



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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## **CITY COUNCIL MEETING AGENDA May 16, 2023 5:30 P.M.**

Please join the meeting from your computer, tablet or smartphone.  
<https://meet.goto.com/CityofDeming> Or Using your Phone: [1 866 899 4679](tel:18668994679)  
Access Code: 595-334-189 Password: 595334189

### **CALL TO ORDER/PLEDGE OF ALLEGIANCE/ATTENDANCE ROLL CALL**

1. Consent Agenda
  - A. Minutes
    - a. Regular City Council April 18, 2023
    - b. Special City Council April 26, 2023
    - c. Planning and Zoning Commission April 17, 2023
  - B. Proclamations
    - a. Memorial Day
2. Approval of Job Description for Natural Gas Operator
3. Ratification of an Agreement between the City of Deming and the Deming Police Officer's Association "FOP Deming Lodge #16"
4. Resolution: Establishing the City of Deming's Municipal Officers to be Elected on November 7, 2023
5. Public Hearing: To Consider an Amendment to Title 6, Chapter 2 of the Municipal Code Regarding Animal Control
6. Quasi-Judicial Public Hearing: To Consider a Variance Request for Brenda Hurtado
7. Quasi-Judicial Public Hearing: To Consider a Zoning Map Amendment for Servando Calzadillas
8. Quasi-Judicial Public Hearing: To Consider a Special Use Permit for a Solar Facility by Louth Callan
9. Quasi-Judicial Public Hearing: To Consider a Replat for Jimmy Galindo DBA Diamond Properties
10. Administrator's Report
11. Adjourn Meeting

*The next regular City Council Meeting is scheduled for June 20, 2023 at 5:30 p.m.*

# CITY COUNCIL MEETING MINUTES

May 16, 2023

Remote meeting in compliance with the  
New Mexico Open Meetings Act

## **Council Present:**

Benny L. Jasso, Mayor  
Joe "Butter Milo, Councilor  
Irmalaisa A. Rodriguez, Councilor  
Monica Topham, Mayor Pro Tem  
Alex Valdespino, Councilor

## **Council Present (Telephonically/Virtually):**

## **Council Absent:**

## **Staff Present:**

Aaron Sera, City Administrator  
Clint Hogan, Chief of Police  
Azucena Vargas, Community Services Director  
Adrian Coloma, IT  
Felipe Figueroa, Admin. Assistant CSD  
Joe Owen, Fire Chief  
Jim Massengill, Public Works Director  
Lane Camfield, Planner  
Amanda Sanders, Public Information Officer

## **Staff Present (Telephonically/Virtually):**

**Recording Secretary:** Mary Jo Valdez, CMC, Municipal Clerk

Mayor Jasso called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.  
Mayor Jasso asked for a Roll Call, as follows, determining a quorum:

Councilor Milo	Present
Mayor Pro Tem Topham	Present
Councilor Rodriguez	Present
Councilor Valdespino	Present
Mayor Jasso	Present

## **1. Consent Agenda**

Mr. Sera stated he had nothing to discuss on the consent agenda. Mayor Jasso asked Council if they had any questions or if they were prepared to make a motion.

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

**2. Approval of Job Description for Natural Gas Operator**

Mr. Sera and Mr. Massengill explained that the job description would not cause a pay increase for the person(s) currently performing the duties but would create a position for a skilled laborer.

Councilor Rodriguez motioned to approve the job description, as submitted; Councilor Valdespino second the motion; motion carried by the following roll call vote:

**ROLL CALL VOTE**

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

**3. Ratification of an Agreement between the City of Deming and the Deming Police Officer's Association "FOP Deming Lodge #16"**

Mr. Sera explained that the negotiations were simple in nature amending clothing items, hours back to 2,184 which is an 84 hour work week, amounting to 12 hour workdays. Mr. Sera stated that there was an increase of \$.51 so that pay would not be lost. Councilor Rodriguez asked if their shift would be changed. Chief Hogan and Mr. Sera both confirmed it would not. Councilor Milo asked how many officers are lacking in personnel. Chief Hogan stated they are down 8 officers. Mr. Sera added that they have granted 3 more positions to be filled.

