



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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POPULATION 14,000

CITY COUNCIL MEETING

AGENDA

May 18, 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 04/20/2021
 - B. Minutes – Airport Commission 04/13/2021
 - C. Minutes – Planning & Zoning Commission 04/19/2021
 - D. Minutes – Tourism Development Committee 04/22/2021
2. Public Forum
3. Presentation by Carol Ness on American Magnesium Update
4. Selection of “Splash Pad” Contest Winner
5. Mayor’s Appointment to Extra Territorial Zoning Authority
6. Resolution 21-11: To Consider a Multi-Services Agreement between the City of Deming and Luna County
7. Resolution 21-12: To Consider the Submission of a Grant Application to the New Mexico Department of Transportation for Industrial Freight Transportation Route and Pedestrian Safety Improvements
8. Resolution 21-13: Establishing the City of Deming’s Municipal Officers to be Elected at the Regular Local Election to be Held Tuesday, November 2, 2021
9. Procurement
 - a. Bid #21-07 Groundwater Monitoring Well Installation

10. Public Hearing: To Consider an Ordinance Amending Title 12, Chapter 3 of the Deming City Code for Zoning Map Amendments Approved by City Council Through the Quasi-Judicial Process from 2015 to Present
11. Public Hearing: To Consider an Ordinance Approving a Local Economic Development Project for Financial Assistance Proposed by Home Grown Market, LLC
12. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision Request for Property Located at 910 & 918 East Pear Street, Within the City Limits Owned by Tim Seybert
13. Administrator's Report
14. Closed Session: To Discuss personnel matters, regarding appointed employees' evaluations, pursuant to NMSA 1978 Section 10-15-1(H)(2) of the Open Meetings Act
15. Open Session: Motions, if any
16. Adjourn Meeting

The next regular City Council Meeting is scheduled for June 15, 2021 at 5:30 p.m.

CITY COUNCIL MEETING MINUTES

May 18, 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
Irmaisela “Irma” A. Rodriguez, Councilor

Council Present (Telephonically):

Council/Staff Absent:

Staff Present: Aaron Sera, Administrator
Laura Holguin, Finance Director

Jim Massengill, Public Works Director
Joe Owen, Fire Chief

Staff Present (Telephonically/Virtually):

Alex Valdespino, Chief of Police

Gina Gentile, Planner

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

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.

ATTENDANCE AND ROLL CALL

A quorum was verified and determined by the following roll call:

ROLL CALL VOTE

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

1. Consent Agenda

Mr. Sera presented the consent agenda to Council stating that there were no items to discuss.

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

ROLL CALL VOTE

Councilor Topham	Aye
Councilor Rodriguez	Aye
Councilor Cruz	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. Presentation by Carol Ness on American Magnesium Update

Ms. Ness presented information to Mayor Jasso, Council, and Mr. Sera which may be found at www.americanmagnesium.com

4. Selection of “Splash Pad” Contest Winner

Mr. Massengill, presenting for Mr. Jackson, read a memorandum for Council informing them that a contest was held to name the City’s newest water park, on 8th Street. The names submitted were: Amistad Splash Pad – Translation: “Friendship”; Sunshine Splash Pad; Desert Oasis Splash Pad; and La Lluvia Park – Translation: “The Rain”.

Councilor Topham stated that there were fifty-five (55) children who submitted names. After discussion and selection of each Councilor’s preference,

Councilor Topham motioned to name the water park Amistad Splash Pad; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

Mr. Sera stated that the park is scheduled to be open on June 1, 2021.

5. Mayor’s Appointment to Extra Territorial Zoning Authority (ETZA)

Mayor Jasso requested Council’s acceptance of his recommendation to approve the appointment of the Mayor and Mayor Pro Tem to serve two-year terms on the ETZA.

Mr. Sera stated that Luna County decided to bow out of the ETZ in 2014. Mr. Sera stated that County and City management have agreed of the necessity to have the ETZ back in effect and the appointment is required to move forward in operating as in the past.

Councilor Cruzz motioned to accept the Mayor’s appointment, as submitted; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

6. Resolution 21-11: To Consider a Multi-Services Agreement between the City of Deming and Luna County

Mr. Sera presented the MSA to Council stating that there were not many changes; adding that the agreement would be in effect for three years. Mr. Sera stated that he and Luna County Management had discussed consolidating planning departments but did not figure it out.

Mayor Pro Tem Milo motioned to approve resolution 21-11; Councilor Cruz second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

7. Resolution 21-12: To Consider the Submission of a Grant Application to the New Mexico Department of Transportation for Industrial Freight Transportation Route and Pedestrian Safety Improvements

Mr. Massengill presented the resolution, informing Council that the City's portion of the local match is 5%; adding that the project was ranked and rated at the RTPO. Mr. Massengill stated that the project will fund street, walking path and road reconstruction for the Industrial Freight Transportation Route and Pedestrian Safety Improvements.

Mr. Sera stated that the project is similar to the paving done in the industrial loop. Mr. Sera stated that environmental clearances have been done; the design is being done in house by Mr. Maynes, the City's Engineer; adding that the project will allow for lighting along the walking path as well as widening of the path.

Councilor Cruz motioned to approve resolution 21-12, as presented; Mayor Pro Tem Milo second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

8. Resolution 21-13: Establishing the City of Deming's Municipal Officers to be Elected at the Regular Local Election to be Held Tuesday, November 2, 2021

Mr. Sera stated that the resolution being presented is to establish the officers to be elected at the next regular local election. Mr. Sera informed that the offices up for election are District 2, District 3 Councilors as well as the Municipal Judge seat.

Ms. Valdez added that the County will handle the election process for the City, and all candidates will file at the County.

Mayor Pro Tem Milo motioned to approve resolution 21-13; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

9. Procurement

a. Bid # 21-07 Groundwater Monitoring Well Installation

Mr. Massengill stated that there were 4 bids received, in which D&J Pump and Well Service submitted the lowest bid in the amount of \$29,952.00. The project is funded by the City of Deming which will consist of drilling 8 new wells is required for monitoring groundwater to ensure that there are no nitrates, etc. Mr. Massengill also asked for Council's approval to allow the Public Works Director and/or the City Administrator to enter in to an agreement with D&J Pump and Well Service and to execute any documents related to the project.

Councilor Rodriguez motioned to award Bid #21-07 to D&J Pump and Well Service in the amount of \$32,423.04 and to allow the Public Works Director and/or the City Administrator to enter into an agreement with D&J Pump and Well Service and to execute any documents related to the project; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

10. Public Hearing: To Consider an Ordinance Amending Title 12, Chapter 3 of the Deming City Code for Zoning Map Amendments Approved by City Council Through the Quasi-Judicial Process from 2015 to Present

Mayor Jasso conducted a public hearing To Consider an Ordinance Amending Title 12, Chapter 3 of the Deming City Code for Zoning Map Amendments Approved by City Council Through the Quasi-Judicial Process from 2015 to Present.

