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**CITY COUNCIL MEETING
AGENDA
December 12, 2016
6:00 P.M.**

Call to Order/Pledge of Allegiance

1. Consent Agenda
 - A. Minutes – City Council Meeting 11/14/16
 - B. Minutes – Parks Commission Meeting 11/08/16
 - C. Minutes – Planning & Zoning Commission Meeting 11/21/16
 - D. Minutes—Planning & Zoning Commission Special Meeting 12/5/16
2. Public Forum
3. Administrator’s Report
 - Presentation on the Job Skills Development Program with Deming Cesar Chavez Charter High School
 - Presentation on the Recreational Reuse Storage Pond
4. Appointments to the Labor-Management Relations Board
5. Resolution to Obligate Funding to Corre Caminos
6. Resolution Amending Title 9, Chapter 1 “Solid Waste/Garbage Service; Landfill” of the Municipal Code of the City of Deming, New Mexico
7. Request to Waive Fees at Cowboy Park
8. Bids:
 - a. RFP#17-02-Engineering Services for Deming Recreational Reclaimed Water Storage Ponds
9. Approval of Purchase Agreement for Sale of Real Estate to Seybert Properties, LLC.
10. Public Hearing to Consider an Ordinance Approving the Sale of Real Estate Owned by the City of Deming to Seybert Properties, LLC.

11. Quasi-Judicial Public Hearing to Consider a Variance Request to Allow an RV Park on an Approximately One-Half Acre Lot at 114 N. Lead Street
12. Quasi-Judicial Public Hearing to Consider a Special Use Permit for an Auto Sales and Detailing Business at 814 S. Silver Avenue
13. Closed Session to Discuss the Purchase, Acquisition, or Disposal of Real Property Pursuant to NMSA 1978, Section 10-15-1 (H)(8) of the Open Meetings Act.
14. Adjourn Meeting

The next regular City Council Meeting is scheduled for January 9, 2017 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES December 12, 2016

Council Present: Benny L. Jasso, Mayor
Dr. Victor Cruz, Mayor Pro Tem
Joe "Butter" Milo, Councilor
David L. Sanchez, Councilor

Council/Staff Absent: Roxana Rincon, Councilor
Heather Sosa, Battalion Chief
Laura Holguin, Treasurer

Staff Present: Aaron Sera, City Administrator
Bryan Reedy, Community Svcs. Director
Jim Massengill, Public Works Director
Jim Foy, City Attorney
Raul Mercado, Fire Chief
Bobby Orosco, Police Chief
Gina Gentile, City Planner
Julian Hernandez, Fire Fighter
Mary Corral, Receptionists

Recording Secretary: Lila Jasso, Administrative Secretary

Mayor Jasso 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 B. Minutes-Parks Commission Meeting 11/08/16 in which he referred to the recommendation from the Parks Commission to move the light controls at the T-ball fields to the outside of the concession stand in order to allow the lights to be used at night, as at the Hooten Park fields. Mr. Sera stated that Mr. Reedy was working on the cost for this task and, once that was determined, they would decide on proceeding.

Councilor Milo asked if the City still had an electrician on staff. Mr. Reedy confirmed that they did, however he is under the Public Works Department. Councilor Milo commented that since he was on staff, he could be utilized for this task. Mr. Sera stated that he would be and that Mr. Reedy was working on getting a total cost to move the control panel.

Councilor Sanchez moved to approve the Consent Agenda. Councilor Milo seconded the motion; motion carried unanimously.

2. Public Forum

Mayor Jasso opened the floor to the public to receive any comments. The following person commented:

- Christie Ann Harvey, 14455 Purple Sage Rd. SW-Deming MainStreet
- Mauricio Dominguez, 915 San Miguel Street
- Laurie Findley, 10280 Hwy 549 SE-Deming MainStreet, Chamber of Commerce, Visitor Center

With no other comments, Mayor Jasso closed the public forum session.

