



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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POPULATION 14,000

CITY COUNCIL MEETING AGENDA January 19, 2021 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

United States: +1 (312) 757-3119

Access Code: 595-334-189

Password: 595334189

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ATTENDANCE ROLL CALL

1. Consent Agenda

- A. Minutes – City Council Meeting 12/15/2020
- B. Minutes – Airport Commission 12/08/2020
- C. Minutes – Planning & Zoning Commission 12/28/2020
 - a. Recommendation to approve a zoning request for Columbus Co-Op from B1-Multi-Family to C-Commercial (Item will be heard as a Quasi-Judicial Public Hearing during this meeting)
 - b. Recommendation to deny a zoning request for Morrow from A-Single Family to B-Multi-Family (Item will be heard as a Quasi-Judicial Public Hearing during this meeting)
- D. Annually Passed Resolutions
 - a. Adoption of the Open Meetings Act
 - b. Adoption of Procurement Practices Pursuant to NMSA 1978, Sections 13-1-28 to 13-1-199, and NMSA 1978, Sections 13-4-1 to 13-4-42 Public Works Contracts
 - c. Adoption of NMAC 2.42.2 Pursuant to NMSA 1978, Sections 10-8-5 and 9-6-5 Concerning Traveling and Per Diem Regulations
 - d. City of Deming Section 3 Plan – To Comply with CDBG Regulations
 - e. Citizen Participation Plan – To Comply with CDBG Regulations
 - f. Residential Anti-Displacement and Relocation Assistance Plan

2. Public Forum

3. Request to Destroy Municipal Records Pursuant to the New Mexico Municipal Records Retention Schedule
 - a. Municipal Clerk's Request of Destruction
 - b. City of Deming Fire Department's Request of Destruction
4. Resolution: To Consider Mid-Year Budget Adjustments for FY2021
5. Procurement
 - a. Bid #21-03 – Gold/Railroad Traffic Signal
6. Quasi Judicial Public Hearing: To Consider a Zoning Amendment Submitted by Columbus Electric Cooperative, Inc. for the Property Located on the Southwest Corner of Courtland and Copper Streets, within the City Limits
7. Quasi Judicial Public Hearing: To Consider a Zoning Amendment Submitted by Gregory Morrow for the Property Located at 512 and 512 ½ S Lead Street, within the City Limits
8. Administrator's Report
9. Adjourn Meeting

The next regular City Council Meeting is scheduled for February 16, 2021 at 5:30 p.m.

CITY COUNCIL MEETING MINUTES

January 19, 2021

**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:

Staff Present:

Aaron Sera, City Administrator

Laura Holguin, Finance Director *(Telephonically)*

Kevin Hensley, Fire Chief *(Telephonically)*

Gina Gentile, City Planner *(Telephonically)*

Alex Valdespino, Chief of Police
(Telephonically)

Alexi Jackson, Community Svcs. Director
(Telephonically)

Jim Massengill, Public Works Director
(Telephonically)

Lila Jasso, Assistant Deputy Clerk
(Telephonically)

Guests:

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 verified and determined by the following roll call:

ROLL CALL VOTE

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

Mayor Pro Tem Milo asked for a moment of silence to observe the passing of past Mayor Sam Baca. Mayor Jasso held a moment of silence.

1. Consent Agenda

Mr. Sera presented the consent agenda to Council stating that the resolutions are all annually passed.

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

2. Public Forum

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

Ms. Harvey informed Council on MainStreet operations. Mayor Pro Tem Milo thanked Ms. Harvey for doing a good job.

Ms. Mary Leupold addressed Council in reference to the installation of a memorial stone she would like to have placed at Veteran's Park. After some discussion, Mr. Sera directed staff to contact Ms. Leupold about her inquiry.

There were no further comments from the public during the public forum.

Mayor Jasso closed the public forum.

3. Request to Destroy Municipal Records Pursuant to the New Mexico Municipal Records Retention Schedule

Mr. Sera stated that the requests to destruct public records for the items listed is being done in adherence to the New Mexico Retention Schedule.

a. Municipal Clerk's Request of Destruction

Mr. Sera stated that staff is requesting to destruct the files listed (request is attached for record), City Council Meeting Agenda Packets for 2012 to 2015.

b. City of Deming Fire Department's Request of Destruction

Mr. Sera stated that staff is requesting to destruct the files listed (request is attached for record), City Council Meeting Agenda Packets for 2012 to 2015.

