



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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## CITY COUNCIL MEETING

### March 9, 2015

### 6:00 P.M.

### AGENDA

Call to Order/Pledge of Allegiance

1. Swearing-In of Appointed City Councilor for District 2
2. Consent Agenda
  - A. Minutes – City Council Special Meeting 01/29/15
  - B. Minutes – City Council Regular Meeting 02/09/15
  - C. Minutes – City Council Special Meeting 02/23/15
  - D. Minutes – Airport Commission Meeting 02/10/15
  - E. Minutes – Planning & Zoning Commission 02/17/15
    - a. Recommendation to approve the request for a Zone Change for 2 vacant lots located at 522 & 524 W. 1<sup>st</sup> St. to B-1 Multi-family Zoning (*To be presented as a Quasi-Judicial hearing later in this meeting*).
  - F. Minutes – Marshall Memorial Library Board Meeting 02/24/15
    - a. Recommendation to approve the budget for carpet in the main floor area.
  - G. Minutes – Tourism Development Committee 02/19/15
    - a. Recommendation to advertise the Advertisement Marketing Plan in the Albuquerque and El Paso newspapers.
  - H. Out-of-State Travel Request for D.J. Ritchlin to attend CNG Training on April 14-24, 2015 in Norfolk, Virginia
  - I. Out-of-State Travel Request for D.J. Ritchlin to attend CNG Training on April 8-10, 2015, in Dallas, Texas for the following course: “CNG 101” Principal and Theory, Diagnostic Tool Uses, IDS Application, Testing and Adjusting, and Drivability Diagnostics, Repairs Courses
3. Nomination and Election of Mayor Pro-Tem
4. Mayor’s Appointments to Commissions/Boards/Committees
5. Proclamation to Declare April 2015 Clean and Green
6. Approval/Denial of a Resolution 13-31-B to Amend the Scope of work for the Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation
7. Approval/Denial of a Resolution Approving Application and any Subsequent Agreement Between the City of Deming and the New Mexico Department of Transportation to Provide Municipal Arterial Program (MAP) Funds for the Gold Street Reconstruction and Rehabilitation

8. Approval/Denial of a Resolution Authorizing the Submission of a New Mexico Community Development Block Grant Program Application to the Department of Finance and Administration/Local Government Division
9. Approval/Denial of Waiver on the 2014-15 Performance Assessment System (PAS) Provisions, Administrative Regulation DM12-31 and DM12-32.
10. Quasi-Judicial Public Hearing to Consider the Request for a Subdivision to Divide Approximately 80 acres into 8 Lots.
11. Quasi-Judicial Public Hearing to Consider a Zoning Map Amendment at Florida and Tennyson Streets
12. Quasi-Judicial Public Hearing to Consider a Zone Change for 4 Vacant Lots Located at 522 & 524 W. 1<sup>st</sup> Street
13. Administrator's Report
14. Adjourn Meeting

***The next regular City Council Meeting is scheduled for April 12, 2015 at 6:00 p.m.***

# CITY COUNCIL MEETING MINUTES March 9, 2015

**Council Present:** Benny L. Jasso, Mayor  
David L. Sanchez, Councilor  
Joe “Butter” Milo, Mayor Pro Tem  
Roxana Rincon, Councilor  
Dr. Victor Cruz, Councilor  
(arrived at 6:15 p.m)

**Council Absent:** None

**Staff Present:** Aaron Sera, City Administrator  
Jim Massengill, Public Works Director  
Wesley Hooper, Community Svcs. Dir.  
Jim Foy, City Attorney  
Raul Mercado, Fire Chief  
Gina Gentile, City Planner  
Brandon Gigante, Police Chief  
Laura Holguin, Treasurer

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

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

## 1. Swearing –In of Appointed City Councilor for District 2

Mr. Sera, City Clerk, swore in Roxana Rincon, newly appointed Councilor for District 2.

## 2. Consent Agenda

Mr. Sera called attention to Item F. Minutes-Marshall Memorial Library Board Meeting 02/24/15. He stated that the recommendation to approve the budget for the main floor area did not state an amount. He went on to say that in talking to Mr. Hooper, Community Services Director, and the Library Board, and estimate was given in the amount of \$27,000.00. He stated that this expense would be paid out of the Library Donation Fund, which has a cash balance of \$45,000.00.

Mr. Sera requested that Item G. Minutes-Tourism and Development Committee 02/19/15 be pulled from the agenda for discussion. He stated that the recommendation is to advertise the Advertisement Marketing Plan in the Albuquerque and El Paso newspapers. He stated that the request was not a reasonable request due to the advertisement requirement of 10 days after the approval of Council. He mentioned that the request had already been published in the Deming Headlight and that the request for qualifications was sent to 8 or 9 different companies, and the due date for proposal submittal is on Thursday, March 12, 2015.