Mr. Sera stated that Ms. Valdez found that there were many zoning changes approved that were not filed and the zoning map had not been amended.

Ms. Valdez stated that with the approval of this ordinance, Mr. Maynes will be able to update the City's zoning map.

Mayor Jasso opened the hearing for public comments.

With no comments nor questions, Mayor Jasso closed the public comments.

Councilor Cruz motioned to approve the Ordinance Amending Title 12, Chapter 3 of the Deming City Code for Zoning Map Amendments Approved by City Council Through the Quasi-Judicial Process from 2015 to Present; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

11. Public Hearing: To Consider an Ordinance Approving a Local Economic Development Project for Financial Assistance Proposed by Home Grown Market, LLC

Mayor Jasso conducted a public hearing To Consider an Ordinance Approving a Local Economic Development Project for Financial Assistance Proposed by Home Grown Market, LLC

Mr. Sera stated that the City is allowed, through a LEDA ordinance, to provide financial assistance to an establishment if they will provide the community with jobs, and industries that fill a void in Luna County and the City of Deming.

Ms. Arias addressed Council stating that the typical lending procedure set by the State is 30% of capital investments.

Mr. Sera stated that the County is also in agreement to provide half of the assistance that is being requested, and stated that he suggested Council place a limit in the amount of \$150,000.

Councilor Cruz asked if LEDA is applicable to service industries. Ms. Arias stated that local and state LEDA guidelines are different; adding that local is a lot more flexible allowing to provide assistance to local businesses in any category.

Ms. Viramontes, co-applicant, addressed Council informing them that they feel there's a void in the community for many years where there are no options for the community to purchase locally grown green chili, and produce.

Mayor Pro Tem Milo asked if there would be a stand similar to the stand the Diaz family operated. Ms. Viramontes stated that it would be located south of town because of logistics; adding that chili will be offered for sale by the sack. Ms. Viramontes stated that they have a very well thought out business plan.

Mr. Sera stated that the business will be based off of Luna County grown produce to help fill the void as well as provide jobs for citizens.

Ms. Viramontes stated that they have 26 vendors willing to do business with them.

Ms. Viramontes stated that they will be working with Deming Public Schools to obtain interns that can receive on the job training.

Mr. Sera stated that it would bring tourism into the community, as well, instead of going to Hatch, as 70% of that chili is grown here in Luna County.

Mayor Jasso opened the hearing for public comments.

Ms. Harvey, addressed Council stating that she is in support of the funding, adding that the County is also looking to support the project.

With no further comments nor questions, Mayor Jasso closed the public comments.

Councilor Cruz asked about the monitoring of the business.

Mr. Sera stated that there will be a project participation agreement with milestones; adding that staff will ensure the business meets their milestones. In the event that they should not, funds are required to be reimbursed.

Ms. Arias stated that there is a capital investment that is anticipated; reimbursable expenses; building improvements; and reports required with all projects which she would be monitoring.

Mr. Sera added that he and Ms. Arias will be working closely with the business owners to ensure a successful transaction; adding that the number of employees required is also discussed and made logical to consider all possible outcomes. Mr. Sera stated that the proposed amount is in the budget.

Councilor Cruz motioned to approve the Ordinance Approving a Local Economic Development Project for Financial Assistance Proposed by Home Grown Market, LLC with a cap on the LEDA investment at \$150,000.00; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

12. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision Request for Property Located at 910 & 918 East Pear Street, Within the City Limits Owned by Tim Seybert

Mayor Jasso conducted a quasi-judicial public hearing to consider an Alternate Subdivision Request for Property Located at 910 & 918 East Pear Street, Within the City Limits Owned by Tim Seybert.

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

Mayor Jasso asked all parties who would like address Council to swear in and administered the oath.

Ms. Gentile, City Planner, addressed Council stating that the applicant is requesting a subdivision to divide the property from an approximately 10 acre parcel of land, to four tracts of land.

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.

Mr. Seybert addressed Council stated that the request is to separate the land for tax purposes; adding that there is currently one tax bill.

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

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:

ROLL CALL VOTE

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

13. Administrator's Report

Mr. Sera addressed Council reporting on the following items.

- Legislative Session
 - 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.
- K-Mart Building Design is still in progress and will present to Council during the budget workshop.
- Migrant Situation – In a good situation and we'll probably not see them for 4-6 months. Endeavor company was hired to handle them until at least August. If the City has to assist, El Cavarrio will help. In the event that the City has to assist, he intends to apply for grant funding set aside for this.
- Employment Issues – It is hard to recruit for positions. Down 4 firefighters and have no applicants. No applicants for the HR position.

14. Closed Session: To Discuss personnel matters, regarding appointed employees' evaluations, 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 Topham	Aye
Councilor Rodriguez	Aye
Councilor Cruz	Aye
Mayor Pro Tem Milo	Aye

15. Open Session: Motions if any

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

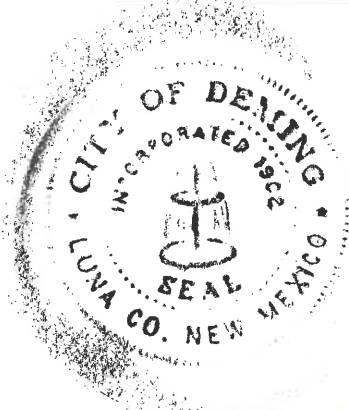
ROLL CALL VOTE

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

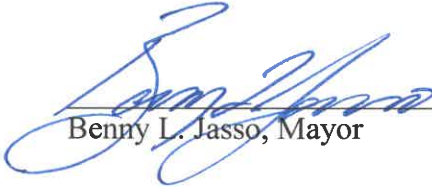
Mayor Jasso stated that there were no motions made during closed session.

16. Adjourn Meeting

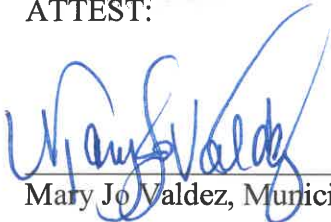
With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting. Mayor Pro Tem Milo motioned to adjourn the meeting; Councilor Cruz second the motion; motion carried unanimously. The meeting adjourned at 8:54 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk

CITY OF DEMING AND LUNA COUNTY MULTI-SERVICES AGREEMENT

2021-2023

LUNA COUNTY RESOLUTION NO. 21-36; CITY OF DEMING RESOLUTION NO. 21-11

The City of Deming agrees to pay Luna County as follows:

Care of City Detainees:

- a) City of Deming will pay \$55.00 per detainee per day towards the operation and detention of city arrests and municipal prisoners (City Detainee).
- b) The definition of a City Detainee being:
 - 1. At the time of booking, an individual in the custody of a City Police Officer being charged either under state statute and/or municipal code until the individual makes an appearance in front of the municipal and/or magistrate judge.
 - 2. Individuals arrested under a mix of municipal, magistrate or district outstanding warrants shall be deemed City Detainees by virtue of at least one municipal warrant until the individual bonds out under the municipal warrant.
 - 3. Individuals arrested under a single or multiple municipal outstanding warrant by the Luna County Sheriff's Office until the individual bonds out under the municipal warrants.
 - 4. Time served by individuals sentenced by order of the municipal judge.
- c) The definition of Non-City Detainee being:
 - 1. Individuals arrested and booked by City Police under magistrate or district outstanding warrants only; time served by individuals sentenced by order of the magistrate judge; or those prisoners bound over on only state charges.