Councilor Cruz questioned the Fire Department records, which states 10-year retention. Councilor Cruz asked if there were electronic files. Mr. Sera stated that staff started scanning in documents around the time that the current Council had been elected and added that there are many more files that need to be cleaned out. Mr. Sera stated that staff is currently working to clean up files and will be requesting destruction in the future.

CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 21-01

**AN ANNUAL RESOLUTION DETERMINING WHAT CONSTITUTES
REASONABLE NOTICE OF PUBLIC MEETINGS HELD BY THE
GOVERNING BODY OF THE CITY OF DEMING
PER SECTION 10-15-1 (D) OF THE OPEN MEETINGS ACT**

WHEREAS, the City of Deming met in Regular session at Deming, New Mexico on January 19, 2021 at 5:30 p.m. as per law; and

WHEREAS, Section 10-15-1(B) of the Open Meeting Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum or members of any board, council, commission or other policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the City of Deming to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City of Deming that:

1. Notice shall be given at least ten (10) days in advance of any regular meeting of a quorum of the members of the governing body held for the purpose of discussion of public business or where any formal action within the authority of the governing body will take place.
2. All regular meetings shall be held at the John Strand Municipal Building, 309 S. Gold Avenue, at 5:30 p.m. or as indicated on the meeting notice.
3. Regular meeting shall be held each month on the second Monday. A proposed agenda will be available the at least seventy-two (72) hours prior to the meeting from the John Strand Municipal Building, 309 South Gold Avenue, Deming, New Mexico.
4. Special meetings may be called by the Mayor or a majority of the Council members upon three (3) days notice.
5. Emergency meetings will be called only under circumstances, which demand immediate action to protect the health, safety and property of citizens. The City of Deming will avoid emergency meetings whenever possible.

Emergency meetings may be called by the Mayor or a majority of the Council members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice.

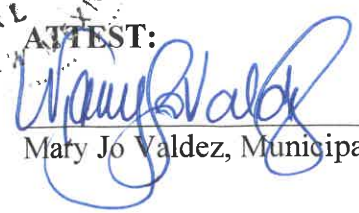
6. For the purpose of regular meetings described in paragraph 3 of this resolution, notice requirements are met if notice of the date, time, place, and general subject matter to be discussed is placed in newspapers of general circulation in the state.
7. For the purposes of special meetings and emergency meetings described in paragraphs 4 and 5 of this resolution, notice requirements shall be met by posting notices in the Municipal Building.
8. The City Council may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act.
 - a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the City Council taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting; and
 - b. If the decision to hold a closed meeting is made when the City Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting and the subjects to be discussed, is given to the members and to the general public; and
 - c. Except as provided in Section 10-15-1 (E), any action taken as a result of discussions in a closed meeting shall be made by vote of the City Council in an open public meeting.

PASSED, APPROVED AND ADOPTED by the City Council this 19th day of January 2021.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


ATTEST:


Mary Jo Valdez, Municipal Clerk

CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 21-02

**A RESOLUTION ADOPTING REGULATIONS REGARDING
THE PROCUREMENT PROCESS OF THE MUNICIPALITY
PURSUANT TO THE REQUIREMENTS OF THE PROCUREMENT CODE
(BEING SECTIONS 13-1-28 TO 13-1-199 NMSA 1978, AS AMENDED) AND
PUBLIC WORKS CONTRACTS (BEING SECTIONS 13-4-1 TO 13-4-42 NMSA
1978, AS AMENDED)**

WHEREAS, the purpose of this Resolution is to adopt regulations to translate or define the general and specific requirements of the Procurement code; and

WHEREAS, the purpose of the Procurement Code is to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity; and

WHEREAS, the governing body may adopt regulations through resolution or ordinance to affect the powers and duties granted the municipality by state law;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING that the regulations cited above are the purchasing processes to be utilized by all officers and employees of the municipality through the Central Purchasing office in the procurement of tangible personal property, services and construction.