Mr. Sera mentioned the next item for discussion being the Out-of-State Travel requests for D.J. Ritchlin. He asked Mr. Hooper to elaborate on these request. Mr. Hooper stated that the first training is the Bauer Compressor Training. He stated that the compressors throughout the City are Bauer Compressors and that this training would allow for Mr. Ritchlin to maintain and troubleshoot the compressors. The second training for Mr. Ritchlin which is Westport System training, which is the system installed in all the six Ford CNG pickups. Mr.

Hooper stated that this training will get Mr. Ritchlin trained to be able to maintain and troubleshoot the system in these vehicles.

Councilor Sanchez moved to approve the Consent Agenda as presented, but pulling item G. from the agenda and that in item F. the \$27,000.00 for carpet will come from the Library Donation Fund. Councilor Milo seconded the motion; motion carried unanimously.

### **3. Public Forum**

Mayor Jasso opened the public forum session for comment. There were none.

### **4. Nomination and Election of Mayor Pro Tem.**

Councilor Sanchez moved to nominated Councilor Milo as Mayor Pro Tem. Councilor Milo accepted the nomination for the remainder of his term, which expires March 2016. Councilor Rincon seconded the motion; motion carried unanimously by the following roll call vote:

#### **ROLL CALL VOTE**

Councilor Sanchez

Councilor Rincon

Mayor Jasso

### **5. Mayor's Appointments to Commissions/Boards/Committees**

Mayor Jasso noted a change to the memo that is in the meeting packet. He stated that he received a letter the afternoon of this meeting from Mr. David Smith, who is appointed to the Historic Landmark Commission that he does not wish to continue serving on the board. Mayor Jasso stated that he will appoint someone else to this commission at a later date.

Councilor Sanchez asked if anything else was different. Mr. Sera stated that there are two new appointees to the Tourist Development Committee. He stated that Mirna Grado Metz and Adrian Sandoval were added to that committee. Also, on the Gila/San Francisco Water Commission Jim Massengill is the primary appointee and Aaron Sera is the alternate.

Councilor Sanchez moved to approve the Mayor's appointments to the Commissions/Boards/Committees as presented, with the appointee for the Historical Landmark Commission to be decided at a later date. Councilor Rincon seconded the motion; motion carried unanimously.

### **6. Proclamation to Declare April 2015 Clean and Green**

Mayor Jasso read the proclamation to declare April 2015 Clean and Green Month into record.

Councilor Milo commented that he has seen the same trash in the same alleyways for several months. He stated that he has spoken to Mr. Massengill about this issue in the past and understands that he is working on the issue. Councilor Milo asked that the event be better

coordinated to make sure that all the problem areas be addressed. Councilor Sanchez concurred with Councilor Milo's suggestion.

Secretary Jasso asked Council to please advise their constituents that they should call into City Hall and ask to be put on the list for the trash pick-up. The front desk will handle these calls and put the customers on the lists according to the quadrant they live in. She also requested that Councilors let us know of these problem areas so that they can be sure to get on the list. Mr. Massengill stated that the free trash pick-up will be advertised in the newspaper, radio and inserted in the bills to make the public aware.

A discussion between Council and staff was entertained regarding the trash in alleyways. Mr. Larry Caldwell, 711 N. Zinc, also commented about the problem of trash in alleyways. He recommended that a statement should be put on the bills to inform customers that trash that is not in the dumpsters will not be picked up and that they are responsible for cleaning the alleyways.

Chief Gigante addressed Council and mentioned that he sits on several local juvenile boards and he mentioned that possibility of these boards assisting by providing community service as projects for these programs. A discussion was entertained between Council and staff discussing the possibility of these juvenile programs being utilized for the trash pick-ups. Also discussed was the option of utilizing volunteers for this problem.

**7. Approval/Denial of a Resolution 13-31-B to Amend the Scope of work for the Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation**

Mr. Massengill presented this item to Mayor and Council. He stated that this resolution is a change to the original resolution passed in 2013. He pointed out that the dollar amounts have not changed from the original resolution. He stated that this Cooperative Agreement was set up for the Florida Street project, however, the dollar amount came in quite a bit less. Therefore, the scope of work was changed to include the termini from Gold Street to Cody Street/Hwy NM 11 to Florida Street in order to not lose funding. Mr. Massengill stated that this resolution is an amendment to the previous one, all the dollar amounts remained the same, and the City has until the end of the year to spend the funds. He asked Council if they had any questions.

Mayor Pro Tem Milo asked if Gold Street was going to be redone. Mr. Massengill stated that the project would only go down Gold Street up to the intersection with Cody Road and through to Hwy NM 11. He clarified that it would not continue south on Gold Street beyond the Cody Street intersection.

Mayor Pro Tem Milo move to approve the resolution for participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation Amendment-Scope of Work Change. Councilor Sanchez seconded the motion; motion carried unanimously.

