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POPULATION 14,000

**CITY COUNCIL MEETING  
AGENDA  
August 14, 2017  
6:00 P.M.**

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

1. Consent Agenda
  - A. Minutes – City Council Meeting 07/10/17
  - B. Minutes – City Council Special Meeting 07/25/17
  - C. Minutes – Parks Commission Meeting 07/11/2017
  - D. Minutes – Planning & Zoning Commission Meeting 07/17/17
    - a. Recommendation to approve a Special Use Permit for a Wireless Telecommunications Facility (*to be presented later in meeting as Quasi-Judicial Public Hearing*).
  - E. Minutes – Tourism Development Committee Meeting 07/27/17 (*no meeting*)
  - F. Out-of-State Travel Request for Police
2. Public Forum
3. Proclamation Recognizing International Literacy Day
4. Approval of Amendment to DM09-10 an Administrative Regulation Governing Drug and Alcohol Policy
5. Approval of Resolution Authorizing the Deming Fire Department to Donate One (1) 1998 Ford F-350 Ambulance to the Village of Mesilla Volunteer Fire Department
6. Approval of a Resolution to Consider Adopting the 2019-2023 Infrastructure Capital Improvements Plan (ICIP) for the City of Deming, New Mexico
7. Resolution Approve the Service Agreement Between the Southwest New Mexico Council of Governments (SWNMCOG) and the City of Deming for FY2017-2018
8. Quasi-Judicial Public Hearing to Consider a Special Use Permit for a Verizon Wireless Facility Located at South Grand Street and East Ash Street (Lloyd Pratz T-Ball Complex)
9. Administrator's Report
10. 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) & (8) of the Open Meetings Act
11. Adjourn Meeting

*The next regular City Council Meeting is scheduled for September 11, 2017 at 6:00 p.m.*

# CITY COUNCIL MEETING MINUTES August 14, 2017

**Council Present:** Benny L. Jasso, Mayor  
David L. Sanchez, Councilor

Roxana Rincon, Councilor  
Dr. Victor Cruz, Mayor Pro- Tem

**Council/Staff Absent:** Joe “Butter” Milo, Councilor

Gina Gentile, City Planner

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

Raul Mercado, Fire Chief  
Bobby Orosco, 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.

Prior to opening the meeting, Mayor Jasso read a letter written by Fire Department Battalion Chief Davalos, commending Fire Chief Mercado for his valiant response while attending a private event, to a citizen suffering a heart attack.

## 1. Consent Agenda

Mr. Sera called attention to Item F. Out-of-State Travel Request for two police officers to attend TASER training to get certified and come back to certify all department personnel.

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

## 2. Public Forum

Mayor Jasso opened the public forum session. The following persons had comments:

- Christina Devine, 801 W. Ash St.-Girl Scout Troop 56224
- Laurie Findley, 800 E. Pine St.

Mayor Jasso closed the public forum session.

## 3. Proclamation Recognizing International Literacy Day

Mayor Jasso read the proclamation into record.

Councilor Sanchez moved to accept the proclamation recognizing International Literacy Day. Councilor Rincon seconded the motion; motion carried unanimously.

## 4. Approval of Amendment to DM09-10 and Administrative Regulation Governing Drug and Alcohol Policy

Mr. Sera stated that this regulation DM09-10, which is known as the City of Deming Drug and Alcohol Policy, is being brought before Council to make a few changes to get it more in line with the Drug Free Workplace Act. He stated that the language in the policy is being amending to change the Drug and Alcohol concentrations that shall be considered for testing.

Mayor Jasso asked if there were any questions for Mr. Sera by Council.

Mayor Pro Tem Cruz commented on the drug and alcohol concentration levels listed and the levels when the results are considered positive.

Mayor Jasso asked if there were any other questions of Council. Mayor Pro Tem Cruz stated that there are certain diseases where a patient may be using medical marijuana as treatment and how the policy would affect them. Mr. Sera stated that the test levels listed are based on the national levels in which a person is considered impaired. Mayor Pro Tem Cruz stated that he would dispute the level of listed for marijuana since as he knows there is not standard level of metabolized THC that is considered medically acceptable. He went on to say that right now that is a big debate in the medical community. He entertained a brief discussion regarding the acceptable levels and what is a standardized test for someone using marijuana. Mr. Foy stated that in New Mexico there is a drug recognition expert which determines the levels at which a person is considered to be under the influence of certain substances. A discussion was entertained between Mayor Pro Tem Cruz, Mr. Foy and Mr. Sera.