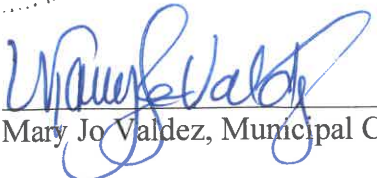
This Resolution supersedes any and all previous procurement guidelines in their entirety.

PASSED, APPROVED AND ADOPTED by City Council at its meeting on this 19th day of January 2021.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor




Mary Jo Valdez, Municipal Clerk

CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 21-03

TRAVEL & PER DIEM
ADOPTION OF NMAC 2.42.2 PURSUANT TO
10-8-1 through 10-8-8 and 9-6-5 NMSA 1978

WHEREAS, the Travel and Per Diem Regulation governing the Per Diem and Mileage Act are promulgated in the New Mexico Administrative Code 2.42.2 which is in accordance with 10-8-1 thru 10-8-8 NMSA 1978; and,

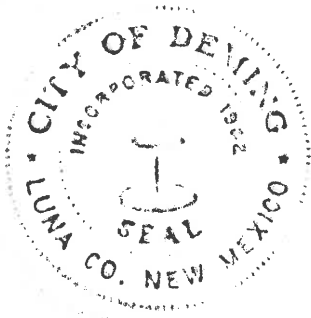
WHEREAS, the Administrative Code pursuant to authority granted in Section 10-8-5(A) and 9-6-5(E) NMSA 1978 governs the payment of per diem rates and mileage and the reimbursement of expenses for salaried and non-salaried public officers and employees of state agencies and local public bodies.

NOW THEREFORE BE IT RESOLVED, that public officers and employees of the City of Deming shall be reimbursed for per diem and mileage and the reimbursable expenses in accordance with NMAC 2.42.2.1 thru 2.42.2.14 including appendices: and,

BE IT FURTHER RESOLVED, that adoption of Regulation 2.42.2 NMAC shall include subsequent amendments.

NOW THEREFORE BE IT FURTHER RESOLVED BY AND CERTIFIED BY THE UNDERSIGNED FOR AND ON BEHALF OF THE CITY.

PASSED, APPROVED and ADOPTED this 19th day of January 2021.

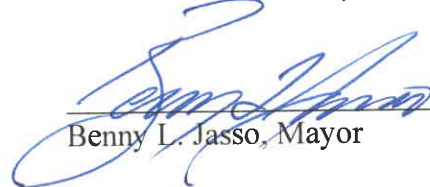


ATTEST:



Mary Jo Valdez, Municipal Clerk

CITY OF DEMING, NEW MEXICO



Benny L. Jasso, Mayor

CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 21-04

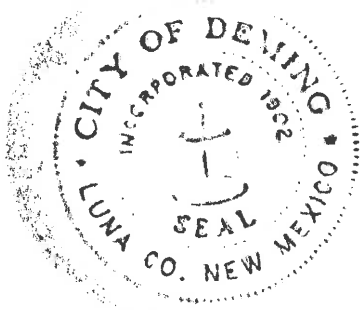
**A RESOLUTION TO ADOPT
THE CITY OF DEMING SECTION 3 PLAN**

WHEREAS, the City of Deming is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community; and


WHEREAS, in accordance with CDBG Regulations the City's Section 3 Plan must be updated annually;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Deming, New Mexico, that it hereby adopt the attached Section 3 Plan.

PASSED, APPROVED and ADOPTED this 19th day of January 2021.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk

CITY SECTION 3 PLAN

The City of Deming is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low-income residents of the community.

The City of Deming has appointed the City Administrator as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point on Section 3 complaints, as the on-site monitoring of prime contractors and sub-contractors to ensure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City. Documentation of City efforts will be retained on file for monitoring by the State.

Therefore, the City of Deming shall:

1. Hiring

- (a) Advertise for all City positions in local newspapers.
- (b) List all City job opportunities with the State Employment Service.
- (c) Give preference in hiring to lower income persons residing in the City. This means that if two equally qualified persons apply and one is a resident of the City and one is not, the resident will be hired.
- (d) Maintain records of City hiring as specified on this form.

Anticipated City Hiring 2021

Planned 2021			Actual 2020	
Job Classification	# of Positions to be Filled (Incl. Temps)	# of Positions to be Filled by Lower Income City (Inc. Temps)	# Positions Filled (Incl. Temps)	# of Positions Filled by Lower Income City
Laborer	18	18	7	7
Skilled Craft	20	20	11	8
Clerical	3	3	4	3

2. Contracting

- (a) The City will compile a list of businesses, suppliers and contractors located in the City.
- (b) These vendors will be contacted for bid or quotes whenever the City requires supplies, services or construction.

