



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  
October 9, 2017  
6:00 P.M.**

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

1. Consent Agenda
  - A. Minutes – City Council Meeting 09/11/17
  - B. Minutes – Parks Commission Meeting 09/12/17
  - C. Minutes – Planning & Zoning Commission Meeting 09/18/17
    - a. Recommendation to approve a request to subdivide a 1.183-acre lot from an approximately 45-acre tract of land located on the west side of South Eighth Street, north of Dona Ana Road (*To be presented later in meeting as a Quasi-Judicial Public Hearing*)
2. Public Forum
3. Proclamation Announcing the Friends of the Community Candy Drop Day
4. Proclamation Announcing Head Start Awareness Month
5. Resolution to Remove Debris from 908 S. Copper Street, Deming, NM
6. Resolution to Obligate Funding to Corre Caminos Transportation Services
7. Public Hearing to Consider and Ordinance for a LEDA Project
8. Procurement:
  - a. RFP# 18-02 Old Deming Landfill Closure Project
9. Opening of Quasi-Judicial Public Hearings
  - a. To Consider a Request to vacate Red Mountain Estates Subdivision within the limits of the City of Deming
  - b. To Consider the Request for a subdivision to split a 1.183-acre lot from an approximately 45-acre tract of land located on the west side of South Eighth Street, approximately 500 feet north of Dona Ana Road within the limits of the City of Deming
10. Administrator's Report
11. Adjourn Meeting

*The next regular City Council Meeting is scheduled for November 13, 2017 at 6:00 p.m.*

# CITY COUNCIL MEETING MINUTES October 9, 2017

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

Joe "Butter" Milo, Councilor  
Dr. Victor Cruz, Mayor Pro- Tem

**Council/Staff Absent:** None

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

Raul Mercado, Fire Chief  
Gina Gentile, City Planner  
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 presented the consent agenda and stated that he had nothing to bring to the Council's attention.

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

## 2. Public Forum

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

- Mayor Jasso and Christie Ann Harvey, Deming MainStreet Director, presented Forghedaboutit Pizza with a Certificate of Recognition
- Clare Alexander May, 4035 Robin Road SE
- Wilford Lawrence, 2020 Hatch Hwy
- Ray Harman, 2430 Orno Road SE
- Laurie Findley, 10280 Hwy 549 SE
- Christie Ann Harvey, 14455 Purple Sage Rd. SW

Mayor Jasso closed the public forum session.

## 3. Proclamation Announcing the Friends of the Community Candy Drop Day

Mayor Jasso read the proclamation into record.

Councilor Milo moved to approve the proclamation announcing the Friends of the Community Candy Drop Day. Councilor Sanchez seconded the motion; motion carried unanimously.

#### **4. Proclamation Announcing Head Start Awareness Month**

Mayor Jasso read the proclamation into record.

Mayor Pro Tem Cruz moved to approve the proclamation announcing Head Start Awareness Month. Councilor Milo seconded the motion; motion carried unanimously.

#### **5. Resolution to Remove Debris from 908 S. Copper Street, Deming, NM**

Mr. Massengill read the resolution into record which explained the process to grant the City authority to remove the debris from the premises, pursuant to N.M.S.A. 1978 Section 3-18-5A. He noted that some progress has been made by a family member, to remove some of the debris. Mr. Massengill went on to say that based on the progress, the City will determine how to proceed.

Mr. Sera stated that this resolution gives the City authority to remove the debris, if they desire to do so. He also mentioned that some progress is being made by the property owner, and hopes that the resolution will help continue that progress. Mr. Sera mentioned that the property owner has the option to appeal this action by requesting a public hearing.

Councilor Milo asked if anyone is living at the residence. Mr. Massengill stated that it is occupied and that the occupant has been cited and fined by the Municipal Court for violation of the ordinance. He continues to be in non-compliance of the ordinance. Councilor Milo asked if the City would be able to place a lien on the property if they must go in to clean out the debris. Mr. Foy stated that the resolution states that exact action.