Councilor Sanchez moved to approve the amendment to DM09-10 and Administrative Regulation Governing Drug and Alcohol Policy, as presented. Councilor Rincon seconded the motion; motion carried unanimously.

**5. Approval of Resolution Authorizing the Deming Fire Department to Donate One (1) 1998 Ford F-350 Ambulance to the Village of Mesilla Volunteer Fire Department**

Chief Mercado read the resolution to donate the 1998 Ford F-350 Ambulance to the Village of Mesilla Volunteer Fire Department into record. Chief Hoban of the Village of Mesilla addressed council and explained how they would be utilizing the ambulance in their community, should Council approve this donation.

Mayor Pro Tem Cruz moved to approve the resolution authorizing the Deming Fire Department to donate one (1) 1998 Ford F-350 ambulance to the Village of Mesilla Volunteer Fire Department. Councilor Sanchez seconded the motion. Mayor Pro Tem Cruz made a friendly amendment to authorize staff to process the necessary paperwork to remove the item from the fixed asset list. Councilor Sanchez seconded the friendly amendment. Both the motion and friendly amendment carried unanimously.

**6. Approval of a Resolution to Consider Adopting the 2019-2023 Infrastructure Capital Improvements Plan (ICIP) for the City of Deming, New Mexico**

Mr. Reedy presented this resolution to Mayor Jasso and Council and read the resolution into record. He stated that part of this process involves a series of meeting which included a public meeting to obtain input on projects for the community and staff meetings to rank the projects by priority. Mr. Reedy stated that the public requested the need for transitional housing for the

past two years. Mr. Reedy explained that transitional housing could range from low income housing to a variety of housing projects. Mr. Sera stated that the top three ranked projects are:

1. Water System Line Replacement/Repair-Encanto Circle
2. Truck Alternate Route
3. Effluent Reuse Storage and Irrigation Improvements

Councilor Rincon asked if Pear Street Improvement was still a priority project. Mr. Sera stated that it was listed as number 5 on the list. Mr. Reedy stated that Pear Street needs to be completely reconstructed. He mentioned that currently, the City is planning to chip seal Pear Street and work on drainage issues. Mr. Sera added that there are some major drainage issues along Pear Street that are creating a lot of issues, and added that sometime in the future, Pear Street will be a huge project but is not complete. Mr. Reedy added that the City is doing what they can to drain the rainwater off the roadway and make the roadway more accessible.

Councilor Sanchez move to adopt the resolution for the 2019-2023 Infrastructure Improvements Plan (ICIP) for the City of Deming, New Mexico, as presented. Mayor Pro Tem Cruz seconded the motion; motion carried unanimously.

**7. Resolution to Approve the Service Agreement Between the Southwest New Mexico Council of Governments (SWNMCOG) and the City of Deming for FY2017-2018**

Mr. Sera read the resolution into record. He noted the list of services in the Agreement and stated that this resolution is presented annually for approval.

Councilor Sanchez confirm the annual dues in the amount of \$6,189.00. Mr. Sera confirmed.

Mayor Pro Tem Cruz moved to approve the service agreement between the Southwest New Mexico Council of Governments (SWNMCOG) and the City of Deming for 2017-2018 year. Councilor Rincon seconded the motion; motion carried unanimously.

**8. Quasi-Judicial Public Hearing to Consider a Special Use Permit for a Verizon Wireless Facility Located at South Grand Street and East Ash Street (Lloyd Pratz T-Ball Complex)**

Mayor Jasso called to order the public hearing to consider a special use permit for a Verizon Wireless Facility located at South Grand Street and East Ash Street (Lloyd Pratz T-ball Complex). 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.