Mayor Pro Tem Topham motioned to ratify the agreement, as submitted; motion second by Councilor Milo; motion carried by following roll call vote:

**ROLL CALL VOTE**

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

**4. Resolution: Establishing the City of Deming's Municipal Officers to be Elected on November 7, 2023**

Ms. Valdez explained that the resolution is part of the process to declare municipal offices which will be on the ballot at the next regular local election on November 7, 2023 which are the seats of Mayor, District 1 and District 4 Councilors. Ms. Valdez state that she will notify the Luna County Clerk who then notifies the New Mexico Secretary of State's Office of those seats.

Councilor Valdespino motioned to approve the resolution, as submitted; motion second by Councilor Rodriguez; motion carried by following roll call vote:

**ROLL CALL VOTE**

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



**5. Public Hearing: To Consider an Amendment to Title 6, Chapter 2 of the Municipal Code Regarding Animal Control**

Mayor Jasso conducted a public hearing to consider the amendment to Title 6, Chapter 2 of the Municipal Code regarding animal control.

Mr. Sera presented the ordinance stating that the ordinance needed strengthening and noted that Mr. Randy VanVleck was attending virtually to explain the proposed ordinance further.

Mr. VanVleck addressed council stating that the proposed ordinance will clean up language and definitions and noted that it will assist in creating a “community cat program” which would result in a decreased feral cat population, while also decreasing the numbers of euthanized cats in Deming. Mr. VanVleck noted that he was open to any questions.

Mayor Jasso opened the floor for questions from City Council.

Councilor Milo asked if another agency would be taking over the shelter. Mr. Sera stated no. Councilor Milo asked if it would just help the cat problems. Mr. VanVleck confirmed that it would decrease feral cats by catching them, sterilizing them, and releasing them back to the area where they were captured. Mr. Sera stated that Mr. VanVleck and his team have assisted the shelter in becoming 100% no kill and thanked them for their efforts in doing so.

Mayor Jasso opened the floor for public comments.

Ms. Case addressed Council explaining her support of the program because it’ll reduce feral cats while also controlling the mouse and rat population.

With no further public comments, Mayor Jasso closed public comments and asked Council if they were prepared to make a motion.

Councilor Milo motioned to approve the ordinance, as submitted; motion second by Mayor Pro Tem Topham; motion carried by following roll call vote:

**ROLL CALL VOTE**

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



Mayor Jasso asked that all parties interested in providing testimony for the cases listed in item 6, 7, 8, and 9 sign-in and be sworn-in by raising their right hand and stating “I do so affirm” once he read the oath. All parties swore-in.

**6. Quasi-Judicial Public Hearing: To Consider a Variance Request for Brenda Hurtado**

Mayor Jasso conducted a quasi-judicial public hearing to consider a variance for Brenda Hurtado.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

Mayor Jasso called the hearing to order and asked if Council had any conflicts of interest; they did not.

Mr. Camfield, City Planner, presented the item to Council stating that the applicant is requesting a variance to place a single wide mobile home on her family’s property located at 210 S. 8<sup>th</sup> Street. Mr. Camfield stated that the land consists of two narrow lots combined to equal 100’ in width by 142’ in length; adding that the property is zoned commercial.

Mayor Jasso asked if staff or Council had any questions of staff.

Mr. Sera asked if a condition could be placed requiring the mobile home to be anchored and considered real property.

Councilor Milo asked the size of the mobile home. Mr. Camfield stated that it has not yet been purchased; adding that the setbacks will allow for a single wide.

Mayor Jasso asked if the applicant would like to speak. The applicant had no statement.

Councilor Rodriguez stated that it is a narrow piece of land, mentioning that even if it were a site-built home, it would be narrow.

Mayor Pro Tem Topham and Councilor Rodriguez asked about the trailer already in the vicinity and asked if mobile homes are required to be zoned differently. Mayor Jasso asked how being Commercial would affect it. Mr. Camfield stated that the trailer on the corner is zoned differently. Mr. Camfield stated that commercial zoning does not allow it which is why the applicant is requesting the zoning variance.

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

Ms. Valdez stated that she received a letter from an affected party, Mr. Richard Manning and provided the letter to Mayor Jasso and City Council. Ms. Valdez highlighted the letter stating that Mr. Manning is in opposition of the approval for the variance due to the installation of a mobile home influencing a decrease in his property value at 200 S 8<sup>th</sup> Street. Ms. Valdez stated that Mr. Manning has expressed his willingness to appeal the item, should it be approved.

