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CITY COUNCIL MEETING

May 11, 2015

6:00 P.M.

AGENDA

Call to Order/Pledge of Allegiance

1. Consent Agenda
 - A. Minutes – City Council Regular Meeting 04/13/15
 - B. Minutes – Airport Commission Meeting 04/14/15-*Meeting Cancelled*
 - C. Minutes – Planning & Zoning Commission 04/23/15
 - a. Recommendation to approve Zoning Map Amendment on the South Side of East and West First Street (*To be presented later in meeting*)
 - D. Minutes—Tourism Development Committee Meeting 4/23/15
 - E. Minutes—Library Board Meeting 4/28/15-*Cancelled due to no quorum*
 - F. Out-of-State Travel Request for DJ Ritchlin to attend the Gas Bi-Fuel & Diesel Classes in Tulsa, Oklahoma on May 25-27, 2015
 - G. Out-of-State Travel Request for DJ Ritchlin to attend the Bauer Compressor Training 1 & 2 in Norfolk, Virginia on August 11-13 and August 18-20, 2015
 - H. Out-of-State Travel Request for Police Officers Alex Valdespino and Bobby Chavez to attend the Below 100 Intensive and Train the Trainer Classes in Phoenix, Arizona on May 13, 2015
2. Public Forum
3. Ratification of Proclamation for Memorial Day 2015
4. Ratification of Proclamation for Youth Week 2015
5. Approval/Denial of the Revision to Administrative Regulation Governing The City of Deming Vacancy Fill/Hiring Process DM 11-30
6. Approval/Denial of the Memorandum of Understanding by and between the Deming Fire Department and Gila Regional Medical Center EMS Services
7. Bids:
 - a. Bid #15-09 Tourism Based Advertising Marketing Plan
8. Quasi-Judicial Public Hearing to Consider a Zoning Map Amendment on the South Side of East and West First Street
9. Closed Session to Discuss Limited Personnel Matters Regarding Employee Evaluations and

the Purchase, Acquisition or Disposal of Real Property Regarding City of Deming Farms;
Pursuant to NMSA 1978 Section 10-15-1 (H)(2) & (8) of the Open Meetings Act

10. Administrator's Report

11. Adjourn Meeting

The next regular City Council Meeting is scheduled for June 8, 2015 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES May 11, 2015

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

Council Absent: None

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Wesley Hooper, Community Svcs. Dir.
Jim Foy, City Attorney
Vicki Engle, Human Resource Specialist
Raul Mercado, Fire Chief
Gina Gentile, City Planner
Brandon Gigante, Police Chief
Laura Holguin, Treasurer
Mary Corral, Receptionist

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. Consent Agenda

Mr. Sera brought attention to Item C. in the Planning & Zoning Commission Meeting of 4/23/15. He stated that the recommendation from that meeting will be presented later in this meeting as Quasi-Judicial Public Hearing.

Mr. Sera went on to mention item D. in the Tourism Development Committee Meeting of 4/23/15, there was a recommendation regarding the Advertising Marketing Plan, which will also be presented later in this meeting under item 7-Bids.

Mr. Sera stated that he would like item H. Out-of-State Travel Request for Police Officers Alex Valdespino and Bobby Chavez to be pulled from the agenda, as they will not be able to attend the requested training.

Mayor Pro Tem Milo moved to approve the Consent Agenda with the changes mentioned, as presented. Councilor Cruz seconded the motion; motion carried unanimously.

2. Public Forum

Mayor Jasso opened the public forum session for comment. There were no comments from the public.

3. Ratification of Proclamation for Memorial Day 2015

Mayor Jasso read the Proclamation to declare that May 25, 2015 be declared Memorial Day in the City of Deming.

Councilor Cruz moved to ratify the proclamation for Memorial Day 2015, as presented. Mayor Pro Tem Milo seconded the motion; motion carried unanimously.

A t-shirt on behalf of the American Legion was presented to Mayor Jasso.

