

CITY COUNCIL MEETING MINUTES April 11, 2016

Council Present: Benny L. Jasso, Mayor
Dr. Victor Cruz, Councilor
David L. Sanchez, Councilor

Joe “Butter” Milo, Mayor Pro Tem
Roxana Rincon, Councilor

Council/Staff Absent: Jim Foy, City Attorney

Staff Present: Aaron Sera, City Administrator
Jim Massengill, Public Works Director
Raul Mercado, Fire Chief
Gina Gentile, City Planner
Bryan Reedy, Community Svcs. Director

Brandon Gigante, Police Chief
Bobby Orosco, Asst. Police Chief
Laura Holguin, Treasurer
Mary Corral, Receptionist

Recording Secretary: Lila Jasso, Administrative Secretary

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

1. Consent Agenda

Mr. Sera called attention to Item C. Minutes—Planning and Zoning Commission Meeting 03/21/16. He stated that the recommendation will be presented at a later time during the meeting as Quasi-Judicial Hearings. Mr. Sera stated that Council will only be approving the minutes for this item.

He also noted in Item D. Minutes – Historic Landmark Commission Meeting 03/29/16, a recommendation was made to approve the project and color scheme at Leyendecker Plaza. He referred to the minutes for the approved colors.

Ms. Christie Ann Harvey discussed the color schemes of the shade sails were approved by the committee. She stated that the colors appeared to be suitable to everyone. Mr. Reedy stated that the color scheme was also presented and approved by the Parks Commission.

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

2. Public Forum

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

- Laurie Findley, 10280 Highway 549, Deming, Deming MainStreet Executive Director, MainStreet, and Visitor’s Center

- Hannah Magnuson, 295 Arrowhead Dr., Visitor's Center Manager
- Jim Richardson, 2609 Water Hazard Dr.
- Lorraine Sandborn, 409 Playthru Drive
- Louis Jenkins, 1309 Saddler St.

3. Mayor's Appoint to the Historic Landmark Commission

Mayor Jasso read his memo into record to appoint Don Williamson to serve on the Historic Landmark Commission

Mr. Reedy stated that Mr. Williamson lives next door to the archives room and has volunteered at the archives room for the past 2 years. Mr. Reedy went on to say that the appointment of Mr. Williamson is a very good fit.

Councilor Milo moved to approve the Mayor's appointment of Don Williamson to the Historic Landmark Commission. Mayor Pro Tem Cruz seconded the motion; motion carried unanimously.

4. Ratification of Proclamation for National Day of Prayer

Mayor Jasso read the proclamation to declare May 5, 2016 as A National Day of Prayer, into record.

Councilor Sanchez moved to ratify the proclamation to declare May 5, 2016 as National Day of Prayer. Councilor Rincon seconded the motion; motion carried unanimously.

5. Ratification of Proclamation for Fair Housing Month

Mayor Jasso read the proclamation to declare April 2016 as Fair Housing Month into record.

Councilor Sanchez moved to ratify the proclamation to declare April 2016 as 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 proclamation to declare April 2016 as National Child Abuse Prevention Month into record.

Mayor Pro Tem Cruz moved to ratify the proclamation to declare April 2016 as National Child Abuse Prevention Month. Councilor Sanchez seconded the motion; motion carried unanimously.

7. Approval/Denial of a Resolution for Out-of-State Travel Requests for the Executive Director of the NM CAP Entity

Mr. Sera explained that the City of Deming is the 2nd Fiscal Agent for the NM CAP Entity and that the Executive Director is subject to the City of Deming rules and regulations. He went on to say that the reason this resolution is being proposed is that the person in this position may be called to meetings with very short notice. Mr. Sera noted that the City of

Deming has a policy in place where out-of-state travel that exceeds 150 miles from the New Mexico border, must be approved by the City Council. He explained that this resolution would grant the permission to the Chairperson of the NM CAP Entity, to approve out-of-state travel for the Executive Director.

Councilor Sanchez made a recommendation that Council be presented with a monthly travel log from the NM CAP Executive Director. Ms. Holguin stated that the NM CAP Entity has to abide the same statues and regulations as the City. Ms. Holguin assured Council that everything is being looked over to make sure it is in proper order.

Mayor Pro Tem Cruz stated that he is concerned with the open-endedness of the resolution. He would like to see the resolution period be for a specific time frame. Mr. Sera stated that the regulation that is in place is to ensure that no employee takes out of state travel without knowledge of Council. Mr. Sera suggested that a statement be added to allow for a specific time frame, and then be brought back to Council to be reconsidered for approval.

Mayor Pro Tem Cruz moved to approve the resolution for out-of-state travel requests for the Executive Director of the NM CAP Entity, with the amendment of adding the clause “for a period of two fiscal years.” Councilor Sanchez seconded the motion; motion carried unanimously.

8. Approval/Denial of a Resolution to Support Efforts to Have Congress Designate the Chiricahua National Monument as a National Park

Mr. Sera presented the resolution to support the effort to have Congress designate the Chiricahua Nation Monument as a National Park. He stated that he was contacted by the Visitor’s Center of Sierra Vista, Arizona about this resolution. Mr. Sera stated that other municipalities and counties in the area are also in favor of this resolution of support. He read the resolution into record.

