Mr. McInturff stated that the section has to do with corner lots, and stated that the wording should reflect that it refers to corner lots. Mr. McInturff stated that the verbiage should state that "it needs to conform to the setback" of the lots.

Mr. McInturff recommended to re-word F-2 to state that " no curb or driveway shall be closer than five (5) feet from interior side of property lines".

Mr. McInturff stated that P & Z had a question on item four (4) about the circular lots, and that the fix is that the lot has to have a minimum of 60 feet.

Mr. McInturff stated that item 10 on the agenda is a Quasi-Judicial to split two lots into four (4) lots.

Mayor Silva stated that on the memo for the contribution, transfer of title should stated that the contribution is to SWRTD and not Corre Caminos, that Corre Caminos is the name of the busses but the transfer will be to SWRTD.

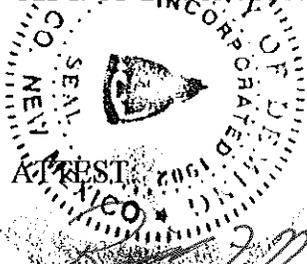
Mr. McInturff stated that the next item is the DFA approval letter for the City's budget.

Mr. McInturff stated that the bid is for the Indiana Jones Movie Set, further stating that the City thought they could use it as an attraction, but CID would not issue a permit for it. Mr. McInturff stated that the bidder has 30 days to show the City they have a contract, from a mover, to remove the house, otherwise it will be demolished.

Mr. McInturff stated that the last item on the agenda is the closed session.

With no further business to conduct the workshop was adjourned at 4:22 p.m.

CITY OF DEMING, NEW MEXICO



  
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Andrés Z. Silva, Mayor

  
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Richard F. McInturff, Deputy Clerk

# CITY COUNCIL MEETING MINUTES September 12<sup>th</sup>, 2011

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

**Absent:** None

**Staff Present:** Richard F. McInturff, Administrator    Edgar Davalos, Fire Chief  
Mary Mackey, Administrative Secretary    Michael Carillo, Chief of Police  
Richard Kocab, Assistant Treasurer  
Nancy White, Acting City Planner Technician  
Lawrence Brookey, Public Works Director

Mayor Silva led the pledge of allegiance and called the meeting to order at 6:00 p.m.

## 1. Consent Agenda

- A. Minutes – City Council Workshop and Regular Meeting 08/08/11
- B. Minutes – Special City Council Meeting 08/22/11
- C. Minutes – Tourism Development Committee 08/10/11
  - a. Recommendation to accept the five new board samples upon review of the two additional designs.
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- F. Minutes – Marshall Memorial Library 06/28/11 Amended
- G. Minutes – Airport commission 08/09/11
- H. City of Deming Disposition Committee – Auction Items Approved

Councilor Enis motioned to pull recommendation "a" under the TDC minutes, as well as "a and b" under P & Z minutes and approve the remainder of the consent agenda as presented, second by Councilor Shattuck; motion carried unanimously.

Mr. Kocab stated that the recommendation was to replace the art work on the current billboards, as they are coming up for renewal. Mr. Kocab presented the Commission with art samples of the five (5) recommendations. Mr. Kocab stated that there are 16 total billboards throughout the state of New Mexico, with some in Arizona and Texas.

Mayor Silva asked if all the five (5) designs would be used or if only one is being selected. Mr. Kocab stated that all five would be used.

Councilor Enis stated that the "See What's Rock'n" design does not tie in with our area, and needs to be redesigned. Councilor Sanchez recommended possibly highlighting Gems or Geodes.

Councilor Enis motioned to approve four of the designs and to have "See What's Rock'n" design re-worked, second by Mayor Pro Tem Shattuck; carried unanimously

Mr. McInturff stated that items a & b under P & Z are tabled for later in the agenda and no approval is needed under the consent agenda.

**2. Public Forum**

**3. Mayor Swear-in of Deming firefighters Chris Holguin and Antoinette Calderon**

Mayor Silva performed a swear-in of Deming Firefighters Chris Holguin and Antoinette Calderon. Chief Davalos stated that both have completed their certification as Fire Fighter I, EMT Responders HAZMAT, and Wild Land courses.

