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POPULATION 14,000

CITY COUNCIL
Special Meeting
November 4, 2013
9:00 A.M.
AGENDA

Call to Order/Pledge of Allegiance

1. Public Hearing to Consider an Ordinance Approving the Sale of Real Estate Owned by the City of Deming, New Mexico to J & D Produce, Inc.
2. Approval of Authorization to Negotiate and Execute the Current Service Provider Agreement with Motor Vehicle Division
3. Approval of Expenses for Service Recognition Award Ceremony
4. Approval of Fiscal Agent Resolution for Gila/San Francisco Water Commission
5. Approval of Mayor's Appointment of Erin Ward as Deming's Border Trade Alliance (BTA) Representative
6. Approval of Mayor's Appointment of City Advisor to Historical Landmark Commission
7. Authorization to Extend the Promotional Rental Rates Voiers Park & Amphitheater
8. Closed Session: To discuss the potential purchase of real estate pursuant to NMSA 1978 Section 10-15-1(H)(8), of the Open Meetings Act
9. Meeting Adjourned

The next regularly scheduled workshop and meeting is Tuesday, November 12, 2013 commencing at 4:00 p.m. and 6:00 p.m.

CITY COUNCIL SPECIAL MEETING MINUTES

November 4, 2013

Council Present: Andres Z. Silva, Mayor
Joe "Butter" Milo, Councilor
David Sanchez, Councilor
Bill Shattuck, Councilor

Council Absent: Linda Franklin, Mayor Pro Tem

Staff Present: Richard F. McInturff, City Administrator
Aaron Sera, Asst. City Administrator
Edgar Davalos, Fire Chief
Jim Massengill, Public Works Director

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

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

- 1. Public Hearing to Consider an Ordinance Approving the Sale of Real Estate Owned by the City of Deming, New Mexico to J & D Produce, Inc.:** Mr. McInturff presented this ordinance to the Mayor and Council. He referred to the draft ordinance, purchase agreement and survey pertaining to the subject property. Mr. McInturff referenced the property survey and noted that the purchaser currently owns the property adjacent to the subject real estate, and wants to purchase these additional 20 acres to build an onion shed. He stated that the purchaser has offered to pay \$2,000 per acre. He stated that the City of Deming's purpose to enter into this land sale to stimulate economic activity, facilitate investment in our community, enhance the local government tax base, and add employment to our area. Mr. McInturff stated that approval of this sale may be subject to a referendum pursuant to Section 3-54-1D, NMSA 1978. This ordinance shall become effective forty-five (45) days after its adoption unless a referendum election is held pursuant to Section 3-54-1H NMSA 1978 Comp. He stated that the forty-five days would be before Christmas.

Mayor Silva opened the floor up for public comment. No one was in attendance for public comment.

Mayor Silva closed the public comment session.

Mayor Silva entertained a motion on this item. Councilor Shattuck motioned to approve the ordinance on the sale of real estate owned by the City of Deming, New Mexico to J & D Produce, Inc., at \$2,000 per acre, as presented. Councilor Milo seconded the motion, motion carried unanimously.

- 2. Approval of Authorization to Negotiate and Execute the Current Service Provider Agreement with Motor Vehicle Division:** Mr. Sera presented this item to the Mayor and Council. Mr. Sera presented a copy of the letter from the Taxation and Revenue Department,

for the operation of the Motor Vehicle Division (MVD), which states that the agreement may be renewed for an additional four (4) year term at the option of MVD; extending the current agreement period from January 12, 2014 to January 11, 2018. Mr. Sera stated staff would like to negotiate some of the current conditions in the contract if allowed. Mr. McInturff reported that one of items staff wanted to negotiate on was the transaction fee, which at this time is kept separate and the process is inefficient. Mr. McInturff would also like to speak with MVD about purchasing new equipment. Councilor Milo asked if the City was making any money for services provided. Mr. McInturff stated the City is breaking even. Mr. Sera explained that by State Statutes, MVD can only give the City so much for every transaction, then the city charges a transaction fee to help sustain the service, but it is two separate fees. Staff would like to negotiate so that they are not charged separately. Mayor Silva stated that Deming MVD office has one of the highest volumes of transactions in the State.

Mayor Silva entertained a motion on this item. Councilor Shattuck motioned to approve authorization to negotiate and execute the current service provider agreement with Motor Vehicle Division of the State of New Mexico Taxation and Revenue, as presented. The motion was seconded by Councilor Sanchez, motion carried unanimously.