3. Administrator's Report

- **Presentation on the Job Skills Development Program with Deming Cesar Chavez Charter High School**

Mr. Reedy gave a presentation update on the Job Skills Development Program with Deming Cesar Chavez Charter High School. Ms. Angie Martinez from DCCCHS also spoke to the tremendous benefit this program has been for the students who are participating. He stated that the program has students participating at several businesses within the county. They are as follows:

- 4 students working within the City of Deming
- 3 students working at HELP, NM
- 1 student job shadowing at Sure Printing & Signs
- 1 student job shadowing at MotoTech
- 1 student working at Lucy's Beauty Salon
- 2 students working at Columbus Electric Co-Op
- 1 student job shadowing at Karl's Embroidery & Screen Printing
- 1 student job shadowing at Parents as Teachers
- 2 students working Compass Components

Ms. Martinez, Job Coach & Testing Coordinator at Deming Cesar Chavez Charter High School, spoke to Mayor Jasso and Council. Councilor Milo asked if the students are graded or evaluated while participating in the Job Skills Development Program. Ms. Martinez stated she conducts a weekly assessment which is completed by the employer and she reviews the evaluations with each participant. She stated that the students also receive an elective credit for every 65 hours that they work. Ms. Martinez stated that the program has been very beneficial for the students as it has helped them build their self-esteem and they are showing more confidence. Ms. Martinez said that this also reflects in their grades. She thanked the Mayor and Council for their support of the program and hopes to have more success stories of the positive impact the program has had on the students.

Mayor Pro Tem Cruz implored the public to communicate to others of the program's success.

- **Presentation on the Recreational Reuse Storage Pond**

Mr. Sera presented this item to Mayor and Council. He stated that the recreational reuse storage pond project has been in the works for a few years. He went on to say that the ultimate goal is to take the reuse water and use it towards a water conservation projects. He explained that the City currently improved the booster station at the golf course, which will send water down Poplar Street to get the water to Hooten Park for irrigation. Mr. Sera stated that the next project would be installing a line down to the soccer and youth football fields for irrigation, which will be a huge savings in water conservation. Mr. Sera stated that they obtained a Preliminary Engineering Report (PER), which identified that additional water storage was necessary to make the project work. He went on to say that

the City looked at building another storage pond at the golf course, then came up with the option of putting water at the bottom of Voiers "Pit" Park. Mr. Sera stated that there were some pretty unique issues with that option. He stated that the trail system is frequented and utilized by the community. He explained that there is currently a reuse water line that runs adjacent to Country Club Road near Voiers "Pit" Park which could be utilized for the pond. He explained the conceptual drawing and the different eco systems which would keep the lake circulating and further purify the water. Mr. Sera also stated that Mr. Massengill is looking into another way to further purify the water to make it usable in the lake for fishing. He went on to explain the drawing which included the enhancement of the trails, increased parking, and access points to the lake. Mr. Sera explained that the City is exploring options to fund this \$2-\$2.5 million project. He stated that City would look at loans, revenue bonds or other options that would spread over a longer period. He stated that the sewer or water rates would not be affected by the funding source of this project.

Councilor Sanchez asked if the project would all be done in on phase, or if it would be phased out over time. Mr. Sera stated that the project would be phases out and they would need to further review it with the engineers. He discussed further phase options for the project.

Mr. Sera stated that there is a question on one part of the property in area. He stated that it is believed that the City owns the property, however, they are conducting title histories to verify that.

Councilor Sanchez asked if Mr. Sera has communicated with the Game & Fish Commission to check on the stocking of the lake. Mr. Sera stated he has and that they are looking at options for this. He mentioned that there are several resources who are will to assist the City in this project. He went on to explain the circulation system for the lake.

Councilor Milo stated that the lake will be a great asset for the City. He also mentioned that he would hope CDBG funding could be utilized for some of the phases of the projects.

Councilor Sanchez suggested security for the lake recommended that this needs to be addressed. He suggested a camp manager or set of mangers for this task.

Mr. Sera mentioned that the City will conduct a series of public meetings to gather input from the community on this project.

Mr. Sera concluded his presentation and invited input from the public. There were no comments.

4. Appointments to the Labor-Management Relations Board

Mr. Sera presented the memo to appoint Kenneth McFaul as the Deming Firefighters Association Local 4251 and the Deming Police Association/Fraternal Order of Police Lodge #16, Management-Labor Relations Board representative. He also recommended Mr. Tyler Benting as the Mayoral appoint as the Management representative. He requested that Council

ratify the appointments of both parties.