Mayor Pro Tem Cruz asked how the City became aware of this issue, because it appears that this problem has been going on for quite some time. Mayor Jasso stated that the adjacent property owners brought in a signed petition for the City to take some action regarding the excessive debris on this property. Mr. Massengill added that the property has a 6-foot fence around the back yard, and it is not visible unless you look over the fence. Mr. Massengill stated that the pictures provided were taken from a truck to view over the fence. Chief Orosco stated that this has been an ongoing issue going back four to five months. He stated that the code enforcement officers have notified the property owner and that they have been given the opportunity to correct this problem. Chief Orosco stated that after several attempts to work with the property owner, they did not see any action. Mr. Sera stated that after giving the property owner several opportunities to remedy this issue, with no progress, they felt this was the next necessary step.

Councilor Sanchez asked if this issue could lead to the condemnation of the house. Mr. Foy stated that at this time staff is focused more on the outside condition of the property; and went on to say that staff has been very focused to assure that private property rights are protected.

Mayor Pro Tem Cruz moved to approve the resolution to remove debris from 908 S. Copper

Street, Deming, New Mexico. Councilor Milo seconded the motion; motion carried unanimously.

#### **6. Resolution to Obligate Funds to Corre Caminos Transportation Services**

Mr. Reedy read the resolution into record. He stated that this is a standard resolution required for them to apply for grant funding from the NMDOT. The resolution mentions that the City of Deming is committing to provide \$60,000 in cash match for fiscal year 2019. Mr. Sera stated that he and Ms. Holguin have discussed this commitment and don't anticipate any reason why the City should not be able to provide these funds. If for some reason the City would not be able to do so, Council would need to rescind the resolution, if approved.

Councilor Milo asked about ridership reports from Corre Caminos. Mr. Reedy stated that he can get the reports at the monthly RTO meetings he attends.

Councilor Sanchez asked if all the benches were put out at the bus stops. Mr. Sera stated that they were not.

Councilor Sanchez moved to approve the resolution to obligate funding for Corre Camino Transportation Services to provide \$60,000 cash match for fiscal year 2019. Councilor Milo seconded the motion; motion carried unanimously.

#### **7. Public Hearing to Consider an Ordinance for a LEDA Project**

Mr. Sera stated that the item was advertised to be on the agenda. The State Economic Development Office has been working with the applicant to develop a manufacturing plant in town. He went on to say that the applicant has asked the State for \$450,000 in LEDA funding for this project in which the City would become the conduit for the funding; and would become the administrator of the funds. Unfortunately, the applicant and State were not ready have everything ready for this meeting. Mr. Sera asked that the Council consider postponing this item for the next Council meeting.

Council Milo moved to postpone the public hearing to consider an ordinance for a LEDA Project to a later date. Councilor Sanchez seconded the motion; motion carried unanimously.

#### **8. Procurement:**

##### **a. RFP #18-02 Old Deming Landfill Closure Project**

Mr. Massengill presented this item to Mayor Jasso and Council. He stated that currently, the landfill has two-thirds the covering needed to be considered by the state to be closed. He stated that the City has applied for funding needed to cover the last third of the landfill and has been awarded the funds by the Colonias Infrastructure Funds.

Mr. Massengill stated that six bids were received for the above referenced bid number and opened on October 3, 2017. He went on to say that all bid packages were reviewed; and Deming Excavating, Inc. submitted the lowest combined bid amount for the Base Bid and three additive alternates in the amount of \$499,961.12 excluding NMGRT. He noted that a bid package review was conducted and Deming Excavating, Inc. complies with the bid

requirements and is qualified to perform the required work. He also noted that the project is funded through Colonias Infrastructure and the City. The total of the Base Bid and Alternates exceeds the funding available.

Mr. Massengill stated that staff recommends awarding the Base Bid in the amount of \$350,625.98 and Additive Alternate #1 in the amount of \$27,724.50 plus applicable NMGRT for a total amount of \$409,564.40. He noted that the total amount available is \$453,334.00 or approximately ten percent for potential change orders. He also stated that staff request authorization for the Public Works Director and/or City Administrator to enter into an agreement with Deming Excavating, Inc. and execute any documents related to this project.

