

CITY COUNCIL MEETING MINUTES

June 15, 2021

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

Council Present:

Benny L. Jasso, Mayor
Joe “Butter Milo, Mayor Pro Tem
Monica Topham, Councilor

Dr. Victor Cruz, Councilor – late arrival
Irmaisela “Irma” A. Rodriguez, Councilor

Council Present (Telephonically):

Council/Staff Absent:

Staff Present: Aaron Sera, Administrator
Laura Holguin, Finance Director
Azucena Vargas, Administrative Assistant PWD

Jim Massengill, Public Works Director
Alexi Jackson, Community Services Director

Staff Present (Telephonically/Virtually):

Joe Owen, Fire Chief

Alex Valdespino, Chief of Police

Guests (Telephonically): Debbie Troyer, Christie Ann Harvey, Penny Utley, Chelsea Evans, Natasha Jasso, Leigh Jenke

Recording Secretary: Mary Jo Valdez, Municipal Clerk

Mayor Jasso called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance. A quorum was present, as Councilor Rodriguez, Councilor Topham, and Mayor Pro Tem Milo were in attendance; Councilor Cruz having arrived during item 5 on the agenda.

1. Consent Agenda

Mr. Sera presented the consent agenda to Council stating that there were no items to discuss. Mayor Pro Tem Milo motioned to approve the consent agenda, as submitted; Councilor Rodriguez second the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Topham	Aye
Councilor Rodriguez	Aye
Mayor Pro Tem Milo	Aye

2. Public Forum

Mayor Jasso opened the meeting for public comment stating that comments entertained should not be related to any items on the agenda. Mayor Jasso closed the public forum.

3. Approval/Ratification of the 2021 Collective Bargaining Agreement between the City of Deming and the Deming Police Officers Association/Fraternal Order of Police, Deming Lodge #16

Mr. Sera briefed Mayor and Council on negotiations stating that areas of concern brought to the table for discussion were the department's pay scale, addressing that it has been of concern over the last few years. Mr. Sera stated that the changes would prevent employees from maxing out in 5-6 years; would allow the creation of a Corporal position; and includes a 3.5% raise. Shift bidding would be discontinued, and personnel would rotate shifts to properly utilize employees where needed. The term of the contract would now only open every 4 years.

Mayor Pro Tem Milo asked how many officers the department is short. Chief Valdespino informed 3 positions are vacant.

Mayor Pro Tem Milo motioned to approve and ratify the 2021 Collective Bargaining Agreement between the City of Deming and the Deming Police Officers Association/Fraternal Order of Police, Deming Lodge #16; second by Councilor Topham; motion was approved by the following roll call vote:

ROLL CALL VOTE

Councilor Rodriguez	Aye
Mayor Pro Tem Milo	Aye
Councilor Topham	Aye

4. Resolution 21-14: To Comply with Minimum Wage Changes

Mr. Sera stated that the minimum wage changes are to take effect as follows, this current year set at \$10.50; 2022 \$11.50; and 2023 \$12.00. Mr. Sera explained that staff would take the disparity to avoid conflicts with new and current employees when the minimum wage goes up to \$12.00 in 2023. Mr. Sera stated that Ranges 4 and 5 would be moved to 6 and 7, if approved. The resolution, if approved, would allow management and the Treasurer to adjust the pay scale this year, anticipated at a \$75,000 impact to the budget; this would allow compliance with minimum wage and fix the 10 year employees to the new hire rate differences. If approved, some would receive a 10% raise.

Councilor Rodriguez motioned to approve the resolution to comply with minimum wage changes and allow management and the Treasurer to make necessary adjustments to the pay scale; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

Mayor Pro Tem Milo	Aye
Councilor Rodriguez	Aye
Councilor Topham	Aye

5. Resolution 21-15: To Participate in the Local Government Road Fund Program Administered by New Mexico Department of Transportation

Mr. Jackson stated that the resolution is required for the City’s participation in the LGRF Program and read the resolution for the record for project L100489 with NMDOT for the splash pad crossing at Nacio Brown Park.

