



Phone (575) 546-8848 • Fax (575) 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
November 20, 2012
9:00 A.M.
AGENDA

Call to Order / Pledge of Allegiance

1. Approval of Power Purchase Agreement Between Affordable Solar Installation, Inc., and the City of Deming
2. Approval of Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority
3. Closed Session: To discuss the Disposal of Rural Property with Improvements Pursuant to NMSA 1978, Sections 10-15-1 (H) (8), of the Open Meetings Act
4. Adjourn Meeting

The next regularly scheduled workshop and meeting is December 10, 2012 commencing at 4:00 p.m. and 6:00 p.m.

CITY COUNCIL SPECIAL MEETING MINUTES November 20, 2012

Council Present:

Linda Franklin, Mayor Pro Tem
David Sanchez, Councilor

Andres Z. Silva, Mayor
Joe "Butter" Milo, Councilor
William Shattuck, Councilor

Staff Present:

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

Jim Foy, City Attorney
Richard Kocab, Assistant Treasurer
Wes Hooper, Special Projects Coordinator

Recording Secretary: Berenda McWright, Assistant Deputy Clerk

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

- 1. Approval of Power Purchase Agreement Between Affordable Solar Installation, Inc., and the City of Deming:** Mr. McInturff recommended approval of the Power Purchase Agreement between Affordable Solar Installation, Inc., and the City of Deming. Mr. McInturff explained the agreement provides for the City to purchase electricity from a solar project at a price below what the City pays PNM. The proposed locations for the solar project include; the Waste Water Treatment Plant, Well #9, the Bilbo Well and the Bilbo Booster. The Power Purchase Agreement locks in the price for approximately 1,000 kilowatts DC of electricity generated for the next twenty-five years. The City will be pledging a revenue stream and limiting the pledge to \$8,833/month in the Waste Water Fund and \$7,999/month in the Water Fund, which is based on the rates times the maximum production. Mr. Foy reported that during negotiations they have managed to minimize any risk to the City and requested Council agree to the Power Purchase Agreement in principal and give himself and Mr. McInturff authority to continue to fine tune the agreement. Mr. McInturff also requested authority from Council to negotiate a land lease for the project at the market rate. Mayor Pro Tem Franklin motioned to approve in principal the Power Purchase Agreement between Affordable Solar Installation, Inc, and the City of Deming and to authorize the City Administrator and City Attorney to further edit the agreement and also negotiate a land lease at market rate. Councilor Shattuck made a friendly amendment to grant authority to execute both the agreement and the land lease to the Mayor or City Administrator. The motion and the friendly amendment were seconded by Councilor Sanchez and carried unanimously.
- 2. Approval of Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority:** Mr. Brookey stated the resolution approving the submission of a completed application to the New Mexico Finance Authority was previously approved by Council for a different amount in October. Mr. Brookey explained that the terms of the loan have changed since the resolution was previously approved and the City qualifies for only 50% principle

forgiveness and 0% on \$600,000 of the project. Councilor Milo motioned to approve the resolution authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. The motion was seconded by Councilor Sanchez and carried unanimously.

- 3. Closed Session: To discuss the Disposal of Rural Property with Improvements Pursuant to NMSA 1978, Sections 10-15-1 (H) (8), of the Open Meetings Act:** Mayor Silva entertained a motion to go into Closed Session to discuss the disposal of rural property with improvements pursuant to NMSA 1978, Sections 10-15-1 (H)(8), of the Open Meetings Act. Councilor Sanchez motioned to go into Closed Session. The motion was seconded by Councilor Milo and carried unanimously upon a roll call vote.

Roll Call Vote

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

Councilor Milo motioned to come back into Open Session. The motion was seconded by Councilor Sanchez and carried unanimously upon a roll call vote.

Roll Call Vote

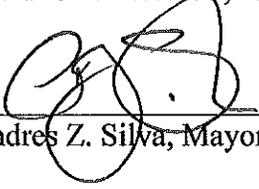
Councilor Sanchez	Aye
Mayor Pro Tem Franklin	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Mayor Silva noted for the record that the only items discussed in closed session were the items listed in the motion to go into closed session and there were no motions made.

- 4. Adjourn Meeting:** Upon a motion by Councilor Shattuck and a second by Councilor Milo, the meeting was adjourned at 10:17 a.m.

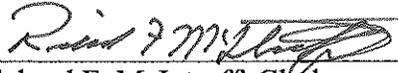
The next regularly scheduled workshop and meeting is December 10, 2012 commencing at 4:00 p.m. and 6:00 p.m.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk

RESOLUTION NO. 13-40

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 (not 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.

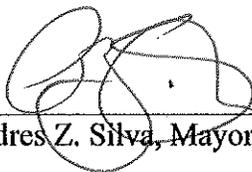
Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

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

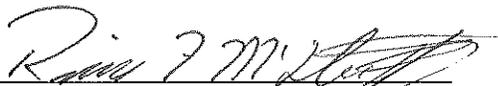
PASSED APPROVED AND ADOPTED this 20th day of November, 2012.

CITY OF DEMING, NEW MEXICO



By  _____
Andres Z. Silva, Mayor

ATTEST:


Richard F. McInturff, Clerk