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P.O. BOX 706 · DEMING, NEW MEXICO 88031
POPULATION 14,000

**CITY COUNCIL MEETING
AGENDA
July 21, 2020
5:30 P.M.**

Due to the COVID-19 pandemic and in compliance to the State of New Mexico Open Meetings Act, the Governing Body will be meeting remotely via GoToMeeting.com with the following credentials:

You may dial in 10-15 minutes before the meeting begins.

Please join the meeting from your computer, tablet or smartphone.
<https://www.gotomeet.me/CityofDeming>
or
You can also dial in using your phone.
United States (Toll Free): [1 866 899 4679](tel:18668994679)
United States: [+1 \(312\) 757-3119](tel:+13127573119)
Access Code: 595-334-189

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ATTENDANCE ROLL CALL

1. Consent Agenda
 - A. Minutes – City Council Meeting 06/16/2020
 - B. Minutes – City Council Special Meeting 06/30/2020
 - C. Minutes – Airport Commission Meeting 06/09/2020
 - D. Minutes – Planning & Zoning Commission Meeting 06/15/2020
 - E. Minutes – Historic Landmark Commission Meeting 06/29/2020
 - F. Minutes – Marshall Memorial Library Board Meeting 06/30/2020 (*meeting Cancelled*)
2. Public Forum
3. Mayoral Appointment of Municipal Court Alternate Judge
4. Approval of Stimulus Funding Recipients
5. Resolution to Approve the Service Agreement Between the Southwest New Mexico Council of Governments (SWNMCOG) and the City of Deming for FY2020-2021
6. Public Hearing to Consider the Proposed Ordinance Authorizing the Execution and Delivery of a Taxable Loan Agreement and Intercept Agreement by and Between the City of Deming, New Mexico and the New Mexico Finance Authority (NMFA)

7. Administrator's Report (Non-action Item)

8. Adjourn Meeting

The next regular City Council Meeting is scheduled for August 18, 2020 at 5:30 p.m.

CITY COUNCIL MEETING MINUTES

July 21, 2020

Remote meeting in compliance with the New Mexico Open Meetings Act due to COVID-19 Pandemic.

Council Present:

Benny L. Jasso, Mayor
David L. Sanchez, Councilor *(Telephonically)*
Irmaisela “Irma” A. Rodriguez, Councilor *(Telephonically)*
Dr. Victor Cruz, Councilor
Joe “Butter” Milo, Mayor Pro Tem *(Telephonically)*

Council/Staff Absent: None

Staff Present:

Aaron Sera, City Administrator
Laura Holguin, Treasurer *(Telephonically)*
Jim Massengill, Public Works Director *(Telephonically)*
Alex Valdespino, Police Chief *(Telephonically)*
Alexi Jackson, Community Svcs. Director *(Telephonically)*
Raul Mercado, Fire Chief *(Telephonically)*
Mary Mackey, Community Svcs. Admin. Secretary *(Telephonically)*

Recording Secretary:

Lila Jasso, Admin. Secretary/Assistant Deputy Clerk

Mayor Jasso called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

The attendance was taken by the following roll call:

ATTENDANCE ROLL CALL

Mayor Jasso	Present
Mayor Pro Tem Milo	Present
Councilor Sanchez	Present
Councilor Rodriguez	Present
Councilor Cruz	Present

1. Consent Agenda

Mr. Sera presented this item to Council and stated that he had nothing to call attention to, unless they had questions.

Councilor Cruz moved to approve the Consent Agenda, as presented. Councilor Sanchez seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

2. Public Forum

Mayor Jasso announced that in respect to the Open Meetings Act and the period of social distancing, the City has provided a teleconference number for our citizens to utilize so that they may make public comment. He then gave instruction to those members of the public who have called in and will be giving comments.

Mayor Jasso then opened the meeting for public comment.

