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P.O. BOX 706 · DEMING, NEW MEXICO 88031
POPULATION 14,000

CITY COUNCIL MEETING
AGENDA
June 13, 2016
6:00 P.M.

Call to Order/Pledge of Allegiance

1. Consent Agenda
 - A. Minutes – City Council Meeting 05/09/16
 - B. Minutes – City Council Special Meeting 05/26/16
 - C. Minutes – Parks Commission Meeting 05/10/16
 - D. Minutes – Planning & Zoning Commission 05/16/16 *(Recommendation to approve a Subdivision to Divide the Property at the Northwest Corner of Birch Street and Country Club Road to be presented later in meeting as Quasi-Judicial Public Hearing)*
2. Public Forum
3. Approval for Negotiated Changes to the City of Deming and the Deming Firefighters Association, Local 4251, Collective Bargaining Agreement
4. Approval of Reclassification of the Job Description for Engineering Aide-Range 15 to Engineering Technician-Range 21
5. Approval for Disposal of Used or Obsolete Property at the Deming Senior Center
6. Resolution to Approve the FY16 Budget Adjustments Pertaining to the NM CAP Entity
7. Discussion of Deming Municipal Code 7-1-3 Pertaining to Excessive Vehicle Noise
8. Quasi-Judicial Public Hearing to Consider a Request for a Subdivision to Divide the Property at the Northwest Corner of Birch Street and Country Club Road
9. Administrator's Report
10. Adjourn Meeting

The next regular City Council Meeting is scheduled for July 11, 2016 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES June 13, 2016

Council Present: David L. Sanchez, Councilor
Roxana Rincon, Councilor

Joe “Butter” Milo, Councilor

Council/Staff Absent: Benny L. Jasso, Mayor
Laura Holguin, Treasurer

Dr. Victor Cruz, Mayor Pro Tem

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Bryan Reedy, Community Svcs. Director
Gina Gentile, City Planner

Raul Mercado, Fire Chief
Bobby Orosco, Police Chief
Jim Foy, City Attorney

Recording Secretary: Lila Jasso, Administrative Secretary

Councilor Sanchez called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

1. Consent Agenda

Mr. Sera called attention to Item E. Minutes—Planning & Zoning Commission 05/16/16. He stated that at the recommendations of that meeting, would be presented later in this meeting as a Quasi-Judicial Public Hearing and the second would be presented at a later date.

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

2. Public Forum

Councilor Sanchez opened the floor to the public to receive any comments. The following person commented:

- Christie Ann Harvey, P.O. Box 1824, Deming MainStreet Board Member

3. Approval for Negotiated Changes to the City of Deming and the Deming Firefighters Association, Local 4251, Collective Bargaining Agreement

Mr. Sera addressed the proposed changes between the City and Deming Firefighters Association that were negotiated. Chief Mercado and Battalion Chief Sosa discussed incentives for firefighters. Some of the items negotiated were the decreased contribution to PERA (1%) and the increase callback pay from \$1.00 to \$1.05. Mr. Sera stated that they also discussed trying to set up a mountain rescue team for our area.

Councilor Sanchez asked if the negotiated amounts are within the proposed budget. Mr. Sera confirmed that they are within the budget.

Councilor Milo asked about the callback process. He asked if there is a minimum callback pay. Chief Mercado stated that if a firefighter is called back for an emergency, they will be paid an automatic 2 hours. He went on to say that if they are called back for a scheduled event, they will only be paid for the time they are on the clock.

Councilor Milo asked when this will take effect. Mr. Sera stated it would be effective July 1, 2016. Councilor Milo asked when they would be able to renegotiate their contract. Mr. Sera stated that the main contract will come up for negotiation in 2017.

Councilor Sanchez entertained a motion from Council.

Councilor Rincon moved to approve the negotiated changes to the Deming Firefighters Association Collective Bargaining Agreement. Councilor Milo seconded the motion; motion carried unanimously.