Consolidated Dispatch:

The City of Deming will pay Five Hundred Thirty Thousand dollars (\$530,000) for consolidated dispatch service. Payment will be made in equal quarterly installments of one hundred thirty-two thousand five hundred dollars (\$132,500) to be paid on the 15th day of the third month of each fiscal year quarter. Luna County agrees to establish a dispatch advisory board to evaluate operations, expenditures, training, operational improvements and performance. The board will consist of two representatives from the City, two from Luna County, and one at large. Quarterly meetings will be held at a minimum unless more frequent meetings are requested by either party.

CITY OF DEMING AND LUNA COUNTY MULTI-SERVICES AGREEMENT

2021-2023

Luna County agrees to pay the City of Deming as follows:

Library:

Luna County will pay the City of Deming Thirty-Five Thousand, Five Hundred Dollars (\$35,500.00) toward the operation costs of the library. Payment will be made in equal quarterly installments of \$8,875 to be paid on the 15th day of the third month of each fiscal year quarter. The library will be available for the use of County residents on the same terms and conditions as City residents.

Recreation:

Luna County will pay the City of Deming Thirty Thousand Dollars (\$30,000) toward salaries and operational costs for recreation programs including but not limited to Summer Recreation Programs, Sam Baca Aquatic Center, Youth Football, Youth Soccer, etc... so that residents in the unincorporated areas can enjoy all City recreational services on the same terms and conditions as City residents. Payment will be made in equal quarterly installments of \$7,500 to be paid on the 15th day of the third month of each fiscal year quarter.

Solid Waste Management:

Luna County will pay One Hundred Sixty-Five Thousand Dollars (\$165,000) toward the operation of the City's Transfer Station so that County residents can use these facilities on the same terms and conditions as City residents. Payment will be made in equal quarterly installments of \$41,250 to be paid on the 15th day of the third month of each fiscal year quarter. The County will operate solid waste collection points at various convenient locations throughout the County to encourage County residents to properly dispose of their refuse in these controlled locations. In addition, the County will pay tipping fees at Butter Field Trail Landfill in the amount of \$75,000 per year under the same payment terms as listed above. In the event the County outsources collection of refuse from these collection points, the awarded contractor will be responsible for tipping fees as defined in any future contract with the County.

Recycling:

Luna County will pay Five Thousand Dollars (\$5,000) toward the operation of the City's Recycling Program. The County will process all their collected recyclables, except for actual baling, and remove prohibited items from the recycle stream. Payment will be made in equal

CITY OF DEMING AND LUNA COUNTY MULTI-SERVICES AGREEMENT

2021-2023

quarterly installments of two thousand dollars (\$1,250) to be paid on the 15th day of the third month of each fiscal year quarter.

Ambulance/EMS:

Luna County will pay the City of Deming Three Hundred Eighty Thousand Dollars (\$380,000) for ambulance/EMS services in the unincorporated areas of the County. Payment will be made in equal quarterly installments of \$95,000 to be paid on the 15th day of the third month of each fiscal year quarter. The City will provide a report to Luna County once annually during March of each fiscal year detailing the number of County residents living in unincorporated areas of the County who received services from Deming Ambulance/EMS.

Fire:

For fire prevention and suppression, Luna County and the City of Deming agree to render mutual aid. The City agrees to provide primary first response firefighting to structure fires occurring within the unincorporated areas of the County and Luna County agrees to pay the City of Deming Sixty Thousand Dollars (\$60,000) each fiscal year for this service. Payment will be made in equal quarterly installments of \$15,000 to be paid on the 15th day of the third month of each fiscal year quarter. Primary first response, as defined, will include initial response and fire suppression efforts until such time as the responsible volunteer fire department arrives on scene and commences operation and the fire is deemed by the Incident Commander to be under control. The City of Deming Fire Department will provide command of all such incidents (structural fires) until command is transferred or the incident is terminated. At least annually, during the month of March of each fiscal year, the City of Deming will provide a report to Luna County identifying the number and nature of responses Deming Fire has made under this agreement during the year, what resources have been deployed during response, and the outcome of the response.

Term of Agreement-The term of this agreement shall be annually beginning July 1, 2021 through June 30, 2023, unless amended or terminated by either party as hereinafter provided. The Agreement shall remain in effect so long as all terms and conditions of this Agreement are met. Either party may terminate or amend this Agreement by delivery of written notice to the other party at least thirty (30) calendar days prior. Amendments must be approved by both the Luna County Board of Commissioners and the City of Deming Council.

CITY OF DEMING AND LUNA COUNTY MULTI-SERVICES AGREEMENT

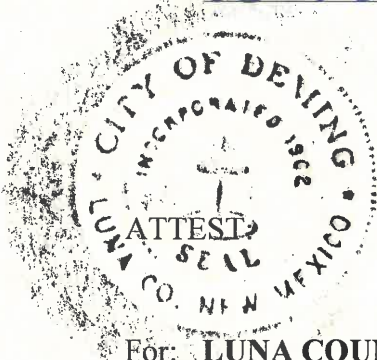
2021-2023

DONE AT LUNA COUNTY, NEW MEXICO

on this 13th day of May 2021

For: **CITY OF DEMING, NEW MEXICO**

Date: 05-18-21



By: [Signature]
Mayor Benny Jasso

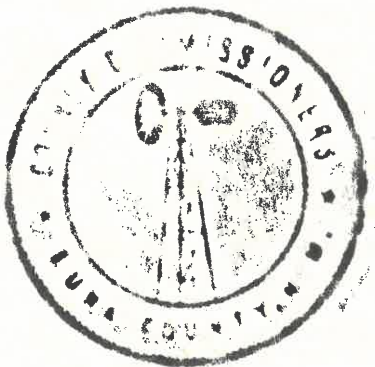
[Signature]

For: **LUNA COUNTY, NEW MEXICO**

Date: 05-13-21

By: [Signature]
Barbara Reedy, Chair
Board of County Commissioners

ATTEST:



