



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
October 18, 2012
9:00 A.M.
AGENDA

Call to Order / Pledge of Allegiance

1. Approval of Joint Powers Agreement with Luna County for the Economic Development Project
2. Resolution Approving Budget Adjustments for FY 2012-2013
3. Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority
4. Public Hearing to Consider an Ordinance Approving the Lease of an Agricultural Real Estate Property Owned by the City of Deming to J.D. Produce Inc.
5. Adjourn Meeting

The next regularly scheduled workshop and meeting is November 13, 2012 commencing at 4:00 p.m. and 6:00 p.m.

CITY COUNCIL SPECIAL MEETING MINUTES October 18, 2012

Council Present: Andres Z. Silva, Mayor
Joe "Butter" Milo, Councilor

Linda Franklin, Mayor Pro Tem
William Shattuck, Councilor

Council Absent: David Sanchez, Councilor

Staff Present:

Richard F. McInturff, Administrator
Aaron Sera, Assistant City Administrator
Lawrence Brookey, Public Works Director

Edgar Davalos, Fire Chief
Lloyd Valentine, Budget Analyst
Richard Kocab, Assistant Treasurer

Recording Secretary: Berenda McWright, Assistant Deputy Clerk

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

- 1. Approval of Joint Powers Agreement the City of Deming and Luna County for the Economic Development Project:** Councilor Shattuck recused himself from the discussion and the vote for this agenda item. Mr. McInturff recommended approval of the Joint Powers Agreement regarding the lease of contiguously owned real property to Bencor, Inc. Mr. McInturff gave a brief explanation of the terms of the agreement and asked that he be appointed the designated official to represent the City for the purposes of the joint powers agreement. Mr. McInturff recommended the agreement be approved in substantial form to allow the County any minor edits. Mayor Pro Tem Franklin motioned to approve "substantially in the same form" the Joint Powers Agreement between the City of Deming and Luna County for the Economic Development Project and to appoint the City Administrator as the designated official to represent the City for the purposes of the agreement. The motion was seconded by Councilor Milo and was approved unanimously except for Councilor Shattuck who recused himself from the vote.
- 2. Resolution Approving Budget Adjustments for FY 2012-2013:** Mr. McInturff recommended approval of the resolution authorizing budget adjustment for the fiscal year 2012-2013. Mr. McInturff provided a detailed list of the budget adjustments and gave a brief description of each adjustment. (see attached) Councilor Shattuck motioned to adopt the resolution approving budget adjustments for FY 2012-2013 as presented. Mayor Pro Tem Franklin seconded the motion which carried unanimously.

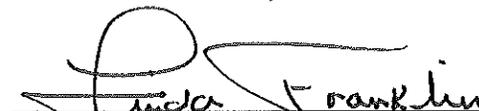
3. **Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority:** Mr. Brookey recommended approval of the resolution which allows the City to submit an application for financial assistance to the New Mexico Finance Authority for the purpose of replacing existing water meters throughout the City with new units that provide electronic read capabilities. Mr. Brookey reported the cost of the project is \$1,840,000, and if the financial assistance is granted the City will receive a zero percent interest loan, with 75% of the project costs forgiven, for a total loan amount of \$460,000. Mr. McInturff pointed out a grammatical error in section one of the resolution and recommended deleting the word "not." Mayor Pro Tem Franklin motioned to accept the resolution authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority with a minor change in section one removing the word "not." The motion was seconded by Councilor Milo and carried unanimously.

4. **Public Hearing to Consider an Ordinance Approving the Lease of an Agricultural Real Estate Property Owned by the City of Deming to J.D. Produce Inc:** Mr. McInturff recommended approval of the ordinance which allows the City to lease the Lehman farm to J.D. Produce Inc. at \$125 per acre for five years with the option of two one year extensions. Mr. McInturff stated the price would be negotiated for the two one year extensions and the extensions may be necessary to allow J.D. Produce to re-coop some money they will be investing in well improvements on the farm. Mr. McInturff also stated that J.D. Produce will be using a portable drip system. Mayor Silva opened the floor for public comments and no comments were received. Councilor Milo motioned to approve the ordinance approving the lease of an agricultural real estate property owned by the City of Deming, New Mexico to J.D. Produce Inc. with the amendment of adding the option of two one year extensions to the lease. The motion was seconded by Mayor Pro Tem Franklin and carried unanimously.