**8. Approval/Denial of a Resolution Approving Application and any Subsequent Agreement Between the City of Deming and the New Mexico Department of Transportation to Provide Municipal Arterial Program (MAP) Funds for the Gold Street Reconstruction and Rehabilitation**

Mr. Massengill presented this item to Mayor and Council and stated that this is a standard resolution for this time of the year and noted that this application is due at the end of the week to the NMDOT in Santa Fe. He stated that the resolution is a requirement to indicate that the City is applying for Municipal Arterial Program (MAP) Funds for project development, design, and construction and construction services for Gold Street Reconstruction and Rehabilitation. Mr. Massengill stated that the NMDOT requires the approval of an agreement for the MAP funds, which is what this resolution will designate. Mr. Massengill stated that the exact dollar amount was not available at this time, due to it not being received from the engineer. He stated that whatever that dollar amount is, the City will get 75% of the amount from the NMDOT and would have to contribute the 25% match. He stated that the NMDOT has been pleased with the selection of the MAP projects and he is confident the City will continue to receive funding.

Councilor Sanchez moved to approve the resolution for an application and any subsequent agreement between the City of Deming and the New Mexico Department of Transportation to provide Municipal Arterial Program (MAP) funds for Gold Street reconstruction and rehabilitation, as presented. Councilor Cruz seconded the motion; motion carried unanimously.

**9. Approval/Denial of a Resolution Authorizing the Submission of a New Mexico Community Development Block Grant Program Application to the Department of Finance and Administration/Local Government Division**

Mr. Massengill presented this item to Mayor and Council and mentioned that the acronym for this is CDBG. He stated that the City of Deming held five public hearings last year, and found that there is a significant need to take on the Buckeye Street drainage project to provide adequate services to the community. He stated that the Council determined that Buckeye Street drainage meets the requirements for the CDBG program, and the City is planning to request the full application amount of \$500,000.00. He stated that the CDBG, as part of the application has requested that the City show a phased project in case they have to award less than the \$500,000.00.

Mr. Massengill stated that the City has done that and the phased project came to \$450,000.00.

Councilor Cruz moved to approve the resolution authorizing the submission of a New Mexico Community Development Block Grant Program Application to the Department of Finance and Administration/Local Government Division. Councilor Rincon seconded the motion; motion carried unanimously.

**10. Approval/Denial of Waiver on the 2014-15 Performance Assessment System (PAS) Provisions, Administrative Regulation DM12-31 and DM12-32.**

Mr. Sera presented this item to Mayor and Council. He explained that in 2012 the City approved a Performance Assessment System and Merit Pay in an attempt to better evaluate and reward high performers. He stated that the system involved a comprehensive evaluation form to be completed by supervisors, a simple self-assessment completed by the employee, and a review/approval of the same by the Department Directors. He went on to say that anyone receiving a final average evaluation rating of 2 and above (1-5 scale) would be eligible for a merit raise, with higher performers receiving slightly higher percentages. The City Administrator, with Council approval, determined a base raise percent, for example, 1.75% of salary, and then a percentage (40-140% based on score) were multiplied against that and annual salary, to determine how much an employee would receive. Mr. Sera stated that it was good in theory, but in practice, the process is cumbersome and overly complicated. He stated that the current assessment system that the City currently has would take all month to finish the process and really was not a fair evaluation. Mr. Sera went on to say that the process was cumbersome and did not work very well and noted that the department directors were in agreement with the fact that the system did not work well. Mr. Sera is requesting that Council waive the current approved process to allow the test of the following simplified process. He stated that the employees would fill out their own assessment, which was previously done by the supervisors, in order to "sell" themselves to their supervisor. In turn, the supervisor would review the employee self-assessment, give comments, and score it. He stated that then the department heads would review all evaluations, and average out the scores and give apply the merit increase according to the new ranges presented. Mr. Sera gave a recap of the new ranges for merit pay. He stated that this merit base pay would be in addition to the recommended 1.25% cost of living increase. He explained the previous year's data and that the margin between the average and exceptional employee rating was only .7% increase. He stated that he felt the margin was not significant enough for those employees taking the initiative to get training, degrees, etc. on their own. Mr. Sera went on to explain that the cost of living increase allows those employees who are maxed out in their range, to be able to get an increase. He also mentioned that the pay scales are adjusted to reflect the cost of living increase. He stated that if all the numbers fall similar to last year's figures, the City would be within budget for the anticipated increases.

Councilor Cruz asked if opportunities are made available to lower level positions, as well as the higher level positions. Mayor Pro Tem Milo posed the same question. Mr. Sera stated that a while back, he developed a career development training library. He stated that he would like to implement an hour of training per week per employee. He stated that this has started within the Utility Department. He stated that the system is created for the employee to know what they need to do to improve on their performance and get a higher score on their evaluation. Councilor Sanchez asked for a copy of the employee self-evaluation form. Mr. Sera said he could provide that to him. A discussion was entertained regarding employee career paths to become trained for positions that may become available within the City.

