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CITY COUNCIL MEETING
AGENDA
June 11, 2018
6:00 P.M.

Call to Order/Pledge of Allegiance

- 1. Consent Agenda
 - A. Minutes – City Council Meeting 05/14/18
 - B. Minutes – Parks Commission Meeting 05/22/18
 - C. Minutes – Planning & Zoning Commission Meeting 05/21/18
 - a. Recommendation to approve a request for subdivision of land Located off of Columbus Highway North of Dona Ana Road *(to be presented at a later meeting)*
- 2. Public Forum
- 3. Swearing-In of New Firefighter
- 4. Mayoral Appointment to Commission on Aging
- 5. Resolution for Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation
- 6. Resolution Authorizing Notice of Sale of General Obligation Bonds
- 7. Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority
- 8. Public Hearing to Consider the Proposed Ordinance for the Lease of Approximately 630 acres of Industrial Real Estate Property Owned by the City of Deming New Mexico to New Mexico Solar Power Venture I, LLC
- 9. Administrator’s Report
- 10. Closed Session to discuss Limited Personnel Matters and the Purchase, Acquisition or Disposal of Real Property Pursuant to NMSA 1978, Section 10-15-1(H)(2) & (8).
- 11. Resolution of Intent to Pass an Ordinance Approving a Lease/Purchase Option for Property Owned by the City of Deming Located Approximately 24 Miles East of the Limits of the City of Deming
- 12. Adjourn Meeting

The next regular City Council Meeting is scheduled for July 9, 2018 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES June 11, 2018

Council Present: Joe “Butter” Milo, Mayor Pro Tem
Dr. Victor Cruz, Councilor
Roxana Rincon, Councilor
David L. Sanchez, Councilor (arrived at 6:18 p.m.)

Council/Staff Absent: Benny L. Jasso, Mayor

Staff Present: Aaron Sera, City Administrator
Bryan Reedy, Community Svcs. Director
Jim Massengill, Public Works Director
Laura Holguin, Treasurer
Raul Mercado, Fire Chief
Bobby Orosco, Police Chief
Edgar Davalos, Fire Battalion Chief
Jim Foy, City Attorney

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

Mayor Pro Tem Milo called the meeting of June 11, 2018 to order. He led the Pledge of Allegiance.

1. Consent Agenda

A. Minutes – City Council Meeting 05/14/18

B. Minutes – Parks Commission Meeting 05/22/18

C. Minutes – Planning & Zoning Commission Meeting 05/21/18

- a. Recommendation to approve a request for subdivision of land Located off of Columbus Highway North of Dona Ana Road *(to be presented at a later meeting)*

Mr. Sera presented the Consent Agenda to Mayor Pro Tem Milo and Council. He stated that he had nothing to call to the Council’s attention.

Councilor Cruz moved to approve the Consent Agenda, as presented. Councilor Rincon seconded the motion; motion carried unanimously.

2. Public Forum

The following people commented during the public forum:

- Patricia McShane, 1601 S. Lead Street
- Cindy Sosa, 800 E. Pine Street, Deming MainStreet Executive Director
- Laurie Findley, 800 E. Pine St., Deming Chamber of Commerce & Visitor Center Director
- Virginia Garbry, 1821 E. Holly St.

3. Swearing-In of New Firefighter

Mr. Sera swore in Firefighter Daniel Ortiz

4. Mayoral Appointment to Commission on Aging

Mr. Sera read Mayor Jasso's memo of recommendation to appoint Lee Bouton to the Commission on Aging Board and noted his letter of interest was attached.

Councilor Rincon moved to accept Mayor Jasso's recommendation to appoint Lee Bouton to the Commission on Aging Board. Councilor Cruz seconded the motion; motion carried unanimously.

5. Resolution for Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation

Mr. Reedy presented this item to Mayor and Council. He read the resolution into record. He went on to say that the NMDOT will share 75% of the cost for this project, not to exceed \$40,232.00 with the City match of 25% being a minimum of \$13,411.00. Mr. Reedy noted that the project will be a chip seal, including Prime coat, HFE -90 emulsion, ½" aggregate, fog Seal on North 8th Street from 2nd Street to the City Limits.

Mayor Pro Tem Milo asked if the City Limit ends at Ruben S. Torres Elementary School. Mr. Reedy stated that it ends just past the school.