4. Ratification of Proclamation for Youth Week 2015

Mayor Jasso read the Proclamation for Youth Week 2015 into record.

Sanchez moved to ratify the proclamation for Youth Week 2015 on May 1-7, 2015. Councilor Rincon seconded the motion; motion carried unanimously.

Mayor Jasso mentioned that the Elks Club hosted a dinner for all youth clubs and sports groups in which he estimated that well over 100 youth attended.

5. Approval/Denial of the Revision to Administrative Regulation Governing the City of Deming Vacancy Fill/Hiring Process DM 11-30:

Ms. Engle presented this item to Mayor Jasso and Council. She mentioned that the revision is an update to the current Administrative Regulation DM 11-30, addressing the City of Deming vacancy fill/hiring policy. She went on to say that the primary purpose of the update is to simplify and speed up the hiring process, and to clarify and clean-up language. Ms. Engle noted that at the City Administrator's request, we have also added a section on employee referrals. She stated that the most significant changes are as follows:

- Section 4, Paragraph 1, discusses internal vacancies where only current city employees can apply. She stated that we have shortened the number of days the announcement is posted, and allowed employees to submit a letter of interest rather than a full application.
- Section 4, Paragraph 2, discusses external announcements or those that current employees and the public can apply. We accept applications at anytime that are kept on file for 6 months before being destroyed, so we often have applications already on file for specific vacancies.

We added a section that would allow the City to review the applications on file before publicly announcing, posting and publishing an external announcement. This will save time if qualified applicants have previously applied, and not waste the time required in publishing and keeping the announcement open for the required 10 days before reviewing applications.

- Lastly, Section 4, Paragraph 3A, is the added section on employee referrals and how referrals will be used in the selection process.

She stated that management respectfully requests Council's approval to update Administrative Regulation DM 11-30, as written.

Mayor Pro Tem Milo asked what the current procedure is for filling a position. Ms. Engle explained the process.

Councilor Cruz asked how many positions the City routinely has open. Ms. Engle stated that approximately two positions a month, depending on turnovers. Councilor Cruz asked what is the reason for the turnovers. Ms. Engle stated that once an employee gets their first check they may have not realized how much would be deducted from their pay for benefits, which includes insurance and retirement.

Councilor Cruz moved to approve the revision to Administrative Regulation governing the City of Deming vacancy fill/hiring process DM 11-30. Mayor Pro Tem Milo seconded the motion; motion carried unanimously.

6. Approval/Denial of the Memorandum of Understanding by and between the Deming Fire Department and Gila Regional Medical Center EMS Services

Chief Mercado presented this item to Mayor Jasso and Council. He stated that the Memorandum of Understanding is between the City of Deming, Gila Regional Medical Center, Hidalgo County and Catron County, and that it follows all the local, state and federal laws, PRC rules and regulations and HIPPA laws. Chief Mercado stated that the reason we would want to enter into this understanding is, that in case there is ever a mass casualty incident or in the case of a natural disaster, we would be able to call on them for help or they on us. He noted that in the event that Deming does not have the assets available, they can let the other parties know and will not be bound to any liability. Mayor Pro Tem Milo asked if we have been part of a similar agreement in the past. Chief Mercado stated that the City has been part of a similar agreement in the past and that Deming was available to help out in Silver City when they had the fires in their area as well as helping Lordsburg when there was a major auto accident on Interstate 10.

Mr. Foy, City Attorney, stated that his only concern with the agreement was in Article IV, Section 5 in which he believes the City can only be liable for the state statute professional liability limits in accordance with New Mexico Tort Claim Act limits. Mr. Foy recommends that we ask that they modify this.

Councilor Cruz moved to approve the Memorandum of Understanding by and between the Deming Fire Department and Gila Regional Medical Center EMS Services with the contingency that Article IV, Section 5, be changed to comply with the New Mexico Tort Claim Act limits. Councilor Sanchez seconded the motion; motion carried unanimously.