Mr. Reedy, Community Services Director, stated that Verizon Wireless is requesting a special use permit for a wireless telecommunications facility to be located at the Lloyd Pratz T-ball Complex at Grand and Ash Streets. He went on to say that the proposal is to replace an existing light pole with a taller structure that will be 65 feet tall and contain the wireless communications equipment and the light fixture for the one being replaced. Mr. Reedy also stated that there will also be a 20 to 30-foot compound that will contain the ground equipment cabinets and generator for Verizon, that is enclosed by an 8 foot CMU wall topped with a chain-link cage. He stated that the attached plans and specifications are very complete and contain all the information about the projects. Mr. Reedy stated that staff has no technical

objections to this request and that Council has the options of approval, denial, or tabling the motion.

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

Councilor Sanchez asked if the new tower would be taking up any existing parking spaces. Mr. Reedy stated that it would not, because it would be replacing an existing pole.

Mayor Jasso asked if it would be located near the well house. Mr. Reedy stated that it would not, and clarified the location.

Councilor Rincon asked if the pictures provided were before and after simulations. Mr. Reedy confirmed that they were.

Mayor Jasso asked if the applicant or agent was present and if they would like to make a statement.

Amy McKenzie, 422 Live Oak Ct. NE, Albuquerque, NM, Agent for Verizon Wireless, stated that they are looking to provide expanded capacity and coverage here in Deming. She stated that the issue is that Verizon is trying to chase capacity to get the customers in the Deming area a better quality of service that they expect from Verizon. She went on to say that initially the tower will help enhance the E-911 emergency call system in Deming. Ms. McKenzie noted that they have done the design to minimize it looking like a tower and have it look like the existing structures on site.

Mayor Jasso asked if there were any questions of the applicant or agent by any Council member.

Mr. Sera asked if they have obtained FCC approval for this tower. He referenced the Project Overview document regarding the "Compliance with Federal Regulations". Mr. Sera stated that he was confused and was referring to the FAA clearance. Mr. Reedy confirmed that the FAA clearance has been provided to the City.

Councilor Sanchez asked if they will have access to the area where their equipment will be housed. Mr. Reedy stated that access will be available to their technicians.

Mr. Sera asked Mr. Reedy if he had the lease agreement for this tower. Mr. Reedy stated that he does have the lease agreement and that it is with the same company the City dealt with for the previous tower. Therefore, he felt that he did not need to provide it in the packet. Mr. Sera noted that the Council had previously approved the previous agreement to lease property near the hospital.

Councilor Sanchez asked how long the lease term is. Ms. McKenzie stated that it is initially 5 years with four 5-year options, so a total of 25 years. Councilor Sanchez asked Ms. McKenzie if there were any objections to the towers. Ms. McKenzie stated that they received no objections.

Mayor Jasso asked if there were any questions of the affected parties. 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 comments and brought the hearing back to Council. He asked is any Council member was prepared to make a motion or if they would like to go into closed session under NMSA 1978 10-15-1(H) of the Open Meetings Act.

Mayor Pro Tem Cruz moved to approve the special use permit for a Verizon Wireless Facility located at South Grand Street and East Ash (Lloyd Pratz T-ball Complex). Councilor Rincon seconded the motion; motion carried by the following roll call vote:

**ROLL CALL VOTE**

Councilor Rincon	Aye
Councilor Sanchez	Aye
Mayor Pro Tem Cruz	Aye

Mayor Jasso stated for the record that the decision announced by the authority will be effective after the written order is executed and filed with both the Municipal and County Clerks.

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. Administrator's Report**

Mr. Sera reported the following:

- Work on a Feasibility Study with the SWNMCOG regarding economic development within the City and identifying opportunities for different locations throughout the City.
- Received a letter from American Magnesium requesting a letter of support from the City. He stated that he has several questions that still need to be answered before the City commits to supporting their project. He stated that he would like the representatives from American Magnesium to meet with Council to answer any questions they may have.
- The City had their mandatory employee meeting and thanked those Council members who attended.
- Attended the City Managers Conference in Santa Fe to go over several resolutions regarding tax reform.
- Stated that the City has done research regarding the balloon release concern by the Girl Scouts. He will continue working with the Girl Scouts to come to a consensus regarding their request.