Mayor Jasso asked if funds would be used to install flashers. Mr. Jackson confirmed.

Mayor Pro Tem Milo motioned to approve the resolution, as submitted; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

Councilor Topham	Aye
Councilor Rodriguez	Aye
Mayor Pro Tem Milo	Aye

Mayor Jasso asked that all parties who are signed in or plan to provide testimony or address Council for the Quasi-Judicial Public Hearings listed in items 6 and 7, swear in and administered the swearing in of all parties.

6. Quasi Judicial Public Hearing: To Consider a Special Use Permit for the Operation of a Proposed Cannabis Dispensary applied for by NMTO-Ultra Health to be Located at 807 E. Pine Street, Within the City Limits

Mayor Jasso conducted a quasi-judicial public hearing to consider a Special Use Permit for the Operation of a Proposed Cannabis Dispensary applied for by NMTO-Ultra Health to be located at 8077 E. Pine Street, Within the City Limits

Mayor Jasso asked if Council had any conflicts of interest; they did not.

Mr. Jackson addressed Council stating that the applicant, NMTO- Ultra Health, is requesting a special use permit to allow a medical cannabis dispensary at 807 E. Pine Street.

The location is in a new commercial building between T-Mobile and a gift shop. The City of Deming zoning regulations require a special use permit for medical cannabis dispensaries.

This applicant applied for a special use permit to operate a medical dispensary on Spruce Street in 2016 and was approved by City Council. However, the business was never opened.

Mr. Jackson stated that staff has no objections to the approval of the request contingent upon all NM State Alcoholic and Beverage Control/Cannabis Control Division regulations are met.

Mayor Jasso asked if staff or Council had any questions.

Mayor Jasso asked if the applicant would like to make a statement.

Ms. Caffrey, agent for the applicant, addressed Council stating that they had previously been granted a special use permit in the past but that they did not open the establishment due to insufficient space at the time to accommodate growth. She stated that they currently operate 25 establishments statewide and plan to possibly open another 20 in New Mexico. She stated that the opening of the establishment would alleviate patients from the drive to other cities nearby to obtain product. She stated that the establishment plans to employ locally once opened; they do

not plan to allow consumption on site; they will have security personnel and measures in place for safety as well as cameras installed. She stated that construction is ongoing.

Mayor Jasso asked if Council had any questions for the applicant.

Mayor Pro Tem Milo asked how many patients from Deming travel to Las Cruces. Ms. Caffrey stated that she had not surveyed for that information; adding that local options would be beneficial.

Mayor Pro Tem Milo asked if patients have to get prescriptions. Ms. Caffrey stated that there are currently certain criteria which had to be met and diagnosed by a physician to attain a license.

Councilor Cruz joined the Council meeting late and noted for the record that he did not have a conflict of interest in this matter.

Councilor Cruz stated that once legislature approved laws legalizing marijuana, there would not be a need to possess a license.

Mayor Pro Tem Milo asked if anyone could walk in and get cannabis. Ms. Caffrey stated that for now, it would be accessible to medical patients and use, adding that the future laws in place for New Mexico and the municipality would determine future sales.

Councilor Topham asked if employees would be residents or semi-local. Ms. Caffrey stated that it would be started with employees who are currently employed in Las Cruces and Silver City as the plan is to have them train some local employees. Mayor Pro Tem Milo asked how many employees are projected. Ms. Caffrey stated that they anticipate employing 10 persons.

Councilor Cruz asked if there is a limit for the number of medical licenses for the County. Ms. Caffrey stated that there is no limitation. She added that the Act, if passed, would allow a limit to how many establishments a municipality decides upon.

Councilor Topham asked when they planned on opening, if approved. Ms. Caffrey stated that they anticipate opening within two months of approval.

Mayor Pro Tem Milo mentioned that it would be a good point to discuss how many stores the City is going to allow to operate in Deming.

Mayor Jasso asked if there were any affected parties that would like to speak.