**7. Bids:
Bid #15-09 Tourism Based Advertising Marketing Plan**

Mr. Hooper presented this item to Mayor Jasso and Council. He stated that proposals for this bid were received from Deming Headlight, HK Advertising, Wilson Binkley, and Wiredframe. He went on to say that the four agencies submitted a proposal and made a presentation to the Tourism Development Committee (TDC). Mr. Hooper mentioned that

based on the criteria and qualifications stated in the request for qualifications, ranking of the proposals and presentations, staff recommends awarding the above mentioned bid to HK Advertising.

Mayor Pro Tem Milo asked for information on HK Advertising. Mr. Hooper provided the information to Mayor Pro Tem Milo. Mr. Sera stated that the funding for this bid will come from the TDC Promotional budget. Mr. Sera went on to explain that according to NM Statute, we did not have to go out to bid for advertising. However, he chose to do so that way the TDC Committee could be involved in the process.

A brief discussion was entertained between Council and Mr. Hooper regarding the presentations from the different companies.

Mayor Pro Tem Milo asked what the contract term will be. Mr. Sera stated that it is a one year contract with the option to renew for 3 additional years, and can be cancelled at any time. Councilor Rincon asked how long the previous contractor was hired by the City. Mr. Sera stated that they have been contracted for approximately the past 10 years.

Mayor Pro Tem Milo moved to award Bid #15-09 Tourism Based Advertising Marketing Plan to HK Advertising. Councilor Sanchez seconded the motion; motion carried unanimously.

8. Quasi-Judicial Public Hearing to Consider a Zoning Map Amendment on the South Side of East and West First Street

Mayor Jasso called to order the public hearing to consider a zoning map amendment on the south side of east and west First Street. 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 presented this case to Mayor Jasso and Council. She stated that the City is making this request for a zone change from Industrial to B-1 Multi-Family for Blocks 10-14, 17, 29, 33, 34, 37 & 38 of the Wallis Survey, the land on the south side of 1st Street. She stated that the described land is currently zoned "D" Industrial and the proposal is to change the zoning to "B-1" Multi-Family Dwelling. She went on to say that the reason the City is requesting this is that most of these lots are currently residential uses, and the lots are 20 feet wide each, which is not conducive to Industrial use. Ms. Gentile stated that this zone change makes the most sense for the lot sizes and uses and the B-1 Multi-Family zoning is across the street from the subject area. Ms. Gentile mentioned that the Planning and Zoning Commission recommended approval of the request and that staff has no technical objections to the request.

Mayor Jasso asked if the applicant/agent would like to make a statement. Ms. Gentile stated that this request was brought to mind by an application to destroy a dilapidated house on 1st Street in this industrially zoned area, who came to ask for a demolition permit. She stated that per the City Ordinance, if they demolished the house they would stand lose their non-

conforming use and would have a 20 foot lot with basically no value. That property owner decided to keep the dilapidated house rather than tear it down and improve the property that is what brought it to mind for the City to make this application.

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

Ruben Pastran, 714 W. 1st Street, stated that he and his wife have 12 rentals in that area. He noted that he makes his best effort to make improvements to his properties and stay in compliance with the City codes. He stated he is in favor of this request because several of his properties are within this area where the lots are currently zoned Industrial.

Ernest Pastran, 520 W. 2nd Street, stated that it would be in the best interest to make this change in zoning so that current property owners would be able to improve the properties they own in this area.

Moses Pastran, 711 W. 1st Street, believes that this zone change would be in the best interest of everyone.

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

Mayor Pro Tem Milo moved to approve the request for a Zoning Map Amendment on the south side of east and west First Street, as presented. Councilor Sanchez seconded the motion; motion carried unanimously by the following roll call vote:

ROLL CALL VOTE

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

Mayor Jasso 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. Closed Session to Discuss Limited Personnel Matters Regarding Employee Evaluations and the Purchase, Acquisition or Disposal of Real Property Regarding City of Deming Farms; Pursuant to NMSA 1978 Section 10-15-1 (H)(2) & (8) of the Open Meetings Act

Mayor Jasso entertained a motion to go into closed session.