**10. 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) & (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 Rincon seconded the motion; motion carried by the following roll call vote:

**ROLL CALL VOTE**

Mayor Pro Tem Cruz	Aye
Councilor Sanchez	Aye
Councilor Rincon	Aye

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

**ROLL CALL VOTE**

Councilor Sanchez	Aye
Councilor Rincon	Aye
Mayor Pro Tem Cruz	Aye

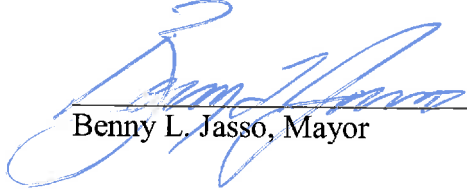
Mayor Jasso stated for the record that only the items mentioned in the motion to go into closed session were discussed and that no items were moved upon during the closed session.


**11. Adjourn Meeting**

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Mayor Pro Tem Cruz seconded the motion; motion carried unanimously. Meeting adjourned at 7:50 p.m.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Administrator/Clerk

# *Proclamation*

## International Literacy Day

**WHEREAS**, September 8<sup>th</sup> is recognized as International Literacy Day, and

**WHEREAS**, the Deming Literacy Program cooperates with New Mexico International Reading Association, Deming Public Schools, and other local organizations to make books and literacy based programs available to the citizens of Deming, and

**WHEREAS**, the aim is to highlight the importance of literacy to individuals, communities and societies, and to develop a life-long enjoyment of reading in young people and adults, and

**NOW, THEREFORE**, I Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim the 8<sup>th</sup> of September, 2017 as International Literacy Day.

Done this 14<sup>th</sup> day of August 2017 in the City of Deming, New Mexico.



A handwritten signature in blue ink, appearing to read "Aaron Sera".

Aaron Sera, Clerk

A handwritten signature in blue ink, appearing to read "Benny L. Jasso".

Benny L. Jasso, Mayor



**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-25**

**A RESOLUTION AUTHORIZING THE DEMING FIRE DEPARTMENT TO DONATE  
ONE (1) 1998 FORD F-350 AMBULANCE TO THE VILLAGE OF MESILLA  
VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, the Deming Fire Department is requesting authorization to donate one (1) 1998 Ford F-350 Ambulance VIN number 1FDWF36F9XEC91435, with an approximate value of \$7,500, to the Village of Mesilla Volunteer Fire Department; and

**WHEREAS**, the Deming Fire Department no longer will use the vehicle listed above, as it has reached its lifecycle as a 911 responding unit and is considered out of service: and

**WHEREAS**, the Deming Fire Department believes that the Village of Mesilla Volunteer Fire Department would benefit from the donation of the vehicle.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Deming, that the 1998 Ford F-350 Ambulance described above, with an approximate value of \$7,500, be approved for donation to the Village of Mesilla Volunteer Fire Department; and that staff be authorized to execute the necessary documents to remove this vehicle from the fixed assets financial records.

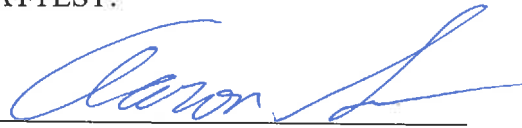
**PASSED, ADOPTED, AND APPROVED**, this 14<sup>th</sup> day of August, 2017.

**CITY OF DEMING, NEW MEXICO**

  
\_\_\_\_\_  
Benny L. Jasso, Mayor



ATTEST:

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

**CITY OF DEMING**  
**RESOLUTION NO. 17-26**

**RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL  
IMPROVEMENTS PLAN (ICIP) FOR THE CITY OF DEMING, NEW MEXICO**

**WHEREAS**, the municipality of Deming recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

**WHEREAS**, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

**WHEREAS**, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

**WHEREAS**, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY OF  
DEMING THAT:**

1. The municipality has adopted the attached FY 2019-2023 Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for the New Mexico's infrastructure.
3. This Resolution supersedes the previous Resolution No. 16-21.

**PASSED, APPROVED AND ADOPTED** by the governing body at its meeting of August 14, 2017.



**CITY OF DEMING, NEW MEXICO**

\_\_\_\_\_  
Benny L. Jasso, Mayor

ATTEST:

\_\_\_\_\_  
Aaron Sera, Administrator/Clerk

**CITY OF DEMING  
RESOLUTION NO. 17-27**

**RESOLUTION OF THE CITY OF DEMING RATIFYING A CERTAIN AGREEMENT  
BETWEEN THE CITY OF DEMING AND THE SOUTHWEST NEW MEXICO  
COUNCIL OF GOVERNMENTS, DATED AUGUST 14, 2017, AND  
AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER  
OFFICIAL OF THE CITY OF DEMING**