Council Cruz suggested that a notification be sent out internally and publically when an

employee gets a certificate or other achievement. He stated that this would be a good morale booster. He also mentioned the possibility of implementing an employee of the year/quarter award. Mr. Sera stated that the Mayor has brought that to the table and Ms. Mackey is looking into this. City Attorney Foy advised the City has to be mindful of the monetary awards given so that they don't violate any procurement regulations.

Councilor Sanchez moved to approve the waiver on the 2014-15 Performance Assessment System (PAS) provisions, Administrative Regulations 12-31 and 12-32 and allow the trial method for the 2014-15 Performance Assessment System (PAS). Councilor Cruz seconded the motion; motion carried unanimously.

#### **11. Quasi-Judicial Public Hearing to Consider the Request for a Subdivision to Divide Approximately 80 acres into 8 Lots.**

Mayor Jasso called the public hearing to consider the request for a subdivision to divide approximately 80 acres into 8 lots, to order. 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, presented this case to Mayor and Council. She stated that applicant in this case is requesting a subdivision dividing and approximately 80-acre tract of land into 8 lots. She went on to say that the property is zoned "D" Industrial, and is located west of North Eighth Street and north and south of West Second Street within the limits of the City of Deming. She stated that the property owner had dedicated right-of-way to the city, providing for future expansions and that this request is being made to better facilitate future sale of Industrial lots. She stated that an agreement should be executed between the developer and the City that all infrastructures for developing of any of these lots will be installed at the developer's expense, and not the City's. She emphasized that this needs to be a condition of approval, should this case be approved by Council. She noted that the planning commission recommended approval of the request.

Mayor Jasso asked if there were any questions of staff by any Council member.

Councilor Sanchez asked for clarification of the location of the subject property and for it to be pointed out on the map. Ms. Gentile did so.

Councilor Cruz asked why it would be presumed that the City would provide any upgrades or the infrastructure for development of these lots. Ms. Gentile said that it should not be presumed, however, because of the nature of this request it needs to be clarified. She stated that in the past it was not clear who was responsible for what and it's better to have this on record. Councilor Cruz asked if there was an ordinance stating the responsibilities of the parties. Ms. Gentile stated that in her history as a planner, sometimes developers claim that something was not their responsibility and the City ends up accruing the costs for improvements.

Mayor Jasso asked if the applicant or agent would like to make a statement. There was no

response as they were not present.

Mayor Jasso asked if there were any affected parties that would like to speak. There was no response.

Mayor Jasso asked if there were any other persons who would like to speak.

Larry Caldwell, 711 N. Zinc Street, stated that he lives on the side of town where these lots are located. He stated that his concern is that there is no buffer zone between the Industrial tracts and the B1-Residential areas. He stated that the people that live in this area are not very conducive to a heavy industrial area being put in right next to their residential properties. He hopes the lack of a buffer zone does not set a precedent and would be repeated. He also stated that he is concerned that when the wind blow contaminates would blow into the residential area. Mr. Caldwell stated that there should be a buffer zone between these two areas and would hope that if this request is granted there should be a buffer zone requirement.

Mayor Jasso asked if there are any questions of other persons by any Council member.

Councilor Sanchez asked if they were changing the zoning. Ms. Gentile stated that they were not considering zoning. She expressed that the Industrial zone has safeguards for some of the heavier types of industrial uses. She mentioned a previous case in which a special use permit had to come before Council based on the type of use of the land. She stated that once the properties were purchased each would be considered on a case-by-case basis.

Mayor Jasso asked if any registered party would like to cross-examine any party having already given testimony. There were none.

Mayor Jasso closed the public comments and brought the hearing back to 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 Cruz moved to approve the subdivision request to divide an approximately 80-acre tract of land, located west of North Eighth Street and north and south of West Second Street, into 8 lots; with the developer agreeing to be responsible for the installation of any infrastructure on this property. Mayor Pro Tem Milo seconded the motion; carried unanimously by the following roll call vote:

**ROLL CALL VOTE**

Councilor Sanchez	Aye
Councilor Rincon	Aye
Councilor Cruz	Aye
Mayor Pro Tem Milo	Aye

Mayor Jasso announced that the decision by the authority will be effective after the written order is executed a 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.

## **12. Quasi-Judicial Public Hearing to Consider a Zoning Map Amendment at Florida and Tennyson Streets**

Mayor Jasso called the public hearing to consider the request for a zoning change from “C”-Commercial to “A”- Single Family Dwelling zoning at the proposed locating of Tennyson and Florida Streets, to order. 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.

Councilor Cruz stated he would be recusing himself from voting on this item as there is a conflict of interest in his case.

Ms. Gentile, City Planner, stated that the applicant of this case is requesting a zone change for 18.33 acres located at Tennyson and Florida Streets. She stated that the entire 18.33 acres is currently zoned “C”-Commercial and that this request is to change 13.968 acres to “A”-Single Family Dwelling zoning and maintain the commercial zoning of the 4.365 acres along Florida. She stated that the zoning commission recommended approval of the request. She stated the Council options available for this case.

