



Phone (505) 546-8848 • Fax (505) 546-6442
E-MAIL: deming@cityofdeming.org • Website: www.cityofdeming.org
P.O. BOX 706 • DEMING, NEW MEXICO 88031
POPULATION 14,000

CITY COUNCIL
Special Meeting
September 27, 2012
9:00 A.M.
AGENDA

Call to Order / Pledge of Allegiance

1. Resolution Authorizing the Execution of Gas Supply Contract with the Public Energy Authority of Kentucky
2. Resolution Accepting the Luna County All Hazards Emergency Operations Plan by the City of Deming
3. Approval of Amended Infrastructure Capital Improvements Plan
4. Out-of-State Travel Request for Police Officers to Attend Training in Scottsdale, Arizona for Bike Patrol.
5. Senior Citizens Center Vehicle Trade
6. Closed Session: To discuss the sale and purchase of farm real estate pursuant to NMSA 1978, Sections 10-15-1 (H) (7) and possible litigation pursuant to NMSA 1978, 10-15-1 (H) (8) of the Open Meetings Act.
7. Adjourn Meeting.

The next regularly scheduled workshop and meeting is October 8, 2012 commencing at 4:00 p.m. and 6:00 p.m.

**CITY COUNCIL SPECIAL
MEETING MINUTES
September 27, 2012**

Council Present:

Linda Franklin, Mayor Pro Tem
David Sanchez, Councilor

Joe "Butter" Milo, Councilor
William Shattuck, Councilor

Council Absent:

Andres Z. Silva, Mayor

Staff Present:

Richard F. McInturff, Administrator
Aaron Sera, Assistant City Administrator
Michael Carrillo, Police Chief

Jim Foy, City Attorney
Edgar Davalos, Fire Chief
Richard Kocab, Assistant Treasurer

Recording Secretary: Berenda McWright, Assistant Deputy Clerk

Mayor Pro Tem Franklin led the pledge of allegiance and called the meeting to order at 9:00 a.m.

- 1. Resolution Authorizing the Execution of Gas Supply Contract with the Public Energy Authority of Kentucky:** Mr. McInturff provided a summary of the gas supply contract and recommended approval of the resolution which authorizes the City to execute a gas supply contract with the Public Energy Authority of Kentucky for the purchase of natural gas acknowledging that PEAK will issue its gas supply revenue bonds to fund the purchase of a supply of natural gas from Morgan Stanley Capital Group Inc. Mr. McInturff stated the gas supply contract is a prepaid transaction in which the City of Deming is the third smallest participant and only government owned utilities are allowed to participate. The gas supply discount contract price shall not be more than Index minus \$.35 per MMBtu. Councilor Sanchez asked if the City was over or under in regards to the last gas contract. Mr. McInturff stated that the City did not start out not buying as much as they nominated and over the years Border Foods has become more efficient and therefore is using less gas. As a result, the nominations, this time are more conservative. Councilor Shattuck motioned to approve the resolution authorizing the execution of a gas supply contract with the Public Energy Authority of Kentucky with the Mayor, City Administrator and City Attorney having signatory authority. Attorney Jim Foy recommended the language in the resolution be changed to include "any other required person" is hereby authorized to execute the related documents. A friendly amendment was made to the motion to include the language change recommend by the City Attorney. The motion was seconded by Councilor Milo and carried unanimously.

2. **Resolution Accepting the Luna County All Hazards Emergency Operations Plan by the City of Deming:** Chief Davalos recommended approval of the resolution accepting the Luna County All Hazards Emergency Operations Plan which provides a guideline for emergency response procedures. Sonia Arteché stated the plan is a template in regards to procedure by each governmental entity and the plan is required by FEMA and state for emergency declarations. Councilor Sanchez motioned to approve the resolution accepting the Luna County All Hazards Emergency Operations Plan by the City of Deming. The motion was seconded by Councilor Milo and carried unanimously.

