



Phone (575) 546-8848 · Fax (575) 546-6442  
E-MAIL: deming@cityofdeming.org Website: www.cityofdeming.org  
P.O. BOX 706 · DEMING, NEW MEXICO 88031  
POPULATION 14,000

**CITY COUNCIL MEETING**  
**AGENDA**  
**April 10, 2017**  
**6:00 P.M.**

**Call to Order/Pledge of Allegiance**

1. Consent Agenda
  - A. Minutes – City Council Meeting 03/13/17
  - B. Minutes – Parks Commission Meeting 03/14/17
  - C. Minutes – Planning & Zoning Commission Meeting 03/20/17 (*recommendations to be presented later in meeting as Quasi-Judicial Public Hearings*)
2. Public Forum
3. Ratification of Proclamation for a Memorial Recognizing the One Hundredth Anniversary of the Public Service Company of New Mexico
4. Ratification of Proclamation for National Day of Prayer
5. Ratification of Proclamation for Fair Housing Month
6. Ratification of Proclamation for National Child Abuse Prevention Month
7. Quasi-Judicial Public Hearings
  - a. Quasi-Judicial Public Hearing to consider the request for a special use permit for an auto body paint shop to be located at 920 Jarvis Street within the limits of the City of Deming
  - b. Quasi-Judicial Public Hearing to consider the request for a special use permit for message board sign for Best Western, located at 1500 W. Pine Street, within the limits of the City of Deming
  - c. Quasi-Judicial Public Hearing to consider the request for a zone change from “B” Multi-family zoning to “B-1” Multi-family zoning of lots 7, 8, 9, and 10 of Block 43 of South Addition (between Poplar and Willow Streets on the west side of Pearl) within the limits of the City of Deming
8. Administrator’s Report
9. Closed Session to discuss Limited Personnel Matters Regarding Employee Evaluations Pursuant to NMSA 1978, Section 10-15-1(H)(2).
10. Adjourn Meeting

*The next regular City Council Meeting is scheduled for May 8, 2017 at 6:00 p.m.*

# CITY COUNCIL MEETING MINUTES April 10, 2017

**Council Present:** Benny L. Jasso, Mayor  
Joe “Butter” Milo, Councilor

Dr. Victor Cruz, Mayor Pro Tem  
David L. Sanchez, Councilor

**Council/Staff Absent:** Roxana Rincon, Councilor

**Staff Present:** Aaron Sera, City Administrator  
Bryan Reedy, Community Svcs. Director  
Jim Massengill, Public Works Director  
Jim Foy, City Attorney  
Laura Holguin, Treasurer

Raul Mercado, Fire Chief  
Bobby Orosco, Police Chief  
Mary Corral, Receptionist  
Gina Gentile, City Planner

**Recording Secretary:** Lila Jasso, Administrative Secretary

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

## 1. Consent Agenda

Mr. Sera stated that he had no comments on the Consent Agenda and asked for Council’s approval.

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

## 2. Public Forum

- Laurie Findley, Deming Visitor Center, Deming Luna County Chamber of Commerce, Deming MainStreet
- Bruce Ashburn, PNM, Community Manager

## 3. Ratification of Proclamation for a Memorial Recognizing the One Hundredth Anniversary of the Public Service Company of New Mexico

Mayor Jasso read the entire proclamation for the record.

Councilor Sanchez moved to ratify the proclamation for a Memorial Recognizing the One Hundredth Anniversary of the Public Service Company of New Mexico. Mayor Pro Tem Cruz seconded the motion; motion carried unanimously.

## 4. Ratification of Proclamation for National Day of Prayer

Mayor Jasso read the entire proclamation for the record.

Councilor Sanchez moved to ratify the proclamation for National Day of Prayer. Councilor Milo seconded the motion; motion carried unanimously.

**5. Ratification of Proclamation for Fair Housing Month**

Mayor Jasso read the entire proclamation for the record.

Councilor Sanchez moved to ratify the proclamation for Fair Housing Month. Councilor Milo seconded the motion; motion carried unanimously.

**6. Ratification of Proclamation for National Child Abuse Prevention Month**

Mayor Jasso read the entire proclamation for the record.

Mayor Pro Tem Cruz moved to ratify the proclamation for National Child Abuse Prevention Month. Councilor Sanchez seconded the motion; motion carried unanimously.