- (c) Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City and one from outside the City, the contract will be awarded to the business located within the community.

3. Training

The City shall maintain a list of all training programs operated by the City and its agencies and will direct them to give preference to City residents. The City will also direct all CDBG sponsored training to provide preference to City residents.

4. CDBG Contracts

All CDBG bid packages and contracts shall include the following Section 3 language:

- (a) The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower residents of the project areas and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- (b) The parties to this contract will comply with the provision as said Section 3 and the regulation issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability, which would prevent them from complying with these requirements.
- (c) The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- (d) The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of, Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements

- of these regulations.
- (e) Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued there under prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City shall require each contractor to prepare a written Section 3 Plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 Plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and maintained in said office for monitoring by the State.

The City of Deming will maintain all necessary reports and will ensure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in Deming, New Mexico and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Luna County. Information contained in our Section 3 Plan reflects the status of the City employees regarding lower income considerations based on their salary paid by the City.

As approved by City Council, January 19, 2021 by resolution.

CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 21-05

**A RESOLUTION TO ADOPT
THE CITIZEN PARTICIPATION PLAN**

WHEREAS, in accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared a Citizen Participation Plan.

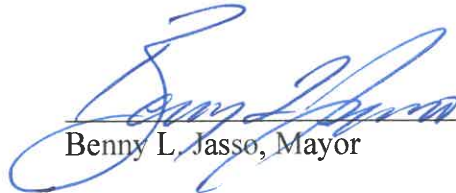
WHEREAS, in accordance with the CDBG Regulations the City of Deming's Citizen's Participation Plan must be updated annually;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Deming, New Mexico that it hereby adopts the attached Citizen Participation Plan.

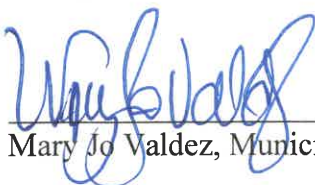
PASSED, APPROVED AND ADOPTED this 19th day of January 2021.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared and adopted this Citizen Participation Plan.

Objective A

The City of Deming will provide for and encourage citizen participation within their areas of jurisdiction with particular emphasis on participation by persons of low and moderate income.

1. Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of City upcoming meetings, actions, functions.
2. Develop press releases on City meetings, actions and hearings and circulate to newspapers, radio and televisions media.
3. Develop and maintain listings of groups and representatives of low and moderate income persons and include on mailing lists for announcements, notices press releases, etc.

Objective B

The City of Deming will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds.

1. Public notices, press releases, etc., should allow for a maximum length of notice to citizens.
2. Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from this requirement.
3. Meetings, hearings, etc., should be conducted at times and locations conducive to public attendance, i.e., evenings, Saturdays.

Objective C

The City of Deming will provide for technical assistance to groups and representatives of low and moderate-income persons that request assistance in developing proposals. (Special note: the level and type of assistance is to be determined by the City.)

1. Low/moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the City of Deming upon request.
2. The City of Deming will document all technical assistance provided to such groups and have documentation available for review.

Objective D

The City of Deming will provide for public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program.

1. The City of Deming will advise citizens of the CDBG Program objectives, range of activities that can be applied for and other pertinent information.
2. The City of Deming will conduct a minimum of two public hearings:
 - a. One public meeting will be held for the purpose of obtaining the views of citizens on community development and housing needs to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the State for CDBG funding assistance.
 - b. A second public hearing will be held for the purpose of gaining citizen input on the particular application to be submitted to the State for CDBG funding consideration.
3. The City of Deming will review program performance, past use of CDBG funds and make available to the public its community development and housing needs including the needs of low and moderate-income families and the activities to be undertaken to meet such needs.
4. Public hearing notices will be published in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice, minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goal, objectives and applications are also subject to public participation.

Objective E

The City of Deming will provide for timely written answers to written complaints and grievances within 15 working days where practicable.

1. The City of Deming will adopt complaint-handling procedures of policies to insure that complaints or grievances are responded to within 15 days, if possible.
2. Procedures will allow for appeal of a decision to a neutral authority.