- Christie Ann Harvey, Deming MainStreet Executive Director
- Margaret Fairman, Deming Silver Linings
- John Richmond, 800 E. Pine Street, Deming Luna County Chamber of Commerce

3. Mayoral Appointment of Municipal Court Alternate Judge

Mayor Jasso read the memorandum with his recommendation of Derrick Lovelace to serve as the Municipal Court Alternate Judge for the remainder of the current term.

Mayor Pro Tem Milo asked if Mr. Lovelace had already retired from the Police Department. Mayor Jasso stated that Mr. Lovelace will be retired in ten days.

Mr. Sera interjected and mentioned that there is no term limit for the Municipal Court Alternate Judge and the appointment would remain until resignation of the position.

Mayor Pro Tem Milo moved to approve the Mayor's recommendation of Derrick Lovelace to serve as the Municipal Court Alternate Judge. Councilor Cruz seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

The Oath of Office was administered to Mr. Lovelace by Mr. Sera.

Mayor Jasso added that he would like to congratulate Ms. Lila Jasso on receiving the Certified Municipal Clerk designation.

4. Approval of Stimulus Funding Recipients

Mr. Sera asked that the Council postpone this item on the agenda to the August 18th meeting or the special Council meeting on July 29th. He added that they are not prepared due to the deadline of the applications being the afternoon of July 17th and they were not anticipating some of the things that came up during the processing of the applications. He stated that in the packet is a list of the recipients who applied for the funding. Mr. Sera added that there are some County-based businesses, who are in good standing, that applied for the funding. He noted that when he spoke to the Council members at the Budget Workshop, he presented this as a Stimulus Package for City businesses. Mr. Sera stated that because he said that, he feels it is worth bringing the package up for discussion with the Council to include some of the businesses outside the City limits. He gave the example of Luna Rossa Winery is a business that brings in business to Deming. He stated that he would like Ms. Arias, Executive Director of Deming Luna County Economic Development Corporation (DLCEDC), to talk to her board about including these businesses which have applied for funding and are outside the City limits and see how the City would deal with that at a later date. Mr. Sera referred to the list and stated that there are eight (8) businesses which are ineligible businesses due to them not having a CRS account. He stated that there are other issues which will require more time to review and consider the applications that have been submitted. He noted that ultimately the agreement was that the economic development board will rank, rate and score the applications and then he would review them. He noted that the decision was not initially intended for the Council to approve. However, he stated that they need to discuss the fact that when he presented the Stimulus Package for the budget, he stated that it would be for City businesses but there are now County businesses that have applied. He asked the Council if they would consider allowing the County-based businesses to be qualified for the funding. He added that this topic could be discussed tonight or at a later date and was at the Council's discretion. He closed by stating that Ms. Arias was present to answer any questions.

Ms. Arias thanked the Mayor and Council for the opportunity to facilitate this Local Economic Stimulus Fund. She added that the feedback the DLCEDC has received on this and the impact it has had on the small business community has been so well received and beneficial to the businesses that need it. She thanked the Council on behalf of all the small businesses she represents in the community. She provided some background on the funding. She started by stating that Council approved \$125,000 for FY20, in the first cycle they had 31 applicants and they awarded \$49,795 to 22 of those applicants who were eligible. She went on to say that they are now in Cycle 2 and all the funds that were unexpended in FY20 were carried over to FY21, so they are working with a total of \$200,205 for the second funding cycle. Ms. Arias stated that they had 65 applicants this time and they are looking to award 50-56 of those, based on the discussion that's had regarding those businesses within the county. She stated that this discussion was initiated by those businesses within the county who contacted DLCEDC and stated that they consider themselves part of the community, they have an impact on the community and would like to be considered for the Stimulus Funding. She stated that the DLCEDC initially told them that if the business has a current City business license registration,

they could consider them and go from there. So, that's where they are at. Mr. Arias referred to the list and stated that the eligible businesses were put into two categories, *Mandated to Close* and *Other Businesses*. She stated that they did this with the intent to tier the awards toward those businesses most significantly impacted by the pandemic. She added that there are *County Businesses in Good Standing*, however, these businesses do not have their City business license registration but are in good standing with the State Taxation and Revenue Department, and their CRS number is compliant. Ms. Arias noted that on the second page is the list of businesses which were ineligible in which she has broken down into a list of those within the City and those which are County-based. She noted that these were ineligible due to inactive CRS numbers or unpaid City business license registrations. She asked if the Council had any questions for her.