**4. Ratification of Proclamation to Remember the Anniversary of September 11<sup>th</sup>, 2001**

Mayor Silva read into record the proclamation signed by him on September 9<sup>th</sup>, 2011 in remembrance of the September 11, 2011 terrorist attacks. Mayor Silva thanked members of the Fire Department and Police Department for all they do to protect the citizens of Deming.

**5. Resolution: To adopt by resolution the City Section 3 Plan**

Mr. McInturff read the resolution aloud. Mr. McInturff stated that this and the following two resolutions have already been adopted as plans at the beginning of the year, but that CDBG is now requiring they be adopted by resolution.

Councilor Milo motioned to adopt the resolution, second by Mayor Pro Tem Shattuck; carried unanimously.

**6. Resolution: To adopt by resolution the City Residential Anti-Displacement and Relocation Assistance Plan**

Mr. McInturff read the resolution aloud. Mayor Silva stated that this plan is required to be adopted by resolution. Mr. McInturff affirmed.

Mayor Pro Tem Shattuck motioned to adopt the resolution, second by Councilor Sanchez; carried unanimously.

**7. Resolution: To adopt by resolution the City Citizen Participation Plan**

Mr. McInturff read the resolution aloud.

Mayor Pro Tem Shattuck motioned to adopt the resolution, second by Councilor Milo; carried unanimously.

**8. Resolution: Adopting an Infrastructure Capital Improvements Plan (ICIP) for the City of Deming**

Mr. McInturff read the resolution aloud. Mr. McInturff stated that the ICIP Resolution is adopted yearly and that the list addresses capital outlay needs. Mr. McInturff stated that the top five (5) priority projects are ranked on the list. Many projects are required to be listed on the ICIP when applying for grant funding. Mayor Silva clarified that this is a working document. Mr. McInturff affirmed.

Councilor Enis motioned to adopt the ICIP Improvement Plan Resolution, second by Mayor Pro Tem Shattuck; carried unanimously

**9. Public Hearing: To Consider an Ordinance Amending Title 8, Chapter 1, adding Access Permits**

Mr. McInturff stated that a new "access permit" section is being added to this ordinance. Mr. McInturff stated that the City did not have a process for access permits. The Highway Department requires access permits in the normal course of business. Mr. McInturff stated that a distinction on access permits has been made between residential and commercial access, and fees have been established. Mr. McInturff stated that there are some suggested edits to the original published document which are as follows: to item B which refers to "such construction, maintenance, or future maintenance is the responsibility of...",

## PROCLAMATION

### CITY OF DEMING, NEW MEXICO JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10<sup>TH</sup> ANNIVERSARY OF SEPTEMBER 11<sup>TH</sup>

WHEREAS, the City of Deming, New Mexico expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time (11:00 a.m. in City of Deming) on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

**WHEREAS**, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

**WHEREAS**, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

**WHEREAS**, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

**WHEREAS**, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

**WHEREAS**, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

**WHEREAS**, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

**WHEREAS**, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

**WHEREAS**, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

**WHEREAS**, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

**THEREFORE BE IT PROCLAIMED** that the City of Deming, New Mexico:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) Offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

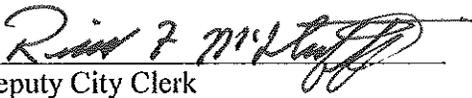
**BE IT FURTHER PROCLAIMED** that on the 10th anniversary of this tragic day in United States history the City of Deming, New Mexico calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

**NOW THEREFORE**, I, Andres Z. Silva, Mayor proclaim that the City of Deming, New Mexico encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time (11:00 a.m. local time) by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