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

Mayor Jasso closed the public hearing and asked for Council’s decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.

Councilor Milo asked if staff could explain the details to the applicant, Ms. Vargas provided the explanation for the applicant.

Councilor Valdespino motioned to approve the variance request, as presented; motion second by Mayor Pro Tem Topham; motion carried by following roll call vote:

**ROLL CALL VOTE**

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



**7. Quasi-Judicial Public Hearing: To Consider a Zoning Map Amendment for Servando Calzadillas**

Mayor Jasso conducted a quasi-judicial public hearing to consider a zoning map amendment for Servando Calzadillas.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

Mayor Jasso called the hearing to order and asked if Council had any conflicts of interest; they did not.

Mr. Camfield, City Planner, presented the item to Council stating that the applicant is requesting to rezone his property, 600 W Pear Street as he wishes to build a restaurant in the future; and wishes to operate his food truck on his property for the time being. Mr. Camfield stated that the property is zoned B-1 Multi-Family Dwelling.

Mayor Jasso asked if staff or Council had any questions of staff.

Councilor Milo addressed the requesting stating that it was spot zoning and stated that the area is a neighborhood which should not allow food trucks there for safety. Councilor Milo stated that the applicant could find another property zoned commercial to build a restaurant.

Mayor Pro Tem Topham asked what the business across the street used to be as it is zoned commercial. Mr. Camfield stated it was a chiropractor.

Mayor Jasso asked if the applicant would like to speak. The applicant had no statement.

Councilor Rodriguez stated that it is a narrow piece of land, mentioning that even if it were a site-built home, it would be narrow.

Mayor Pro Tem Topham and Councilor Rodriguez asked about the trailer already in the vicinity and asked if mobile homes are required to be zoned differently. Mayor Jasso asked how being Commercial would affect it. Mr. Camfield stated that the trailer on the corner is zoned differently. Mr. Camfield stated that commercial zoning does not allow it which is why the applicant is requesting the zoning variance.

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

Ms. Case addressed Council stating that she lives behind the subject property. Ms. Case stated that she has medical issues and requires a quiet neighborhood which is why she chose to live in this area. She addressed the concern of traffic, possible increase in crime rate, and added that the neighborhood consists of elderly and disabled individuals who also want and need a quiet neighborhood.

Ms. Linthicum addressed Council stating that she is opposed to the approval of the request because it could pose a security issue in the neighborhood and addressed placing a commercial property in her back yard. She stated that the proposed future restaurant could bring traffic, and noise and stated it would not be safe for the children in the area.

Mr. Linthicum addressed Council stating he is opposed to the approval of the request because he is real estate agent and is familiar with zoning and does not normally see a commercial zone within a residential neighborhood; adding that it could also affect property values.

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

Mayor Jasso closed the public hearing and asked for Council's decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.



Mr. Sera addressed Mayor Jasso stating that they be aware that this is a spot zoning request.

Councilor Valdespino motioned to deny request; motion second by Councilor Milo; motion carried by following roll call vote:

**ROLL CALL VOTE**

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

**8. Quasi-Judicial Public Hearing: To Consider a Special Use Permit for a Solar Facility by Louth Callan**

Mayor Jasso conducted a quasi-judicial public hearing to consider a special use permit for a solar facility by Louth Callan.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

Mayor Jasso called the hearing to order and asked if Council had any conflicts of interest; they did not.

Mr. Camfield, City Planner, presented the item to Council stating that the applicant is requesting special use permit to build a solar facility on 17.6 acres of private land located at 2375 Cardenas Ave. Mr. Camfield stated that the request is so that the applicant can participate in the New Mexico Community Solar Program. Mr. Camfield requested that the following conditions be implemented if it is approved:

1. A violation of zoning ordinances and/or the special use permit
2. Should the project be abandoned, the land must be returned to the original state at onset.
3. Non-compliance with the submitted dust control plan which identifies control measures to be used.
4. Approval from the FAA due to the proximity of the Deming Municipal Airport

Mayor Jasso asked if staff or Council had any questions of staff.