Mr. Massengill explained the fundamental parts of the project. He stated that this project should take the landfill to a point at which the City can formally request the closure of this landfill.

Councilor Sanchez moved to award RFP #18-02-Old Deming Landfill Closure Project to Deming Excavating, Inc., as presented. Councilor Milo seconded the motion; motion carried unanimously.

## **9. Opening of Quasi-Judicial Public Hearings**

Mayor Jasso called the Quasi-Judicial Public Hearings to order. At this time, he swore in all parties for both 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. To Consider a Request to vacate Red Mountain Estates Subdivision within the limits of the City of Deming**

Mayor Jasso called to order the quasi-judicial public hearing to consider the request to vacate Red Mountain Estates subdivision 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 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. Gentile stated that this application has been submitted by JR Building to request vacating the Red Mountain Estates Subdivision, taking the property back to large parcels. She stated that staff has no objection to this request and that Council has the option to approve or deny the request. Ms. Gentile went on to say that she has included a copy of the letter requesting this action and a copy of the zoning map for this area.

Mayor Jasso asked if Council has any questions of staff.

Mayor Pro Tem Cruz asked if the applicant had given a reason for this request. Ms. Gentile referred to the letter submitted by the applicant in which he stated that they have come to the realization that this will not happen. Ms. Gentile stated that they felt the development was not strong enough to keep this going, at this time. Mayor Pro Tem Cruz asked if the applicant had put the roads in the subdivision. Ms. Gentile answered, “no” and stated that the infrastructure was platted but not actually constructed.

Mayor Jasso asked if the applicant/agent was present. They were not.

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

Mayor Jasso asked if any other persons would like to speak. There was no response.

Mayor Jasso closed the public comment session. He asked if 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)(3).

Mayor Pro Tem Cruz moved to approve the request to vacate Red Mountain Estates Subdivision within the limits of the City of Deming. Councilor Sanchez 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
Councilor Milo	Aye

- b. To Consider the request for a subdivision to split a 1.183-acre lot from an approximately 45-acre tract of land located on the west side of South Eighth Street, approximately 500 feet north of Dona Ana Road within the limits of the City of Deming**

Mayor Jasso called to order the quasi-judicial public hearing to consider the request for a subdivision to split a 1.183-acre lot from an approximately 45-acre tract of land located on the west side of South Eighth Street and approximately 500 feet north of Dona Ana Road 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 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. Gentile stated that the applicant is seeking a 1.183-acre tract of land split from a larger 45-acre parcel of land. She went on to say that the acre will be fronting on 8<sup>th</sup> Street and all utilities are available to the proposed new tract of land. Ms. Gentile stated that staff has no objection to the request; and Council has the option of approval or denial of the case.

Mayor Jasso asked if there were any questions of staff by any Council member. There were none.

Mayor Jasso asked if the applicant or agent were present. They were not.

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

Mayor Jasso asked if any other persons would like to speak. There was no response.

Mayor Jasso closed the public comment session. He asked if 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)(3).

Mayor Pro Tem Cruz moved to approve the request for a subdivision of a 1.183-acre tract of land split from a larger 45-acre parcel located on the west side of South Eighth Street, approximately 500 feet north of Dona Ana Road within the limits of the City of Deming. Councilor Milo seconded the motion; motion carried by the following roll call vote:

**ROLL CALL VOTE**

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

## 10. Administrator's Report

Mr. Sera reported the following:

- The public forum item regarding the request for property access. He stated that the request required lots of research and that the City is willing to work with the gentleman, with the assistance of Mr. Foy, City Attorney. Mr. Sera stated that unfortunately, the process was time consuming and that it took more time than anticipated. Mr. Sera did reiterate that the City is willing to work with them.
- City staff is trying to come up with an engineering solution for the drainage problem that Mr. Harman discussed. Will continue working on solution since Mr. Harman and other residents in the area were not open to the suggestion from the City.
- Water & Natural Resources Committee Meeting-he stated that at the next meeting on October 30<sup>th</sup>, he stated that they are going to bring up a proposed action to the board, which he suspects will be very minimal infrastructure. He went on to say that it will probably be in the form of on-farm storage ponds. He stated that the only way that he would vote for a project is if it will directly benefit Luna County. He will provide an update after the next meeting.
- The utility billing department will begin generating bills in-house instead of using the current third-party company. The first bills will go out on October 12<sup>th</sup>. Mr. Sera stated that this should be a benefit to the community.
- The City staff attended financial software presentations to transition to a more modern and user-friendly program.
- JL Gray representatives are working on developing a housing project. The developer has contact the City for partnership. Mr. Sera will help with whatever the City can do. He mentioned that there are several Border Patrol Agents who work in the Deming Area, but live in Las Cruces due to inadequate housing needs in Deming. He stated he will keep the Council informed about this project as more develops.
- Stated that a couple of years ago, a company had contacted the City to remove the tailing piles out at Peru Mill. He stated that previous administration had approached the Council on how to determine a value on these tailings. Nothing further ever developed from this inquiry. Mr. Sera stated that another company has approached the City with the same offer to remove the tailing piles. He stated that the City provided samples of the tailings and that New Mexico Tech is going to take the results and provide a quote to the City on what the value of the tailings is.
- A company is prepared to make an offer on 350-600 acres of land at Peru Mill for a solar development. They will provide information and make an offer to the City, contingent on the market value of the property. More information will be provided at the special City Council meeting on October 18<sup>th</sup>.
- Issued Letter of Intent to other solar developers have been issued. This new company states they have received a Letter of Intent from the City, last year. That claim is not recalled by any staff, so research will be done.




**11. Adjourn Meeting**

With no further business to discuss, Councilor Milo moved to adjourn the meeting. Councilor Sanchez seconded the motion; motion carried unanimously. Meeting adjourned at 7:33 p.m.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Aaron Sera, Administrator/Clerk

# *Proclamation*

## **The Friends of the Community Candy Drop Day**

**WHEREAS**, Richard Weaver, owner of Weaver's Welding wanted an event to bring young people and authority figures together in a friendly, non-threatening atmosphere, and

**WHEREAS**, he and many friends of the community sponsored the first Great Pumpkin Candy Drop in 2006.

**WHEREAS**, he formed Friends of the Community a (501)(c)(3) organization, and

**WHEREAS**, he solicited donations of cash and/or candy and invited kids, young and old, and,

**WHEREAS**, he also invited the Deming Police Department, Deming Fire Department, Luna County Sheriff's Posse, public officials, everyone who represents authority; and

**WHEREAS**, he has grown the Candy Drop to include music, events, and booths which are open to the public, and any vendors in attendance must provide their goods and services free of charge.

**NOW THEREFORE**, I, Benny L. Jasso, Mayor and City Council of the City of Deming, do hereby proclaim Sunday, October 22, 2017 as:

### **"THE FRIENDS OF THE COMMUNITY CANDY DROP DAY"**

and encourage everyone to support Friends of the Community and help them provide a safe, fun event for young people.

**Done this 9<sup>th</sup> day of October, 2017 in the City of Deming, New Mexico.**



ATTEST:

  
Aaron Sera, Clerk

  
Benny L. Jasso, Mayor

# *Proclamation*

## HEAD START AWARENESS MONTH

**WHEREAS**, established in 1965, Head Start is a national, federally funded early childhood school readiness program that serves children and families and whose purpose is to help children achieve their full potential; and

**WHEREAS**, Head Start continues to be the national commitment to give every vulnerable child an opportunity to succeed; and

**WHEREAS**, Head Start provides comprehensive health, nutritional, educational, social services, family and community development and meaningful parent engagement; and

**WHEREAS**, Head Start focuses on children's language development, early literacy, social skills, and giving their parents the skills in becoming their child's first and best teacher; and