Councilor Cruz moved to approve the resolution for participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation. Councilor Rincon seconded the motion; motion carried unanimously.

6. Resolution Authorizing Notice of Sale of General Obligation Bonds

Mr. Sera introduced Linda Melendres, Bond Attorney and Clint Elkins, George K. Baum & Company, to present the resolution Authorizing Notice of Sale of General Obligation Bonds.

Mr. Elkins went over the financial aspect of the resolution. He noted that the resolution is the first step in to issue the General Obligation Bonds. He referred to slide 2 of his presentation and noted that the valuation of the bond would be just over \$10million in bonding capacity. He stated that this is the first time that there will be a mill levy to support a General Obligation Bond. He stated that they will start by selling the first \$1.5 million of bonds and next year will follow with the other \$1.5 million. Mr. Aikens stated that the debt service for the first \$1.5 mill Levy will be approximately \$354,825.00. He stated that New Mexico Finance Authority can finance the bonds at a lower interest rate.

Ms. Melendres recalled that with the election in March, the voters approved the sale General Obligation Bonds for \$3 million. She stated that the intent of the bond is to sell the first \$1.5 million of the bonds. She explained the resolution authorizing the submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority.

Mr. Sera stated that funding through NMFA will work on a reimbursement basis. He noted that the cost of issuance is cheaper through NMFA.

Councilor Cruz moved to approve the resolution authorizing Notice of Sale of General Obligation Bonds. Councilor Sanchez seconded the motion; motion carried unanimously.

7. Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority

This item was presented to Mayor and Council in conjunction with the previous item, by Ms. Melendres.

Councilor Cruz moved to approve the Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority. Councilor Rincon seconded the motion; motion carried unanimously.

8. Public Hearing to Consider the Proposed Ordinance for the Lease of Approximately 630 acres of Industrial Real Estate Property Owned by the City of Deming New Mexico to New Mexico Solar Power Venture I, LLC

Mr. Sera presented this item to Mayor Pro Tem Milo and Council. He stated that this is the property in the Peru Mill Industrial Park has been discussed within the last several months. Mr. Sera stated that he and Mr. Foy have been working relentlessly on the lease agreement to get it settled and resolved. He noted that the lease allows for them to lease the property for a year at a rate of \$78,750 per year with the option to extend the lease. There is also an addendum giving them the option to purchase the property within the year. In the agreement there is language for Southline Transmission to address them not allowing this solar company to come through the property. Mr. Sera noted that the agreed price for the purchase is \$1,800 per acre for 630 acres.

Mayor Pro Tem Milo asked if there were any question of Council. There were none.

Mayor Pro Tem Milo opened up the public hearing for input from the public. There was none.

Mayor Pro Tem Milo entertained a motion from Council.

Councilor Sanchez moved to approve the proposed ordinance for the Lease of Approximately 630 acres of Industrial Real Estate Property owned by the City of Deming, New Mexico to New Mexico Solar Power Venture I, LLC. for the lease amount of \$78,750 due one June 15, 2018 or upon execution of the lease. Councilor Cruz seconded the motion; motion carried unanimously.

9. Administrator's Report

Mr. Sera reported on the following items:

- Research on the Incubator Program that Council approved. Met with the program director in Aztec and working on a feasibility study
- Working with NMDOT, Trent Doolittle, for funding agreement for Cedar Street connection project. \$150,000 will be put in by the City with the NMDOT inputting \$100,000.
- Budget Workshop in Ruidoso

- Met with Chief Orosco, Sheriff Gannaway, Dr. Romero, DPS Superintendent to discuss resource officers at the schools. Still working on this project.
- Met with members of Mimbres Valley Corporation members to discuss funding and agreements for their clubhouse, which is a private clubhouse, which the City has no financial interest in. The City provides funding for the golf course, which is a public course.

10. Closed Session to discuss Limited Personnel Matters and the Purchase, Acquisition or Disposal of Real Property Pursuant to NMSA 1978, Section 10-15-1(H)(2) & (8).

Mayor Pro Tem Milo entertained a motion to go into closed session.