**7. Quasi-Judicial Public Hearings**

Mayor Jasso read the three (3) public hearings to be presented. They are as follows:

- a. **Quasi-Judicial Public Hearing to consider the request for a special use permit for an auto body paint shop to be located at 920 Jarvis Street within the limits of the City of Deming**
- b. **Quasi-Judicial Public Hearing to consider the request for a special use permit for message board sign for Best Western, located at 1500 W. Pine Street, within the limits of the City of Deming**
- c. **Quasi-Judicial Public Hearing to consider the request for a zone change from “B” Multi-family zoning to “B-1” Multi-family zoning of lots 7, 8, 9, and 10 of Block 43 of South Addition (between Poplar and Willow Streets on the west side of Pearl) within the limits of the City of Deming**

He then swore in all parties who were signed in to give testimony for any of the three cases to be presented.

Mayor Jasso went on to say that once a decision is announced by the authority, it will become effective after the written order is executed and filed with both the Municipal and County Clerks, and 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.

- a. **Quasi-Judicial Public Hearing to consider the request for a special use permit for an auto body paint shop to be located at 920 Jarvis Street within the limits of the City of Deming**

Mayor Jasso called to order the quasi-judicial public hearing to consider the request for a special use permit for an auto body paint shop to be located at 920 Jarvis Street within the limit of the City of Deming.

Mayor Jasso asked the secretary if the legal notices for tonight's meeting have been properly posted. Secretary Jasso answered "yes".

He asked if there were any abstentions, "ex-parte contacts" or "conflicts of interest" for any Council Member. All three Council members answered "no".

Mayor Jasso stated that all parties will be limited to three (3) minutes except for cross-examination responses.

He asked if staff was prepared to present the case. Ms. Gentile stated, "yes".

Ms. Gina Gentile, City planner stated that the applicant is requesting a special use permit for an auto body paint shop to be located at 920 Jarvis, where there was a previous automotive business. She went on to say that the building will be brought up to code for all environment requirements for this business and will meet building codes prior to opening. She stated that the case was recommended for approval by the Planning Commission, and staff has no technical objection to this request. Ms. Gentile stated that the Council's options are approval, approval with conditions, denial, or table the motion for this case. She added that the packet contained the application and the zoning map for the subject location.

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

Councilor Sanchez asked Ms. Gentile to point out the subject location on the large map. She did and explained where it was located and referenced that the previous business at that location was Dupree's Body Shop. Councilor Sanchez asked if the applicant was present at the Planning & Zoning meeting. She stated that they were not present, but she encourages all applicants to attend the meetings.

Mayor Pro Tem Cruz stated that if you don't show up they criticize you in the minutes. Ms. Gentile stated it is mentioned in the P&Z Commission the minutes that they would like the applicants to be present, and may table the item if they are not present to answer questions. Mr. Foy suggested that Ms. Gentile advise the P& Z Commission to take the cases based on the merit and not just table the case because the applicant is not present. Councilor Sanchez asked if they table the case because there are questions that need to be answered by the applicant, can they table the case? Mr. Foy stated that in that case, where there are legitimate questions that need to be answered by the applicant to make a determination, they can table the case. Mayor Pro Tem Cruz stated that if there are issues that have nothing to do with the merit, the commission should not bring in extraneous issues into to case. Mr. Foy agreed with Mayor Pro Tem Cruz.

Mayor Jasso if there were any other questions by Council of Staff. There were none.

Mayor Jasso asked if the applicant or agent was present to make a statement. Ms. Gentile stated that they were not present.

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

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

Mayor Jasso closed the public comment session and brought the case back to Council. He asked if there was a Council Member prepared to make a motion or if they would like to go into closed session under NMSA 1978 10-15-1(H)(3) of the open meetings act.

Mayor Pro Tem Cruz moved to approve the request for a special use permit for an auto body paint shop to be located at 920 Jarvis Street within the City of Deming. Councilor Milo seconded the motion; motion was approved by the following roll call vote:

**ROLL CALL VOTE**

Councilor Milo	Aye
Mayor Pro Tem Cruz	Aye
Councilor Sanchez	Aye

**b. Quasi-Judicial Public Hearing to consider the request for a special use permit for message board sign for Best Western, located at 1500 W. Pine Street, within the limits of the City of Deming**

Mayor Jasso called to order the quasi-judicial public hearing to consider the request for a special use permit for a message board sign for Best Western, located at 1500 W. Pine Street, within the limit of the City of Deming.