**SIGNED THIS 9<sup>TH</sup> DAY OF SEPTEMBER, 2011 IN THE CITY OF DEMING,  
NEW MEXICO.**



  
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Andres Z. Silva, Mayor

  
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Deputy City Clerk

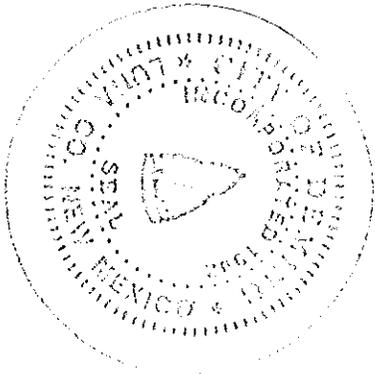
**CITY OF DEMING, NEW MEXICO**  
**RESOLUTION NO: 11-27**

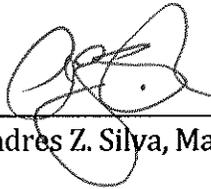
**A RESOLUTION TO ADOPT  
THE RESIDENTIAL ANTI-DISPLACEMENT  
& RELOCATION ASSISTANCE PLAN**

**WHEREAS**, the prepared Anti-displacement and Relocation Assistance Plan represents the effort of the City of Deming to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974 as amended.

**NOW, THEREFORE BE IT RESOLVED THAT I**, Andres Z. Silva, Mayor of the City of Deming on behalf of the City Council, do hereby adopt the Residential Anti-displacement and Relocation Assistance Plan.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 12<sup>th</sup> day of September 2011.



  
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Andres Z. Silva, Mayor

**ATTEST:**

  
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Richard F. McInturff, Deputy Clerk

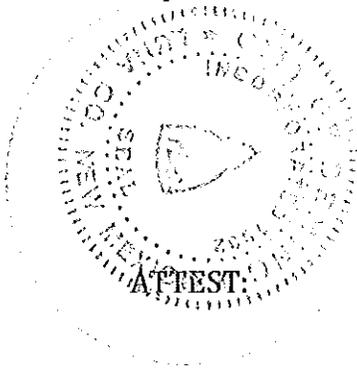
**CITY OF DEMING, NEW MEXICO**  
**RESOLUTION NO. 11-28**

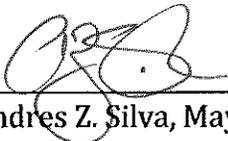
**A RESOLUTION TO ADOPT**  
**THE CITIZEN PARTICIPATION PLAN**

**WHEREAS**, In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared a Citizen Participation Plan.

**NOW, THEREFORE I**, Andres Z. Silva, Mayor of the City of Deming on behalf of the City Council, do hereby adopt the Citizen Participation Plan.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 12<sup>th</sup> day of September 2011.



  
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Andres Z. Silva, Mayor

  
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Richard F. McInturff, Deputy Clerk

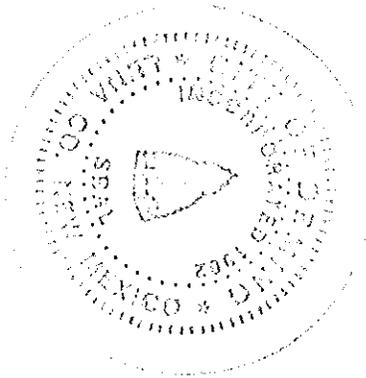
**CITY OF DEMING, NEW MEXICO**  
**RESOLUTION NO. 11-29**

**A RESOLUTION TO ADOPT**  
**THE CITY OF DEMING SECTION 3 PLAN**

**WHEREAS,** The City of Deming is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

**NOW, THEREFORE BE IT RESOLVED,** that I, Andres Z. Silva, Mayor of the City of Deming on behalf of the City Council, do hereby adopt the City of Deming Section 3 Plan.

**IN WITNESS WHEREOF,** I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 12<sup>th</sup> Day of September 2011.



A handwritten signature in black ink, appearing to read "A. Z. Silva", is written over a horizontal line.

Andrés Z. Silva, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Richard F. McInturff", is written over a horizontal line.