[Signature]
Berenda McWright, County Clerk

**CITY OF DEMING
RESOLUTION NO. 21-12**

“2021 NMDOT Call for Projects” dated April 15, 2021

**A resolution declaring the eligibility and intent of the City of Deming
to submit a grant application to the New Mexico Department of Transportation (NMDOT)
for Industrial Freight Transportation Route and Pedestrian Safety Improvements**

WHEREAS, the City of Deming, New Mexico, has the legal authority to apply for, receive and administer NMDOT grant funds; and,

WHEREAS, the City of Deming is submitting an application for Fiscal Year 2021/2022 for NMDOT grant funds for street, walking path and road reconstruction for the Industrial Freight Transportation Route and Pedestrian Safety Improvements to include milling, base course, grading, asphalt, signage and striping; asphalt, freight truck roundabout, asphalt path to include widening, elevation adjustments, lighting, and drainage,

WHEREAS, the project has been discussed with NMDOT District One; and,

WHEREAS, the City of Deming acknowledges availability of the minimum 5% local match and up to 25% local match if required, and, the availability of funds to pay all upfront costs; and,

WHEREAS, the City of Deming agrees to pay any costs that exceeds the grant award amount if the application is selected for funding; and,

WHEREAS, the City of Deming agrees to maintain the project for the life of the project; and,

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Deming, New Mexico, that:

1. The City of Deming, authorizes the Public Works Director or City Administrator to submit an application for FY21/22 grant funds from NMDOT on behalf of the citizens of the City of Deming.

2. The City of Deming assures the NMDOT that if grant funds are awarded, sufficient funding for the local match and for upfront project costs are available, and that any costs exceeding the award amount will be paid for by the City of Deming.

3. The City of Deming assures the NMDOT that if awarded grant funds, sufficient funding for the operation and maintenance of the project will be available for the life of the project.

4. The Public Works Director or the City Administrator of the City of Deming are authorized to enter into an Agreement with the NMDOT for the Industrial Freight Transportation Route and Pedestrian Safety Improvements and are authorized to submit additional information as may be required and act as the official representatives of the City of Deming in this and subsequent related activities.

5. The City of Deming assures the NMDOT that the City of Deming is willing and able to administer all activities associated with the proposed project.

PASSED, ADOPTED, AND APPROVED this 18th day of May 2021.

CITY OF DEMING, NEW MEXICO

By _____

Benny L. Jasso, Mayor

ATTEST:

Mary Jo Valdez, Municipal City Clerk

City of Deming, New Mexico

RESOLUTION NO. 21-13

A RESOLUTION ESTABLISHING THE CITY OF DEMING'S MUNICIPAL OFFICERS TO BE ELECTED AT THE REGULAR LOCAL ELECTION TO BE HELD TUESDAY, NOVEMBER 2, 2021

WHEREAS, under the statutes of the State of New Mexico, an election is required to be held for the purpose of electing municipal officials whose term of office expires in the year 2021; and

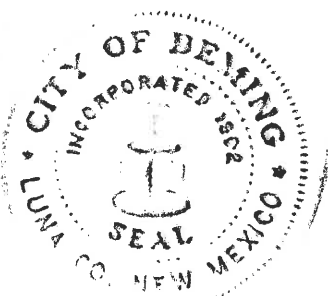
WHEREAS, on July 1, 2018 the Local Election Act went into effect as Chapter 1, Article 22, NMSA 1978 establishing the Regular Local Election, a consolidated election day for non-partisan local government bodies on the first Tuesday after the first Monday in November of each odd-numbered year; and

WHEREAS, the City of Deming opted in to the Regular Local Election Act on January 30, 2019, which provides for the election of its municipal officers in the Regular Local Election.

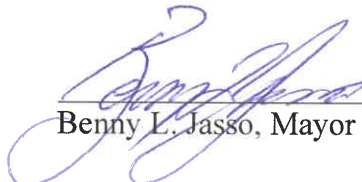
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING THAT:

- A. A regular local election is to be held on November 2, 2021.
- B. At the regular local election, persons shall be elected to fill the following elective municipal offices:
 - 1. One Councilor for a four-year term (District 2);
 - 2. One Councilor for a four-year term (District 3); and
 - 3. One Municipal Judge for a four-year term.

ADOPTED and APPROVED this 18th day of May 2021.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk

**CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1296**

**AN ORDINANCE AMENDING TITLE 12 OF THE
DEMING, NEW MEXICO CITY CODE**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
DEMING, NEW MEXICO:

Title 12, Chapter 3 of the Deming City Code is hereby amended by adding to the City
District Map those lands and specific zone districts shown on the maps attached hereto.

PASSED, ADOPTED, AND APPROVED, this 18th day of May 2021.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


ATTEST:


Mary Jo Valdez, Municipal Clerk

CITY COUNCIL DECISION AND ORDER

City of Deming • 309 S. Gold, Deming NM 88030 • (575) 546-8848

DATE ISSUED: April 15, 2021

ATTENTION: City Council - City of Deming

SUBJECT: Zone Change from B-1 Multi-Family Residential to C-Commercial

REFERENCE: Applicant – Columbus Electric Cooperative, Inc.

SUMMARY:

Should the City Council approve a zone change for the property at Copper and Courtland Street?

DEPARTMENT RECOMMENDATION

The subject property is identified as Tract 4, Chaparral Subdivision, in the City of Deming. The survey is attached. The request is to change the zoning for all of Tract 4 from “B-1” Multi-Family zoning to “C” Commercial zoning.

FINDING OF FACT

THIS MATTER having come before the City Council on the applicant’s request and application for a zone change in Deming, Luna County, New Mexico and the City Council by and through Mayor Jasso having held a quasi-judicial hearing on January 19, 2021, adduced evidence and introduced matters into the record, the applicant, affected parties and other persons having appeared and provided input in this matter and the Council having been fully advised FINDS:

1. The zone change from B-1 Multi-Family Residential to C-Commercial to regarding all of Tract 4 as shown on the attached survey, shall be granted.

ORDER

UPON DELIBERATION, it is within the discretion of this Council to APPROVE, Applicant’s request, DENY Applicant’s request or MODIFY APPROVAL of Applicant’s request through the SETTING OF CONDITIONS upon the APPROVAL OF THE ZONE CHANGE. The Council, under Mayor Jasso, APPROVES of the Applicant’s request and GRANTS the zone change from B-1 Multi-Family C-Commercial to B-1 Multi-Family Residential.

