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

# CITY COUNCIL MEETING

## October 13, 2014

4:00 P.M. CITY COUNCIL WORKSHOP  
6:00 P.M. CITY COUNCIL MEETING

### AGENDA

#### Call to Order/Pledge of Allegiance

#### 1. Consent Agenda

- A. Minutes – City Council Workshop and Regular Meeting 9/8/14
- B. Minutes – City Council Special Meeting 9/24/14
- C. Minutes – Parks Commission Meeting 9/16/14
  - a. Recommendation to approve the mural with a metal frame to hold the sign at John T. Waits Park, and to table the rest of the plan until later.
- D. Minutes – Planning & Zoning Commission Meeting 9/22/14
  - a. Recommendation to accept the request for a subdivision dividing a 1 acre tract of land into two lots at 500 W. Pear Street (**Quasi-Judicial Public Hearing to be presented at a later meeting**)
  - b. Recommendation to table the request to subdivide a 3.3 acre parcel at 3101 Laguna Street until the uncertainties regarding the subdivision can be cleared up.
- E. Minutes – Library Board Meeting 9/30/14
  - a. Motion to stop further architectural expansion work on the library and that immediate library issues be addressed with input from the staff and board members.
- F. Out-of-State Travel request for Aaron Sera and Cassie Arias to attend the Southwest Region Executive Directors Association Conference on November 12-14, 2014 in San Antonio, TX.

#### 2. Public Forum

#### 3. Approval of Proclamation Declaring Pro Bono Week 2014

#### 4. Authorization to Extend the Promotional Rental Rates Voiers Park & Amphitheater

#### 5. Resolution for Participation in Capital Appropriation Project Administered by the New Mexico Environment Department

#### 6. Administrator's Report

#### 7. Closed Session: To discuss the limited personnel matters and purchase, acquisition or disposal of real property, pursuant to NMSA 1978, Section 10-15-1(H)(2) & (8), of the Open Meetings Act

#### 8. Adjourn Meeting

*The next regularly scheduled Council Meeting is on November 10, 2014 at 4:00 p.m. and 6:00 p.m.*

# CITY COUNCIL WORKSHOP MINUTES October 13, 2014

**Council Present:** Benny Jasso, Mayor

Linda Franklin, Mayor Pro Tem

**Council Absent:** Joe "Butter Milo, Councilor  
Dr. Victor Cruz, Councilor

David L. Sanchez, Councilor

**Staff Present:** Aaron Sera, City Administrator  
Jim Massengill, Public Works Director  
Wesley Hooper, Community Svcs. Dir.  
Laura Holguin, Treasurer

Edgar Davalos, Fire Chief  
Brandon Gigante, Police Chief  
Raul Mercado, Asst. Fire Chief

**Recording Secretary:** Lila Jasso, Administrative Secretary/Assistant Deputy Clerk

Mayor Jasso and staff members of the City of Deming, New Mexico held a workshop on October 10, 2014 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting, held at 6:00 p.m. the same day. The following items of the agenda were discussed:

**Consent Agenda:** Mr. Sera went over the Consent Agenda. He started with the item. C. (a) Recommendation to approve the mural with a metal frame to hold the sign at John T. Waits Park and referenced the picture of the mural design. He stated that Nancy Sherman received a small grant and put together a phased plan for the sign, trees, and irrigation system and presented it to the Parks Commission in which they approved this recommendation for the sign and to table the rest of the plan until later. Mayor Pro Tem Franklin asked if there was enough funding available for the whole project. Mr. Hooper stated that there is funding available for the project through the Healthy Kids Council for the remainder of the project.

Mr. Sera stated that in item D. (b), the Planning and Zoning Commission recommended to table the request to subdivide a 3.3 acre parcel at 3101 Laguna Street. He stated that there are some issue regarding that request and the City is working with the applicant, Ruth Ann Johnson, to resolve the issues.

Mr. Sera went on to mention item E. (a) from the Library Board Minutes, in which a motion was made to stop further architectural expansion work on the library and that immediate library issues be addressed with input from the staff and board members. He stated they have some needs they would like to see addressed at the library, and that there is approximately \$45,000 left from the endowment funds to take care of the immediate needs.