Councilor Sanchez moved to go into closed session. Councilor Cruz seconded the motion; motion carried by the follow roll call vote:

ROLL CALL VOTE	
Councilor Rincon	Aye
Councilor Cruz	Aye
Councilor Sanchez	Aye
Mayor Pro Tem Milo	Aye

Councilor Sanchez moved to go back into open session. Councilor Rincon seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE	
Mayor Pro Tem Milo	Aye
Councilor Rincon	Aye
Councilor Sanchez	Aye
Councilor Cruz	Aye

Mayor Pro Tem Cruz stated for the record that only the items mentioned in the motion to go into closed session were discussed and nothing was decided or voted upon during the closed session.

Councilor Sanchez moved for Mayor Jasso to approve modification to appointed employees' contracts, as negotiated and recommended by the City Administrator. Councilor Rincon seconded the motion; motion carried unanimously.

11. Resolution of Intent to Pass an Ordinance Approving a Lease/Purchase Option for Property Owned by the City of Deming Located Approximately 24 Miles East of the Limits of the City of Deming

Mr. Sera stated that this is an intent to pass an ordinance. The draft agreement has been sent to the potential lessee for their input.

Councilor Cruz moved to approve the resolution of Intent to pass an ordinance. Councilor

Rincon seconded the motion; motion carried unanimously.

12. Adjourn Meeting

With no further business to discuss, Mayor Pro Tem Milo entertained a motion to adjourn.

Councilor Sanchez moved to adjourn the meeting. Councilor Cruz seconded the motion; motion carried. Meeting adjourned at 8:08 p.m.



CITY OF DEMING, NEW MEXICO



Joe F. Milo, Mayor Pro Tem

ATTEST:



Aaron Sera, Administrator/Clerk

**CITY OF DEMING
RESOLUTION NO. 18-15**

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Deming and the New Mexico Department of Transportation enter into a cooperative agreement.

WHEREAS, the total minimum cost of the project will be \$53,643.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or not exceed \$40,232.00

and

- b. City of Deming's proportional matching share shall be 25% or a minimum of \$13,411.00.

The City of Deming shall pay all costs, which exceed the total amount of \$53,643.00.

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2019 and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Project Number SP-1-19 (959), Control Number HW2 L100359 with the New Mexico Department of Transportation for LGRF Project for year 2018-2019 The project scope and termini are as follows: "Chip seal, including Prime coat, HFE-90 emulsion, 1/2" aggregate, fog Seal - North 8th Street from 2nd Street to the City Limits."

PASSED, ADOPTED, AND APPROVED this 11th day of June, 2018.

CITY OF DEMING, NEW MEXICO

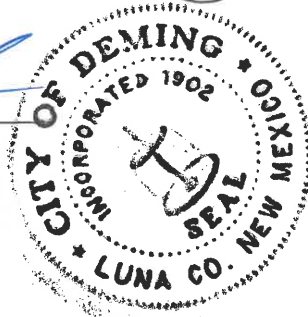


Joe F. Milo, Mayor Pro Tem

ATTEST:



Aaron Sera, City Clerk



**CITY OF DEMING
RESOLUTION NO. 18-12**

AUTHORIZING NOTICE OF SALE

WHEREAS, at a general obligation bond election duly called and held for the City of Deming, County of Luna, State of New Mexico, (the "City") on the 6th day of March, 2018, the electors of the City authorized the City Council of the City (the "Council"), to contract bonded indebtedness in the amount of \$3,000,000, of which \$1,500,000 will be issued in this sale, on behalf of the City and upon the credit thereof by issuing general obligation bonds of the City;

WHEREAS, the Council has authorized the Mayor Pro Tem to issue a Notice of Sale of General Obligation Bonds and it is hereby determined that it is necessary and in the best interest of the City and the residents thereof that general obligation bonds authorized at the election on March 6, 2018, be issued in accordance with this Notice of Sale; and

NOW, THEREFORE, the following Notice of Sale is issued as follows:

Section 1. The City Administrator, Finance Director, Mayor or other authorized officers or employees of the City are hereby authorized to do all things necessary for the sale of the City's general obligation bonds, including submission of an application to the New Mexico Finance Authority, and by means of a negotiated sale should that be advantageous to the City.