Richard F. McInturff, Deputy Clerk

CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 11-30

RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS  
PLAN (ICIP) 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

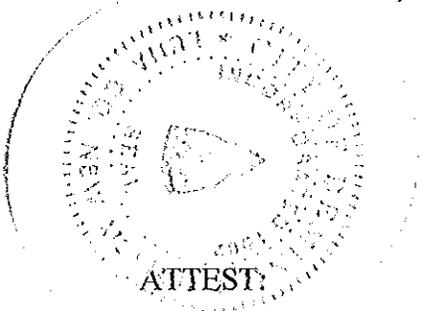
WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

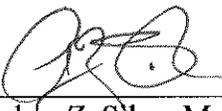
NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY OF DEMING  
That:

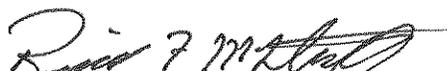
1. The municipality has adopted the attached Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for the New Mexico's infrastructure.
3. This Resolution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

PASSED, APPROVED AND ADOPTED by the governing body at its meeting of  
September 12, 2011.

CITY OF DEMING, NEW MEXICO



  
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Andres Z. Silva, Mayor

  
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Richard F. McInturff, Deputy Clerk

**ORDINANCE NO. 1216**

**AN ORDINANCE AMENDING TITLE 8 "Public Ways and Property" 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 8, Chapter 1 of the City of Deming Municipal Code is hereby amended by inserting the following:

**8-1-7: ACCESS PERMITS:**

- A. General: All construction of crossings under this article shall be done in a manner and with such materials as are prescribed by the New Mexico Department of Transportation unless noted in this section. Prior to any construction of crossings specified in this section, an Access Permit is required. Application for an Access Permit can be obtained from the Building Inspector. The Building Inspector, City Engineer, or designee shall approve the Access Permit.
- B. Required: The owner of any land desiring to construct a crossing of any sidewalk or public right- of-way for use by trucks, tractors, trailers, buses, automobiles or any other vehicles so as to enter any private or other alley or way on such premises or so as to give access to any entrance or exit to any such premises shall first obtain a permit from the Building Inspector. Such construction or future maintenance of the crossing is the responsibility of the owner in accordance with the following requirements. Such construction or future maintenance is the financial responsibility of the owner. The construction is subject to approval by the Building Inspector or City Engineer.
- C. Application Submission: Application and construction documents shall be submitted for each application for permit. The construction documents shall be prepared by a design professional. The City Engineer, Building Inspector, or designee is authorized to waive the submission of documents prepared by a registered design professional if it is found that the nature of the work applied for is such that an in-depth review is not necessary. Where special conditions exist, additional documents or data, including but not limited to traffic studies, may be required for approval of the permit.
- D. Light traffic commercial/Industrial areas: In all light traffic commercial/Industrial areas, which shall include all office buildings or other commercial buildings not more than two stories in height, the width of curb cuts or driveways shall be a minimum of 12 feet and a maximum of 25 feet. No curb cuts or driveways shall be closer than thirty (30) feet from side property lines. All other requirements shall be the same as in residential areas.
- E. Heavy traffic commercial/Industrial areas: In all heavy traffic commercial/Industrial areas, which include but are not limited to all drive-in type establishments, no curb cut or driveway shall be closer than thirty (30) feet from side property lines. The width of curb cuts or driveways shall be a minimum of 20 feet and a maximum of 35 feet, provided that the City Engineer approves a curb cut or driveway over 35 feet in width when justified; after a complete study of the following factors:

1. Traffic volume.
2. Pedestrian volume.
3. One-way streets.
4. Type of business making the request.
5. All other requirements shall be the same as in residential areas.

F. Residential areas: In all residential areas, which shall include all dwelling units, single-family, apartments or otherwise, the following shall apply:

1. The minimum width of curb cuts shall be 12 feet and the maximum width shall be 22 feet.
2. No curb cut or driveway shall be closer than five (5) feet from interior side property lines.
3. A minimum of 22 feet of the standing curb must remain between any two curb cuts on the same lot or single parcel of land. If more than one lot or parcel of land is being put to a single land use, this requirement shall apply to that land use.
4. No double or circle drives shall be installed unless the property has a minimum of 60 feet of frontage on the street affected thereby.
5. Corner property curb cuts shall be no closer to the intersecting street than fifteen (15) feet from the property line of the intersecting street, but the driveway shall not encroach on the corner curb return of intersections. No driveway shall be allowed on the one-way turning roadways of channelized intersections. Where traffic volumes are heavy or where the intersection is signalized, the corner clearance shall be at least twice the stated minimum value on the stopping side of the intersection.