Mr. Sera spoke about the out-of-state travel request for himself and Cassie Arias to attend the Southwest Region Executive Directors Association Conference on November 12-14, 2014 in San Antonio, TX. He stated that it is important that Cassie attend since it falls in the

lines of her job as Economic Development Coordinator. He stated that it has been requested for him to attend in order to meet with the Economic Development Administration regional representative, Pedro Garza, to discuss a grant that the City of Deming was awarded and is in jeopardy of losing. Although a trip of Austin was budgeted for the purpose of discussing the grant with Mr. Garza, it would be more cost effective to meet with him at the conference in San Antonio.

**Approval of a Proclamation Approving Pro Bono Week 2014:** Mr. Sera stated that this event happens every year and that during this time local lawyers volunteer their time to assist members of the community with legal issues. Mayor Jasso will present and read the proclamation into record.

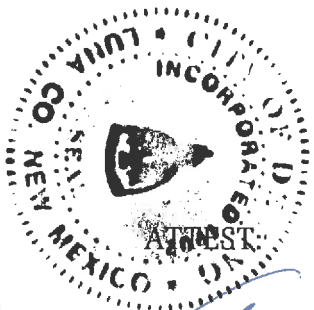
**Authorization to Extend the Promotional Rental Rates at Voiers Park & Amphitheater:** Mr. Sera stated that this authorization has been in effect since the park has opened. He stated that a rate schedule was developed, but the park did not get much use during the time the regular rates were in effect. Since he can recall the promotional rate has been in effect in order to promote use of the park. He stated that last year there were 17 events held at Voiers Park and 16 events the previous year. He stated that in speaking with staff, the maintenance of this park is minimal and that he is recommending that Council approve the extension of the promotional rates.

**Resolution for Participation in Capital Appropriation Project Administered by the New Mexico Environment Department:** Mr. Massengill will present this item to Mayor and Council. Mr. Sera stated that this resolution will allow for the City to accept Capital Outlay funding for the cell expansion at the Butterfield Trail Regional Landfill.

**Administrator's Report:** Mr. Sera stated that he would be giving a brief report on what he has been working on and what the City is trying to accomplish.

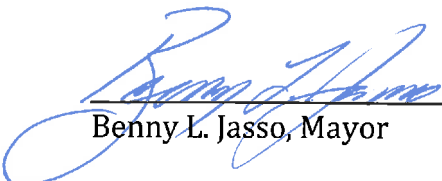
**Closed Session: To discuss limited personnel matters and the purchase, acquisition or disposal of real property, pursuant to NMSA 1978, Section 10-15-1(H)(2) and (8), of the Open Meetings Act:** Mr. Sera stated that limited personnel matters and the purchase, acquisition, or disposal of real property will be discussed during the closed session.

**Adjourn Meeting:** With no further business to discuss, the meeting was adjourned at 4:08 p.m.



  
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Aaron Sera, Clerk

CITY OF DEMING, NEW MEXICO

  
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Benny L. Jasso, Mayor

# CITY COUNCIL MEETING MINUTES October 13, 2014

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

**Council Absent:** None

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

**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 presented the Consent Agenda to Mayor Jasso and Council. He called their attention item C. Parks Commission Meeting Minutes of 09/16/14 with them. He noted item C. (a) and that the recommendation for the mural at John T. Waits park and to table the rest of the plan until later. This initiative was presented by Nancy Sherman to the Parks Commission and they have recommended approval of the sign. He reference the picture of the mural contained in the packet. He noted that item D. (a) of the Planning & Zoning Commission which will be presented as a Quasi-Judicial Public Hearing at a later meeting. He mentioned item E. (a) of the Library Board Meeting on 9/30/4 in which a motion was made to stop further architectural expansion work on the library and that immediate library issues be addressed with input from the staff and board members. He stated that the consensus of the board was to use the remainder of the donated funds to address the immediate issues at the library.