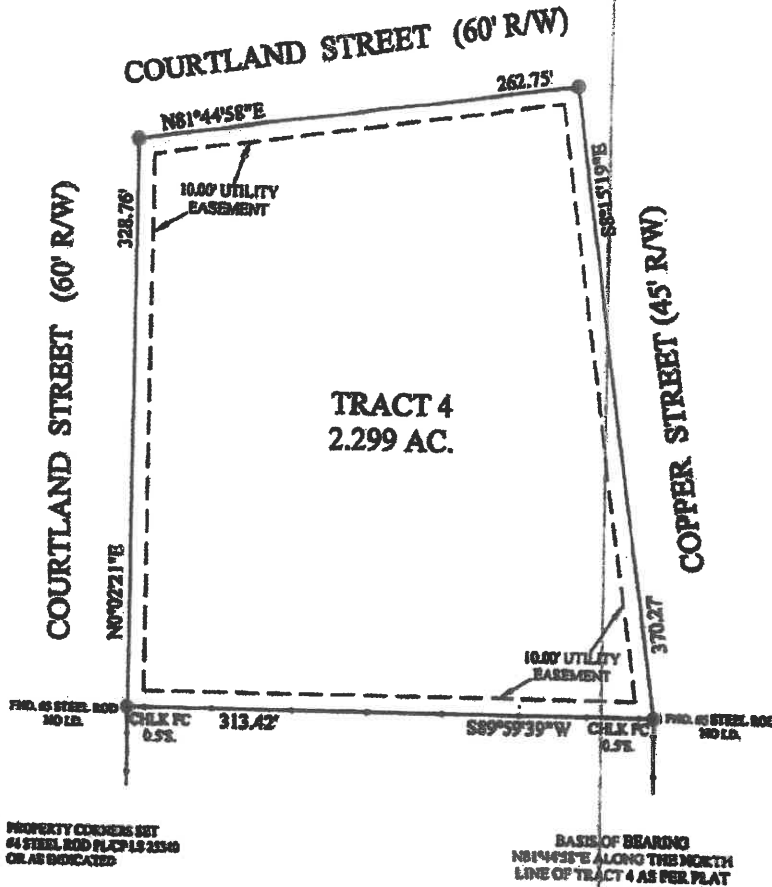
SO ORDERED BY A VOTE OF 4-0

AFFECTED PARTIES INCLUDING THE CITY OF DEMING, THE COUNTY OF LUNA, THE APPLICANT OR ANY AFFECTED PARTY SHALL HAVE THIRTY DAYS FROM THE FILING OF THIS ORDER WITH THE LUNA COUNTY CLERK AND/OR THE DEMING CITY CLERK TO APPEAL THIS DECISION ORDER TO THE SIXTH JUDICIAL DISTRICT COURT AS PROVIDED FOR BY LAW.

COLUMBUS ELECTRIC CO-OP

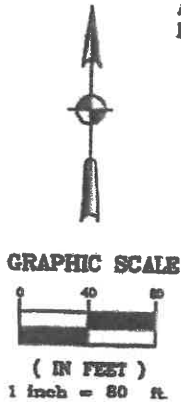
PROPERTY BOUNDARY SURVEY

A SURVEY TO SET OR LOCATE THE PROPERTY CORNERS FOR A CERTAIN TRACT OF LAND IN CHAPARRAL SUBDIVISION, DEMING, LUNA COUNTY, NEW MEXICO.



DESCRIPTION

TRACT 4, CHAPARRAL SUBDIVISION, IN THE CITY OF DEMING, LUNA COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON PLAT NUMBER 587 IN CABINET 8 THEREOF, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY ON OCTOBER 19, 2011, AND RECORDED AS RECEPTION NUMBER 2011-03783, PLAT RECORDS, LUNA COUNTY, NEW MEXICO.



CERTIFICATION

Deming, Luna County, New Mexico, October 16th, 2019.
I Miguel Echavarría, hereby certify that I am the Registered Land Surveyor who prepared this plat from notes of an actual survey conducted by me or under my direct supervision and that the same are true and correct to the best of my knowledge and belief. This plat meets the Minimum Requirements of the Standards for Land Survey in New Mexico.

Miguel Echavarría
Professional Land Surveyor LS 25340

BASILINE SURVEYING LLC
411 CODY ROAD
DEMING, NM 88038
OFF 505-948-4021

DOCUMENTS USED
CHAPARRAL SUBDIVISION

FILED ON this 19th day of April 2021.

CITY OF DEMING, NEW MEXICO

By

Benny Jasso
Benny Jasso, Mayor



ATTEST:

Wanda Valdez
City Clerk

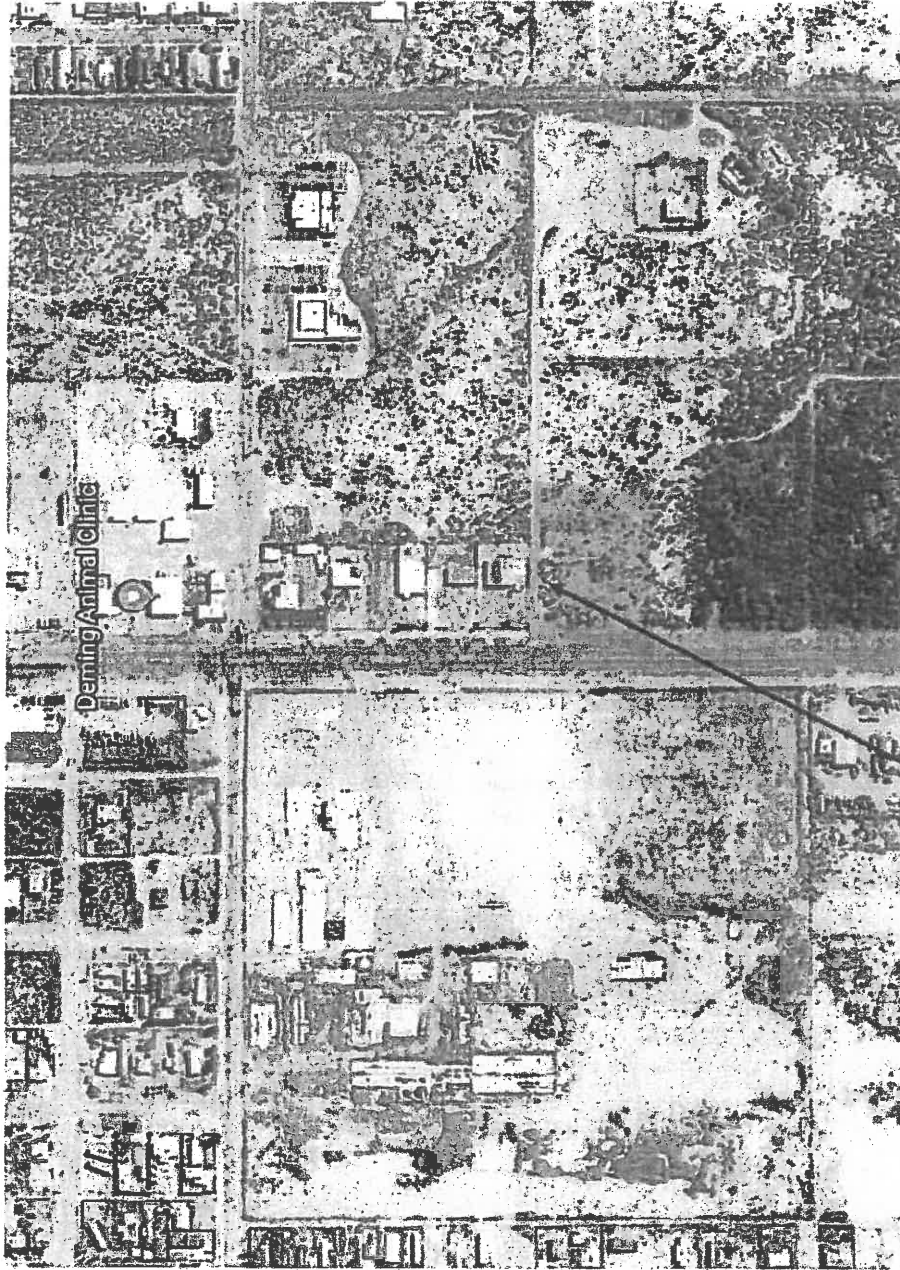
STATE OF NEW MEXICO
COUNTY OF LUNA

The foregoing instrument was acknowledged before me this 19th day of April 2021 by Benny Jasso, Mayor, City of Deming, on behalf of the City Council.

Mary Corral
Notary Public

My commission expires: 7.24.23





Proposed
"B-1"
Multi-family
RESIDENTIAL

EXISTING
"C" Commercial
to remain

SUBJECT LOCATION
COLUMBUS RD AND
JARVIS ST

FILED ON this 19th day of April 2021.

CITY OF DEMING, NEW MEXICO

By [Signature]
Benny Jasso, Mayor



ATTEST:

[Signature]
City Clerk

STATE OF NEW MEXICO
COUNTY OF LUNA

The foregoing instrument was acknowledged before me this 19th day of April 2021 by Benny Jasso, Mayor, City of Deming, on behalf of the City Council.

[Signature]
Notary Public

My commission expires: 7-29-



SURVEYOR'S NOTE:

1. This survey is based on monuments set by C.B. Morgan for the Little Vineyard Subdivision and monuments set by other surveyors, which used Morgan's monuments as a basis of their surveys. The section and quarter corner monuments found on this survey, do not conform to some of the record distances shown on the 1912 Almy & Morgan plat of the Little Vineyards Subdivision. In the completion of my survey, monuments at the south quarter corner, the center quarter corner and the south sixteenth corner (Sec.25-Sec.30), and the southeast corner of Section 25, were used to compute the location of the $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$. The computed point for the NW corner of the $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ was found to be 12.11 feet north and 6.44 feet east of the existing 5/8" steel rod monument, the NE corner of the $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ was found to be 11.42 feet north and 9.66 feet east of the existing 2" pipe monument and the southeast corner of the $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ was found to be 4.12 feet east, as computed from the 2" pipe monument found at the north highway right of way line.

2. It is impossible to be certain whether this discrepancy is due to current section corners not being in their original locations or monuments in the Little Vineyards Subdivision being mislocated. I am accepting the monuments found at the NE and NW corners of said ($W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) as they have been accepted and used as the property boundary corners for the last forty years according to the survey records of John Gray (PE & LS 148). The adjoining subdivisions, Little Vineyards and the Amended Deming Del Sol, have been developed in accordance with these monuments.

3. There is also an apparent 18 foot wide by 279 foot long gap in the property, based on the descriptions of tracts first transferred by Elizabeth C. Upton to G. R. Camp in 1933 (Deed Book 17, page 514 and to Thomas B. Rabb in 1939 (Deed Book 19, page 35). I do not believe that it was the intention of Upton to retain this strip of land, however I do believe it was the result of the confusing monumentation and poorly written deed descriptions.

4. This strip is being included in this survey and is a part of Tract 1.

LEGEND

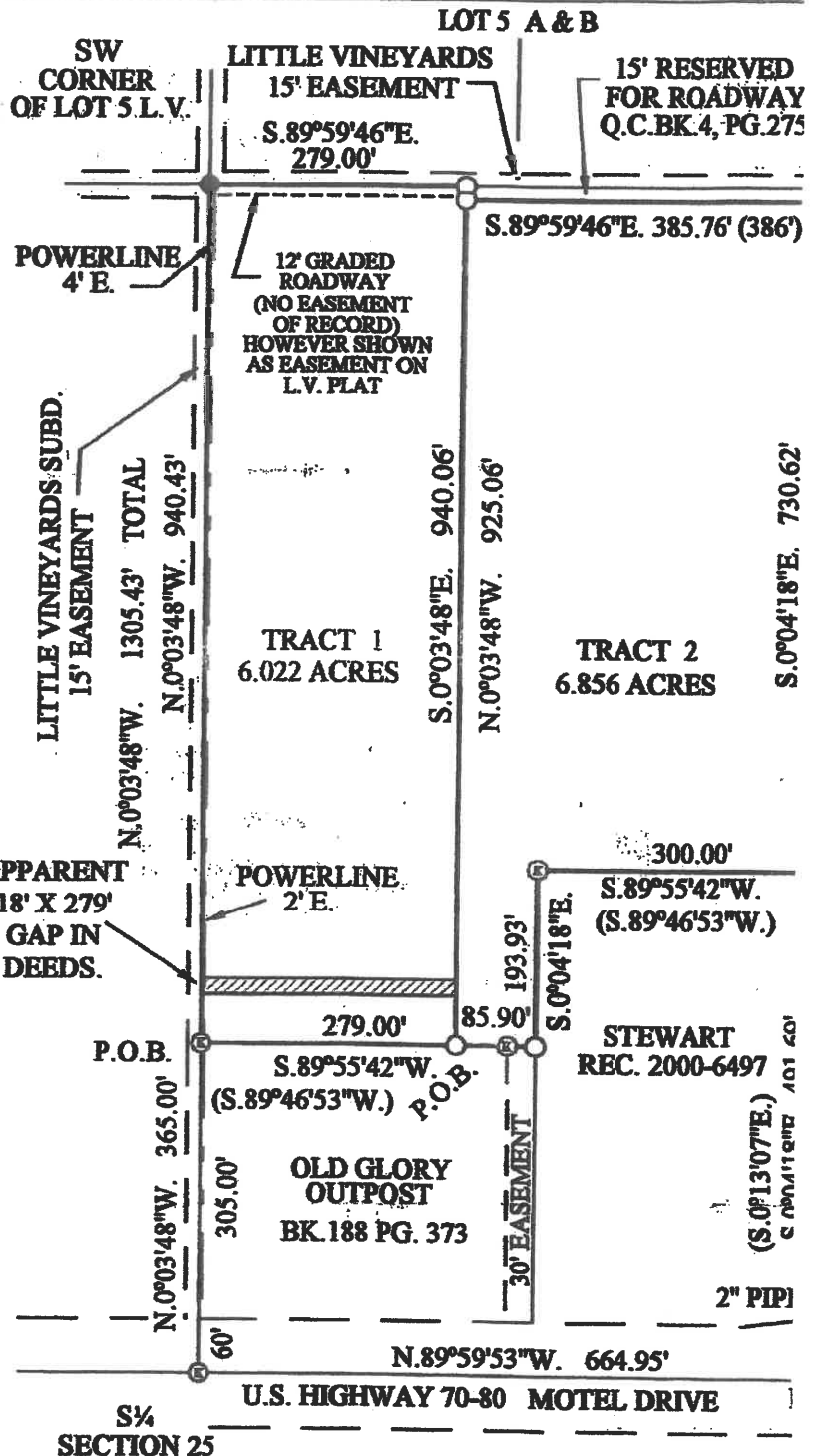
- = SET NO.5 STEEL ROD (PLASTIC CAP - KING LS 7250)
- ⊙ = FOUND NO.5 STEEL ROD (PLASTIC CAP - KING LS 7250)
- = FOUND NO.5 STEEL ROD
- () = DEED INFORMATION