Mayor Jasso asked the secretary if the legal notices for tonight's meeting have been properly posted. Secretary Jasso answered "yes".

He asked if there were any abstentions, "ex-parte contacts" or "conflicts of interest" for any Council Member. All three Council members answered "no".

Mayor Jasso stated that all parties will be limited to three (3) minutes except for cross-examination responses.

He asked if staff was prepared to present the case. Ms. Gentile stated, "yes".

Ms. Gina Gentile, City Planner, stated that the applicant is requesting a special use permit for a message board sign as shown in the packet, for Best Western. She went on to say that it will be an electronic sign, and as per the City Code, an electronic message board sign is required to have a special use permit. She stated that the case was recommended for approval by the Planning & Zoning Commission. She stated that staff has no technical objections to

this request and that Council options are approval, approval with conditions, denial, or table the motion.

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

Councilor Sanchez asked if Council had previously approved a sign closed to this area or was it the same applicant. Ms. Gentile stated that there was a request that came before Council, but it was at the other (east) end of Pine Street.

Mayor Jasso asked if the applicant or agent was present to make a statement. Ms. Gentile stated that they were not present.

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

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

Mayor Jasso closed the public comment session and brought the case back to Council. He asked if there was a Council Member prepared to make a motion or if they would like to go into closed session under NMSA 1978 10-15-1(H)(3) of the open meetings act.

Mayor Pro Tem Cruz moved to approve the Best Western sign located at 1500 W. Pine Street, within the City limits. Councilor Milo seconded the motion; motion carried by the following roll call vote:

**ROLL CALL VOTE**

Councilor Sanchez	Aye
Councilor Milo	Aye
Mayor Pro Tem Cruz	Aye

- a. **Quasi-Judicial Public Hearing to consider the request for a zone change from “B” Multi-family zoning to “B-1” Multi-family zoning of lots 7, 8, 9, and 10 of Block 43 of South Addition (between Poplar and Willow Streets on the west side of Pearl) within the limits of the City of Deming**

Mayor Jasso asked the secretary if the legal notices for tonight’s meeting have been properly posted. Secretary Jasso answered “yes”.

He asked if there were any abstentions, “ex-parte contacts” or “conflicts of interest” for any Council Member. All three Council members answered “no”.

Mayor Jasso stated that all parties will be limited to three (3) minutes except for cross-examination responses.

He asked if staff was prepared to present the case. Ms. Gentile stated, “yes”.

Ms. Gina Gentile, City Planner, stated that the applicant is requesting this zone change to allow him to place a mobile home on the property, and mobile homes are not allowed in the “B” multi-family zone, but they are allowed in the “B-1” multi-family zone. She went on to say that the Planning Commission recommended the case for approval, and that staff has no technical objection to this request. She stated that Council’s options are approval, approval with conditions, denial, or table the motion.

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

Councilor Milo asked if the mobile home was new. Ms. Gentile stated yes.

Councilor Sanchez asked where the subject location is and if Ms. Gentile could point it out on the map. She did so. Councilor Sanchez asked if there were other mobile homes in the area. Ms. Gentile stated that she was not sure, but Mayor Jasso mentioned several other mobile homes located in the area.

Mayor Pro Tem Cruz asked what the green area on the map indicated. Ms. Gentile stated that it is “A” single family zoning. Mayor Pro Tem Cruz asked what the orange area indicates. Ms. Gentiles stated that it is commercial zoning. She stated that the dark area is also commercial zoning, and that is where Terrazas Funeral Chapels is located. Mr. Reedy also interjected and explained some of the other buildings in the area.

Councilor Sanchez asked if there are any “B-1” multi-family zones in the area. Ms. Gentile stated that there are and pointed out the areas on the map.

Mayor Pro Tem Cruz asked if the pink shaded area was supposed to have “A” single family zoning, per the current zoning. Ms. Gentile stated it’s supposed to have multi-family zoning, but it’s a “B” multi-family which specifically disallows single-wide mobile homes. She stated that the applicant’s goal is to get a single-wide mobile home on the property. Mayor Pro Tem Cruz asked Ms. Gentile what is north of the property. Ms. Gentile stated that it is an old house or sheds. She went on to say that the applicant has cleaned up the property quite a bit, which was one of the things that was favorable about this request.