Section 2. The City Administrator, Finance Director, Mayor or other authorized officers or employees of the City are hereby authorized to determine the date, time and place (1) to receive bids for sale of bonds authorized at the March 6, 2018 bond election, including the series, the dated date, the principal amount maturing in each year, maturity and interest payment dates, redemption provisions, and any other terms related to the bonds; or (2) to enter into negotiations for the sale of the bonds with a bank or other purchaser. The City Administrator, Finance Director, Mayor or other authorized officers or employees of the City are hereby further authorized and directed to have published a notice of sale of authorized bonds, after determination of the details of the authorized bonds, in the *Las Cruces Sun News*, or other newspaper of general and local circulation in the City, once, at least one week prior to the date of the sale. The City Administrator, Finance Director, Mayor, or other authorized officers or employees of the City are hereby authorized and directed to give such other notice of the bond sale including the publication of the notice in financial papers and periodicals and the distribution among investment bankers and others of a Preliminary Official Statement relating to the bonds, where necessary.

DATED at Deming, New Mexico this 11th day of June, 2018.



CITY OF DEMING, NEW MEXICO

By: Joe F. Milo
Joe F. Milo, Mayor Pro Tem

Aaron Sera
Aaron Sera, City Administrator/Clerk

**CITY OF DEMING
RESOLUTION NO. 18-13**

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

WHEREAS, the City Deming, County of Luna and State of New Mexico (“City”), is a qualified entity under the New Mexico Finance Authority Act, NMSA 1978, §§ 6-21-1 through 6-21-31 (“Act”), and the City Council of the City of Deming (“City Council”) is the governing body of the City and is authorized to borrow funds and/or issue bonds for the financing of public projects for the benefit of the City; and

WHEREAS, on June 11, 2018 the City Council adopted a Notice of Sale authorizing the sale of General Obligation Bonds in the amount of \$1,500,000, being a portion of the bonds authorized at a regular election held on March 6, 2018; and

WHEREAS, the New Mexico Finance Authority (the “Finance Authority”) has instituted a program for the financing of projects from the public project revolving fund created under the Act and has developed an application procedure through which the City Council may submit an application (“Application”) for financial assistance for public projects from the Finance Authority with costs of financing and issuance that are generally lower than those associated with a public sale; and

WHEREAS, the City Council intends to undertake the construction and improvement of streets and public roads, or any combination of these purposes (“Project”) for the benefit of the City and its residents; and

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to submit an application to the Finance Authority for financing of the Project; and

WHEREAS, the application required by the Finance Authority has been completed and submitted to the City Council, and this resolution approving submission of the completed application to the Finance 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 DEMING, COUNTY OF LUNA AND STATE OF NEW MEXICO:

Section 1. That all action (not inconsistent with the provision hereof) heretofore taken by the City Council, its officers and employees directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the Application submitted to the City Council, be and the same is hereby approved and confirmed.

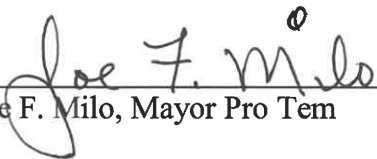
Section 3. That the officers and employees of the City Council are hereby directed and requested to submit the Application to the Finance Authority for its review, and are further authorized to take such other action as may be requested by the Finance Authority in its consideration and review of the 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 11th day of June, 2018.

CITY OF DEMING, NEW MEXICO



Joe F. Milo, Mayor Pro Tem



ATTEST:



Aaron Sera, City Administrator/Clerk

**CITY OF DEMING
RESOLUTION NO. 18-16**

**RESOLUTION OF INTENT TO PASS AN ORDINANCE APPROVING A
LEASE/PURCHASE OPTION FOR PROPERTY OWNED BY THE
CITY OF DEMING LOCATED APPROXIMATELY 24 MILES EAST OF THE
LIMITS OF THE CITY OF DEMING**

WHEREAS, the City of Deming owns property located approximately 24 miles east of the limits of the City of Deming; and

WHEREAS, a developer has shown interest in this property for their business venture; and

WHEREAS, it is the intent of this Council to pass an Ordinance, at a later date, approving the lease/purchase option for the subject property owned by the City of Deming.


NOW, THEREFORE BE IT RESOLVED, that this COUNCIL hereby:

Assures that, at a later date, an Ordinance will be presented for consideration of a lease/purchase option for the subject property to the interested buyer.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF JUNE, 2018.



CITY OF DEMING



Joe F. Milo, Mayor Pro Tem



Aaron Sera, City Administrator/Clerk