G. Exceptions: The City Engineer may issue a waiver for any single curb cut, driveway or circle drive in cases where frontage is not adequate to meet the requirement and where based on unique property characteristics that prohibit compliance as long as public safety is not compromised.

H. Abandoned and nonconforming curb cuts or driveways: If any vehicular or other sidewalk crossing is clearly abandoned as a crossing or no longer used for its intended purpose, any permit granted for the use of the crossing as such shall be subject to revocation by the City of Deming only after 30 days' written notice of such proposed revocation has been given to the owner of the property to which the crossing is appurtenant. The owner's name and address will be ascertained from the county tax rolls. It shall be sufficient notice under this section to make delivery of the notices by certified mail with return receipt requested.

I. Consideration, approval: After examination and consideration of the application for a permit required by the City of Deming and the plan and examination of the premises if deemed necessary, the Building Inspector or designee is authorized and directed to approve a permit for the construction if the use of the right-of-way or crossing will not unreasonably interfere with the proper and safe use of the sidewalk or right-of-way to be crossed or the proper and safe use of the street or other public way to which ingress and egress is made from private premises. No construction shall be made until such permit has been granted.

J. Fees: Access Permit Fees Established: Application and Application fee of .05% of the proposed construction value or a minimum of twenty-five dollars (\$25.00) will be assessed by the Building Inspector if not in conjunction with a concurrent building permit.

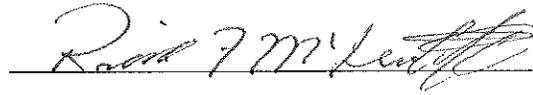
PASSED, ADOPTED, AND APPROVED, this 13<sup>th</sup> Day of September, 2011.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk

stating that maintenance and future maintenance is redundant, and is requesting the first maintenance be crossed out. Mr. McInturff also stated that the section that states "it is the responsibility of contractor, individual, or owner" should be made to read "the responsibility of the owner", therefore, crossing out contractor and individual. Mr. McInturff stated that in the next sentence it states "such construction, maintenance, or future maintenance", and is recommending crossing off maintenance. Mr. McInturff stated that in the section that states "the financial responsibility of the contractor, individual, or owner", that contract and individual and the word "or" should be crossed out.

Mr. McInturff pointed out that Section E, item 1 is a repeat of item E and suggests deleting all of Item 1 and changing the factors from a-b-c-d to 1-2-3-4-5.

Mr. McInturff stated that in Section F, item 2, it states "that no curb cut shall be closer than...", which instead of 15, should be change to 5, and insert the words "interior side property line". Mr. McInturff stated that with those changes, staff recommends adoption of the ordinance.

Mayor Silva opened up the public hearing concerning the ordinance

Mayor Silva closed up the public comment

Councilor Enis motioned to approve the ordinance amending Title 8, Chapter 1 with the recommended changes by staff, adding "access permit", second by Mayor Pro Tem Shattuck; carried unanimously.

#### **10. Quasi-Judicial Public Hearing: To Consider an alternate Subdivision for Naresh Patel**

Mayor Silva conducted a quasi-judicial public hearing to consider alternate subdivision for Naresh Patel; confirmed that Council had no conflict of interest; that the public notices were legally posted; and swore in all parties who would be giving testimony. Mayor Silva asked staff to present the case.

Ms. White read into record a memo in which Naresh Patel is requesting an alternate subdivision to split two (2) lots into four (4) lots.

Mayor Silva asked if Council had any questions for staff.

Mayor Silva asked if the applicant or agent for the applicant would like to make a statement.

Mayor Silva asked if there were any affected parties that would like to make a statement.

Mayor Silva asked if there were any other parties that would like to make a statement.