4. Approval of Reclassification of the Job Description for Engineering Aide-Range 15 to Engineering Technician-Range 21

Mr. Sera stated that the current position of Engineering Aide, held by Javier Reyes, duties have changed and now include more technical duties. Mr. Sera and Mr. Massengill have discussed the reclassification of this position due to the additional technical duties Mr. Reyes has taken on. Mr. Sera stated that in addition to the additional duties, Mr. Reyes has recently obtained his Bachelor's Degree in Project Management. Mr. Sera and Mr. Massengill stated that the reclassification will include an approximate \$2.00 per hour salary rate increase.

With no further questions, Councilor Sanchez entertained a motion from Council.

Councilor Milo moved to approve the reclassification of the job description for Engineering Aide-Range 15 to Engineering Technician-Range 21. Councilor Rincon seconded the motion; motion carried unanimously.

5. Approval for Disposal of Used or Obsolete Property at the Deming Senior Center

Mr. Sera stated that the request for disposal of the of the used or obsolete property with a fair market value of less than \$5,000. Mr. Sera stated that the item is a convection oven and that the Senior Center has obtained funding for a new oven, but has to dispose of the old oven prior to receiving the funding for the new one.

Councilor Sanchez entertained a motion from Council.

Councilor Rincon moved to approve the disposal of the used or obsolete property at the Deming Senior Center. Councilor Milo seconded the motion; motion carried unanimously.

6. Resolution to Approve the FY16 Budget Adjustments Pertaining to the NMCAP Entity

Mr. Sera stated that the resolution presented is a standard to what is submitted to Department of Finance Authority to show changes to the current budget. He went on to say that the change being presented is due to the NMCAP Entity line item, which was not included in the originally submitted budget. This is due to the fact that the City became fiscal agent of the NMCAP Entity after the budget was submitted. Mr. Sera stated that this adjustment will show the changes in line-item expenses due to the NMCAP Entity.

Councilor Sanchez asked Mr. Sera to read the resolution into record. He did so.

Councilor Sanchez entertained a motion from Council.

Councilor Milo moved to approve the resolution to approve the FY16 budget adjustments pertaining to the NMCAP Entity. Councilor Rincon seconded the motion; motion carried unanimously.

7. Discussion of Deming Municipal Code 7-1-3 Pertaining to Excessive Vehicle Noise

Mr. Sera stated that this item has been brought up for discussion due to the numerous letters that Council has received from their constituents regarding this topic. He mentioned that he has conferred with Mr. Foy, City Attorney and Chief Orosco regarding this code. He asked Chief Orosco and Mr. Foy if they would like to comment on this item.

Chief Orosco stated that in his reviewing of the ordinance, he has determined that it would be hard to determine what would be considered “abnormal or excessive noise.” He stated that from the law enforcement stand point, it would be hard to determine and extremely difficult to define. He noted that the ordinance seems to be written for semi-truck “jake breaks”. He stresses that this ordinance would be difficult to enforce from the law enforcement side.

Mr. Foy stated that he agrees with Chief Orosco in that it would be difficult to determine what is “abnormal or excessive noise”. He went on to say that he recollects when this ordinance was previously discussed, he recommended that they specify the decibel level at which they would consider to be abnormal or excessive. He stated at that time the equipment used to identify the decibel level was quite expensive. He went on to say that the only way this ordinance would stand is to measure the decibel level with the proper equipment. Mr. Foy does not recommend that the police department enforce section B of this ordinance until they can put an objective measure to “abnormal and excessive noise.” Mr. Foy went on to say that as the ordinance stands right now, it is very difficult to enforce.

Councilor Sanchez clarified that the reason this issue was brought up for discussion was due to the fact that all the Councilors received an anonymous letter regarding the loud vehicles in town.