Mayor Jasso asked if there were any questions of staff by any Council member.

Councilor Sanchez asked for clarification of the acres that would remain Commercial zoned. Ms. Gentile clarified the area on the map provided to Council.

Mayor Jasso asked if the applicant or agent would like to make a statement.

Dr. Victor Cruz, 1920 Lori Drive, stated that the property is all zoned commercial and he was under the impression he could build a single family residence on this property. He is requesting that the 13.968 acres be changed to “A”-Single Family Dwelling and that leaves the smaller area “C”-Commercial zoned.

Mayor Jasso asked if there were any questions of the applicant or agent by any Council member. There were none.

Mayor Jasso asked if there were any affected parties that would like to speak. There was no response.

Mayor Jasso asked if there were any other persons who would like to speak.

Larry Caldwell, 711 N. Zinc Street, asked if he would be asking Mr. Cruz as a Council member or private individual. Dr. Cruz answered that he would answer as a private

individual. Mr. Caldwell asked Dr. Cruz if this proposed action benefit the public more than it will benefit you. Dr. Cruz answered that he has not thought about the public in his private property, but he stated that if the property is eventually developed as foreseen, it would be beneficial to the City. Mr. Caldwell asked if it would be more beneficial to the City. Dr. Cruz answered that no, it would be more beneficial to the private owner. Mr. Caldwell asked if it is easier for the City staff or advisory committee members or even a Council member, to get a Planning and Zoning request authorized than say, a persistent critic or what some call a troublemaker. Dr. Cruz stated that it has been quite difficult to get to this point as it has taken 4-6 months for him to get to this point. He explained that his initial request was denied due to the fact that he missed the Planning and Zoning Committee meeting. Therefore, Dr. Cruz answered that no, it has not been easier. He went on to explain that he has gone out of his way to make sure that there is no perception of favoritism. He stated that during the process, he has been faced with time constraints due to his line of work, and there have been times he would like to call staff to discuss this, but has avoided doing so. Mr. Caldwell asked if it would be more difficult for a perceived critic or “troublemaker”. Dr. Cruz said that it would not be more difficult. Dr. Cruz added that he has spoken to staff and feels that the process could be streamlined for all citizens and expressed that it is not.

Mayor Jasso asked if there were any question of other persons by any Council member. There were none.

Mayor Jasso closed the public comments and brought the hearing back to 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).

Mayor Pro Tem Milo moved to approve the request for a zone change request at Tennyson and Florida Streets of 13.968 acres to “A”-Single Family Dwelling and the remaining 4.365 acres to remain zoned “C”-Commercial. Councilor Sanchez seconded the motion; motion carried unanimously by the following roll call vote:

**ROLL CALL VOTE**

Councilor Rincon	Aye
Councilor Sanchez	Aye
Mayor Pro Tem Milo	Aye

Mayor Jasso announced that the decision by the authority will be effective after the written order is executed a 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.

**13. Quasi-Judicial Public Hearing to Consider a Zone Change for 4 Vacant Lots Located at 522 & 524 W. 1<sup>st</sup> Street**

Mayor Jasso called the public hearing to consider the request for a zoning change from for 4 vacant lots located at 522 & 524 W. 1<sup>st</sup> Street, to order. 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.

Gina Gentile, City Planner, stated that the applicant in this case is requesting a zone change for his four lots located at 522 W. 1<sup>st</sup> Street and 524 W. 1<sup>st</sup> Street, changing the zoning from Industrial to B-1 Multi-Family. She went on to say that the applicant wishes to place a mobile home on each lot for the purpose of renting the mobile homes. The applicant states that he has several rental units in this area, and wishes to upgrade the area. Ms. Gentile noted that the area surrounding the lots is zoned B-1 to the north of this property (across the street) and is zoned D Industrial to the south, west and east. She stated that the lots on the north, west, and east of the property are residentially used lots with houses and mobile homes located on them. She stated that the Planning and Zoning Commission recommended the request with the condition that all be brought up to code and standards and that if the City Council denies the zoning request the mobile homes must be immediately removed. She noted the Council options being, approval of the zoning map amendment, approval of the zoning map amendment with conditions, denial of the zoning map amendment, or table the motion. She referred to the zoning map and made a correction to the zoning noted on the map.

Mayor Jasso asked if Council had any questions of staff by any Council member.

