



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
Special Meeting
September 24, 2014
9:00 a.m.
AGENDA

Call to Order/Pledge of Allegiance

1. Presentation of Service Awards
2. Approval of position description for Equipment Operator III
3. Public Hearing to Consider the Restaurant Liquor License for Forghedaboudit Pizza
4. Rescind Approval of Planning and Zoning Recommendations from August 18, 2014 Meeting Minutes
5. Public Hearing to Consider the Special Use Permit for Verizon Wireless
6. Public Hearing to Consider a Variance Request on Setbacks to allow an RV Garage
7. Meeting Adjourned

The next regularly scheduled workshop and meeting is Monday, October 13, 2014 commencing at 4:00 p.m. and 6:00 p.m.

SPECIAL CITY COUNCIL MEETING MINUTES September 24, 2014

Council Present: Linda Franklin, Mayor Pro Tem
David L. Sanchez, Councilor
(telephonically until 9:09 a.m.)

Joe "Butter" Milo, Councilor
Dr. Victor Cruz, Councilor

Council Absent: Benny L. Jasso, Mayor

David L. Sanchez, Councilor

Staff Present: Aaron Sera, City Administrator
Laura Holguin, Treasurer
Randy Blankenship, Fire Captain
Heather Sosa, Firefighter/EMT
Richard Underwood, Solid Waste

Edgar Davalos, Fire Chief
Brandon Gigante, Police Chief
Raul Mercado, Asst. Fire Chief
Richard Gutierrez, IT Dept.

Recording Secretary: Lila Jasso, Administrative Secretary/Asst. Deputy Clerk

Mayor Pro Tem Franklin called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

1. Presentation of Employee Service Awards:

Mayor Pro Tem Franklin presented the following employees with their service awards:

Heather Sosa	5 years
Richard Gutierrez	10 years
Richard Underwood	20 years

2. Approval of position description for Equipment Operator III:

Mr. Sera presented to Mayor Pro Tem Franklin and Council, that this job description is currently classified as an Operator III. However, there has been some language added to that to include Landfill Operator duties under the Essential Duties and Responsibilities. He went on to say that under the Certificates, Licenses, Registrations, the requirement of Possession of NMED landfill operator certification or the ability to obtain the certification within first year of employment, has been added. Mr. Sera also stated that under Other Skills, Abilities, and Qualifications; thorough knowledge of the methods, materials and techniques used in the operation, repair and maintenance of Landfill facilities and equipment, was added. Mr. Sera stated that staff recommends approval of this position description so that the City can be better prepared for hiring at the landfill under these conditions.

Mayor Pro Tem Franklin asked if there were any questions from Council. Councilor Milo asked if anyone has been hired. Mr. Sera stated that the position is currently advertised, but no one has been hired.

Councilor Milo motioned to approve the position description for Equipment Operator III. Councilor Sanchez seconded the motion; motion carried unanimously.

Councilor Cruz entered the meeting. Councilor Sanchez asked to be excused from the meeting, at this time.

3. Public Hearing to Consider the Restaurant Liquor License for Forghedaboutit Pizza:

Mr. Sera presented this item to Mayor Pro Tem Franklin and Council. He stated that this application has been presented for approval due to the change of location for Forghedaboutit Pizza to 115 N. Silver Avenue. He stated that the new location is not within 300 feet of a church.

Mayor Pro Tem Franklin opened the public hearing for public comment. There were no comments from the applicant or affected parties. She closed the public comment.

Mayor Pro Tem Franklin entertained a motion from Council.

Councilor Cruz motioned to approve the Restaurant Liquor License for Forghedaboutit Pizza. Councilor Milo seconded the motion; motion carried unanimously.

4. Rescind Approval of Planning and Zoning Recommendations from August 18, 2014 Meeting Minutes

Mr. Sera stated that at the September 8, 2014 meeting, Council inadvertently approved the recommendations for the special use permit request and the variance request. He stated that these items should have been presented as Quasi-Judicial Public Hearings, which will both be presented as such in this meeting.