5. **Adjourn Meeting:** Upon a motion by Councilor Milo and a second by Mayor Pro Tem Franklin the meeting was adjourned at 9:35 a.m.

The next regularly scheduled workshop and meeting is November 13, 2012 commencing at 4:00 p.m. and 6:00 p.m.

CITY OF DEMING, NEW MEXICO


Linda Franklin, Mayor Pro Tem

ATTEST:


Richard F. McInturff, Clerk



RESOLUTION NO. 12-37

WHEREAS, the City of Deming, New Mexico proposes to make certain budget increases and decreases; and,

WHEREAS, due to cash reserves being sufficient to cover the proposed increases and decreases; and

WHEREAS, said monies and expenditures were not included in the 2012-2013 budget; and

WHEREAS, the City Council does request that authorization for the following budget increases and decreases be granted.

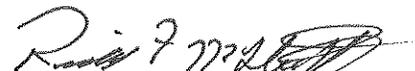
THEREFORE IT IS, respectfully requested that authorization to make the listed increases and transfers be granted by the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED, AND APPROVED this 18th day of October, 2012.

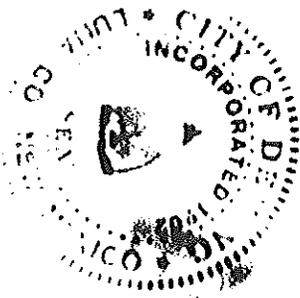


Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, City Clerk



RESOLUTION NO. 12-38

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY.

WHEREAS, the City of Deming ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the City Council ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake acquisition, construction and improvement of replace existing water meters with units that provide electronic read capabilities ("Project") for the benefit of the Governmental unit and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING:

Section 1. That all action (consistent with the provision hereof) heretofore taken by the Governing body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body, be and the same is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

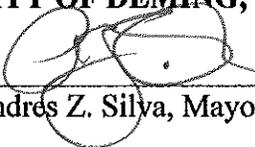
Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED APPROVED AND ADOPTED this 18th day of October, 2012.

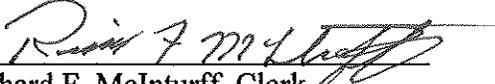
(Seal)

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk



ORDINANCE # 1229

**AN ORDINANCE APPROVING THE LEASE OF AN AGRICULTURAL REAL ESTATE
PROPERTY OWNED BY THE CITY OF DEMING, NEW MEXICO TO
J.D. PRODUCE INC.**

WHEREAS, the City of Deming is interested in leasing the Lehman Farm to J.D. Produce Inc. in order to receive a return on the purchased investment and in order to put some of the water rights purchased to beneficial use; and

WHEREAS, the City of Deming pursuant to Section 3-54-1 and 3-17-3 NMSA 1978 Comp., has published a Notice of Proposed Ordinance Approving the Lease of Real Estate owned by the City of Deming.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING,
NEW MEXICO:

1. The City of Deming, New Mexico shall lease to J.D. Produce certain real estate in Luna County, New Mexico described in Exhibit A, attached hereto by reference.

2. The final terms of the lease, shall be negotiated between the two parties with the minimum initial lease price of \$125 per acre, installation of a drip irrigation system no later than January of 2013, and the term not to exceed five years with two one year extensions. The leasehold property known as the Lehman Farm is described in Exhibit A and attached hereto by reference.

3. The City of Deming's purpose in entering into this lease with J.D. Produce Inc. is to receive a return upon this real estate and water right investment and in order to produce general and water funds revenue for the City of Deming from proceeds of the lease while simultaneously putting the already purchased water rights to beneficial use in a farming operation.

4. The approval of this lease may be subject to a referendum pursuant to Section 3-54-1D, NMSA 1978. This ordinance shall become effective forty-five days after its adoption unless a referendum election is held pursuant to Section 3-54-1H NMSA, 1978 Comp.

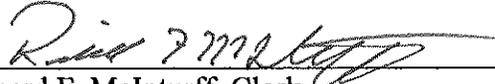
PASSED, ADOPTED AND APPROVED by the City Council, City of Deming, New Mexico, this 18th day of October, 2012.

CITY OF DEMING, NEW MEXICO

By


Andres Z. Silva, Mayor

ATTEST:


Richard F. McInturff, Clerk