3. A detailed record of all complaints/grievances and responses will be filed in one central location with easy public access provided.

Objective F

The City of Deming will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

1. The City of Deming will identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and/or having briefing materials available in the appropriate language.
2. Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

As approved by City Council, January 19, 2021 by resolution.

CITY OF DEMING, NEW MEXICO
RESOLUTION NO: 21-06
A RESOLUTION TO ADOPT
THE RESIDENTIAL ANTI-DISPLACEMENT
AND RELOCATION ASSISTANCE PLAN

WHEREAS, the prepared Anti-displacement and Relocation Assistance Plan represents the effort of the City of Deming to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974 as amended.

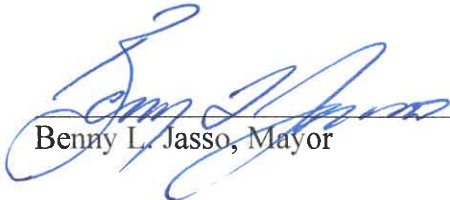
WHEREAS, the U.S. Department of Housing and Urban Development has advised that all recipients of CDBG funds, must certify that the entity is following or hereafter will be following a Residential Anti-Displacement and Relocation Assistance Plan; and

NOW, THEREFORE BE IT RESOLVED THAT the City of Deming does hereby adopt the attached Residential Anti-displacement and Relocation Assistance Plan.

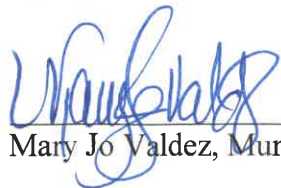
PASSED, APPROVED, and ADOPTED this 19th day of January, 2021 by the City Council of Deming, New Mexico.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN & CERTIFICATION

Section 104(d) of the Housing and Community
Development Act of 1974, as Amended

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended Section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under Section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a "residential antidisplacement and relocation plan."

Local governments, recipients under the State CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds from awarded to the State by HUD after October 1, 1988.

ACCORDINGLY, the foregoing plan represents the effort of the City of Deming to comply with the requirements of Section 104L(d) of the Act and is certified herewith:

PLAN AND CERTIFICATION

The City of Deming herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Deming will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source(s) of funding and a time schedule for the provision of replacement units; and

6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The City of Deming will provide relocation assistance, as described in 570.496-a to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To other extent which the City of Deming participates in Federal Assistance Programs wherein the following antidisplacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the City of Deming will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive):

DISPLACEMENTS STRATEGY

A. Steps to Minimize or Prevent Displacement:

1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the greatest convenience, safe and economically sound rehabilitation effort possible.
2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long established owners or on tenants of multi-family buildings.
4. Counsel and advise homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

B. Actions to Assist Displaced Persons to Remain in Their Present Neighborhoods:

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units; or construct housing units.

2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.
3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Provide counseling and referral services to assist displaced to find alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies of households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement:

1. Use of public funds, such as CDBG, to pay moving costs and provide relocation payments or, to extent permissible by local or state law require private developers to provide compensation to persons displaced by development activities.
2. Give displaced priority in obtaining subsidized housing.
3. Provide counseling and referral service to assist displaced to locate elsewhere in the community.

It shall be the policy of the City of Deming that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

As approved by City Council, January 19, 2021 by resolution.

Ms. Tafoya, Municipal Court Clerk stated that the Municipal Court also has the need to destruct records. Ms. Valdez addressed Ms. Tafoya stating that information would be provided to her on the process.

Mayor Jasso asked Council if they were prepared to make a motion.

Councilor Cruz motioned to approve the request to destroy municipal records pursuant to the New Mexico Municipal Records Retention Schedule for the City Clerk and Fire Department; the motion second by Mayor Pro Tem Milo; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

4. Resolution: To Consider Mid-Year Budget Adjustments for FY 2021

Mrs. Holguin presented the resolution and supporting documentation for Council. Mrs. Holguin stated that there is a transfer from the general fund to the municipal streets fund in the amount of \$228,164.00 which was due to expenditures that carried over from the fiscal year that was not included in the budget; she added that there was an increase by \$35,000.00, as well as the expenditure for the design of the Zia Symbol on Gold and Spruce Street from a State grant in the municipal streets fund. Mrs. Holguin stated that she decreased the budget in the CAP entity fiscal agent fund as an oversight in the amount of \$113,195.00.