Mayor Pro Tem Cruz moved to approve the resolution to support efforts to have Congress designate the Chiricahua National Monument as a National Park. Councilor Sanchez seconded the motion; motion carried unanimously.

9. Approval/Denial of a Resolution Authorizing the Execution and Delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and Among the New Mexico Colonias Infrastructure Board and the New Mexico Finance Authority and the City of Deming Solely for the Purpose of Financing the Costs of Planning, Designing and Construction for Reclamation of the Tulip Drive Landfill

Mr. Massengill stated that the resolution is part of the grant/loan package for Council to approve participation in the grant/loan agreement. Mr. Sera gave a brief history of the Tulip Landfill and how the City came to owning the property. A brief discussion was entertained between staff and Council regarding the phases of the project, loan and matching funds requirements, and closing of the landfill.

Mayor Pro Tem Cruz moved to approve the Resolution Authorizing the Execution and Delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and Among the New Mexico Colonias Infrastructure Board and the New Mexico Finance Authority and the City of Deming Solely for the Purpose of Financing the Costs of Planning, Designing and Construction for Reclamation of the Tulip Drive Landfill. Councilor Milo seconded the motion; motion carried unanimously.

10. Public Hearing to Consider an application for a Restaurant Beer & Wine Liquor License for RSB Investments Group, LLC dba Grand Motor Inn, Hotel and Restaurant

Mr. Sera presented the application to Mayor and Council and explained that it does not require any waivers, and that Council would only be approving the new liquor license. This is necessary due to the fact that the hotel/restaurant has recently changed ownership.

Mayor Jasso opened the public hearing to the public for comment.

Mr. Rajesh Sutaria, new owner, stated that the reason for the application is due to the fact that the beer and wine liquor license is not transferrable.

With no further public comment, Mayor Jasso closed the public comment session and entertained a motion from Council.

Councilor Milo moved to approve the application for a Restaurant Beer & Wine Liquor License for RSB Investments Group, LLC dba Grand Motor Inn, Hotel and Restaurant. Councilor Sanchez seconded the motion; motion carried unanimously.

11. Quasi-Judicial Public Hearing to Consider a Variance Request for Front Yard Setback and to Allow Construction of an Accessory Building on a Vacant Lot Located at 401 Santa Rosa Street

Mayor Jasso called to order the public hearing to consider a variance request for a front yard setback and to allow construction of an accessory building on a vacant lot located at 401 Santa Rosa 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. Councilor Milo recused himself from voting on this case due to the applicant being his brother-in-law.

Ms. Gentile, City Planner, stated that the applicant, Joe Milo, is requesting a variance for construction of an accessory building to be located on a vacant residential lot in the A-Single family zone. She stated that the applicant is also asking for a variance on a setback and that he lives across the street from this lot. Ms. Gentile stated that the applicant purchased the lot and cleaned it up, and now wishes to put his residential garage on the lot. Ms. Gentile stated that the zone that this lot is in states that “accessory buildings and uses customarily incident to the residential use” are allowed including a private garage. She went on to say that since there is no primary use and there is a need for a variance on the setback, this case is on for a

variance. Ms. Gentile stated that the garage is possibly large enough for a commercial business, though Mr. Madrid is building it for personal use. She noted that future use of the building would need to remain residential due to the residential zoning.

Ms. Gentile stated that the Planning and Zoning Commission recommended approval of the requests and that staff has no technical objections to this request.

Councilor Sanchez asked what the building would be constructed of. Ms. Gentile stated that the applicant stated it would be a metal building.

Ms. Gentile stated that the applicant was not present at this meeting.

Mayor Pro Tem Cruz asked for clarification of the location of the proposed structure. Ms. Gentile explained the location.

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

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

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

Councilor Sanchez moved to approve the variance request at 401 Santa Rosa Street, as presented. Councilor Rincon seconded the motion; motion carried unanimously by the following roll call vote:

ROLL CALL VOTE

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

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.

12. Administrator's Report

Mr. Sera addressed the following items in his report:

- He stated that he, Ms. Holguin, and Chief Mercado have been preparing for the Fire Department union negotiations to be presented at the June meeting.
- Working on Employee Evaluations.

- Public Works Director and his team are working on the ordinance for the Poly-carts. He would like to see a public meeting held to obtain more input from the residents.
- Received Capital Outlay funds and continue working on Cedar Street project.
- Municipal League District Meeting was held in Silver City. He will hand out a summary of the meeting to Council.
- Mentoring program notification has been sent out to staff and 10 applications have been turned and are being reviewed by Mr. Sera.

13. Closed Session to discuss Limited Personnel Matters Regarding Employee Evaluations and the Purchase, Acquisition or Disposal of Real Property Pursuant to NMSA 1978, Section 10-15-(H)(2) and (8) of the Open Meetings Act

Mayor Jasso entertained a motion to go into closed session.

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

ROLL CALL VOTE

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

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

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

ROLL CALL VOTE

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

Mayor Jasso stated for the record that only the items mention in the motion to go into closed session were discussed and no items were voted on during the closed session.

Mayor Jasso entertained a motion from Council.

Mayor Pro Tem Cruz moved to approve the sale of Allen Farm for \$191,975.91 to Billy the Kid Produce. Councilor Rincon seconded motion; motion carried unanimously.

14. Adjourn Meeting

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Councilor Rincon seconded the motion; motion carried unanimously. Meeting adjourned at 8:56 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Clerk