3. **Approval of Amended Infrastructure Capital Improvements Plan:** Mr. McInturff recommended approval of the amended ICIP in which projects have been added in order to assist the Mainstreet Program with grant applications. Mr. McInturff stated the amended plan would be attached to the resolution which was previously approved by Council. Councilor Shattuck motion to approve the Amended Infrastructure Capital Improvements Plan. The motion was seconded by Councilor Milo and carried unanimously.

4. **Out-of-State Travel Request for Police Officers to Attend Training in Scottsdale, Arizona for Bike Patrol:** Chief Carillo recommended approval of the request to send two police officers to Scottsdale, Arizona for bike patrol training. Chief Carillo stated that Scottsdale is the nearest location in which this type of training is offered. He also stated the training was being paid for with grant money received from the Law Enforcement Protection Fund. Councilor Milo motioned to approve the out-of-state travel request for police officers to attend training in Scottsdale, Arizona for bike patrol. The motion was seconded by Councilor Sanchez and carried unanimously.

5. **Senior Citizens Center Vehicle Trade:** Mr. McInturff explained that the City owns a 2007 Ford Van with 1,333 miles on it and a van is needed to transport prisoners. The City would like to donate the van to the Senior Citizens Center in exchange for a 2005 Ford Van with 43,288 miles. Councilor Sanchez motioned to approve the Senior Citizens Center vehicle trade as presented. The motion was seconded by Councilor Milo and carried unanimously.

6. **Closed Session: To discuss the sale and purchase of farm real estate pursuant to NMSA 1978, Sections 10-15-1 (H) (7) and possible litigation pursuant to NMSA 1978, 10-15-1 (H) (8) of the Open Meetings Act:** Mayor Pro Tem Franklin entertained a motion to go into closed session to discuss the sale and purchase of farm real estate pursuant to NMSA 1978, Sections 10-15-1 (H) (7) and possible litigation pursuant to NMSA 1978, 10-15-1 (H) (8) of the Open Meetings Act. Councilor Sanchez moved to go into closed session. Councilor Milo seconded the motion which carried unanimously following a roll call vote.

Roll Call Vote

Councilor Sanchez	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Upon returning from closed session, Mayor Pro Tem Franklin announced that Councilor Shattuck recused himself and left the room during discussion of the appropriate closed session items. Mayor Pro Tem Sanchez motioned to open session. The motion was seconded by Councilor Milo and carried unanimously.

Councilor Sanchez motioned to approve the purchase of property and equipment at 120 N. Gold for the amount of \$328,703 with the transaction to be executed by Mayor or designated representative. The motion was seconded by Councilor Milo and carried unanimously with Councilor Shattuck recusing himself from the vote.

Councilor Sanchez motioned to authorize Mayor Pro Tem Franklin and City Administrator Richard McInturff to execute reimbursement agreement with Bencor Co. The motion was seconded by Councilor Milo and carried unanimously with Councilor Shattuck recusing himself from the vote.

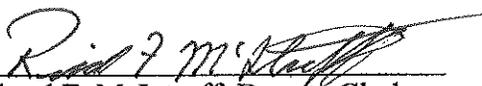
- 7. Adjourn Meeting:** Upon a motion by Councilor Sanchez and a second by Councilor Milo the meeting was adjourned at 7:37 p.m.

The next regularly scheduled workshop and meeting is scheduled for October 8, 2012 commencing at 4:00 p.m. & 6:00 p.m.