Councilor Milo motioned to rescind the approval of Planning and Zoning Recommendations from August 18, 2014 Meeting minutes. Councilor Cruz made a friendly amendment to state that these two recommendations should have been presented as Quasi-Judicial Public Hearings. Councilor Milo accepted the friendly amendment. Councilor Cruz seconded the motion; motion carried unanimously.

5. Public Hearing to Consider Special Use Permit for Verizon Wireless

Mayor Pro Tem Franklin called the Quasi-Judicial public hearing to consider a special use permit for a telecommunication tower for Verizon Wireless to order. She confirmed that Council had no conflicts of interest; that the public notices were properly posted; and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, presented the case to Council. She stated this case for a special use permit for a telecommunications tower. She stated that the proposed tower will have a maximum height of 84 feet and that the facilities will occupy a 50 ft. by 50 ft. area, which will include the tower, equipment shelter, generator, etc. with an 8 ft. high chain-link fence, She went on to say that the plans for the tower show it be gunmetal grey in color. Ms. Gentile stated that the Planning Commission recommended approval of the case which is now being presented to Council.

Mayor Pro Tem Franklin asked if Council had any questions of staff. Mayor Pro Tem Franklin asked if staff had obtained a letter from the emergency helicopter company stating that there would not be any effect from the tower, to their flight pattern. Ms. Gentile stated that she would like to defer the response to Mr. Horcasitas, agent for the applicant, for a response.

Richard Horcasitas, 3150 Carlisle NE, Albuquerque, NM, with Tectonic Engineering, agent for Verizon Wireless. Mayor Pro Tem Franklin asked him about the letter from the emergency helicopter company assuring that there would be no interference in their flight pattern by the tower. Mr. Horcasitas stated that he did not have a letter at this time. He has requested the letter but has not received a written response.

Councilor Cruz asked about the specifics of the site where the tower will be erected. Mr. Horcasitas stated there will be power and fiber optic to the tower and the existing services will be utilized.

Mayor Pro Tem Franklin asked about the sound affect by the generators at the tower. Mr. Horcasitas stated that normally it is 70 decibels; however the generator will be in an enclosed shelter which houses the generator which will lower the decibels.

Mayor Pro Tem Franklin asked if any affected parties would like to speak.

Sergio Bolaños, 817 W. Ash Street, asked what the benefit of this tower will be for the community. Mr. Horcasitas stated that this tower would help cover a gap in coverage from the tower on Holly Street and the existing tower west of town. He went on to explain the process of how the proposed tower at Ash Street would fill the gap in a very dense part of town to provide more stable LTE & 4G voice, data, and internet service. Mr. Bolaños asked what the height of the tower is. Mr. Horcasitas stated that the tower is 84 feet; 80 feet with a 4 foot lightning rod. He went on to describe the construction of the tower, prefab concrete structure, and the details of the generator regarding its operation cycle. Mr. Bolaños asked if this tower would interrupt service from any other carrier. Mr. Horcasitas stated that it would not.

(Dr.) Paul A. Feil, 719 W. Ash Street, expressed his concern regarding the structure and how it would affect the appraisal value of his property. Mr. Horcasitas stated that it would not, due to the fact that it would enhance the service in the area. Mayor Pro Tem Franklin suggested that Dr. Feil ask that question of a licensed appraiser. Mr. Sera stated that previously this question came up when a previous tower was proposed to be erected on the

north side of town. Mr. Sera stated that the City spoke to an appraiser and he recalls the appraiser saying that a tower would not affect the appraised property value, but he recommends that Dr. Feil inquire with a licensed appraiser.

Mr. Bolaños asked for clarification of the location of the tower. Mr. Horcasitas stated that the tower will be located in the empty lot at the southwest corner of Granite and Ash streets. Mr. Bolaños had no objections to the tower so long that the testing would be done during the day.

Mayor Pro Tem Franklin asked if there are any other questions of Council. Councilor Milo expressed his concern regarding the flight pattern of the medevac helicopter. Mayor Pro Tem Franklin expressed her concern, as well. Mr. Horcasitas explained the approval process for the erection of the tower. He expressed that all certifications must be received before the tower is construction; in particular, the FAA certification. He suggested that Council could allow the tower to be built, upon the FAA certification to be complete.

