



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 10, 2016
6:00 P.M.**

Call to Order/Pledge of Allegiance

1. Consent Agenda
 - A. Minutes – City Council Meeting 09/13/16
 - B. Minutes—City Council Special Meeting (Regional Collaboration Group) 09/29/16
 - C. Minutes—City Council Special Meeting 09/29/16
 - D. Minutes – Parks Commission Meeting 09/13/16
 - E. Minutes – Planning & Zoning Commission 09/19/16 (*recommendation to be presented as a Quasi-Judicial Public Hearing at a later date*)
 - F. Out-of-State Travel Requests for Cassie Arias to attend the American Association of Retirement Communities (AARC) Conference in Asheville, North Carolina on November 9-11, 2016.
2. Public Forum
3. Approval of Proclamation Announcing Head Start Awareness Month
4. Approval of Proclamation Announcing the Friends of the Community Candy Drop Day
5. Approval of Proclamation Announcing Pro Bono Week 2016
6. Mayoral Appointment of Member to Tourism Development Committee
7. Approval of Revision of Personnel Policy and Procedures Manual (PPPM), Section 4.1
8. Approval of Job Description for Engineer I Position
9. Approval to Lease Land for Public Downtown Parking
10. Administrator’s Report
11. Adjourn Meeting

The next regular City Council Meeting is scheduled for November 14, 2016 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES October 10, 2016

Council Present: Benny L. Jasso, Mayor
Dr. Victor Cruz, Mayor Pro Tem

Joe "Butter" Milo, Councilor
David L. Sanchez, Councilor

Council/Staff Absent: Roxana Rincon, Councilor

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

Raul Mercado, Fire Chief
Bobby Orosco, Police Chief
Laura Holguin, Treasurer

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 addresses the items in the Consent agenda and called attention to items B. and C. Minutes—City Council Special Meetings, E. Minutes—Planning & Zoning Commission Meeting in which the recommendation for approval of a case will be presented at a later date, so Council will only be approving the minutes of this meeting, F. Out-of-State travel request for Cassie Arias to attend the American Association of Retirement Communities (AARC) Conference in Asheville, NC on November 9-11, 2016. He stated that Cassie has been asked to attend as a member of one of the members of a subcommittee for the organization. He stated he did not have any further items to discuss from the Consent Agenda, and recommended approval of the Consent Agenda.

Councilor Sanchez moved to approve the Consent Agenda, as presented. Councilor Milo 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:

- Roberto Montoya, 609 S. San Miguel St.
- Laurie Findley, 10280 Hwy. 549 SE
- Christie Ann Harvey, 14455 Purple Sage Rd. SW
- Frank Peña-2116 Emerson Drive

With no other comments, Mayor Jasso closed the public forum session.

3. Approval of Proclamation Announcing Head Start Awareness Month

Mayor Jasso read the proclamation into record.

Councilor Sanchez moved to approve the proclamation announcing Head Start Awareness Month. Councilor Milo seconded the motion; motion carried unanimously.

4. Approval of 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. Secretary Jasso interjected with a correction to the date. Councilor Sanchez moved to correct the date to Saturday, October 22, 2016. Councilor Milo seconded the motion to correct the date. Both motions carried unanimously.

Mayor Jasso thank Mr. Weaver, who was present in the audience, for his time and contribution to this project. Mr. Weaver thanked Deming for their attitude, warmth, and reception they received at last year's event. He commended the Police Officers and Fire Fighters for their participation.

5. Approval of Proclamation Announcing Pro Bono Week 2016

Mayor Jasso read the proclamation into record.

Councilor Sanchez moved to approve the proclamation announcing Pro Bono Week. Councilor Milo seconded the motion; motion carried unanimously.

6. Mayoral Appointment of Member to Tourism Development Committee

Mayor Jasso read the memorandum for his recommendation to appoint DJ Nelson to serve on the Tourism Development Committee.

Councilor Milo moved to approve the appointment of DJ Nelson to serve on the Tourism Development Committee. Councilor Sanchez seconded the motion; motion carried unanimously.

Mayor Pro Tem Cruz asked if staff could explain how the TDC board is made up and what their function is. Mr. Sera explained. He stated that there is a vacant position which is for an At-Large member, since the last meeting were the member resigned.