3. Approval of Expenses for Service Recognition Award Ceremony

Mr. McInturff presented this request to the Mayor and Council. Mr. McInturff stated that the item is presented before Council every year, and it is to cover expenses for the Service Recognition Awards event to be held on December 6, 2013.

Mayor Silva entertained a motion on this item. Councilor Milo motioned to approve the expenses for the Service Recognition Award Event to be held on December 6th. Councilor Sanchez seconded. Motion carried unanimously.

4. Approval of Fiscal Agent Resolution for Gila/San Francisco Water Commission

Mr. McInturff presented this resolution to the Mayor and Council. Mr. McInturff referred to the draft resolution, in which the City of Deming would become the fiscal agent and manage the reservation fee that is being collected for the Arizona Settlement Act of 14,000 acre feet of water. Mr. McInturff stated that the current fiscal agent is the Gila Soil and Water District; however, based upon the amount of monies that are funneled through that organization determines the level of audit that is required. At this point if they continue to be the fiscal agent for the reservation fee, they would have an additional \$1,500 to \$2,500 in accounting fees for their audits. In order to eliminate that expense, Mr. McInturff offered to bring the item before Council for the City of Deming to be the fiscal agent. A fiduciary account would be set up, and the City of Deming would only act upon the direction of the Soil and Water Commission. Mr. McInturff stated that the City would just be the fiscal agent, would not operate independently, and would be directed by the Soil and Water Commission. Councilor Shattuck asked if an MOU would need to be executed. Mr. McInturff affirmed, stating that a draft agreement has been reviewed by Jim Foy, has been sent to the Commission and are waiting for their reply. Mr. McInturff stated that under the Arizona Water Settlement Act, \$66 million is supposed to be received in 10 installments. The Interstate Stream Commission received the first installment of a litter over \$9 million which was more than the expected \$6.6 million due to indexing for inflation. Mr. McInturff

stated there is another \$62 million, but will only happen if there is a diversion project. Mr. McInturff stated that there is a proposed project to take effluent water to some of the parks that would cost approximately \$4 million.

Mayor Silva entertained a motion on this item. Councilor Shattuck motioned to approve the fiscal agent resolution with Gila San Francisco Water Commission as presented. The motion was seconded by Councilor Milo, motion carried unanimously.

5. **Approval of Mayor's Appointment of Erin Ward as Deming's Border Trade Alliance (BTA) Representative:** Mr. McInturff stated that Erin Ward is on the executive board for the BTA and has been associated with them for many years. Ms. Ward retired from NMSU and is still working for NMSU on a contract basis, but they are no longer paying for her to attend meetings. Mr. McInturff saw that there was a definite benefit to belonging to this organization especially with the 55 mile extension, and as she is familiar with Deming, thinks she would make an excellent representative. Mr. McInturff stated that the only expenses would be for per diem and travel. Mr. McInturff stated the meetings are held in San Antonio or Dallas, Texas, and once a year in Washington. Mr. McInturff stated she is a good fit and would serve Deming well. Mr. Valentine asked if the expense would require a budget item. Mr. McInturff stated that it is not that big in magnitude, and can be taken care of during mid-year adjustments, if needed.

Mayor Silva entertained a motion on this item. Councilor Milo motioned to approve Mayor's appointment of Erin Ward as Deming Border Trade Alliance Representative. The motion was seconded by Councilor Shattuck, motion carried unanimously.

6. **Approval of Mayor's Appointment of City Advisor to Historical Landmark Commission:** Mr. McInturff stated that Gina Gentile is the City Planner and that her duties align with being the liaison for the Historical Commission, which has been dormant.

Mayor Silva entertained a motion on this item. Councilor Sanchez motioned to approve Mayor's appointment of Gina Gentile, City Planner, as City Advisor to the Historical Landmark Commission. The motion was seconded by Councilor Shattuck, motion carried unanimously.

7. **Authorization to Extend the Promotional Rental Rates Voiers Park & Amphitheater:** Mr. Sera presented this item to the Mayor and Council. Mr. Sera referred to the memorandum requesting extending the promotional rates for Voiers Park, which will cover cleaning costs. Mr. Sera stated that there were 12 events held 2011, 13 events in 2012, and to date there have been 16 events in 2013 at Voiers Park.

Mayor Silva entertained a motion on this item. Councilor Sanchez motioned to extend the promotional rate for Voiers Park and Amphitheater as presented. The motion was seconded by Councilor Milo, motion carried unanimously.