Mayor Pro Tem Franklin closed public comment session, and with no further comments, asked if Council was prepared to make a motion, or if they needed to go into closed session under NMSA 1978 10-5-1-(H)(3).

Councilor Cruz motioned to approve the special use permit to Verizon Wireless with the stipulation that the FAA certification approval is complete prior to construction and that Elite Medical submit a letter stating that their flight pattern would not be disrupted by the tower. Councilor Milo seconded the motion; motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Mayor Pro Tem Franklin	Aye
Councilor Milo	Aye
Councilor Cruz	Aye

Mayor Pro Tem Franklin announced that by the decision announced by the authority will be effective after the written order is executed and file 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.

6. Public Hearing to Consider a Variance Request on Setbacks to allow and RV Garage

Mayor Pro Tem Franklin called the Quasi-Judicial public hearing to consider a variance request to allow an RV garage to order. She confirmed that Council had no conflicts of interest; that the public notices were properly posted; and swore in all parties who would be giving testimony.

Ms. Gentile presented the case to Council. She stated that the case involves a variance request for construction of an RV garage that does not meet the required 60 foot front yard

setback. The zoning is B multi-family, and requires a 60 feet setback from the front property line for accessory buildings. She stated that the property sits on a corner lot and that the house actually faces Mulberry street and uses Mulberry as its front yard. She stated that the strict interpretation of the front yard definition creates this setback issue. Ms. Gentile stated that the existing garage is also not in compliant with the setback requirements, but may have been approved previously. The proposed new structure will be attached to the existing garage. Ms. Gentile stated that it is not clear if the existing garage is non-conforming, due to setback issue, or of a variance was obtained when that garage was built. The Planning and Zoning Commission recommended approval of the variance.

Mayor Pro Tem Franklin asked if there were any questions of staff by any Council member. Mayor Pro Tem Franklin asked Ms. Gentile for clarification about the existing house and garage; and if there was an approved variance request for the previous construction. Ms. Gentile stated that the house dates back prior to the retention period for building permits and whoever processed the case back when the structures were built, may have interpreted the code differently. She stated that structure would be in compliance for setbacks using Mulberry as the front yard. However, the code states that the setbacks run parallel with the alley which would make Slate Street the front. She went on to say that the problem lies within the strict interpretation of the ordinance.

Mayor Pro Tem Franklin opened the floor for comments from the applicant/agent. There were none.

Councilor Milo asked the applicant/agent if they are the owner or builder of the structure.

Eric Renteria, 215 Solana Rd. SW, stated that he is going to be the builder of the proposed garage. Councilor Milo asked if the garage would obstruct the traffic at the intersection. Mr. Renteria stated that he is trying to set it back as much as possible from the corner, in order to not obstruct any view of traffic at the 4-way stop. He stated that the garage would be set back at least 40 feet.

With no further comments, Mayor Pro Tem Franklin asked if Council was prepared to make a motion, or if they needed to go into closed session under NMSA 1978 10-5-1-(H)(3).

Councilor Cruz motioned to approve the variance request on setbacks to allow the RV Garage at the proposed location. Councilor Milo seconded the motion; motion carried unanimously by a roll call vote.

ROLL CALL VOTE

Councilor Cruz	Aye
Councilor Milo	Aye
Mayor Pro Tem Franklin	Aye

Mayor Pro Tem Franklin announced that by the decision announced by the authority will be effective after the written order is executed and file with both the Municipal and County Clerks. Any action of the City Council in approving, conditionally approving or denying this

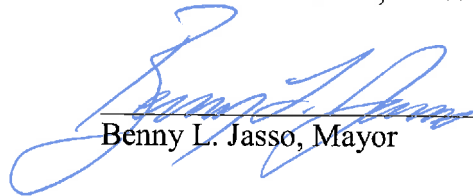
application may be appealed to the District Court 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council or by the City Administrator.


7. Meeting Adjourned

With no further business to discuss, Mayor Pro Tem Franklin entertained a motion to adjourn. Councilor Milo moved to adjourn the meeting. Councilor Cruz seconded the motion; motion carried unanimously. Meeting adjourned at 9:49 a.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Clerk