Councilor Sanchez moved to ratify the appointments of Mr. Kenneth McFaul as the Labor Representative, and the Mayoral appointment of Mr. Tyler Benting as the Management Representative to serve as members of the Labor Management Relations Board. Mayor Pro Tem Cruz seconded the motion; motion carried unanimously.

5. Resolution to Obligate Funding to Corre Caminos

Mr. Reedy presented this resolution to Mayor and Council and read the resolution into record.

Mr. Sera stated that this resolution pertains to fiscal year 2018, and the City has not worked on that budget. He went on to say that, if for some reason the City cannot provide the \$60,000 to Corre Caminos, they can rescind the resolution. Mr. Reedy stated that in the past the NMDOT only required a letter supporting the efforts of Corre Caminos, but now they want that commitment in the form of a resolution. Mr. Sera does not foresee the City not being able to provide the funding.

A brief discussion was entertained regarding the Corre Caminos transportation services and the routes they provide.

Councilor Sanchez moved to approve the resolution to support efforts of Corre Caminos Transportation Services in the amount of \$60,000 for fiscal year 2018. Councilor Milo seconded the motion; motion carried.

6. Resolution Amending Title 9, Chapter 1 “Solid Waste/Garbage Service; Landfill” of the Municipal Code of the City of Deming, New Mexico

Mr. Massengill explained that this resolution is to remove the monthly rental fee of \$1.50 initially approved back at the September 29, 2016 Special City Council meeting. He stated that highlights regarding this section of the City Code will be inserted in the December utility bills. A brief discussion was entertained between staff and Council regarding the poly-cart fees.

Mayor Pro Tem Cruz moved to approve the resolution amending Title 9, Chapter 1 “Solid Waste /Garbage Service; Landfill” of the Municipal Code of the City of Deming, New Mexico, Section 9-1-5 A. Fees, 3. Councilor Milo seconded the motion; motion carried unanimously.

7. Request to Waive Fees at Cowboy Park

Mr. Sera presented this item to Mayor and Council. He recollected that Ms. Megan Albrecht came to Council last year to ask them to waive the fees for the junior rodeo. He stated that Ms. Albrecht has included the series of proposed dates for this year’s junior rodeo. Mr. Sera stated that there is no scheduling conflict for Cowboy Parks and staff recommends approval.

Mayor Jasso stated that Ms. Albrecht came in to speak to him regarding this event. He said she stated that her intent for the rodeo is to give back all the proceeds in the form of prizes to the competitors.

Mayor Pro Tem Cruz moved to waiving the fees at Cowboy Park for the junior rodeo. Councilor Milo seconded the motion; motion carried unanimously.

8. Bids:

a. RFP#17-02-Engineering Services for Deming Recreational Reclaimed Water Storage Ponds

Mr. Sera stated that this RFP was advertised for engineering services as per State Procurement Code. He stated that seven engineering firms requested the RFP instructions, and received two proposals that met the requirements of the RFP submittal instructions. He went on to say that each proposal was reviewed, ranked and rated by three (3) members of staff. Mr. Sera stated that the number one ranked firm was HDR Engineering, Inc., and staff recommends awarding RFP 17-02 to HDR Engineering, Inc. and respectfully requests the liberty to negotiate and execute any documents related to RFP 17-02-Deming Recreational Reclaimed Water Storage Ponds.

Councilor Sanchez asked where HDR Engineering, Inc. is from. Mr. Sera responded that they are from Albuquerque.

Councilor Sanchez moved to approve RFP 17-02-Engineering Services for Deming Recreational Reclaim Water Storage Ponds to HER Engineering, Inc. and authorizes staff to negotiate and execute any documents related to RFP 17-02. Councilor Milo seconded the motion; motion carried unanimously.

9. Approval of Purchase Agreement for Sale of Real Estate to Seybert Properties, LLC.

Mr. Sera stated that this is the property he spoke to Council about at the last meeting, for the expansion of the medical facility. He referred to the appraisal and noted that the property is valued at \$29,000 and Mr. Seybert has offered \$35,000. He stated that if Council approves the agreement that they also grant authority for staff to amend the agreement only to add the language pertaining to State Statute 3-54-1 and not affecting the purchase price per square foot already agreed upon. Mr. Sera stated that this property is valued at approximately 20 cents/square foot higher than the previous property sold to Seybert Properties, LLC.