7. Approval of Revision of Personnel Policy and Procedures Manual (PPPM), Section 4.1

Mr. Sera stated that this policy has been changed in the past due to the legislative ruling for Public Employee Retirement Association (PERA). He stated that previously, based on this policy and the state statute, if you retired you weren't allowed to come back to work for the City or any entity that carried PERA retirement. Mr. Sera went on to say that this was

recently changed, and that a retired employ can come back to work, but they have to suspend their retirement benefits.

Councilor Milo asked how this would help the City. Mayor Jasso stated that he believes this would benefit the City in that a retired, qualified, employee with experience may want to suspend their retirement benefits and go back to work for the City. A brief discussion of the process to rehire an employee was entertained.

Mayor Pro Tem Cruz moved to approve the revision of Personnel Policy and Procedures Manual (PPPM), Section 4.1. Councilor Milo seconded the motion; motion carried unanimously.

8. Approval of Job Description for Engineer I Position

Mr. Sera stated that this is a new position for the City. He stated that this position almost mirrors the Staff Engineer Position without requiring a Professional Engineering License and would only assist in development plans. Mr. Sera went on to say that this individual would not be developing plans or designs, therefore, would not be signing off on any plans. Mr. Sera explained that the reason this position is presented for approval is due to the high costs that have been paid out to engineers to design projects for the City. He stated that last year the City paid out \$494,000 in fees for engineering designs. He also mentioned that amount was paid out of the City funds, not grant monies. Mr. Sera went on to mention that the salary range would start out at approximately \$47,000. He also mentioned that this individual would take on the smaller duties that the current Staff Engineer handles.

Councilor Milo asked if the Engineer Technician was still assisting the Staff Engineer. Mr. Sera stated that he was still assisting, and was also assisting the Public Works Department with some tasks.

Mayor Pro Tem Cruz asked where the position would be advertised. Mr. Sera stated that the position has already been advertised as a potential position pending the approval of Council. He also stated that a candidate had been selected.

Mayor Pro Tem Cruz moved to approve the job description for Engineer I position. Councilor Milo seconded the motion; motion carried unanimously.

9. Approval to Lease Land for Public Downtown Parking

Mr. Sera stated that staff is proposing whether or not to pursue a lease for the subject land to be used for public parking. Mr. Sera explained the locations of the land, which is south of Campo's Restaurant, on Silver Ave. and the parking lot behind the Sun Country Realtors location on Platinum Ave. (west of vacant lot behind the City library). He explained that the parking would help alleviate the lack of parking and congestion in the downtown area.

Councilor Sanchez asked about the lease amount. Mr. Sera stated that the only costs involved in leasing the lots would be the costs of maintenance. Councilor Sanchez stated that the liability would now be on the City. Mr. Sera stated he was not sure. Mr. Foy, City Attorney, interjected and stated that the City would be considered the "deep pocket" and that

the liability comes to the pocket that's deepest. Mr. Foy stated that this issue could be addresses in the lease agreement. A brief discussion was entertained between staff and Council. Mr. Foy reiterated that the lease agreement could include language that would conceivably hold the City harmless, but didn't see the other party agreeing to that. Mr. Reedy stated that he would not see that happening either, because that was the owners worry.

Mayor Pro Tem Cruz asked that staff bring the draft lease agreement back to Council for review and approval.

Councilor Milo moved to authorize staff to proceed with a lease agreement including costs estimate and plans for the public downtown parking lots next to Campo's Restaurant and behind Sun Country Realtors. Councilor Sanchez seconded the motion; motion carried unanimously.

10. Administrator's Report

Mr. Sera reported on the following items:

- The solid waste ordinance was worked on by staff in order to present it at the Special City Council Meeting held on September 29th.
- He is working with the finance department on a depreciation schedule. He stated that this will get all assets on the books to get a more accurate rate analysis.
- Working on a lease renewal for J & D. Produce, Inc. for the Clary farm. They have cancelled the lease on the Lehman farm, so that will go out for advertisement to lease. He stated that he will be working on coming up with a standard rate to charge for the farm leases and bring it back to Council for approval.
- Attended the NMML Annual Conference and spoke to some engineers regarding future projects within the City.
- He is preparing for the Fire and Police Department negotiations that will be coming up for renegotiation in June 2017.
- The road projects are still underway and stated that a list of the next streets to be worked, including a schedule.
- Working on figuring out the gross receipts tax distributions from the State Taxation and Revenue Department. Ms. Holguin is working with someone at the Taxation and Revenue Department to get a better understanding of how that is calculated and distributed to the municipalities.