Mr. Sera discussed the out-of-state travel request for him and Cassie Arias to attend the Southwest Region Executive Directors Association Conference in San Antonio, TX on November 12-14, 2014. He stated that it is beneficial for Cassie to attend, since it is an Economic Development conference. Mr. Sera stated that he would like to attend and meet with to the Regional Economic Development Administration Secretary to discuss a \$1.5 million grant that the City is in jeopardy of losing. The grant was awarded to improve some roads in the industrial park. He stated that if the City loses the funding, they have already expended \$202,000 of the grant. Therefore it is important for him to meet with the Secretary to discuss what needs to be done to retain the grant.

Mayor Jasso entertained a motion to accept the Consent Agenda.

Councilor Milo moved to approve the Consent Agenda as presented by management, with the exclusion of Item E. Minutes-Library Board Meeting 9/30/14. Councilor Sanchez seconded the motion; motion carried unanimously. Councilor Cruz requested that item E.-Minutes of the Library Board Meeting on 9/30/14 to be pulled for discussion.

Councilor Cruz asked what the status of the library expansion project will be, since the library board has motioned to stop further expansion work. Mr. Sera stated that since this was a motion recommended by the library board, there is no strategic plan to move forward with the project. He went on to say that if Council would like to move forward, the City would have to derive a strategic plan to fund the \$3 million library expansion project. Mr. Sera stated that the consensus of the public from the public meetings was not to use funds for the library project.

A lengthy discussion was entertained regarding the land that was purchased for the project. Councilor Cruz is concerned with the money spent to purchase the land that for the improvements. Mr. Sera reminded Councilor Cruz that the project was an initiative of the previous City Administrator and was presented as a \$1.3 million dollar project, when in fact it turned out to be a \$3 million project. He stated that when the total amount was revealed, the City decided to hold a series of public meetings to find out what the community wanted. Mr. Sera reiterated that as a result of the meeting, the public consensus was to use the funds for other projects in the City. Councilor Cruz stated that a strategic plan should always be in place.

Councilor Cruz moved to approve Item E. Minutes-Library Board Meeting 9/30/14. Councilor Milo seconded the motion; motion carried unanimously.

## **2. Public Forum**

Comments were noted for the following people who commented during the public hearing session:

- Edward Khanbabian, 1721 E. Pine Street
- Larry Caldwell, 711 N. Zinc Street

## **3. Approval of Proclamation Declaring Pro Bono Week 2014**

Mayor Jasso read the proclamation into record which states that Pro Bono Week 2014 will take place October 20-24, 2014. During this week members of the legal community of the Sixth Judicial District will donate their time and talents in free legal services to the community.

Councilor Cruz moved to approve the proclamation for Pro Bono Week 2014. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

## **4. Authorization to Extend the Promotional Rental Rates for Voiers Park & Amphitheater**

Mr. Sera stated that in efforts to promote the usage of the facility and after reviewing the rates, staff respectfully requests the approval to extend the promotional rates for the use of Voiers Park Amphitheater and Pavilion through October 31, 2015. He noted that the promotional rate would allow for actual cleaning and security costs to continue to be charged to the lessee. He referenced the regular rates and the proposed promotional rates.

Councilor Sanchez moved to approve the promotional rental rates for Voiers Park and & Amphitheater, as presented. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

#### **5. Resolution for Participation in Capital Appropriation Project Administered by the New Mexico Environment Department**

Mr. Massengill read the proposed resolution into record. He stated that the City shall enter into a grant agreement with the State of New Mexico Environment Department and that the agreement is identified as SAP Project Number 14-1652-STB. He also mentioned that Aaron Sera, City Administrator is authorized to sign the agreement for this project, and that Laura Holguin, Treasurer, and Jim Massengill, Public Works Director, or his/her successors are Official Representatives who are authorized to sign and request reimbursement requests. Mr. Massengill also noted that he will act as a single point of contact concerning all matters related to the grant agreement. He also mentioned that the approved resolution must accompany the grant agreement in order to receive funding.

Mayor Pro Tem Franklin moved to approve the resolution to participate in Capital Appropriation Project Administered by the New Mexico Environment Department. Councilor Sanchez seconded the motion; motion carried unanimously.