Mayor Pro Tem Cruz moved to approve the purchase agreement for sale of real estate to Seybert Properties, LLC. Authorizing staff to amend the purchase agreement to add the appropriate language pertaining to State Statute 3-54-1. Councilor Sanchez seconded the motion; motion carried unanimously.

10. Public Hearing to Consider an Ordinance Approving the Sale of Real Estate Owned by the City of Deming to Seybert Properties, LLC.

Mr. Sera stated that in accordance State Statute 3-54-1, a public hearing must be conducted and ordinance must be approved to authorize the sale of the subject property, since it is valued

over \$25,000. He stated that the appraisal came in at a value of \$29,000, and the purchaser has agreed on a price of \$35,000. Mr. Sera also noted that the approval of this sale is pursuant to State Statute NMSA 1978 3-54-1, and that the sale shall become effective 45 days after an approval is made.

Mayor Jasso opened the floor for the public hearing to accept public comment. There were no comments made.

Mayor Jasso closed the public hearing and entertained a motion from Council.

Councilor Sanchez moved to approve the ordinance approving the sale of real estate owned by the City of Deming, New Mexico to Seybert Properties, LLC., as presented. Councilor Milo seconded the motion; motion carried unanimously.

11. Quasi-Judicial Public Hearing to Consider a Variance Request to Allow an RV Park on an Approximately One-Half Acre Lot at 114 N. Lead Street

Mayor Jasso opened the public hearings to order for both this and the next Quasi-Judicial Public Hearing to order.

He called all both Quasi-Judicial public hearings to order. Mayor Jasso verified that there were no abstentions, "ex-parte contacts" or "conflicts of interest" for any Council Member. He then swore in all parties who were signed in to give testimony for any of the two cases to be presented.

Mayor Jasso mentioned that once a decision is announced by the authority, it will become effective after the written order is executed and filed with both the Municipal and City Clerk. He went on to state that any action of the City Council in approving, conditionally approving or denying these applications 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.

Ms. Gentile, City Planner, stated that the applicant, Juan Barraza, would like to request a variance to allow an RV park on a property that is ½ acre in size. She went on to say that current ordinance requires one-acre minimum lot size and that the property was previously an RV park. Ms. Gentile stated that the property has existing water, sewer, and RV sites for 8 RVs. She also stated that the owner plans to upgrade the electric service to the RV sites, if approved.

Ms. Gentile stated that the Planning and Zoning Commission recommended approval and that staff has no technical objections to this request. She noted that Council has the option to approve or deny this request.

Mayor Jasso asked if there were any questions of staff by any Council Member. Councilor Milo asked if the electrical service was underground. The applicant, Mr. Barraza, stated that it was. Ms. Gentile stated that the electric service would be upgraded to current codes, if Council approves this variance.

Mayor Jasso asked if the applicant/agent would like to make a statement. Mr. Barraza, 1102 Memory Lane, stated that he has been in Deming since 1997 and has worked for the mines for the past 2 years and previously worked 13 years for Deming Electronics. Mr. Barraza stated that 5 years ago, he purchased a barber shop next to the subject property, and would like to open up the RV park for business.

Mayor Jasso asked if there are any questions of the applicant/agent by any Council Member. Councilor Milo stated that he saw the property and Mr. Barraza has cleaned up the area. Councilor Sanchez asked Mr. Barraza if this property was going to be an RV park or a mobile home park. Mr. Barraza answered that it would be just an RV park for recreational vehicles.

Councilor Cruz asked Ms. Gentile why the ordinance specified that the RV park had to be one-acre. Ms. Gentile was not sure; the only reason she could think of is to limit the amount of small RV parks.

Mayor Jasso asked if there were any affected parties who would like to speak. There were none.

Mayor Jasso asked if there were any other persons who would like to speak. There were none.

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

Mayor Pro Tem Cruz moved to approve the variance request to allow an RV park on an approximately one-half acre lot at 114 N Lead Street. Councilor Sanchez seconded the motion; motion carried by the following roll call vote:

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

12. Quasi-Judicial Public Hearing to Consider a Special Use Permit for an Auto Sales and Detailing Business at 814 S. Silver Avenue

Mayor Jasso previously swore in the parties for this case. He announced the case for the hearing.

