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CITY COUNCIL MEETING
AGENDA
July 10, 2017
6:00 P.M.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

1. Consent Agenda
 - A. Minutes – City Council Meeting 06/12/17
 - B. Minutes – Airport Commission Meeting 06/13/17
 - a. Recommendation to increase hangar rentals
 - C. Minutes – Planning & Zoning Commission Meeting 06/19/17
 - a. Recommendation to approve a Request for a Subdivision to Replat Land Owned by Deming Public Schools, located at 1165 Arrington Road (Ruben S. Torres Elementary School)-*To be presented later in meeting as Quasi-Judicial Public Hearing*
 - b. Recommendation to approve a Request to Vacate Several Blocks of the Deming Townsite Subdivision-*To be presented later in meeting as Quasi-Judicial Public Hearing*
 - D. Minutes – Marshall Memorial Library Board Meeting 06/27/17
 - E. Out-of-State Travel Request for Aaron Sera to attend the ICMA Annual Conference in San Antonio, Texas on October 22-25, 2017.
 - F. Approval of the City of Deming Organizational Chart
2. Public Forum
3. Presentation on the About Deming App by MainStreet/Deming Luna County Chamber of Commerce-Laurie Findley
4. Proclamation Acknowledging National Night Out
5. Resolution to Approve Participation in the Joint Powers Agreement Authorizing the City of Deming to Participate in the NM CAP Entity (Amendment to Resolution 15-20 approved 7/2/15)
6. Quasi-Judicial Public Hearings:
 - c. Quasi-Judicial Public Hearing to Consider a Request for a Subdivision to Replat Land Owned by Deming Public Schools, located at 1165 Arrington Road (Ruben S. Torres Elementary School)
 - d. Quasi-Judicial Public Hearing to Consider a Request to Vacate Several Blocks of the Deming Townsite Subdivision
7. Administrator’s Report
8. Adjourn Meeting

The next regular City Council Meeting is scheduled for August 14, 2017 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES July 10, 2017

Council Present: Benny L. Jasso, Mayor
Joe "Butter" Milo, Councilor
Roxana Rincon, Councilor
Dr. Victor Cruz, Councilor

Council/Staff Absent: David L. Sanchez, Councilor
Jim Massengill, Public Works Dir.
Laura Holguin, Treasurer
Gina Gentile, City Planner

Staff Present: Aaron Sera, City Administrator
Bryan Reedy, Community Svcs. Director
Jim Foy, City Attorney
Raul Mercado, Fire Chief
Bobby Orosco, Police Chief
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 B(a), Minutes-Airport Commission Meeting. He stated that the Airport Commission is recommending an increase to the hangar rental fees. He stated that previously, in 2013, the commission approved a yearly rate increase to be based on the Consumer Price Index (CPI). The annual increase has never been implemented. Mr. Sera noted that there has not been a rate increase since 2013 and that he would request the Council approve the increase.

Mr. Sera also called attention to items E, which is the out of state travel request for him to travel to San Antonio, Texas on October 22-25, 2017 to attend the ICMA Annual Conference.

Councilor Milo 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:

- Steve Westenhofer, 3017 Putting Green Rd.
- Mauricio Dominguez, 915 San Miguel St.
- Laurie Findley-800 E. Pine St.

Mayor Jasso closed the public forum session.

3. Presentation on the About Deming App by MainStreet/Deming Luna County Chamber of Commerce-Laurie Findley

Laurie Findley gave a presentation regarding the new app that can be downloaded on your Smartphones. She stated that the app will inform the community about events happening around Deming. She stated that any business can present information about events they may

have going on, to the Visitor's Center/Chamber of Commerce, and they will be able to get it on the community calendar. She stated that the app will bring all the organizations in town together to reach the community regarding special notices going on in the community, as well.

4. Proclamation Acknowledging National Night Out

Mayor Jasso read the proclamation into record.

Mayor Pro Tem Cruz moved to accept the proclamation acknowledging National Night Out. Councilor Milo seconded the motion; motion carried unanimously.

5. Resolution to Approve Participation in the Joint Powers Agreement Authorizing the City of Deming to Participate in the NM CAP Entity (Amendment to Resolution 15-20 approved 7/2/15)

Mr. Sera stated that the Interstate Stream Commission and the NM CAP Entity have drafted a new Joint Powers Agreement. He stated that there were minor changes made, and called attention to item 2(c) on page 4, which explained the purpose of this agreement pertaining to allowing the NM CAP entity to pursue other avenues regarding infrastructure and water resources they may utilize which include infrastructure currently owned by Freeport-McMoRan, Inc. (FMI).

Mr. Sera referred to the resolution adopted back on 7/2/15, and stated that the amendment to this resolution is changing the alternate City representative from Jim Massengill to David McSherry.

Mayor Pro Tem Cruz asked for clarification regarding why the City must approve the NM CAP Entity Agreement. He asked if each entity involved must go through this same process. Mr. Sera stated that each entity does have to go through the same process to approve the amended Joint Powers Agreement. There was a brief discussion regarding the voting process of the CAP Entity.