Councilor Cruz asked for clarification of the zoning on the map. Ms. Gentile stated that the yellow highlighted area is currently zoned as B-1 Multi-Family Dwelling and the white area is zoned "D"-Industrial. Councilor Cruz asked what is currently at the proposed location. Ms. Gentile stated that there are currently two mobile homes on blocks that were not authorized by the City and they were formerly vacant lots. Councilor Sanchez asked if these mobile homes were moved in before getting approval. Ms. Gentile stated that they were and that Mr. Pastran stated that the former City building inspector, Mr. Emerson, had permitted those. After doing research, Ms. Gentile stated that she did not find any aesthetic reviews for the subject lots. Mayor Pro Tem Milo asked if anyone was living in these mobile homes. Ms. Gentile stated that no one was living there at this time and that the mobile homes were on blocks. Mayor Jasso noted that the recommendation states that if approved the mobile homes would have to be brought up to code and standards. He asked if there was a lot of work needed to be done on the mobile homes. Ms. Gentile stated that as they are sitting right now, there is not any skirting; they are not installed as far as the aesthetic review requirement. She went on to say that they would have to be inspected to verify that the mobile homes are the proper age and meet all requirements from the manufactured housing division, as well. Mayor Pro Tem Milo asked what the age requirement is for mobile homes. Ms. Gentile verified that the mobile homes would have to be a 1976 or older home to be approved.

Mayor Jasso asked if the applicant or agent would like to make a statement. He was not present to do so.

Mayor Jasso asked if any affected parties would like to speak.

Anita Antillon, 601 W. 1<sup>st</sup> Street, asked how they could have put in the first mobile home which has been rented out in the past. She stated that she disapproves of this and the second mobile home, because it obstructs her view of the Florida Mountains, which is one of the only nice things to enjoy in her neighborhood.

Mayor Jasso asked if there are any questions of any affected party by Council. Councilor Cruz asked if it is known how long the mobiles homes have been on the property. Ms. Gentile was not exact of how long, but stated that in January 2015, Mr. Pastran had come into City Hall for an aesthetic review permit after already placing the mobile homes on the subject property. At that time, he was told that he could not get one due to the zoning of the area. Ms. Gentile stated that at that point she put in the application for a zoning change and that the mobile homes had been there for a couple of months, but was not sure of how much time prior to that. Ms. Antillon interjected that she believes the first mobile home has been there for about a year and the second one has been there for two to three months. Councilor Cruz asked if anyone has been living in the mobile homes. Ms. Antillon stated that the first one had been rented out. Mayor Jasso asked if this was the mobile home closest to Ms. Antillon's residence. She stated that it was the one furthest from her home. She referred to it as the smaller mobile home.

Mayor Pro Tem Milo asked Ms. Gentile if she has physically gone out to look at the mobile homes. She stated she had driven out by the property to observe them. Mayor Pro Tem Milo noted that in the past, that area of the City was cleaned up and he mentioned that some of the previous requests were denied because they did not want to approve spot zoning. Mayor Pro Tem Milo stated that Mr. Pastran should have been certain that the permits were approved prior to placing the mobile homes on the subject property.

Mayor Jasso asked if there were any other persons wishing to speak.

Larry Caldwell, 711 N. Zinc Street, stated that he lives on the north side of town. He stated that he went by the subject property and there is at least one mobile home on the property. He asked if any of the mobile homes were connected to City utilities. Ms. Gentile stated that she was not certain because she is not actually recognizing them as being there because there are no permits on record. Mr. Caldwell agreed with the report and that there has been a lot of work done on the north side and stated that if mobile homes are approved the City should make certain that the owners keep them up. He expressed his concern of how the neighborhood looks. He stated that if the zoning change is approved that Mr. Pastran would be required to bring the mobile home up to code and keeping it that way.

City Attorney Foy advised Council that they cannot deny a zoning change request because of how things look, but certainly Council can deny the type of zoning change based on the health, safety, and welfare of the community.

Mayor Jasso asked if there are any questions of other persons by any Council member.

Councilor Cruz asked for clarification due to the fact that Mr. Pastran stated in his application that he has other mobile homes within this area that is zoned Commercial. Ms. Gentile stated that these mobile homes were grandfathered in. Councilor Cruz asked that if someone violates a zoning ordinance, would that be a preface to deny subsequent zoning request. City Attorney Foy stated that if an ordinance was violated that could be cited in Municipal Court for violating the ordinance. Mr. Foy stated that the preface for denying this request would be the fact that he set these mobiles homes in place and then came in to get the permitting after the fact. Mr. Foy stated that it is presumed that citizens have knowledge of the law.

Mayor Pro Tem Milo asked staff if Mr. Pastran knew the hearing for this case would be held at this meeting. Ms. Gentile stated that yes he knew but may be working this evening as that was an issue for him to attend the Planning and Zoning meeting. Mr. Foy stated that by the same token, we make allowances to come take care of our issues.

Mayor Jasso asked if any registered party would like to cross-examine anyone already given testimony. There were none.

Mayor Jasso closed the public comments and brought the hearing back to 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).

Mr. Foy commented that if this request is denied, and Mr. Pastran does not remove the mobile homes, then it should be followed up by citing him through Municipal Court. He went on to say that if the request is approved, there should be a specific deadline as to when the required actions need to take place.

A brief discussion was entertained between Council on this case.