Councilor Milo again, asked if the applicant was going to put a new mobile home on the property. Ms. Gentile stated that it is a new mobile home.

Mayor Jasso asked if the applicant or agent was present to make a statement. Ms. Gentile stated that they were not present.

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

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

Mayor Jasso closed the public comment session and brought the case back to Council. He asked if there was a Council Member prepared to make a motion or if they would like to go into closed session under NMSA 1978 10-15-1(H)(3) of the open meetings act.

Councilor Milo moved to approve the zone change request from “B” Multi-family zoning to “B-1” Multi-family zoning of lots 7, 8, 9 and 10 of Block 43 of South Addition between Poplar and Willow Streets on the west side of Pearl, within the limits of the City of Deming. Councilor Sanchez seconded the motion; motion carried unanimously by the following roll call vote:

**ROLL CALL VOTE**

Mayor Pro Tem Cruz	Aye
Councilor Sanchez	Aye
Councilor Milo	Aye

**8. Administrator’s Report**

Mr. Sera reported the following:

- Met with the Deming Public Schools and the County to discuss the After-School Program. The entities are looking at different options on funding the program.
- Working on a Newsletter for the City, County, and Public Schools to highlight what all three entities are doing.
- Met with the County Manager to discuss the Multi-Services Agreement.
- Mentioned that the Legislative session hasn’t gone well, and that the Governor has vetoed almost everything that had anything to do with additional revenue, if it is linked to tax. He went on to mention that she vetoed HB202, that is the proposed sales tax on internet sales. HB 63-Local Option Gas Tax was pocket vetoed.
- Mentioned that his email has been hacked and that they are working on the issue with the FBI.

**9. Closed Session to discuss Limited Personnel Matters Regarding Employee Evaluations Pursuant to NMSA 1978, Section 10-15-1(H)(2).**

Mayor Jasso entertained a motion to go into closed session.

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

**ROLL CALL VOTE**

Mayor Pro Tem Cruz	Aye
Councilor Sanchez	Aye
Councilor Milo	Aye

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



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

**ROLL CALL VOTE**

Mayor Pro Tem Cruz	Aye
Councilor Milo	Aye
Councilor Sanchez	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.

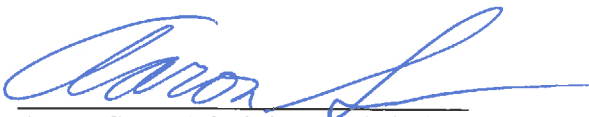
**12. Adjourn Meeting**

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Councilor Milo seconded the motion; motion carried unanimously. Meeting adjourned at 8:44 p.m.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Administrator/Clerk

# *Proclamation*

## **A MEMORIAL RECOGNIZING THE ONE HUNDREDTH ANNIVERSARY OF THE PUBLIC SERVICE COMPANY OF NEW MEXICO**

**WHEREAS**, the Public Service company of New Mexico, also known as PNM is celebrating its one hundredth anniversary on May 9, 2017; and

**WHEREAS**, since its founding as the Albuquerque Gas and Electric Company in 1917, the PNM mission has been to provide New Mexicans with safe and affordable energy and industry leading customer service; and

**WHEREAS**, as the state's largest energy provider, PNM now serves more than 500,000 residential and business customers in New Mexico and employs more than 1,400 dedicated and driven professionals and skilled workers; and

**WHEREAS**, PNM has led the way in New Mexico for the research and use of renewable energies such as wind, solar and geothermal power; and

**WHEREAS**, the long-term vision of PNM is to continue to expand its use of renewable energies, provide a model for environmental stewardship among energy providers and continue its work to be a reliable partner in the communities we live in and serve; and

**WHEREAS**, the leadership shown by PNM through its numerous community outreach and economic development programs has greatly benefitted the citizens of New Mexico; and

**WHEREAS**, PNM looks forward to the next 100 years as a new century of service to the Land of Enchantment, working together with home and business owners, educators, and local, state, federal and tribal officials;


**NOW THEREFORE**, be it proclaimed by the Governing Body of the City of Deming, New Mexico, that the Public Service Company of New Mexico be recognized for its service and dedication to the citizens of New Mexico on its one hundredth anniversary; and

**BE IT FURTHER PROCLAIMED** that a copy of this memorial be transmitted to the president and CEO of the Public Service Company of New Mexico.