Councilor Cruz asked if the list they have been provided is complete. Ms. Arias stated that the list is complete contingent on the final review. Council Cruz asked if the list includes all who have received funding and all who have applied. Ms. Arias explained that this cycle, this list includes all 65 applicants. Council Cruz asked if there is a new cycle. Ms. Arias stated that this is the final cycle. She explained that the first cycle was back in May and was for the FY20 funds that Council had allocated for the Local Economic Stimulus Grant. She added that this cycle closed on July 17th, which was last Friday, and so this is the total list for the second cycle. Councilor Cruz asked if she has talk to the County about them providing a program like this. He stated that the reason for his questions is because it would impact the Council's decision if they were going to do a similar program. Ms. Arias answered that they have not talked to the County but stated that she thinks they would be willing to come to the table and have that discussion.

Mayor Jasso asked if there were any further questions from Council.

Councilor Sanchez asked staff if they feel they need more time. Mr. Sera added that the Council would be voting on whether to allow those County-based applicants to participate in the Local Economic Stimulus Fund. He noted that the question at hand is if the Council will approve County-based businesses to participate in the funding.

Councilor Cruz asked that is the Council is voting, are they directly stating that the funding is being transferred to the DLCEDC. Mr. Sera explained that what the Council would be saying is that as part of this stimulus package that has been put together, they want to include or not include County-based businesses. Mr. Sera stated that from that point, everything else is vetted through the agreement the City has with DLCEDC to administer this program.

Councilor Cruz asked who on the list has received money. Ms. Arias stated that nobody on the list has been awarded. Mr. Sera stated that these are all applicants for FY21.

Ms. Arias explained that the reason this is taking longer to process is that the applications closed Friday (July 17th); arrangements have been made between businesses and the State to

bring their CRS current, and that hasn't translated to the City due to the process taking longer due to the pandemic and the limited State staffing. She further explained that all of the 65 applicants have been scored and vetted and that the only piece for discussion is the question of those businesses that are geographically located outside of the City limits being allowed to participate in the program.

Mayor Pro Tem Milo asked if they would consider obtaining an answer from the County as to whether they would provide a similar type of funding program on their end. Mr. Sera stated that their final budget does not have a stimulus package included in it, and that budget is due July 30th. He stated that County is aware that the City is doing this, and they were worried about their revenues were and whether they were going to lose their payment in lieu of taxes so, they were conservative with their budget. He further stated that the City was fortunate to have the funding available for the stimulus package program. He noted that there was an excess from last year's budget that they were comfortable moving, knowing that it wouldn't impact our budget for this next fiscal year. He added, that's why we made the decision to put that in front of Council for their approval.

Mr. Sera stated that as of right now, the Council could make the decision to approve County-based businesses or not to approve it.

Mayor Pro Tem Milo asked that since he applied for this funding, would he need to recuse himself from voting. Mr. Sera noted that he would not because right now the vote would be to whether to allow County-based businesses to participate in the Local Economic Stimulus Funding, and his business is not in the county. He further explained that he is not going to approve the funding for the City; question today, is whether to allow County-based businesses to participate in the funding.

There was a brief discussion about one of the businesses on the list. The discussion was about a business that was on the *County Based Businesses in Good Standing* list. They discussed that the business was considered part of the community, due to the nature of the business and indirectly contributed to the Gross Receipts Tax base.