Mayor Jasso asked if there are any registered parties that would like to cross-examine any party having already given testimony.

Mayor Jasso closed the public hearing and asked for Council's decision.

Councilor Cruz motioned to approve the special use for the Operation of a Proposed Cannabis Dispensary applied for by NMTO-Ultra Health to be located at 8077 E. Pine Street; Mayor Pro Tem Milo second the motion

Further discussion ensued:

Councilor Cruz provided a medical perspective about the use of marijuana stating that there is no major concern with the medical use of it when compared to the use of narcotics.

Councilor Rodriguez asked if Chief of Police, Alex Valdespino, had any issues with the approval. Chief Valdespino stated that the only concern would be possible robberies and the issues of keeping the product in a safe location; adding that he would rather see the use of regulated marijuana rather than street marijuana.

The motion on the floor stood as follows:

Councilor Cruz motioned to approve the special use for the Operation of a Proposed Cannabis Dispensary applied for by NMTO-Ultra Health to be located at 8077 E. Pine Street; Mayor Pro Tem Milo second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

7. Quasi Judicial Public Hearing: To Consider an Alternate Subdivision Request for Property Located at 4600 E Pine Street, Within the City Limits Owned by Michael Schular

Mayor Jasso conducted a quasi-judicial public hearing to consider an Alternate Subdivision Request for Property Located at 4600 E Pine Street, Within the City Limits Owned by Michael Schular.

Mayor Jasso asked if Council had any conflicts of interest; they did not.

Mr. Jackson addressed Council stating that the applicant, Michael L. Shular, is requesting a subdivision to divide the property from an approximately 10-acre parcel of land to two tracts of land. Tracts 2 has an existing hotel on 5.991 acres and Tract 1 will be vacant land with 4.044 acres. Mr. Jackson stated that staff had no objections and that Council's options are to approve, deny, or table the item.

Mayor Jasso asked if staff or Council had any questions.

Mayor Jasso asked if the applicant would like to make a statement.

Mr. Cole addressed Council adding that they wish to subdivide the land and possibly build an additional hotel.

Mayor Jasso asked if Council had any questions for the applicant.

Mayor Pro Tem Milo asked if they had an anticipated timeframe to build another hotel. Mr. Cole stated not at this time.

Mayor Jasso asked if there were any affected parties that would like to speak.

Mayor Jasso asked if there are any registered parties that would like to cross-examine any party having already given testimony.

With no further discussion, Mayor Jasso closed the public hearing and asked for Council's decision.

Councilor Cruz motioned to approve the request as presented; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

<u>ROLL CALL VOTE</u>	
Mayor Pro Tem Milo	Aye
Councilor Topham	Aye
Councilor Cruz	Aye
Councilor Rodriguez	Aye

8. Administrator's Report

Mr. Sera addressed Council reporting on the following items.

- Legislative
 - Solar Act passed. Prospective companies are contacting staff inquiring to acquire land close to substations for solar projects. Staff will work on an RFP for land that should be used for prospective solar projects.
 - Working on amending legislation on the Municipal Act because of the Certified Building Official situation in New Mexico, as informed by the State CID Office that it is required to have a full-service department which was intended but not specified in State Statute. Waiting for legal opinion to perform residential and commercial inspections only.
- HR position filled by Andrea Alonzo. Vicki Engle is on contract to perform 20 hours a week to assist in training.
- Employment Issues – Fire Department is down 4 firefighters. Police Department also has vacancies to be filled.
- Collective Bargaining with Police is done and was successful.
- Splash Pad was a huge hit and a fee schedule for parties will come before Council soon. There has already been vandalism noticed.
- Recreation cannabis has been passed. The City of Deming will remain its no tolerance policy as Federal funding is received and it is required to continue receiving federal funds.