Councilor Cruz asked what the capital increase was used for. Mrs. Holguin stated it was used for the purchase of a street sweeper.

Mayor Jasso asked Council if they were prepared to make a motion.

Mayor Pro Tem Milo motioned to approve the resolution approving mid-year budget adjustments for the 2020-2021 fiscal year; the motion second by Councilor Cruz; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF DEMING
RESOLUTION NO. 21-07**

**2020-2021 Fiscal Year
Mid-Year Budget Adjustments**

WHEREAS, the City of Deming, New Mexico proposes to make certain budget increases and decreases; and,

WHEREAS, due to cash reserves being sufficient to cover the proposed increases and decreases; and

WHEREAS, said monies and expenditures were not included in the 2020-2021 budget; and


WHEREAS, the City Council does request that authorization for the following budget increases and decreases be granted.

THEREFORE, IT IS respectfully requested that authorization to make the listed increases and transfers be granted by the Local Government Division of the Department of Finance and Administration.

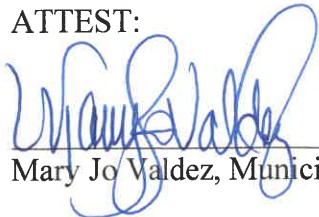
PASSED, ADOPTED, AND APPROVED this 19th day of January 2021.

CITY OF DEMING, NEW MEXICO




Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk

FY2021 Mid-Year Budget Adjustments

GL#	Description	Beginning Budget	Mid-Year Adjustment	Mid-Year Budget
GENERAL FUND				
101-0100-01-600-66900	NET WORTH	\$ (5,940,824)		\$ (5,940,824)
101-0100-01-600-66900	NET WORTH INVESTMENT	\$ (9,135,448)		\$ (9,135,448)
101-1200-01-599-52216	TO STREET FUND	\$ 720,000	\$ 228,164	\$ 948,164
		(12,489,641)	228,164.00	\$ (12,261,477)
MUNICIPAL STREETS				
216-0100-01-600-66900	NET WORTH	\$ (128,689)		\$ (128,689)
216-2160-05-370-37229	STATE GRANT	\$ -	\$ (35,000)	\$ (35,000)
216-2160-05-599-51000	OPERATING TRANSFERS IN	\$ (720,000)	\$ (228,164)	\$ (948,164)
216-2160-05-450-45030	PROFESSIONAL SERVICES	\$ 15,000	\$ 35,000	\$ 50,000
216-2160-05-480-48020	EQUIPMENT AND MACHINERY	\$ -	\$ 228,164	\$ 228,164
		\$ (61,165)	\$ -	\$ (61,165)
CAP ENTITY FISCAL AGENT FUND				
752-0100-01-100-10100	CASH			
752-0100-01-600-66900	NET WORTH	\$ (17,850)		\$ (17,850)
752-2140-04-370-37241	STATE-ISC GRANT	\$ (494,995)	\$ 113,195	\$ (381,800)
		\$ (113,195)	\$ 113,195	\$ 0

5. Procurement

a. Bid#21-03 – Gold/Railroad Traffic Signal

Mr. Massengill addressed Council explaining that there were three bids received for the bid, adding that the lowest bid was submitted by RT Electric, Inc in the amount of \$455,056.72 excluding NMGRT. Mr. Massengill explained that this project is funded by a \$575,000.00 capital appropriations grant and City match.

Mr. Massengill respectfully requested Council's approval to award the bid to RT Electric, Inc in the amount of \$492,598.90 including NMGRT and to authorize the Public Works Director and/or City Administrator to enter into an agreement with RT Electric, Inc. and execute any documents related to this project.

Mayor Jasso asked Council if they were prepared to make a motion.

Councilor Cruz motioned to approve bid award as presented and to authorize the Public Works Director and/or City Administrator to enter into an agreement with RT Electric, Inc. and execute any documents related to this project; the motion second by Councilor Sanchez; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

SWEAR-IN FOR QUASI-JUDICIAL PUBLIC HEARINGS, ITEMS 12, 13, AND 14

Mayor Jasso asked that any affected or interested parties, pertaining to the Quasi-Judicial Public Hearings for items: 6 and 7 all within the limits of the City of Deming, that would like to address their concerns please identify themselves by stating their names and address for the record and to prepare to be sworn-in before giving testimony.