Ms. Arias interjected that on the matrix to evaluate the business, that fact is taken into consideration for businesses in the County. Mr. Sera noted that the scoring matrix has certain categories that are factored into the decision process. He stated that they could adjust the funding in accordance with the location of the business, if Council decides to include the County-based business into the program. Ms. Arias noted that the applications have closed so, there won't be any new applications taken. Mayor Jasso reiterated that just those on the list will be considered, if approved by Council.

Mayor Jasso entertained a motion from Council.

Councilor Cruz moved to approve the County-based businesses for Economic Development Stimulus Funding. Councilor Rodriguez seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

5. Resolution to Approve the Service Agreement Between the Southwest New Mexico Council of Governments (SWNMCOG) and the City of Deming for FY2021

Mr. Sera stated that this is a standard resolution that comes before Council every year to approve the agreement with the Council of Governments. He referred to the agreement and noted the list of services they provide to the City of Deming. He also stated that he is the chairman of the SWNMCOG, and Alexi Jackson is the alternate representative. Mr. Sera noted that he has chaired the SWNMCOG board for the past ten years and he noted that they are a lot of help when the City needs them. He further stated that he feels the value of the membership dues is well worth the approximate \$6,000 the City pays. Mr. Sera asked that the Council approves this resolution.

Mayor Jasso entertained a motion from Council.

Mayor Pro Tem Milo moved to approve the resolution and service agreement between the Southwest New Mexico Council of Governments and the City of Deming for FY2021. Councilor Cruz seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

6. Public Hearing to Consider the Proposed Ordinance Authorizing the Execution and Delivery of a Taxable Loan Agreement and Intercept Agreement by and Between the City of Deming, New Mexico and the New Mexico Finance Authority (NMFA)

Mr. Sera stated that this was brought before Council in the previous month as an Intent to Adopt the Ordinance. He stated that Councilor Cruz was concerned about the language where it stated that City was purchasing the building for City Administration. He added that the building is really for Economic Development, City Administration, and Making Infrastructure Improvements at the Container/Incubator Development Center. He noted that the language in

the ordinance was changed to reflect this. Mr. Sera also noted that the \$5,358,061 of which the \$358,061 is a reserve account that is required in the event of default of the loan.

Mayor Jasso asked if there were any questions from the Council.

Mayor Pro Tem Milo asked when the loan will close. Mr. Sera stated that as soon as we send NMFA the ordinance, they will begin working on the closing documents.

Mayor Jasso asked if there were any more questions from the Council. There were none.

Mayor Jasso then announced that this is a public hearing and opened the floor for public comment. There were no responses to the public comment session.

Mayor Jasso closed the public comment session. He asked if there was a Councilor prepared to make a motion.

Councilor Cruz moved to approve the ordinance authorizing the execution and delivery of a Taxable Loan Agreement and Intercept Agreement by and between the City of Deming, New Mexico and the New Mexico Finance Authority. Councilor Sanchez seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

7. Administrator's Report (Non-action Item)

Mr. Sera reported on the following:

- He has been working on potential development in the Peru Mill area where a company is interested in milling the tailings. He referred that previously, a company has interest in this type of operation, but it never happened. He stated that this has resurfaced with a different company that is planning on hiring up to 70 people over the course of 8 years. He noted that right now the tailings are considered an environmental easement and if they could get someone to haul that away, at some point the land could be used for something else.
- He mentioned a current lease agreement with Deming Excavating to mine rocks and base course from Peru Mill to have the materials available for projects they are working on; one of the projects being the border wall. He stated that they pay the City a certain amount for weighted ton, he didn't recall the amount right off hand, but stated that through the course of the agreement, it would probably amount to approximately \$60,000 to \$70,000 for the City of Deming, in a year's time. He further stated that right now what they have in place is a State formatted agreement which is used by the State whenever they allow companies to mine rocks to build roads.