CITY OF DEMING, NEW MEXICO


Linda Franklin, Mayor Pro Tem

ATTEST:


Richard F. McInturff, Deputy Clerk



RESOLUTION NO. 12-32

A RESOLUTION OF THE CITY OF DEMING, NEW MEXICO, AUTHORIZING THE EXECUTION OF A GAS SUPPLY CONTRACT ("CONTRACT") WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY ("PEAK") FOR THE PURCHASE OF NATURAL GAS FROM PEAK; (ii) ACKNOWLEDGING THAT PEAK WILL ISSUE ITS GAS SUPPLY REVENUE BONDS TO FUND THE PURCHASE OF A SUPPLY OF NATURAL GAS FROM MORGAN STANLEY CAPITAL GROUP INC. ("MSCG"), WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACT; AND (iii) FOR OTHER PURPOSES

WHEREAS, the City of Deming owns and operates a municipal gas distribution utility and is authorized by the provisions of City Municipal Code to acquire, purchase, transport, store and manage supplies of gas necessary to meet the requirements of the residential, commercial and industrial customers served by such utility; and

WHEREAS, the acquisition of secure, reliable and economic supplies of natural gas is necessary for the prudent and businesslike operation of the utility owned by the City, the continued economic development of its community and the promotion of the public health, safety and welfare; and

WHEREAS, the Public Energy Authority of Kentucky which was formed pursuant to the Natural Gas Acquisition Authority Act, KRS 353.400 to 353.410., has offered to sell to the City, pursuant to the Contract, a supply of natural gas in the quantities on the dates set forth in the Contract, on the conditions that (i) PEAK issues its Gas Supply Revenue Bonds, 2012 Series A (the "Bonds") the proceeds of which will be used to acquire a supply of natural gas (the "Gas Supply") pursuant to a Prepaid Agreement with MSCG (the "Prepaid Agreement"); and

WHEREAS, the City is a Public Agency, as such term is defined in the Gas Supply Contract, and desires to enter into the Contract with PEAK.

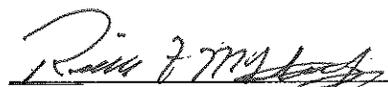
NOW, THEREFORE, BE IT RESOLVED, by the City of Deming as follows:

1. The City hereby approves the execution and delivery of the Gas Supply Contract, in substantially the form previously submitted to the City and attached hereto as Exhibit A, pursuant to which the City will agree to purchase specified quantities of natural gas from PEAK, such deliveries to be made on the dates, at the volumes and for the prices set forth in such Gas Supply Contract, which Contract Price shall not be more than Index minus \$.35 per MMBtu.

2. The Mayor or City Administrator of the City of Deming or any other required person is hereby authorized to execute any such other closing documents or certificates which may be required or contemplated in connection with the execution and delivery of the Contract or carrying out the intent and purpose of this resolution.

PASSED, ADOPTED, AND APPROVED this 27th day of September 2012

ATTEST


Richard F. McInturff, Clerk



CITY OF DEMING, NEW MEXICO


Linda Franklin, Mayor Pro Tem

RESOLUTION NO. 12-33

**ACCEPTANCE OF THE LUNA COUNTY ALL HAZARDS
EMERGENCY OPERATIONS PLAN BY THE CITY OF DEMING**

WHEREAS, the City of Deming recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, a comprehensive All Hazards Emergency Operations Plan is required as a condition of future grant funding for projects, declaration of emergencies; and

WHEREAS, the City of Deming participated in the planning process with Luna County to prepare an All Hazards Emergency Operations Plan;

NOW, THEREFORE, BE IT RESOLVED, that the City of Deming hereby accepts the Luna County All Hazards Emergency Operations Plan as an official plan; and

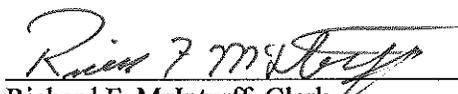
BE IT FURTHER RESOLVED, that Luna County will submit on behalf of all the participating agencies the All Hazards Emergency Operations Plan to Federal and or State Emergency Management Agency officials for final review and approval.

PASSED, ADOPTED, AND APPROVED this 27th day of September 2012

CITY OF DEMING, NEW MEXICO


Linda Franklin, Mayor Pro Tem

ATTEST:


Richard F. McInturff, Clerk