SCALE 1" = 200'



KING SURVEYING
103 EAST ASH STREET
DEMING, NEW MEXICO 88030
(505) 546-4441
PHONE & FAX

DOCUMENTS USED TO DETERMINE BOUNDARY AND PREPARE PLAT:
 PAULSON & CRAWFORD DEEDS BK.202, PAGES 455 AND 459,
 THREE TRACTS INTO ROBERT I. PAULSON (DEED BK.25-PG.553, BK.26
 BK.31-PG.365).
 ALL DEEDS, AS PROVIDED BY LUNA COUNTY ABSTRACT IN THE CHA
 FROM THE 1892 PATENT THRU ELIZABETH C. UPTON, AND THREE TR
 UPTON THRU ROBERT I. PAULSON.
 ADJOINERS DEEDS AS SHOWN ON PLAT.



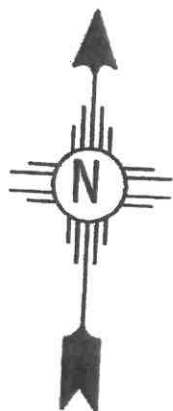
Subm C, Slide 144 Reception # 2004-01328

SE CORNER
LOT 5 L.V.
2" PIPE

15'

20' ALLEY

UNIT 1
AMENDED DEMING DEL SOL



BASIS OF BEARING:
N.89°59'53"W., ON THE
SOUTH LINE OF THE
NE¼ SECTION 25 AS
DEFINED BY GPS
OBSERVATIONS.

(68.0')
68.09'

N.89°53'W. 2676.29'

SURVEY:

187 AND

F. TITLE,
S OUT OF

Karl D. King 2/23/04
Professional Surveyor
New Mexico Reg. No. 7250

CREW: D.K., T-4400 GPS
DRAWN: L.K.
DATE: Feb. 23, 2004



FILE: feb04/johnson

BOUNDARY SURVEY PLAT
REF: CRAWFORD & PAULSON TO JOHNSON
2 TRACTS IN THE W½ SW¼ SE¼
SECTION 25, T. 23 S., R. 9 W., N.M.P.M.,
DEMING, LUNA COUNTY, NEW MEXICO

TRACT 1

That part of the west half of the southwest quarter of the southeast quarter (W½SW¼SE¼) of Section twenty-five (25), Township twenty-three (23) south, Range nine (9) west, N.M.P.M., Deming, Luna County, New Mexico, being described as follows:
Commencing at a no. 5 steel rod at the south quarter corner of said Section 25; thence N.0°03'48"W., adjoining the east boundary line of the Little Vineyards Subdivision, a distance of 365.00 feet to a no. 5 steel rod at the southwest corner of this tract and New Point of Beginning;
Thence, continuing N.0°03'48"W., a distance of 940.43 feet to a no. 5 steel rod at the southwest corner of Lot 5-A (Little Vineyards Subdivision), and northwest corner of this tract;
Thence S.89°59'46"E., adjoining said Lot, a distance of 279.00 feet to a no. 5 steel rod at the northeast corner of this tract;
Thence S.0°03'48"E., a distance of 940.06 feet to a no. 5 steel rod on the north boundary line of the Old Glory Outpost tract as described in Deed Book 188 on page 373;
Thence S.89°55'42"W., adjoining said Old Glory Outpost tract, a distance of 279.00 feet to the point of beginning.
This tract contains 6.022 acres, more or less, and is subject to all easements, restrictions and reservations of record.

TRACT 2

That part of the west half of the southwest quarter of the southeast quarter (W½SW¼SE¼) of Section twenty-five (25), Township twenty-three (23) south, Range nine (9) west, N.M.P.M., Deming, Luna County, New Mexico, being described as follows:
Commencing at a no. 5 steel rod at the south quarter corner of said Section 25; thence N.0°03'48"W., adjoining the east boundary line of the Little Vineyards Subdivision, a distance of 365.00 feet to a no. 5 steel rod; Thence N.89°55'42"E., a distance of 279.00 feet to a no. 5 steel rod at the southwest corner of this tract and New Point of Beginning;
Thence N.0°03'48"W., parallel with the east boundary line of the Little Vineyards Subdivision, a distance of 925.06 feet to a no. 5 steel rod at the northwest corner of this tract;
Thence S.89°59'46"E., parallel with and 15 feet southerly of the south boundary line of Lot 5-A&B (Little Vineyards Subdivision), a distance of 385.76 feet to a no. 5 steel rod at the northeast corner of this tract;
Thence S.0°04'18"E., adjoining the west boundary line of the Amended Deming Del Sol Subdivision, a distance of 730.62 feet to a no. 5 steel rod at the northeast corner of the Stewart tract as described in Deed Reception 2000-06497;
Thence S.89°55'42"W., adjoining said Stewart tract, a distance of 300.00 feet to a no. 5 steel rod;
Thence S.0°04'18"E., adjoining said Stewart tract, a distance of 193.93 feet to a no. 5 steel rod at the northeast corner of the Old Glory Outpost tract as described in Deed Book 188 on page 373;
Thence S.89°55'42"W., adjoining said Old Glory Outpost tract, a distance of 85.90 feet to the point of beginning.
This tract contains 6.856 acres, more or less, and is subject to all easements, restrictions and reservations of record.

These tracts are designated as zone "X" (outside 500 year flood-plain), as per the Federal Emergency Management Agency Flood Insurance Rate Map, effective September 14, 1990.

SURVEYOR'S CERTIFICATE: Deming, Luna County, New Mexico, February 23, 2004.
I, Karl D. King, hereby certify that this plat and survey complies with the minimum survey requirements as established by the New Mexico State Board of Registration for Engineers and Land Surveyors. I also certify that this is a boundary survey plat of an existing tract and is not a land division or subdivision as defined in the New Mexico Subdivision Act and is based on a field survey completed in February of 2004, and that this plat and said survey are true and correct to the best of my knowledge and belief.