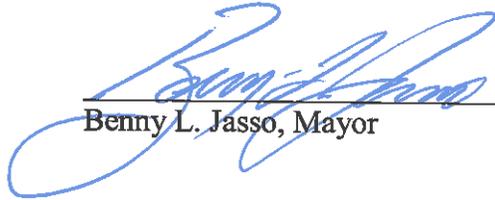
Councilor Milo mentioned that our local K-Mart is closing. He asked Mr. Sera if he felt that the closing would affect our gross receipts tax. Mr. Sera stated that he did not see a big effect from this, and that another retailer was looking at purchasing the building. He could not disclose that

retailer at this time.

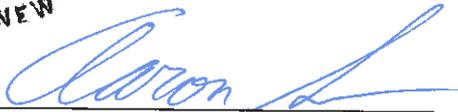
11. Adjourn Meeting

With no further business to discuss, Mayor Pro Tem Cruz moved to adjourn the meeting. Councilor Sanchez seconded the motion; motion carried unanimously. Meeting adjourned at 6:58 p.m.

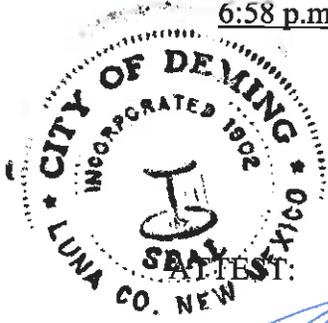
CITY OF DEMING, NEW MEXICO



Benny L. Jasso, Mayor



Aaron Sera, Administrator/Clerk



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 RESOLVED, that the City Council and the Mayor of Deming, New Mexico, hereby proclaim the month of October 2016 as:

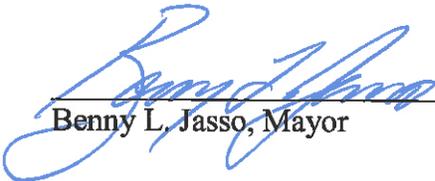
"HEAD START AWARENESS MONTH"

BE IT FURTHER RESOLVED, 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 10th day of October 2016, in the City of Deming, New Mexico.




Aaron Sera, Clerk


Benny L. Jasso, Mayor

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.

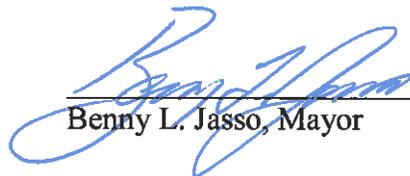
NOW THEREFORE, I, Benny L. Jasso, Mayor and City Council of the City of Deming, do hereby proclaim Saturday, October 22, 2016 as:

"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 10th day of October, 2016 in the City of Deming, New Mexico.





Benny L. Jasso, Mayor



Aaron Sera, Clerk



PROCLAMATION PRO BONO WEEK 2016

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

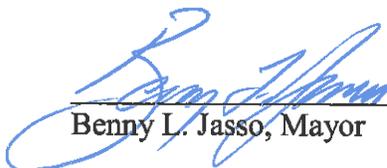
WHEREAS, sponsored by the Access to Justice Commission and the American Bar Association with support from local pro bono committees statewide, Pro Bono Week 2016, on October 23-29, 2016, will educate the public about the extensive work New Mexico lawyers are doing by donating their time to improve the 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

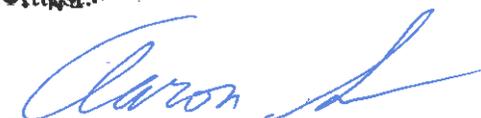
WHEREAS, Pro Bono Week 2016 will feature legal clinics throughout the State, assisting New Mexicans who greatly need legal assistance but cannot afford to pay for that help, and will also feature recognition events throughout the State of New Mexico honoring lawyers and judges for making a difference in New Mexico:

NOW, THEREFORE, I, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim October 23-29, 2016 to be PRO BONO WEEK, and urge all residents to recognize the contributions of our legal community helping those most in need.

Done this 10th day of October, 2016, in the City of Deming, New Mexico.




Benny L. Jasso, Mayor


Aaron Sera, Clerk