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

ROLL CALL VOTE

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

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

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

ROLL CALL VOTE

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

Mayor Jasso stated for the record that only the items mentioned in the motion to go into closed session were discussed and that no items were moved upon during the closed session.

Councilor Sanchez moved to approve the land exchange agreement with Deming Public Schools and give staff the authorization to execute any document pertaining to this exchange. Councilor Cruz seconded the motion; motion carried unanimously.

10. Administrator's Report

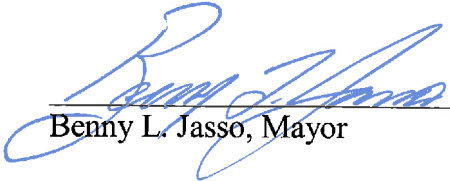
- Mr. Sera stated that the main focus during the month of April was the budget. He stated that that he and the Finance department have been wrapping up the budget for the workshop.
- Mr. Sera stated that Cedar Street repairs should be done in about 1 ½ to 2 weeks. Mr. Hooper confirmed this. Mr. Sera stated the area that caved in has been dug out and fixed.
- Mr. Sera stated that the Easter Egg Hunt put on in conjunction with the Fire Department once again, was a great success. Also, the rodeo was a great success.

11. Adjourn Meeting

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Mayor Pro Tem Milo seconded the motion; motion carried unanimously. Meeting adjourned at 9:30 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Clerk

Proclamation

MEMORIAL DAY 2015

WHEREAS, since 1868, Memorial Day has been uniquely an American Day of remembrance on which we pay our respects and honor the memory of more than one million Americans who died in battle and made the ultimate sacrifice for our country and our freedoms, and

WHEREAS, in keeping with the traditions that have preceded us, many of us have friends and family members who have selflessly given themselves to the future of this great nation and who honor on this day, and

WHEREAS, the service members, from the Army, Air Force, Navy, Marine Corp and Coast Guard were someone's child, someone's spouse, someone's parent and it is important that we remember every day, in this great nation, that our freedom came at a price, and

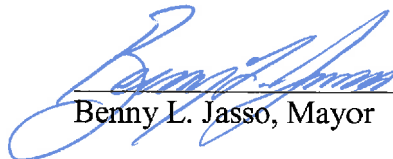
WHEREAS, Veterans have bravely served in all parts of the world, not only fighting for our freedoms but for all mankind, and


WHEREAS, the City of Deming and Luna County joins with the cities and counties throughout the great state of New Mexico in honoring those who have given their lives and recognizing that their sacrifices were noble, their heroism unparalleled and their dedication to God and Country is unforgettable.

NOW THEREFORE, be it proclaimed on May 25, 2015, be observed as **MEMORIAL DAY** in the City of Deming, in remembrance and in honor of the Veterans who have given their lives in the service of our country.

Signed this 11th day of May, 2015 in the City of Deming, New Mexico.




Benny L. Jasso, Mayor


Aaron Sera, Clerk

Proclamation
YOUTH WEEK

WHEREAS, The Benevolent and Protective Order of Elks has designated May 1-7, as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and,

WHEREAS, Deming Lodge #2750 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and,

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and,

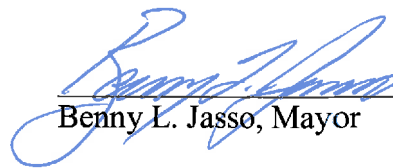
WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and,

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship:

NOW THEREFORE, I, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim the first week in May as Youth Week, and urge all departments of government, civic, fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

Done this 11th day of May, 2015 in the City of Deming, New Mexico.




Benny L. Jasso, Mayor


Aaron Sera, Clerk