#### **6. Administrator's Report**

Mr. Sera stated that recently, a majority of his task has been preparing for the Finance Committee Meeting which has been advertised as a public meeting to take place on October 21, 2014 at 9:00 a.m. He and Ms. Holguin, City Treasurer, have been gathering reports and analyzing data to prepare for the meeting. He also stated that the City has been looking at utility deposits and gathering information from different cities and towns in the area to analyze and decide if any changes need to be done.

He has also been working with Grant County and Corre Caminos regarding the local transportation service. He stated that there are different issues taking place involving the Joint Powers Agreement (JPA) and they are searching other avenues to continue the service to the area. He stated that due to these issues, there are some uncertainties regarding routes and there are threats of them dissolving the JPA. Mayor Pro Tem Franklin asked what can legally be done. Mr. Foy stated that without looking at the original agreement, he could not determine that. Mayor Pro Tem Franklin stated that when the program began and Luna County was the fiscal agent, there were no issues regarding the funds. She went on to say that they have been asked for audits and have never provided them, and now the program is approximate \$800,000 short. She stated that someone be held responsible for this shortfall. Mr. Sera stated that he and Mayor Jasso have attended the Rural Transit District meetings

and are trying to get some answers as to how this shortfall could have happened. He went on to say that it appears that they overran a set budget, but he and the Mayor are asking for explanation.

Mr. Sera asked if there were any other questions from Council.

Councilor Sanchez asked if the Bell School Sewer project is complete, because he has received many complaints from the constituents in the area regarding lots of mud on the streets. He stated that since the recent heavy rains there has been lots of mud on the streets and would like to see if the streets crew could go out and sweep those streets. Mr. Massengill stated that the project is 95% complete and he understands that due to the heavy rains, the loose dirt may have been carried by the water and caused issues on the streets. He stated that he will look into this.

Councilor Cruz asked if the City had a grant to widen Florida Street. Mr. Massengill stated that the bid that recently closed was not for the widening of the street. He stated that the bid was for a drainage project from Mallery Street, west to Santa Barbara Street is advertised and will be reviewed at the end of the month. He went on to say that this project will be for the installation of new concrete intersections and widen the ditch on the north side of Florida Street. Mr. Massengill also stated that the other bid has been advertised, for a 6-foot wide asphalt path on the south side of Florida Street from Highway 11 to Country Club road, will be opened the same day. The project for widening of Florida Street is in the design process, but is pending the asphalt project on Florida. Once the asphalt project is complete, the design process can continue. Councilor Cruz asked the status on the Multi-use trail project and when construction would begin. Mr. Massengill stated that the multi-use trail project should begin in December 2014.

**7. Closed Session: To discuss the purchase, acquisition or disposal of real property, 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 under NMSA 1978, Section 10-15-1(H)(8), of the Open Meeting Act.

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

**ROLL CALL VOTE**

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

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

**ROLL CALL VOTE**

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

Mayor Jasso stated for the record that no decisions or motions were made during the closed session, and that only the items mentioned in the motion to go into closed session were discussed.

Mayor Jasso entertained a motion from Council.

Mayor Pro Tem Franklin moved to approve the revised employment agreement for the City Administrator and Treasurer, effective May 29, 2014. Councilor Sanchez seconded the motion; motion carried unanimously.

Mayor Pro Tem Franklin moved to ratify the 219 E. Maple Street purchase agreement. Councilor Sanchez seconded the motion; motion carried unanimously.

Mayor Pro Tem Franklin moved to ratify the sales agreement for 10 acres in the industrial park with the amended language determined by legal counsel, on the addendum page. Councilor Sanchez seconded the motion; motion carried unanimously.

Councilor Cruz moved to execute the real estate purchase agreement between Roe Pleyte Revocable Trust and the City of Deming for the purchase of 19,765.18 square feet at ninety (90) cents per square foot. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

Councilor Sanchez moved to approve the purchase of easement and right-of-way parcel at \$2,000 per acre from Geo Southwest. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

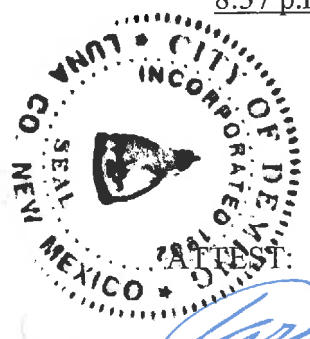
**8. Adjourn Meeting**

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Councilor Milo seconded the motion; motion carried unanimously. Meeting adjourned at 8:37 p.m.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Clerk