Ms. Gentile, City Planner, stated that the applicant, Abelardo Renteria, would like to request a special use permit for an auto sales and detailing business. She stated that they have an existing business at 200 E. Spruce Street (Kiko's Auto Sales and Detail) that they are moving to a new location at 814 S. Silver Avenue. Ms. Gentile went on to say that the ordinance requires a special use permit for any automotive sales and service business. She also stated that the Planning and Zoning Commission recommended approval of the request, and staff has no technical objections to this request. Ms. Gentile noted that Council has the option to approve

or deny this request.

Mayor Jasso asked if there were any questions of staff by any Council Member. There were none.

Mayor Jasso asked if the applicant/agent would like to make a statement. They did not have a statement at this time.

Mayor Jasso asked if there were any questions of the applicant/agent by any Council Member. Council Milo asked the applicant if they were moving to a better location. The applicant stated the location would be better for the since it was larger.

Mayor Jasso asked if there were any affected parties who would like to speak. There were none.

Mayor Jasso asked if any other persons would like to speak. There were none.

Mayor Jasso closed the public hearing and asked if any Council Member was prepared to make a motion or if they would like to go into closed session under NMSA 1978 10-15-1 (H)(3).

Mayor Pro Tem Cruz moved to approve the special use permit for an auto sales and detailing business at 814 S. Silver Avenue. Councilor Milo seconded the motion; motion carried by the following roll call vote:

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

13. Closed Session to Discuss the Purchase, Acquisition, or Disposal of Real Property Pursuant to NMSA 1978, Section 10-15-1 (H)(8) of the Open Meetings Act.

Mayor Jasso entertained a motion to go into closed session.

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

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

Mayor Jasso entertained a motion to go back into open session.

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

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

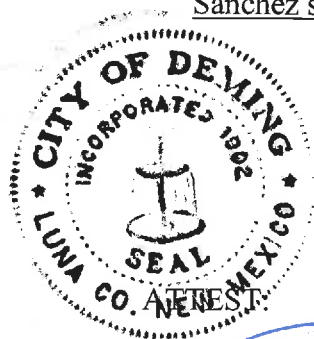
Mayor Jasso entertained a motion from Council.

Councilor Sanchez moved to approve staff to proceed with a purchase agreement for the property to be purchased from Florida Investments, Inc. and Arsen Khanbabaian, in the amount of seventy-four cents (\$0.74) per square foot. Councilor Milo seconded the motion; motion carried by the following roll call vote:

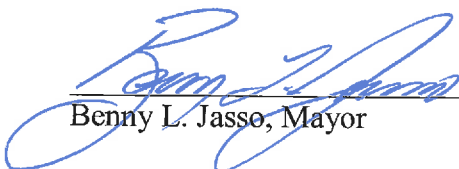
ROLL CALL VOTE
Mayor Pro Tem Cruz Aye
Councilor Milo Aye
Councilor Sanchez Aye


14. Adjourn Meeting

With no further business to discuss, Councilor Milo moved to adjourn the meeting. Councilor Sanchez seconded the motion; motion carried unanimously. Meeting adjourned at 7:58 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Administrator/Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 16-28**

**A RESOLUTION TO SUPPORT EFFORTS OF
CORRE CAMINOS TRANSPORTATION SERVICES**

WHEREAS, Corre Caminos provides transportation services within the Southwest Region, that includes Deming and Luna County; and

WHEREAS, the City of Deming supports Corre Caminos in continuing the invaluable services that are vital to the quality of life in our community; and

WHEREAS, the City of Deming is committed to provide \$60,000 in cash match for fiscal year 2018.

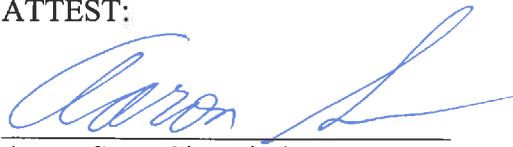
NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Deming, New Mexico, support the reasonable efforts of Corre Caminos Transportation; and

BE IT FURTHER RESOLVED that the City Administrator/Clerk or his duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED, APPROVED AND ADOPTED this 12th day of December, 2016.