8. Quasi-Judicial Public Hearing to Consider a Request for a Subdivision to divide the Property at the Northwest Corner of Birch Street and Country Club Road

Councilor Sanchez called to order the public hearing to consider a request for a subdivision to divide the property at the northwest corner of Birch Street and Country Club Road. He confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest; that the legal notices were properly posted by the secretary and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, stated that the case being presented is a subdivision to divide an approximate 1.78 ac. parcel of land into four (4) lots located at Country Club Road and Birch Street. She went on to say that the land fronts on Yucca Drive to the west and that the lots all front on public street in which utilities are available. She noted that the Planning and Zoning commission recommended approval of this case and that staff has no technical objections to the request. Ms. Gentile went on to state that Council has the options to approve, deny, or table the motion.

Ms. Gentile stated that in the packet provided is a plat showing the current 1.78-acre parcel and a plat of the proposed subdivision.

Councilor Sanchez asked if there were any questions of staff by any Council Member.

Councilor Rincon asked if this parcel was previously brought to Council for approval. Ms. Gentile stated that the previous plat was submitted to subdivide the plat into five (5) lots. However, the surveyor recommended to the property owner that the better option would be to subdivide into four (4) lots so that the lots across the street would line up better. The previous ruling was never filed with the County Clerk due to the applicant not submitting a survey.

A brief discussion was entertained regarding the utilities available in the area. Mr. Massengill stated that he recalls all utilities being available in the area, but would have to look at the area to be sure.

Mr. Sera stated that it should be noted, if they need utilities for the lots, it would be the responsibility of the owner. Mr. Foy stated that in the past, in order for a subdivision to be approved, the developer would have to include requirements of each party, the property owner and developer.

Councilor Sanchez asked if the applicant or agent would like to make a statement. They were not present.

Councilor Sanchez asked if there are any affected parties that would like to speak. There was no response.

Councilor Sanchez asked if there are any other persons who would like to speak. There was no response.

Councilor Sanchez closed the public comments and brought the hearing back to the Council. He asked if any member of Council was prepared to make a motion or if they wanted to go into closed session under NMSA 1978 10-15-1 (H)(3).

Councilor Milo moved to approve the request for the subdivision to divide the property at the northwest corner of Birch Street and Country Club Road with the condition that the developer is responsible for all utilities. Councilor Rincon seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

| | |
|-------------------|-----|
| Councilor Rincon | Aye |
| Councilor Milo | Aye |
| Councilor Sanchez | Aye |

Councilor Sanchez announced that the decision by the authority will be effective after the written order is executed and filed with both the Municipal and County Clerks. He went on to say that any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council, or by the City Administrator.

9. Administrator's Report

Mr. Sera reported on the following items:

- He stated that the Preliminary Budget has been completed and submitted to DFA for approval. City should have a response from them by September.
- He is working on the finalization of the sale of Allen Farm to Billy the Kid Produce and has requested that it be closed by December 31, 2016. Mr. Franzoy has extended an invitation to tour the expansion of his plant to the Council.
- The Wilson Summer Recreation program is getting underway. Silas Wilson, Program Director, anticipates about 400 kids to register for the program. The program will start on June 13th. Mr. Wilson has some parent volunteers to assist for the program.
- He continues to work with the EDA to utilize the funds that were initially awarded to the City to pave Peru Mill Road and to build a flood plain in the area. He stated that the project will not be completed due to the rising costs. Mr. Sera stated that the City asked the EDA to take back the funds since the project will not be feasible, at this time. He stated that there is a new EDA Director who is willing to work with the City to utilize the funds. Mr. Sera and staff have proposed a 40,000 sq. ft. spec building for the north industrial area and the EDA has approved. However, the next issue is that the grant match could be up to \$400,000. He anticipates getting a lease agreement in place prior to going forward with this project. He stated that the City has obtained two letters of intent for the building, one being MIZ-KAN Americas and the other Diaz Farms.
- He stated that the Public Works Department is still working on the solid waste ordinance regarding the poly-carts. He hopes to have it on the August or September

City Council Meeting Agenda for the Council to review. Mr. Sera stated that there will be several meetings between that time to make sure we get public input.