## PROCLAMATION PRO BONO WEEK 2014

WHEREAS, one in every four of the 1,750,988 New Mexicans live in poverty and experience legal problems, with the majority of these civil problems being family law issues (divorce, child support/custody, abuse) consumer issues (creditor harassment, utility non-payment, bankruptcy issues), health issues (Medicaid, government insurance, nursing home), employment issues (unemployment benefits, pension, lost job), and housing issues (unsatisfactory repairs, foreclosure, eviction, poor living conditions); and

WHEREAS each year the low-income citizens of Deming lack access to legal assistance for their legal problems that are often critical to their safety and independence, forcing them to resolve complex legal problems on their own; and

WHEREAS, the need for legal aid in New Mexico is dire, funding for low-income New Mexicans who need civil legal assistance has not yet been met, with the consequences being a lack of access to justice which is devastating for the poor and which weakens our democratic society as a whole; and

WHEREAS, although 72% of the members of the legal community in the Sixth Judicial District donated their time and talents in free legal services each year, a huge unmet need for legal assistance remains for the disadvantaged in our area; and

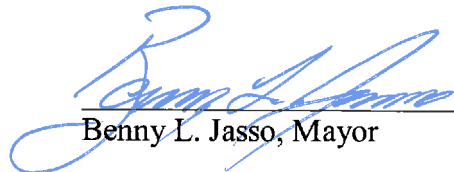
WHEREAS, sponsored by the Access to Justice Commission and the American Bar Association with support from local pro bono committees statewide, Pro Bono Week 2014, on October 20-24, 2014, will educate the public about the extensive work New Mexico lawyers are doing by donating their time to improve the lives of vulnerable members of our community, and will encourage more individuals in the legal community to get involved in pro bono work and financially support the legal aid system; and

WHEREAS, Pro Bono Week 2014 will feature legal clinics throughout the State, assisting New Mexicans who greatly need legal assistance but cannot afford to pay for that help, and will also feature recognition events throughout the State of New Mexico honoring lawyers and judges for making a difference in New Mexico:

NOW, THEREFORE, I, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim October 20-24, 2014 to be PRO BONO WEEK, and urge all residents to recognize the contributions of our legal community helping those most in need.

Done this 13<sup>th</sup> day of October, 2014, in the City of Deming, New Mexico.



  
Benny L. Jasso, Mayor

  
Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 14-29**

**PARTICIPATION IN CAPITAL APPROPRIATION PROJECT  
ADMINISTERED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT**

**WHEREAS**, the City of Deming, of Luna County, of the State of New Mexico, shall enter into a Grant Agreement with the State of New Mexico Environment Department, and

**WHEREAS**, the agreement is identified as SAP Project Number 14-1652-STB Grant Agreement.

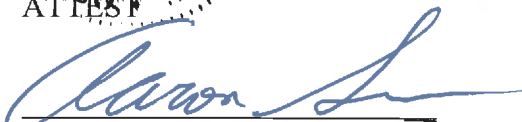
**NOW THEREFORE, BE IT RESOLVED** in official session that City of Deming determines, resolves, and orders as follows:

- That Aaron Sera, City Administrator, is authorized to sign the agreement for this project, and
- That Laura Holguin, Treasurer, and Jim Massengill, Public Works Director, or his/her successors are OFFICIAL REPRESENTATIVES who are authorized to sign and request reimbursement requests. Jim Massengill will act as a single point of contact concerning all matters related to the grant agreement.

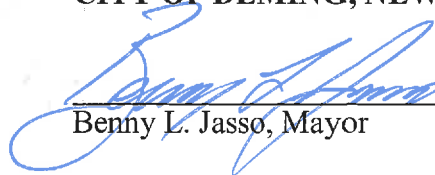
**PASSED, ADOPTED, AND APPROVED** this 13<sup>th</sup> day of October, 2014.



ATTEST

  
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Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO**

  
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Benny L. Jasso, Mayor