**RECOGNIZED AND SIGNED** this 10<sup>th</sup> day of April, 2017 in the City of Deming, New Mexico.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Administrator/Clerk



*Proclamation*  
**National Day of Prayer**

**WHEREAS:** The National Day of Prayer is a tradition first proclaimed by the Continental Congress in 1775; and

**WHEREAS:** In 1988, legislation was unanimously ratified by both Houses of Congress and signed by President Ronald Reagan stating that the National Day of Prayer was to be observed on the first Thursday of every May; and

**WHEREAS:** It is fitting and proper to give thanks to the Lord by observing this day in Deming when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our state and nation.

**NOW THEREFORE,** I, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim Thursday, May 4, 2017 as:

***“A DAY OF PRAYER”***

Done this 10<sup>th</sup> day of April, 2017 in the City of Deming, New Mexico.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Clerk



*Proclamation*  
**FAIR HOUSING MONTH**

*WHEREAS*, fair and equal housing is a right guaranteed to all Americans; and

*WHEREAS*, the principle of fair and equal housing is not only a national law and policy, but a fundamental human entitlement; and

*WHEREAS*, all citizens have the right to live where they choose within their financial means; and

*WHEREAS*, people must not be denied housing because of race, color, religion, sex, national origin, handicap or family status; and

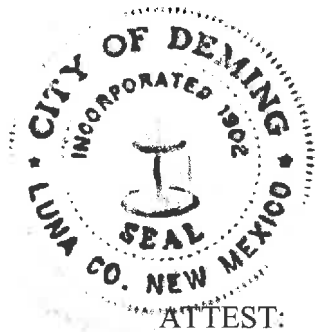
*WHEREAS*, the City of Deming acknowledges the importance of assuring fair and equal treatment to all citizens as identified in the City's Fair Housing Policy (Ord. 11-1-4); and

*WHEREAS*, the City of Deming is assisting and cooperating with the Southwestern Regional Housing and Community Development Corporation.

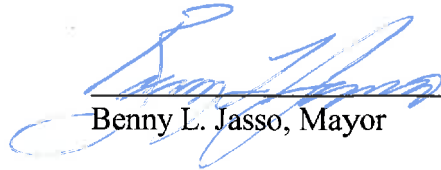
*NOW, THEREFORE I*, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim the month of April 2017 as

*"Fair Housing Month"*

*IN WITNESS, WHEREOF*, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 10<sup>th</sup> day of April, 2017.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Aaron Sera, Clerk

# Proclamation

## National Child Abuse Prevention Month

**WHEREAS**, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Luna County; and

**WHEREAS**; every child is entitled to be loved, cared for, nurtured, and to feel secure and free from verbal, sexual, emotional & physical abuse and neglect; and

**WHEREAS**; approximately 3 million children are reported abused and neglected in this country each year. Most physical abuse or neglect occurs among children under the age of two, during a critical period of brain development; and

**WHEREAS**; the effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

**WHEREAS**; warning signs of child abuse or neglect include nervousness, aggression, inability to concentrate for long periods of time, sudden dramatic changes in personality, acting out sexually, frequent or unexplained injuries, low self-esteem, and poor hygiene; and

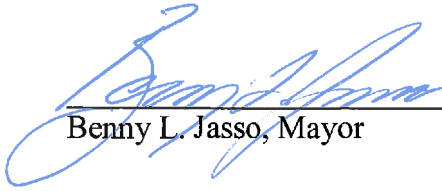
**WHEREAS**; all citizens, community agencies, faith organizations, and businesses will work to increase their efforts to support families

**THEREFORE, BE IT RESOLVED** that I, **Benny L. Jasso, Mayor of the City of Deming**, do hereby proclaim the month of April 2017 Child Abuse Prevention Month.

**BE IT FURTHER RESOLVED** that the City of Deming enthusiastically endorses *Child Abuse Prevention Month* and encourages fellow residents in the City to support our young people by protecting and providing them a safe environment free from physical, sexual, and emotional abuse.

**PASSED, APPROVED AND ADOPTED** this 10<sup>th</sup> day of April, 2017.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Clerk