Mayor Jasso asked if the applicant would like to speak. The applicant had no statement.

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

Councilor Milo asked if there was a timetable. Mr. Neuray stated that they are awaiting award notification from the New Mexico Community Solar Program; adding that if awarded, the project should tentatively be completed by May 18, 2024.

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

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

Mayor Jasso closed the public hearing and asked for Council's decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.

Mr. Sera reminded Council that solar projects could not be denied due to the Solar Act.

Councilor Valdespino motioned to approve the special use permit, as presented; motion second by Councilor Rodriguez; motion carried by following roll call vote:

**ROLL CALL VOTE**

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

## 9. Quasi-Judicial Public Hearing: To Consider a Replat for Jimmy Galindo DBA Diamond Properties

Mayor Jasso conducted a quasi-judicial public hearing to consider a replat for Jimmy Galindo DBA Diamond Properties.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

Mayor Jasso called the hearing to order and asked if Council had any conflicts of interest; they did not. Mr. Camfield presented the case stating that the applicant, Mr. Jimmy Galindo DBA Diamond Properties, is requesting the approval of a replat for the property located at the southwest corners of S. Diamond Ave, E. Florida St., and Holly St.

The applicant, Mr. Galindo would like to replat said location to develop the property and build proposed 4-plexes. Zoning Recently Approved "B" Multi - Family

Mayor Jasso asked if staff or Council had any questions of staff. They did not.

Mayor Jasso asked if the applicant would like to make a statement. Mr. Camfield stated that the applicant was not present.

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

Mr. Ortiz addressed Council addressing his concern of lights possibly shining into his yard and windows as it would be behind his house. Mr. Ortiz asked if the lighting could be required to be pointed downwards. Mr. Sera stated that he will inform the applicant to work with him on the lighting.

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

Mayor Jasso closed the public hearing and asked for Council's decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.

Councilor Valdespino motioned to approve the replat, as presented and with the condition of installing a fence that runs all the way down past Mulberry from Florida to Holly; motion second by Councilor Milo; motion carried by the following roll call vote:

### ROLL CALL VOTE

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

## 10. Administrator's Report

- Mr. Sera stated that time has been consumed by IPRA requests and the City's \$57 million budget process, during the last month.
- Town Hall on June 13<sup>th</sup> will include a Westside Project presentation.
- Projects are underway.
- An anticipated project with DPS will be presented at next week's budget meeting.
- There were 300 participants in Pescado Day – Video presentation for Council



## 11. Adjourn Meeting

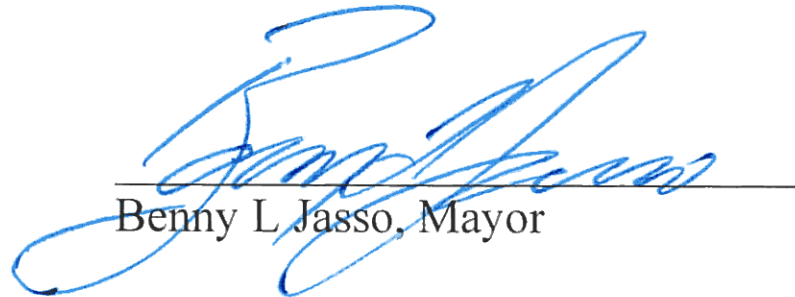
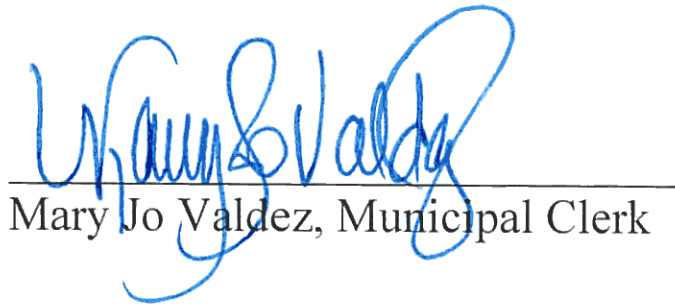
With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting.

Councilor Milo motioned to adjourn the meeting; Councilor Rodriguez second the motion; motion carried unanimously. The meeting adjourned at 7:03 p.m.



ATTEST:

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor  
Mary Jo Valdez, Municipal Clerk