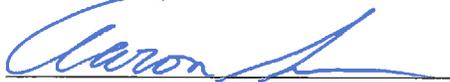
- He stated that the Municipal Courts has proposed an increase in fees for penalties assessed in the court. He has asked Judge VanGundy to provide explanation for those fees that will be increased.
- He mentioned, that just today, a request was made from the County to support the Special County Hospital Tax. He stated that the tax is only applicable to Quay and Luna counties, and Luna County has implemented the tax for the past 15 plus years. He went on to say that the tax has to go up for referendum every 5 years, and the County forgot to do this. Mr. Sera stated that the County is going to conduct a special election for this tax, and they would like the support of the City. He explained that the tax would be 1/8th of 1 percent (1%), which would mean approximately \$350,000 to the County. Part of that amount goes to pay City for ambulance service. The tax would not be a new tax, but a continuation to an existing tax. He mentioned to Council that he would gather more data and provide them more information so that they could determine whether or not they want to support the tax. The Council recommends that Mr. Sera obtain more information before they support the tax. Mr. Sera stated that either way, the County will lose 6 months of that revenue.

10. Adjourn Meeting

With no further business to discuss, Councilor Milo moved to adjourn the meeting. Councilor Rincon seconded the motion; motion carried unanimously. Meeting adjourned at 6:58 p.m.



ATTEST:


Aaron Sera, Clerk

CITY OF DEMING, NEW MEXICO



David L. Sanchez, Councilor/Chairman

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF DEMING
RESOLUTION NO. 16-15**

**2015-2016 Fiscal Year
Mid-Year Budget Adjustments
Pertaining to the NM CAP Entity**

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 2015-2016 budget; and

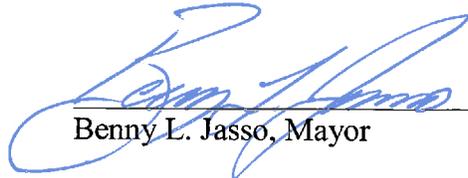
WHEREAS, the City Council does request that authorization for the following budget increases and decreases be granted.

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 13th day of June, 2016.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Clerk/Administrator