Council Cruz moved to deny the zone change request based on the health and welfare of the community and violating previous ordinances. Councilor Sanchez seconded the motion; motion carried unanimously by the following roll call vote:

**ROLL CALL VOTE**

Mayor Pro Tem Milo	Aye
Councilor Sanchez	Aye
Councilor Rincon	Aye
Councilor Cruz	Aye

Mayor Jasso announced that the decision by the authority will be effective after the written order is executed a 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.

## 14. Administrator's Report

Mr. Sera reported on the following:

- He stated that the City has received several calls regarding the street lights on Pine Street. Mr. Sera stated that Mr. Hooper has been working with the New Mexico DOT and PNM to fix the lights. To date there have been 60 lights fixed, but understands that this is a priority and that there are more needing to be fixed.
- Legislative meeting with Senator Smith, some of the other Senators, and the Speaker of the House which were quite informative and productive.
- Performance Evaluations (PAS) consumed a lot of the time last month. Now that Council has approved the new trial system and will report on how that progresses.
- Land Transfer with Deming Public Schools- that is still moving forward but has to be approved by the State Board of Finance first for DPS, then will be sent to the Department of Finance Administration for the City. He stated that he is working with DPS to get this done but a deadline was missed by them and are going to present in April.
- Rate Analysis for upcoming year to present for budget process.
- WIFI in the park should be finished by the end of the month, March 30<sup>th</sup>. The WIFI will be installed at Girl Scout Park in hopes to get more people out to the park.
- Clean and Green will be talked about on the weekly radio spot Mr. Sera does and mentioned to Mr. Massengill that the advertisement should be done in Spanish as well.

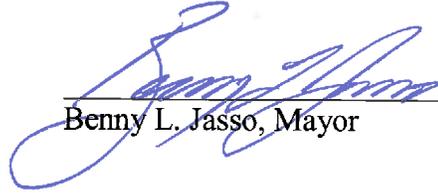
Councilor Milo asked about removing the dead trees at the Cemetery. Mr. Hooper stated that they did a project to remove several dead trees and that by next fall they were going to remove others. Councilor Cruz stated that there is a rumor in the community that all the trees and grass will be removed. Mr. Hooper clarified that the reason this is being said is probably because a new section is going to open at the Cemetery which will be Xeriscaped, but right now only dead vegetation is being removed.

## 15. Adjourn Meeting

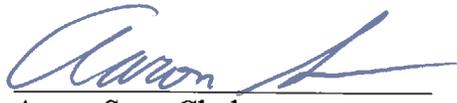
With no further business to discuss, a motion to adjourn was made by Councilor Sanchez. Councilor Rincon seconded the motion; motion carried unanimously. Meeting adjourned at 8:00 p.m.



**CITY OF DEMING, NEW MEXICO**

  
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Benny L. Jasso, Mayor

ATTEST:

  
\_\_\_\_\_  
Aaron Sera, Clerk

*Proclamation*  
**CLEAN AND GREEN MONTH**  
**APRIL 2015**

**WHEREAS**, during the month of April 2015, the City of Deming would like to encourage the community to clean and beautify their City by removing yard waste and trash from residential properties; and

**WHEREAS**, in the spirit of community participation the City of Deming will assist with the City wide Clean and Green project by providing free alley trash removal during the month of April; and,

**WHEREAS**, during this time, the City of Deming Solid Waste Department will pick-up yard waste and items too large to fit in the dumpsters free of charge; and,

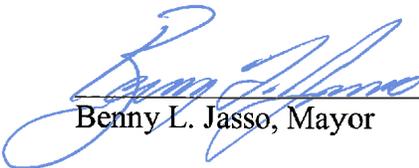
**WHEREAS**, the alley pick-up schedule will consist of one week each for the four quadrants of the City beginning March 23, 2015; and,

**WHEREAS**, the City of Deming, New Mexico, in efforts to clean and beautify the City, hereby designates the month of April 2015, as Clean and Green Month.

**NOW THEREFORE**, , I, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim the month of April 2015 as Clean and Green Month throughout the City of Deming, New Mexico, and encourage all citizens to participate.

**Done this 9<sup>th</sup> day of March, 2015 in the City of Deming, New Mexico.**



  
Benny L. Jasso, Mayor

  
Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO**  
**RESOLUTION 13-31-B**

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM**  
**ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**  
**AMENDMENT- SCOPE OF WORK CHANGE**

**WHEREAS**, the City of Deming and the New Mexico Department of Transportation have entered into a Cooperative Agreement.