Mayor Pro Tem Cruz stated that the Council does not have any jurisdiction over the NM CAP Entity. The only vote they have is through the City by Mr. Sera, who is the designated representative for the City. A brief discussion was entertained between Mr. Sera, Mayor Pro Tem Cruz and Jim Foy regarding the role of the NM CAP Entity in regards to the AWSA. Mr. Foy clarified that the Council is voting to allow Deming to be part of the NM CAP Entity.

Mayor Pro Tem Cruz moved to approve the resolution to approve participation in the Joint Powers Agreement authorizing the City of Deming to Participate in the NM CAP Entity (Amendment to Resolution 15-20 approved 7/2/15); and to change the alternate representative to David McSherry. Councilor Rincon seconded the motion; motion carried unanimously.

6. 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. Quasi-Judicial Public Hearing to Consider a Request for a Subdivision to Replat Land Owned by Deming Public Schools, located at 1165 Arrington Road (Ruben S. Torres Elementary School)

Mayor Jasso called to order the quasi-judicial public hearing to consider the request for a subdivision to replat land owned by Deming Public Schools.

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 three 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. Gina Gentile, City Planner, stated that the request is in reference to the Ruben S. Torres school property. She went on to say that the lot line will be replatted to divide the residential property from the school property and to remove some additional lot line to make the school property into one lot. She referred to the survey plats in the meeting packet to explain what is being requested. Ms. Gentile stated that staff has no technical objections and that Council has the options of approving, denying, or tabling the motion.

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

Councilor Milo asked if there were any water rights associated with the property in questions. Mr. Sera stated that there were none known to him. Mr. Reedy interjected and stated that there were no agricultural water rights, only the water rights for the domestic well on the property.

Mayor Pro Tem Cruz asked what the new zoning be for the subject property. Ms. Gentile stated that the zoning is not being changed with this request. She stated that the current property is not zoned, because it is school property. She stated she would recommend that the schools request a zoning change, once the property does not belong to the schools. Mr. Sera stated that there should be a condition regarding the zoning in this request for replatting. A brief discussion was entertained regarding the zoning of the subject property.

Mayor Jasso asked if the applicant or agent was present to make a statement. They were not.

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

Mayor Jasso asked if any other person 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 to replat land owned by Deming Public Schools located at 1165 Arrington Road (Ruben S. Torres Elementary School). Councilor Milo seconded the motion. Mayor Pro Tem Cruz moved to add a friendly amending to add the provision that the applicant address zoning issue be within 120 days. Councilor Milo seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Mayor Pro Tem Cruz	Aye
Councilor Milo	Aye
Councilor Rincon	Aye

b. Quasi-Judicial Public Hearing to Consider a Request to Vacate Several Blocks of the Deming Townsite Subdivision

Mayor Jasso called to order the quasi-judicial public hearing to consider a request to vacate several blocks of the Deming Townsite Subdivision.

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 three 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. Gina Gentile, City Planner, stated that the City of Deming is seeking to vacate several blocks of the Deming Townsite subdivision in the vicinity between 8th Street and Tin Street, running east and west, and between Ash Street and Buckeye Street, running north and south. She stated that the reason for this request is that the Deming Townsite subdivision dates back to the early 1900s; and that the subdivision underlies several parcels of land that

are designated with metes and bounds descriptions and do not match the older subdivision lot lines. She went on to say that the subdivision vacation is to correct the problem.

Ms. Gentile stated that staff has no technical objections to this request; and Council has the options to approve, deny, or table the motion. She went on to say that in the packet, there is a drawing to describe the affected area. She further explained the area to the Mayor and Council.

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

Councilor Milo asked if this was merely to realign the existing property lines. Ms. Gentile confirmed that was correct.

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

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

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).

Councilor Rincon moved to approve the request to vacate several blocks of the Deming Townsite Subdivision. Councilor Milo seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Rincon	Aye
Councilor Milo	Aye
Mayor Pro Tem Cruz	Aye

7. Administrator's Report

Mr. Sera reported the following:

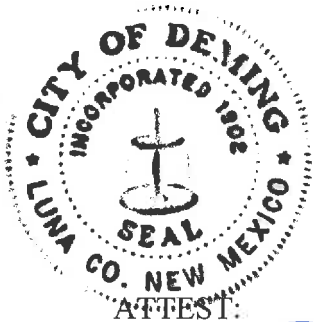
- Stated that the City has been working on the work order process in order to make the process better.
- Working on final budget process and there will be a special City Council meeting on July 25th to take care of the resolution for the final budget. Mentioned changes on carry over monies from the previous fiscal year to the current fiscal year.
- Bond funding will go into the streets department.
- Reuse storage pond construction continues out at Voiers Park.
- Procurement training was provided to department heads and Bryan Reedy passed the certification test to obtain the Certified Procurement Officer designation. Other department heads attended to obtain better knowledge about the procurement process.
- The ICIP process in underway and the ranking and rating of ICIP project will take place within the coming week.