- He noted that the final budget is being worked on by Ms. Holguin and will come before Council at a later date. He stated that he would like to include a couple of properties which he would like to purchase which would benefit the City. Mr. Sera stated that he would like to purchase the property on Orno Road which the City needs for access and drainage. He doesn't think it's going to be a large amount of money for this property. Another property he mentioned was the lot behind the Kmart building. He explained that several transients occupy the area and there have been several fires started in the area. He noted that the owner has been cited several times, but the issue does not get resolved. Mr. Sera feels it would be more beneficial for the City to purchase the property and utilize it for something else.
- He noted that the Gross Receipts Tax came in at \$200,000 more this month than what it was last year at this month. He stated that it was found that this was due to people buying more building materials during this time, for home improvements. He noted that possibly the CARES Act Stimulus funding may have contributed to this increase.
- He stated that the State Armory Board has approved the lease for the Armory Building. He has not received the documentation to get this lease in place, however, he received an email notifying him of this decision.
- He has been doing lots of research on homelessness and he is going to work with Margaret Fairman about spreading out the locations where they will be offering meals to the homeless. He stated this may help with the increase in traffic around the current location. He stated that he will be discussing the issue with Ms. Fairman and the Task Force.
- He stated that the Fire Department is preparing for an influx in COVID-19. He noted that they suspect that it will be 3-4 times worse than the flu season. He noted that they have ordered more PPE in preparation. He stated that he will continue to order PPE for the office staff, as well as continuing to minimize the hours that office staff will report to work in efforts to lessen the exposure to others.

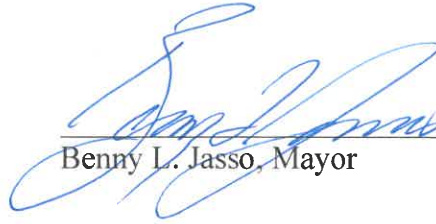
8. Adjourn Meeting

With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting.

Councilor Sanchez moved to adjourn the meeting. Mayor Pro Tem Milo seconded the motion; motion carried unanimously. The meeting adjourned at 6:18 p.m.

CITY OF DEMING, NEW MEXICO




Benny L. Jasso, Mayor

ATTEST:


Aaron Sera, Administrator/Clerk

**CITY OF DEMING
RESOLUTION NO. 20-21**

**RESOLUTION OF THE CITY OF DEMING RATIFYING A CERTAIN
AGREEMENT BETWEEN THE CITY OF DEMING AND THE SOUTHWEST
NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JULY 21, 2020 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 21st day of July 2020.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


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 for the City of Deming (email address) asera@cityofdeming.org

Alternate 1. Alexi Jackson (email address) ajackson@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.

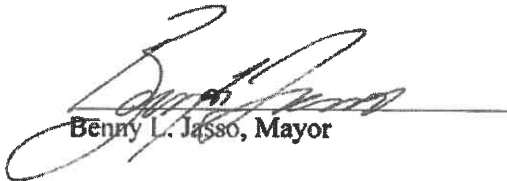
Total Assessment for Fiscal Year 2020-2021 is \$6,189.00

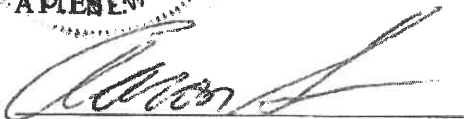
(d) Such payment shall be for all services rendered to Member, by COG, for the period beginning July 1, 2020 and ending June 30, 2021. Such sum shall be expended by COG of which Member is a voting member, or as such budget may be amended following laws and regulations.

This Agreement is entered into on the 21st day of July 2020, in Deming, New Mexico.


Name of Local Unit of Government: CITY OF DEMING

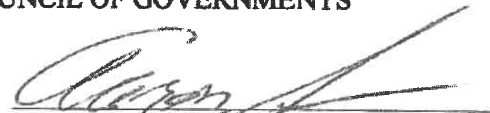



Benny L. Jasso, Mayor


Aaron Sera, Clerk

SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS


Priscilla C. Lucero, Secretary/Treasurer


Aaron Sera, Chairman