FY2016 JUNE BUDGET ADJUSTMENTS

| GL# | Description | Beginning Budget | June Adjustment | June Budget |
|-------------------------------------|-----------------------------------|---------------------|--------------------|----------------|
| CAP ENTITY FISCAL AGENT FUND | | | | |
| 752-0100-01-100-10100 | CASH | | | |
| 752-0100-01-100-10110 | PETTY CASH | | | |
| 752-0100-01-100-10111 | CASH-RESTRICTED FRM LOAN PROCEED | | | |
| 752-0100-01-100-10115 | CASH-ASSIGNED | | | |
| 752-0100-01-100-10300 | INVESTMENTS - CURRENT | | | |
| 752-0100-01-600-66900 | NET WORTH | \$ - | | \$ - |
| 752-0100-01-600-66901 | NET WORTH INVESTMENT | \$ - | | \$ - |
| 752-2140-04-200-20700 | INTERGOVERNMENTAL PAYABLE | | | |
| 752-2140-04-300-30700 | INTERGOV'T PAYABLE (5% GOV'T GRT) | | | |
| 752-2140-04-370-37241 | STATE-ISC GRANT | \$ - | \$ (199,095) | \$ (199,095) |
| 752-2140-04-410-41020 | FULL TIME POSITIONS - OFFICE | \$ - | \$ 30,000 | \$ 30,000 |
| 752-2140-04-410-41060 | TERMINAL LEAVE | \$ - | \$ 1,200 | \$ 1,200 |
| 752-2140-04-420-42010 | FICA - REGULAR | \$ - | \$ 1,860 | \$ 1,860 |
| 752-2140-04-420-42020 | FICA - MEDICARE | \$ - | \$ 435 | \$ 435 |
| 752-2140-04-420-42021 | RETIREMENT | \$ - | \$ 3,540 | \$ 3,540 |
| 752-2140-04-420-42040 | HEALTH INSURANCE | \$ - | \$ 1,432 | \$ 1,432 |
| 752-2140-04-420-42050 | RETIREE HEALTH CARE | \$ - | \$ 600 | \$ 600 |
| 752-2140-04-420-42080 | WORKERS COMPENSATION | \$ - | \$ 10 | \$ 10 |
| 752-2140-04-430-43010 | MILEAGE REIMBURSEMENT | \$ - | \$ 10,828 | \$ 10,828 |
| 752-2140-04-430-43020 | PER DIEM | \$ - | \$ 8,000 | \$ 8,000 |
| 752-2140-04-430-43030 | TRANSPORTATION EXPENSE | \$ - | \$ 1,000 | \$ 1,000 |
| 752-2140-04-440-44020 | MAINTENANCE CONTRACTS | \$ - | \$ 2,500 | \$ 2,500 |
| 752-2140-04-440-44040 | MAINT VEHICLE/FURN/FIX/EQUIP | \$ - | \$ 1,000 | \$ 1,000 |
| 752-2140-04-450-45020 | ATTORNEY FEES | \$ - | \$ 80,000 | \$ 80,000 |
| 752-2140-04-450-45030 | PROFESSIONAL SERVICES | \$ - | \$ 19,370 | \$ 19,370 |
| 752-2140-04-450-45032 | COMPUTER SERVICE | \$ - | \$ 500 | \$ 500 |
| 752-2140-04-450-45922 | ADMINISTRATIVE FEES | \$ - | \$ 14,620 | \$ 14,620 |
| 752-2140-04-460-46010 | SUPPLIES(OFF/FIELD/EDU/RECREATIO | \$ - | \$ 2,000 | \$ 2,000 |
| 752-2140-04-460-46020 | NON-CAPITAL FURN/FIX/EQUIP | \$ - | \$ 7,500 | \$ 7,500 |
| 752-2140-04-470-47040 | EMPLOYEE TRAINING | \$ - | \$ 1,000 | \$ 1,000 |
| 752-2140-04-470-47070 | POSTAGE AND MAIL SERVICES | \$ - | \$ 500 | \$ 500 |
| 752-2140-04-470-47080 | PRINTING/PUBLISHING (INCL ADVER) | \$ - | \$ 7,500 | \$ 7,500 |
| 752-2140-04-470-47140 | SUBSCRIPTION AND DUES | \$ - | \$ 500 | \$ 500 |
| 752-2140-04-470-47150 | TELEPHONE | \$ - | \$ 1,200 | \$ 1,200 |
| 752-2140-04-470-47160 | UTILITIES | \$ - | \$ 2,000 | \$ 2,000 |
| | | \$ - | \$ - | \$ - |



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

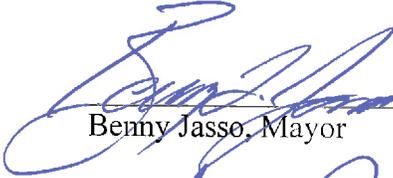
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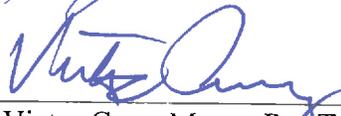
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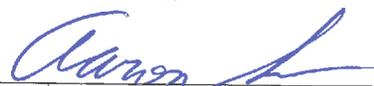
We, officials of the City of Deming, do hereby authorize the disposal of the used or obsolete property with a FMV of less than \$5,000, listed below.

Asset #9190-00 2004 Southbend S)-2042 Convection Oven 03M60834

Signed this 13th day of June 2016.


Benny Jasso, Mayor


Dr. Victor Cruz, Mayor Pro Tem


Aaron Sera, Administrator