- Scheduled a meeting with the new DPS superintendent to discuss projects and issues that were pending.

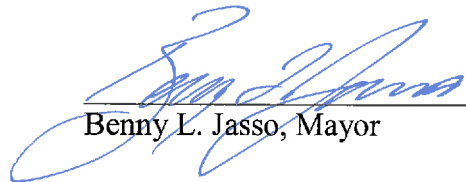
Councilor Milo asked about the status of CDBG grant funds. Mr. Sera stated that this is the second year in a row in which the City has not been able to apply for funding, due to outstanding projects that have not been completed.


8. Adjourn Meeting

With no further business to discuss, Councilor Milo moved to adjourn the meeting. Mayor Pro Tem Cruz seconded the motion; motion carried unanimously. Meeting adjourned at 7:08 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Aaron Sera, Administrator/Clerk

Proclamation

NATIONAL NIGHT OUT

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 1st, 2017 entitled “National Night Out”; and

WHEREAS, the “34th Annual National Night Out” provides a unique opportunity for the City of Deming to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

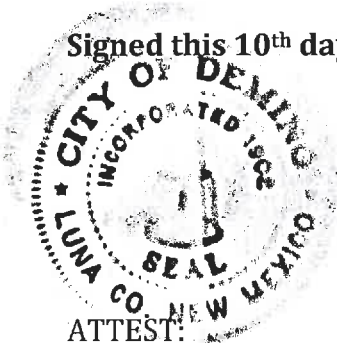
WHEREAS, the Youth Prevention & Advocacy Coalition plays a vital role in assisting the Deming Police Department through joint crime, drug and violence prevention efforts in the City of Deming and is supporting “National Night Out” locally; and

WHEREAS, it is essential that all citizens of the City of Deming be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in the City of Deming; and

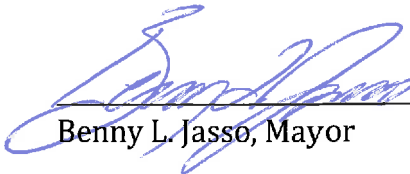
WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program.

NOW, THEREFORE, I Benny L. Jasso, Mayor, do hereby call upon all citizens of the City of Deming to join the Youth Prevention & Advocacy Coalition and the National Association of Town Watch in supporting the “34th Annual National Night Out”, and I hereby proclaim Tuesday, August 1, 2017 as “National Night Out” in the City of Deming.

Signed this 10th day of July, 2017 in the City of Deming, New Mexico.



ATTEST:


Benny L. Jasso, Mayor



Aaron Sera, Administrator/Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 17-19**

**RESOLUTION APPROVING THE CITY'S INTENTION TO PARTICIPATE IN THE NEW
MEXICO CAP ENTITY JOINT POWERS AGREEMENT
(Amendment to Resolution 15-20 approved 7/2/15)**

WHEREAS, on December 10, 2004, the President of the United States signed into law the Arizona Water Settlements Act (AWSA), Public Law 108-451; and

WHEREAS, on November 24, 2014, the State of New Mexico, acting through its Interstate Stream Commission, gave notice to the United States Secretary of the Interior that it intends to construct the New Mexico Unit of the Central Arizona Project (CAP) pursuant to the AWSA; and

WHEREAS, the AWSA provides for a New Mexico CAP Entity to be formed or designated by the State of New Mexico, acting through its Interstate Stream Commission, to enter into the New Mexico Unit Agreement with the United States Secretary of the Interior; and

WHEREAS, the Joint Powers Agreements Act, New Mexico Statutes Annotated 1978, Section 11-1-3, authorizes public agencies to enter into agreements to jointly exercise powers that are common to the contracting parties; and

WHEREAS, Interstate Stream Commission staff prepared a Joint Powers Agreement creating the New Mexico CAP Entity (Joint Powers Agreement); and

WHEREAS, the City of Deming reviewed the Joint Powers Agreement; and,

WHEREAS, in accordance with the terms of the Joint Powers Agreement, each party to the Agreement must adopt a resolution of its governing body identifying its signatory and representing that the governing body supports that party's commitment to beneficial use of AWSA water;

NOW THEREFORE, BE IT RESOLVED that the City of Deming's governing body authorizes Mayor Benny L. Jasso to execute the Joint Powers Agreement, contingent upon the approval from the New Mexico Department of Finance, which authorizes the City of Deming to participate as a party to the NM CAP Entity and designating Aaron Sera as primary representative and David McSherry as the alternate;

BE IT FURTHER RESOLVED that the Mayor's signature on the Joint Powers Agreement represents the City's commitment to beneficial use of AWSA water.

PASSED, ADOPTED, AND APPROVED this 10th day of July, 2017.




CITY OF DEMING, NEW MEXICO



Benny L. Jasso, Mayor

ATTEST:



Aaron Sera, City Clerk