Mayor Jasso asked everyone that had signed-in to give testimony to rise and raise their right hand; instructing them to answer "I do so affirm" after they have been administered the Oath. Mayor Jasso then administered the Oath to give testimony.

Mayor Jasso asked staff if the public hearing notices were properly posted for tonight's meeting. Ms. Valdez confirmed that all notices were properly posted.

Mayor Jasso conducted quasi-judicial public hearings as follows, and confirmed that there were no conflicts of interest for City Council:

6. Quasi Judicial Public Hearing: To Consider a Zoning Amendment Submitted by Columbus Electric Cooperative, Inc. for the Property Located on the Southwest Corner of Courtland and Copper Streets, within the City Limits

Ms. Gentile, City Planner, addressed Council stating that the applicant is requesting a zoning amendment for the property located on the Southwest Corner of Courtland and Copper Streets as it was land that they acquired, adjacent to their business and their intent is to use the property commercially for equipment and vehicle storage.

Ms. Gentile 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.

Councilor Cruz asked Ms. Gentile a question regarding the concern of spot zoning. Councilor Cruz stated that this case seems to be spot zoning.

Ms. Gentile stated that it would not be spot zoning because the property adjacent to it is zoned commercial.

Councilor Cruz stated that there was a lot of spot zoning in this area. Ms. Gentile stated that she did not feel it was spot zoning as it was expanding the lot to the east.

Mayor Jasso asked if the applicant owns the lot to the east of the applicant property. Ms. Gentile stated that she is unsure.

Mayor Pro Tem Milo stated that it is logical to change the zoning to commercial as the properties on both sides are commercial.

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

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 asked for Council's decision.

Mayor Pro Tem Milo motioned to approve the zoning amendment as presented; Councilor Cruz second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

7. Quasi Judicial Public Hearing: To Consider a Zoning Amendment Submitted by Gregory Morrow for the Property Located at 512 and 512 ½ S. Lead Street, within the City Limits

Ms. Gentile, City Planner, addressed Council stating that the applicant is requesting a zoning amendment from A single family residential to B multi-family to be in compliance with the existing use of the property. Ms. Gentile stated that the applicant felt that the discrepancy in the use of the property with the current zoning creates a hardship for the owner of the property because there are two houses on the property, on which has been rented out for many years.

Ms. Gentile 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.

Ms. Ruth Stallard addressed Council on behalf of the applicant adding that there were issues with the sale and financing of the subject property due to the requirements the lenders impose on the zoning. Ms. Stallard stated that the current zoning causes a hardship for the owner to get the property sold.

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

Councilor Cruz asked if surrounding properties were zoned as multi-family or single family. Ms. Stallard stated that they were all single family.

Councilor Cruz asked if there are driveway access points for the houses on the proposed address. Ms. Stallard stated that they each have access to the street.

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 zoning amendment as presented; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

8. Administrator's Report

Mr. Sera addressed Council stating that management has been diligently working on the following items.

- Preparing for the arrival of asylum seekers by contacting the State, Representative Sweetser and Senator Diamond in efforts of support.
- Updating policies for teleworking during the pandemic.
- An amendment to the plastic bag ordinance will be presented to Council next month which will cover the use of plastic bags during a pandemic.
- He and Mrs. Holguin will be meeting with Department Heads to discuss budgets prior to the budget workshop.

Mr. Sera stated that Ms. Holguin did an outstanding job on the audit process; adding that report is not public as of yet.

Mr. Sera stated that park projects are progressing well.

Dr. Cruz stated that the Fire Department and Police Department did amazing job with the asylum seekers last time there were present. Dr. Cruz stated for the information of the public that the City is not utilizing public funds for the care of the immigrants; Mr. Sera added that he has requested a reimbursement from the State to cover these expenses and that the City will receive the reimbursement.

9. Adjourn Meeting

With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting. Councilor Cruz motioned to adjourn the meeting; Councilor Sanchez second the motion; motion carried unanimously. The meeting adjourned at 6:41 p.m.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor



Mary Jo Valdez, Municipal Clerk