**WHEREAS**, the total minimum cost of the project will be \$46,640.00 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 \$34,980.00
- b. City of Deming's proportional matching share shall be 25% or a minimum of \$11,660.00.
- c. The City of Deming shall pay all costs, which exceed the total amount of \$46,640.00

**NOW THEREFORE, BE IT RESOLVED**, in official session that the City of Deming determined, resolves, and orders as follows:

- That the project for this Cooperative agreement is adopted and has priority standing.
- The agreement terminates on December 31, 2015 as per Amendment No. 1 and the City of Deming incorporates all the agreements, covenants, understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

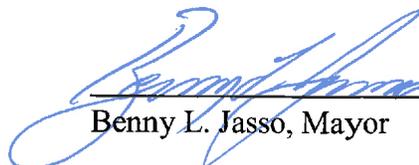
**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the City of Deming to add to the termini of the scope of work of Cooperative Agreement Project No. SP-1-14(909), CN HW2 L100117 with the NMDOT for LGRF scope as stated in Amendment No. 1: Planning, design, ROW, construction, reconstruction, pavement rehabilitation, drainage and miscellaneous of the City streets.

Termini: Florida Street from Mallery Street to San Miguel Street and include the following  
Termini: Gold St./Cody St./NM 11 from Hemlock to Florida Street

**PASSED, ADOPTED, AND APPROVED** this 9<sup>th</sup> day of March, 2015.



**CITY OF DEMING, NEW MEXICO**

  
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Benny L. Jasso, Mayor

  
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Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 15-13**

**A RESOLUTION APPROVING APPLICATION AND ANY SUBSEQUENT  
AGREEMENT BETWEEN THE CITY OF DEMING AND THE NEW MEXICO  
DEPARTMENT OF TRANSPORTATION TO PROVIDE MUNICIPAL ARTERIAL  
PROGRAM (MAP) FUNDS FOR GOLD STREET RECONSTRUCTION AND  
REHABILITATION**

**WHEREAS**, the City of Deming is applying for Municipal Arterial Program (MAP) Funding from the New Mexico Department of Transportation for project development, design, construction, and construction services for Gold Street Reconstruction and Rehabilitation; and

**WHEREAS**, the project is within the City of Deming's jurisdiction, necessary for the public good and convenience, and to serve the public of the City of Deming; and

**WHEREAS**, the New Mexico Department of Transportation is soliciting proposals for its FY 2015/2016 Local Government Program that requires at least a 25% local funding match; and

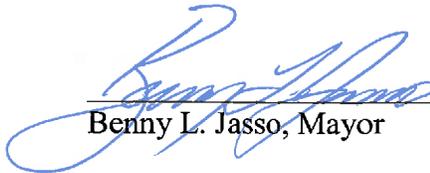
**WHEREAS**, the New Mexico Department of Transportation requires approval of an agreement for the City to obtain MAP Funds for this project.

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Deming does hereby determine and resolve as follows:

1. That the project application for MAP funding be prepared and submitted for the project development, design, construction, and construction services for Gold Street, Cody St, and NM 11 Reconstruction and Rehabilitation from Poplar to Florida.
2. That the Mayor, City Administrator, Public Works Director, or his successor, is authorized to execute any subsequent agreement.
3. That staff is directed to take such other actions and execute other documents as may be necessary to implement this Resolution.

**PASSED, ADOPTED, AND APPROVED** this 9<sup>th</sup> day of March, 2015.

**CITY OF DEMING, NEW MEXICO**

  
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Benny L. Jasso, Mayor



ATTEST:

  
\_\_\_\_\_  
Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 15-14**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION**

**WHEREAS**, the need exists within the City of Deming for neighborhood improvement projects in several low and moderate income neighborhoods, and the City of Deming desires to apply to the Housing and Urban Development's Community Development Block Grant Program to obtain funding for neighborhood improvement projects; and

**WHEREAS**, the City of Deming has held five (5) public hearings for public input and comment on August 22, 2014, September 4, 2014, September 24, 2014, October 8, 2014, and October 13, 2014 during the 2015 application process; and

**WHEREAS**, the Council finds that there is a significant need to undertake the Buckeye Street Drainage Project to provide adequate services to the community; and

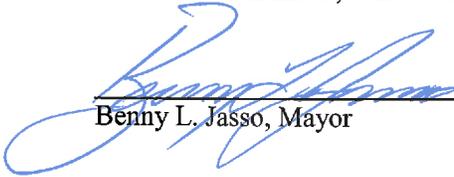
**WHEREAS**, the Council determines that the Buckeye Street Drainage project meets the requirements of the Community Development Block Grant Program.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING, NEW MEXICO**, that

1. The City of Deming is hereby authorized to prepare and submit a Community Development Block Grant application to the New Mexico Department of Finance and Administration/ Local Government Division for the Buckeye Street Drainage Project.
2. The Council directs and designates the City Administrator or Public Works Director as the City of Deming's Authorized Representative to act in all matters in connection with this application and the City of Deming's participation in the New Mexico Community Development Block Grant Program.
3. The City of Deming's officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.
4. The full application amount be for \$500,000 of grant funds and the phased project be for \$450,000 for the Buckeye Street Drainage Project.
5. It further be stated that the City of Deming is committing a 10% cash match contribution for the awarded application amount from its General Fund as a cash contribution toward the Buckeye Street Drainage Project.

**ADOPTED AND APPROVED** this 9<sup>th</sup> day of March, 2015.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, City Clerk