**WHEREAS**, Head Start is committed to the development of each child and provides preventative and early intervention services to children and families regardless of their economic status; and

**WHEREAS**, The City Council and the Mayor recognizes that the needs of children and families in the City of Deming must become a top priority for future decision makers by investing financial resources and talent in early childhood which are the formative years of every child; and

**NOW, THEREFORE, BE IT PROCLAIMED**, that the City Council and the Mayor of Deming, New Mexico, hereby proclaim the month of October 2017 as:

**“HEAD START AWARENESS MONTH”**

**BE IT FURTHER PROCLAIMED**, The Mayor and City Council encourages all parents of early childhood children to participate in literacy activities, such as reading a book, going to the library, having conversations and sharing stories with your child during the month of October.

**DONE** this 9<sup>th</sup> day of October 2017, in the City of Deming, New Mexico.



  
Benny L. Jasso, Mayor

  
Aaron Sera, Clerk

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-31**

**WHEREAS**, under Section 3-18-5A, N.M.S.A. (1978 Comp.), the governing body of a municipality may adopt a resolution, “Wherever any building or structure is ruined, damaged and dilapidated, or any premise is covered with ruins, rubbish, wreckage or debris, damaged and dilapidated building, structure or premise is a menace to the public comfort, health, peace or safety and require the removal from the municipality of the building, structure, ruins, rubbish, wreckage or debris.”

**WHEREAS**, after inspection and investigation of the property (the “premises”) located at **908 S. Copper Street, Deming, New Mexico**, more particularly described in the deed conveying said property to the current owner, **Cecilia Dilullo**, attached hereto as Exhibit A, which is incorporated and made a part of this resolution, the City Council has determined that the provisions of Section 3-18-5A apply.


**THEREFORE**, the City Council of the City of Deming, New Mexico resolves:

1. Upon the property to the west of the house is rubbish, wreckage, and debris. The solid waste consisting of rubbish, wreckage, and debris is located within the area defined by the west side of the house, and the three walls of the “back” yard – north wall, south wall and west wall located adjacent to the City alley. The west wall contains a large metal gate for access.
2. The house and trees will not be disturbed.
3. The solid waste within the west yard is a nuisance and violates City ordinances.
4. The City Council finds that said premises constitutes a menace to the public comfort, health, peace, or safety, and as such the rubbish, wreckage, and debris must be removed from the property and from the City of Deming, New Mexico.
5. Notice of this resolution shall be served upon the owner or agent in charge of the premises. If the owner or agent cannot be served within the City of Deming as shown by the real estate records of the Luna County Clerk, a copy of this resolution shall be posted on the structure located at **908 S. Copper Street** or in a conspicuous place on the premises and published once in a newspaper of general circulation in the City of Deming. The process and notice described above is in accordance with the provisions of N.M.S.A. 1978, §3-18-5B.
6. After Notice to the owner or agent, as described above in paragraph 4, this matter shall proceed in accordance with N.M.S.A. 1978, §3-18-5(C) through (H).

**PASSED, ADOPTED, AND APPROVED** this 9<sup>th</sup> day of October, 2017.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Administrator/Clerk





**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-32**

**A RESOLUTION TO SUPPORT EFFORTS OF  
CORRE CAMINOS TRANSPORTATION SERVICES**

**WHEREAS**, Corre Caminos provides transportation services within the Southwest Region, that includes Deming and Luna County; and

**WHEREAS**, the City of Deming supports Corre Caminos in continuing the invaluable services that are vital to the quality of life in our community; and

**WHEREAS**, the City of Deming is committed to provide \$60,000 in cash match for fiscal year 2019.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and City Council of the City of Deming, New Mexico support the reasonable efforts of Corre Caminos Transportation; and


**BE IT FURTHER RESOLVED**, that the City Administrator/Clerk and his duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

**PASSED, APPROVED, AND ADOPTED** this 9<sup>th</sup> day of October 2017.



**CITY OF DEMING, NEW MEXICO**

  
Benny L Jasso, Mayor

  
Aaron Sera, City Clerk