Mr. McInturff stated that staff has talked with the applicant and that as part of the approval, a shared access requirement would be recommended. Mr. McInturff stated he would like to be more specific and recommends that the shared access be recorded and that rescinding it be by mutual revocation only. Mr. McInturff stated he spoke with the applicant and informed him that the length of the existing median may restrict partial access to two of the lots.

Mayor Silva closed public comments and elsewhere motion from Council and stated that Council has the option to go into closed session pursuant to NMSA 1978 10-15-1-H(3).

Mayor Pro Tem Shattuck motioned to approve the alternate subdivision for Naresh Patel with recommended presented by staff, second by Councilor Sanchez;

#### **ROLL CALL VOTE:**

Councilor Milo	aye
Councilor Sanchez	aye
Councilor Enis	aye
Mayor Pro Tem Shattuck	aye

Motion passed and carried unanimously.

#### **11. Approval of a contribution transfer of title to the Corre Caminos Southwest Regional Transit District**

Mr. McInturff read into record the memo requesting a title transfer of a bus to SWRTD. Mr. McInturff stated SWRTD funding was reduced, and this in-kind contribution is to off-set the reduction, and that management is requesting approval to transfer title of a 2007 Ford Passenger Bus to SWRDC. Councilor Milo asked which bus it was. Mr. McInturff stated it was the bus that TDC purchased but that since it had not been used, the City purchased it from TDC from General Funds. Councilor Enis motioned to approve the transfer, second by Councilor Sanchez; carried unanimously.

**12. Acceptance of DFA budget approval letter.**

Mayor Silva read into record the budget approval letter from DFA in which DFA is approving the 2011/2012 City Budget.

**13. Bids:**

**a. Bid #12-1 Movie Set Building**

Mr. McInturff stated the bid is for the movie set building that was used in the Indiana Jones Movie, in which the City had planned to use as an attraction. However, the Construction Industries Division (CID) did not approve the permit. Mr. McInturff stated that only one bid was received, and that the bidder has 30 days to show the City that he has a moving permit to move the building, or the building will be demolished. Mr. McInturff stated that staff is recommending acceptance of the bid for \$111.11. Councilor Milo motioned to accept the bid offer, second by Mayor Pro Tem Shattuck; carried unanimously.

**14. Closed Session:** To discuss potential litigation involving debt collection, the sale and purchase of industrial real estate, and the sale and purchase of farm property pursuant to NMSA 1978, Sections 10-15-1 (H) (7) and (8) of the Open Meetings Act.

**15. Councilor Milo motioned to go into closed session To discuss potential litigation involving debt collection, the sale and purchase of industrial real estate, and the sale and purchase of farm property pursuant to NMSA 1978, Sections 10-15-1 (H) (7) and (8) of the Open Meetings Act, second by Mayor Pro Tem Shattuck;**

ROLL CALL/VOTE

Councilor Sanchez	Aye
Councilor Enis	Aye
Councilor Milo	Aye
Mayor Pro Tem Shattuck	Aye

Motion carried.

**16. Open Session: Motions if any**

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

ROLL CALL/VOTE

Councilor Sanchez	Aye
Councilor Milo	Aye
Councilor Enis	Aye
Mayor Pro Tem Shattuck	Aye

Motion carried.

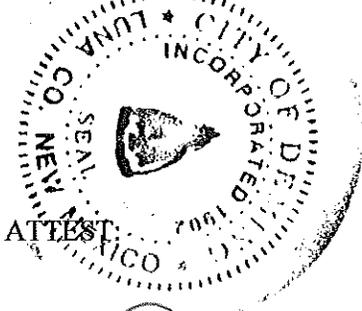
Mayor Silva stated for the record that there were no motions made during closed session and that only those items that were stated upon the motion to close were discussed.

**17. Adjourn Meeting**

With no further business to conduct, Councilor Milo motioned to adjourn the meeting at 8:02 p.m., second by Councilor Sanchez; carried unanimously.

The next Regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., October 10<sup>th</sup>, 2011.

CITY OF DEMING



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Andres Z. Silva, Mayor

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Richard F. McInturff, Deputy Clerk