9. Closed Session: To Discuss personnel matters, regarding appointed employees' evaluations and to discuss personnel matters, Pursuant to NMSA 1978 Section 10-15-1 (H) (2) of the open Meetings Act

Mayor Pro Tem Milo motioned to go into closed session, pursuant to NMSA 1978 Section 10-15-1(H)(2) of the Open Meetings Act; Councilor Cruz second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

10. Open Session: Motions if any

Councilor Cruz motioned to go into open session; Mayor Pro Tem Milo second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

Mayor Jasso stated that there were no motions made during closed session.

Mayor Jasso asked Council to accept his appointment of Azucena Vargas as the Assistant Public Works Director and to allow him to negotiate and execute the employee contract.

Councilor Cruz motioned to approve the appointment of Azucena Vargas as the Assistant Public works director and to allow the mayor to negotiate and execute the employment contract; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

Ms. Vargas thanked the Mayor and Council for the opportunity to serve in this capacity. Mayor Jasso thanked Ms. Vargas for her hard work. Mr. Sera stated that management has no doubt she can handle the work that comes with the position.

Mayor Jasso asked that Council authorize him to execute contracts for all appointed officials for the next fiscal year.

Mayor Pro Tem Milo motioned to authorize the mayor to execute contracts for all appointed officials for the next fiscal year; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

11. Adjourn Meeting

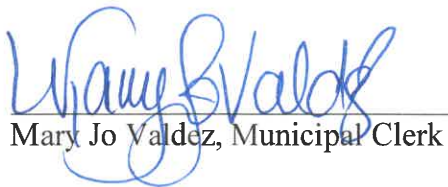
With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting. Councilor Rodriguez motioned to adjourn the meeting; Councilor Topham second the motion; motion carried unanimously. The meeting adjourned at 7:17 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk

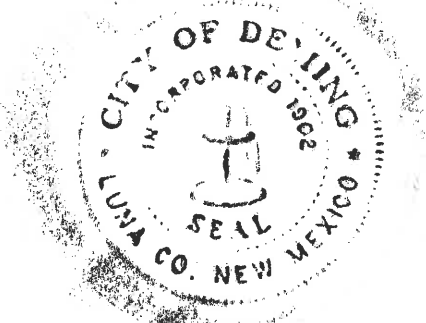
**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 21-14**

**TO COMPLY WITH THE MINIMUM WAGE
FOR THE CITY OF DEMING INTERNAL HIRING PROCESS AND PAY SCALE**

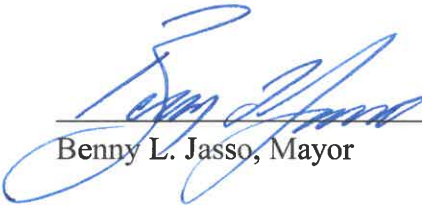
WHEREAS, the State of New Mexico, pursuant to NMSA 50-4-22, passed to increase the minimum wage requirements; and

NOW THEREFORE BE IT RESOLVED, the Governing Body in and for the City of Deming hereby approves the minimum pay for City of Deming full time employees to be effective July 1, 2021 and authorizes the City Administrator and City Treasurer to make changes to the pay scale.

PASSED, ADOPTED AND APPROVED this 15th day of June 2021.



ATTEST.


Benny L. Jasso, Mayor


Mary Jo Valdez, Municipal City Clerk

RESOLUTION NO. 21-15

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Deming and the New Mexico Department of Transportation enter into a cooperative agreement.

WHEREAS, the total minimum cost of the project will be \$78,667.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or not exceed \$59,000.00

and

- b. City of Deming's proportional matching share shall be 25% or a minimum of \$19,667.00.

The City of Deming shall pay all costs, which exceed the total amount of \$78,667.00.

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2022, and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Control Number L100489 with the New Mexico Department of Transportation for LGRF Project for year 2021-2022 The project scope and termini are as follows: "apply traffic calming measures on Spruce Street, 300' east and west of the intersection of Spruce Street and 8th Street."

PASSED, ADOPTED, AND APPROVED this 15th day of June 2021.

CITY OF DEMING, NEW MEXICO



Mayor Benny L. Jasso



Mary Jo Valdez, City Clerk