8. **Closed Session: To discuss the potential purchase of real estate pursuant to NMSA 1978 Section 10-15-1(H)(8), of the Open Meetings Act:**

Councilor Sanchez motioned to go into close session. The motion was seconded by Councilor Milo, motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Shattuck	Aye
Councilor Sanchez	Aye

Councilor Milo motioned to go back into open session. The motion was seconded by Councilor Shattuck, motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Councilor Sanchez	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

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

Councilor Sanchez motioned to authorize staff to negotiate purchase of 1315 W. Pine and have Mayor Silva execute documents at closing. Councilor Shattuck recused himself from the voting. The motion was seconded by Councilor Milo, motion carried unanimously. Let it be noted that the following voted "aye" on this item: Mayor Silva, Councilor Milo, and Councilor Sanchez.

Councilor Sanchez motioned to authorize staff to negotiate with Mr. Pleyte to acquire designated right-of-way to the Tulip Landfill, and also negotiate with Mr. Wood to authorize a property swap to acquire the same right-of-way. The motion was seconded by Councilor Shattuck, motion carried unanimously.

9. **Meeting Adjourned:** With no further business to discuss, Mayor Silva entertained a motioned to adjourn the meeting. A motion was made by Councilor Sanchez to adjourn the meeting. The motion was seconded by Councilor Milo and motion carried unanimously. The meeting adjourned at 9:50 a.m.



ATTEST:


Richard F. McInturff, Clerk

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ORDINANCE NO. 1242

AN ORDINANCE APPROVING THE SALE OF REAL ESTATE OWNED BY THE CITY OF DEMING, NEW MEXICO TO J & D PRODUCE, INC.

WHEREAS, the City of Deming is proposing to sell real estate to J & D Produce, Inc., a corporation whose address is P.O. Box 1548, Edinburg, TX 78540.

WHEREAS, J & D Produce, Inc. has requested that the City of Deming sell them 20 acres of real property adjacent to their current operation for expansion purposes and is further described in Attachment A;

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 Sale of Real Estate owned by the City of Deming.

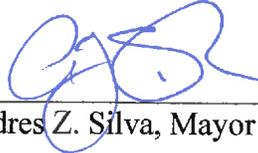
NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO:

1. The City of Deming, New Mexico shall sell to J & D Produce, Inc., certain real estate in Luna County, New Mexico described in the survey contained in Attachment A, attached hereto by reference.
2. The purchaser has offered to pay \$2,000 per acre.
3. The estimated market value of the parcel is Thirty Thousand Dollars (\$30,000) and is described in the sales agreement-Attachment A and attached hereto by reference.
4. The City of Deming's purpose in entering into this land sale with J & D Produce, Inc. is to stimulate economic activity, facilitate investment in our community, enhance the local government tax base, and add employment to our area.
5. The approval of this sale 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 4th day of November, 2013.

CITY OF DEMING, NEW MEXICO

By


Andres Z. Silva, Mayor




Richard F. McInturff, Clerk

RESOLUTION NO. 13-43

**CONCERNING AN AGREEMENT FOR THE CITY OF DEMING
TO ACT AS FISCAL AGENT OF THE GILA/SAN FRANCISCO
WATER COMMISSION ARIZONA WATER SETTLEMENT
ACT (AWSA) RESERVATION FEE**

WHEREAS, the Arizona Water Settlement Act (AWSA) of 2004 allocated 14,000 acre feet of water to the four County region of Catron, Hidalgo, Grant, and Luna, and

WHEREAS, the Gila/San Francisco Water Commission comprised of all the local governments and soil and water districts in the region, took action on July 16, 2013 to establish an annual reservation and administration fee to demonstrate support for developing the 14,000 acre feet of allocated water, and

WHEREAS, the goal of developing the 14,000 acre feet of water is to divert, store, and convey water for the benefit of the citizens in the four county region, including municipal, agricultural, recreational, environmental, and industrial sectors, and

WHEREAS, the current fiscal agent (Gila Soil and Water Conservation District) does not have the capacity to hold the reservation funds without triggering an audit or special prescribed accounting procedures, and

WHEREAS, the Gila/San Francisco Water Commission is in need of a fiscal agent to manage the reservation fee.

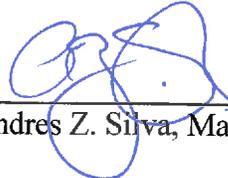
NOW THEREFORE BE IT RESOLVED, The City of Deming may act as fiscal agent for the Gila/San Francisco Water Commission and enter into a written agreement outlining the duties and responsibilities of the parties, and

BE IT FURTHER RESOLVED, that management is authorized to negotiate and execute the agreement with the Gila/San Francisco Water Commission and do all things necessary to complete the intent of this action.

PASSED, ADOPTED AND APPROVED this 4th day of November, 2013.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Administrator/Clerk