WHEREAS, The City of Deming is a member of and desires to have the services of the Southwest New Mexico Council of Governments; and

WHEREAS, it is necessary that an agreement setting forth the services to be performed by the Southwest New Mexico Council of Governments for the City of Deming be entered into and it is a requirement of the New Mexico State Laws; and

WHEREAS, it is necessary to set forth the sum to be paid by the City of Deming to the Southwest New Mexico Council of Governments, as annual dues, for said services; and

WHEREAS, it is the desire of the City of Deming to accomplish these purposes:

NOW THEREFORE BE IT RESOLVED BY THE CITY OF DEMING THAT:

1. The AGREEMENT referred to in the caption of this Resolution (a copy of which is attached hereto and made a part hereof) expresses the desires and intent of the City of Deming.
2. The AGREEMENT set above is hereby ratified and approved by the authorized representatives of the City of Deming and is hereby authorized and instructed to affix their signature thereto.
3. A Certified copy of this Resolution (together with the Agreement) shall be filed at the Southwest New Mexico Council of Governments.

**PASSED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of August, 2017.**

**CITY OF DEMING, NEW MEXICO**

  
\_\_\_\_\_  
Benny L. Jasso, Mayor

ATTEST:

  
\_\_\_\_\_  
Aaron Sera, Administrator/Clerk



## AGREEMENT

This AGREEMENT, entered into by and between the Southwest New Mexico Council of Governments (hereinafter known as COG), and the City of Deming a Member of said Southwest New Mexico Council of Governments (hereinafter known as Member) is as follows:

1. COG agrees to furnish the following services to Member:
  - (a) Provide an updated statistical data base of federal and state statistics.
  - (b) Furnish technical assistance to Member as requested by Member in planning development.
  - (c) Coordination of planning with other Members of COG and various other State of New Mexico and local agencies.
  - (d) Furnish management, advice and assistance to Member as Member requests in implementing their plans.
  - (e) Furnish clearinghouse and environmental review of all projects of Member and where requested by Member, assist in the development of material for clearinghouse review.
  - (f) Assist Member in developing Infrastructure Capital Improvement Plan.
  - (g) Assist Member, when requested, in the development of Community Development Block Grant applications, as well as, assistance in monitoring and compliance.
  - (h) Assist Member in the preparation of applications for funding under various State and Federal grants.
  - (i) Represent Member with economic development activities.
  - (j) Assist Member with economic development activities.
  - (k) Assist Member, with the development of housing initiatives and programs.
  - (l) Assist Member in the preparation of applications under Department of Transportation.
  - (m) Represent membership, when requested, under NM Department of Transportation for program funding.
  - (n) Assist Member with Capital Outlay process.
  - (o) Provide training that will benefit the membership.

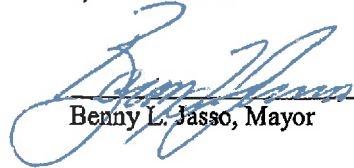
2. Member agrees to furnish the following:
- (a) To remain a voting member of the Southwest New Mexico Council of Governments and to participate in its policy development and administration.
  - (b) Will designate Aaron Sera, to be the Member of SWNM Council of Governments and Bryan Reedy as Alternate 1. (email address) [breeedy@cityofdeming.org](mailto:breeedy@cityofdeming.org) and Jim Massengill as Alternate 2. (email address) [jmassengill@cityofdeming.org](mailto:jmassengill@cityofdeming.org)
  - (c) To pay, in one lump sum, annual dues in the amount of \$6,189.00 into the treasury of COG as payment for these services.

Total Assessment for Fiscal Year 2017-2018 is \$6,189.00

- (d) Such payment shall be for all services rendered to Member, by COG, for the period beginning July 1, 2017 and ending June 30, 2018. Such sum shall be expended by COG of which Member is a voting member, or as such budget may be amended following laws and regulations.

This Agreement is entered into on the 14<sup>th</sup> day of August, 2017 in Deming, New Mexico.

Name of Local Unit of Government: **CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Aaron Sera, Administrator/Clerk



SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

  
Aaron Sera, Chairman

  
Priscilla C. Lucero, Secretary/Treasurer