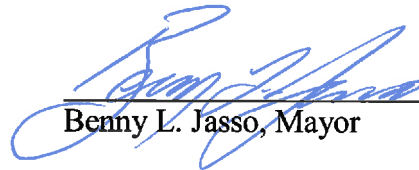


ATTEST:



Aaron Sera, City Clerk

CITY OF DEMING, NEW MEXICO



Benny L. Jasso, Mayor

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 16-29**

**A RESOLUTION AMENDING TITLE 9, CHAPTER 1
"SOLID WASTE/GARBAGE SERVICE; LANDFILL" OF THE MUNICIPAL CODE
OF THE CITY OF DEMING, NEW MEXICO**

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

1. Title 9, Chapter 1 Section 9-1-5, A. Fees, 3. of the City of Deming Municipal Code is hereby amended by deleting Section 9-1-5 A. Fees, 3. and associated table in its entirety, as shown below:

SECTION 9-1-5 A. Fees, 3.:

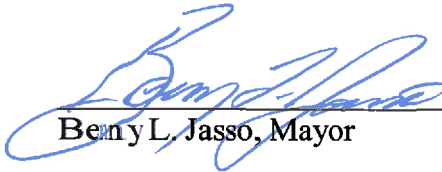
3. Poly cart use shall include a monthly rental fee, per poly cart, to cover the costs associated with general maintenance, pickup, delivery, inspection, or approved repair(s). Rental fee shall be established by ordinance.

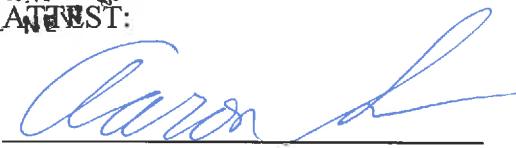
Residential Poly cart Rental Fee	Residential Each Additional Poly cart Rental Fee	Commercial Poly cart Rental Fee	Commercial Each Additional Poly cart Rental Fee
\$1.50	\$1.50	\$1.50	\$1.50

PASSED, ADOPTED, AND APPROVED, this 12th day of December, 2016.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1262**

**AN ORDINANCE APPROVING THE SALE OF REAL ESTATE OWNED BY THE
CITY OF DEMING, NEW MEXICO TO SEYBERT PROPERTIES, LLC.**

WHEREAS, the City of Deming is proposing to sell real estate to Seybert Properties, LLC., a limited liability corporation whose address is P.O. Box 1594, Deming, NM 88030.

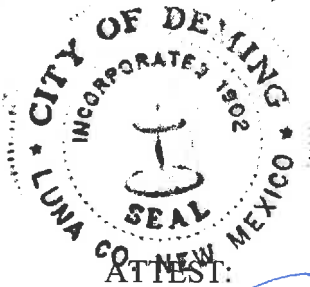
WHEREAS, Seybert Properties, LLC. has requested that the City of Deming sell them .79 acres of real property

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.

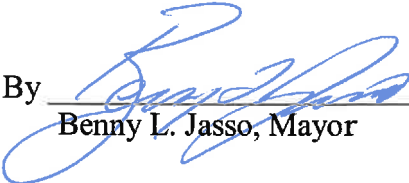
NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO:

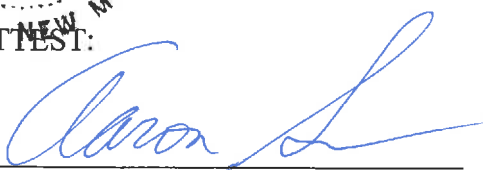
1. The City of Deming, New Mexico shall sell to Seybert Properties, LLC., certain real estate in Luna County, New Mexico described in the survey contained in Attachment A, attached hereto by reference.
2. The purchaser has offered to pay \$35,000 for the subject property.
3. The estimated market value of the parcel is \$29,000 and is described in the land appraisal report-Exhibit B and attached hereto by reference.
4. The City of Deming's purpose in entering into this land sale with Seybert Properties, LLC. 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 3-54-1(H) NMSA 1978 Comp.

PASSED, ADOPTED AND APPROVED by the City Council, City of Deming, New Mexico, this 12th day of December, 2016.



CITY OF DEMING, NEW MEXICO

By 
Benny L. Jasso, Mayor

ATTEST:

Aaron Sera, Administrator/Clerk