INDEXING INFO FOR COUNTY CLERK:

OWNER: KENNETH PAULSON &
CATHY CRAWFORD

SECTION 25, T.23 S., R.9 W., N.M.P.M.,
DEMING, LUNA COUNTY, NEW MEXICO

FILED ON this 19th day of April 2021.

CITY OF DEMING, NEW MEXICO

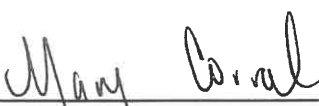
By 
Benny Jasso, Mayor

ATTEST:


City Clerk

STATE OF NEW MEXICO
COUNTY OF LUNA

The foregoing instrument was acknowledged before me this 19th day of April 2021 by
Benny Jasso, Mayor, City of Deming, on behalf of the City Council.


Notary Public

My commission expires: 4.24.22



CITY COUNCIL DECISION AND ORDER

City of Deming • 309 S. Gold, Deming NM 88030 • (575) 546-8848

DATE ISSUED: April 15, 2021

ATTENTION: City Council - City of Deming

SUBJECT: Zone Change from C-Commercial to A- Single Family Residential at 415 E. Plum Street

REFERENCE: Applicant – Nancy Davis

SUMMARY:

Should the City Council approve a zone change for the property at 415 E. Plum Street?

DEPARTMENT RECOMMENDATION

The subject property is at 415 E. Plum Street, more specifically described as Lots 10, 11, and 12 of Block KJ, High School Addition. It is currently is zoned "C" Commercial but the property is a residence. The property owner believed that the property was zoned residential back in 1997 when the house was built. The zone change is to correct the zoning.

FINDING OF FACT

THIS MATTER having come before the City Council on the applicant's request and application for a zone change in Deming, Luna County, New Mexico and the City Council by and through Mayor Jasso having held a quasi-judicial hearing on August 12, 2019, adduced evidence and introduced matters into the record, the applicant, affected parties and other persons having appeared and provided input in this matter and the Council having been fully advised FINDS:

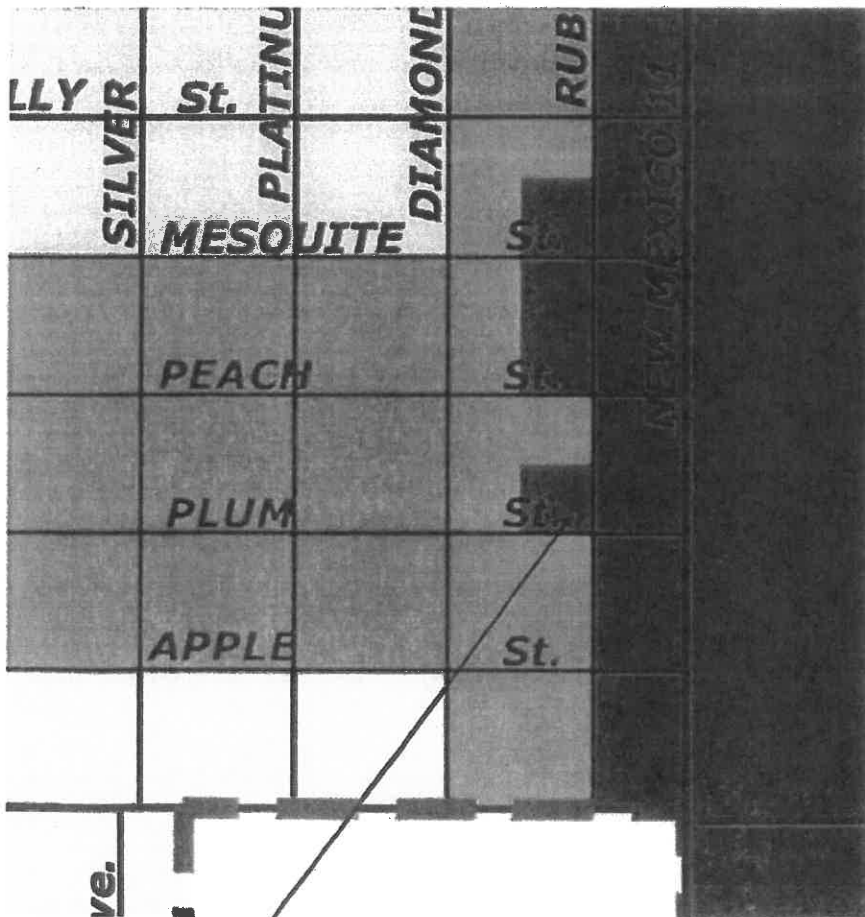
1. The zone change from C-Commercial to A- Single Family Residential regarding Lots 10, 11 and 12 of Block KJ or High School Addition o, shall be granted.

ORDER

UPON DELIBERATION, it is within the discretion of this Council to APPROVE, Applicant's request, DENY Applicant's request or MODIFY APPROVAL of Applicant's request through the SETTING OF CONDITIONS upon the APPROVAL OF THE ZONE CHANGE. The Council, under Mayor Jasso, APPROVES of the Applicant's request and GRANTS the zone change from C-Commercial to A-Single Family Residential.

SO ORDERED BY A VOTE OF 4-0

AFFECTED PARTIES INCLUDING THE CITY OF DEMING, THE COUNTY OF LUNA, THE APPLICANT OR ANY AFFECTED PARTY SHALL HAVE THIRTY DAYS FROM THE FILING OF THIS ORDER WITH THE LUNA COUNTY CLERK AND/OR THE DEMING CITY CLERK TO APPEAL THIS DECISION ORDER TO THE SIXTH JUDICIAL DISTRICT COURT AS PROVIDED FOR BY LAW.



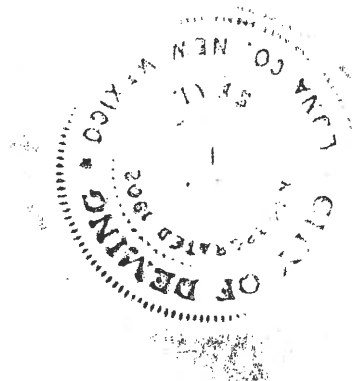
DATED this 19th day of April, 2021

CITY OF DEMING, NEW MEXICO

By 
Mayor, Benny Jasso


ATTEST:


City Clerk

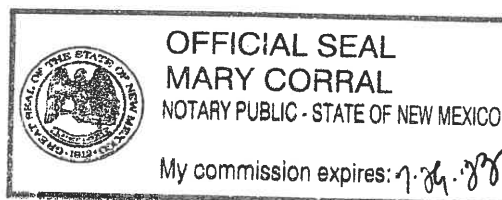


STATE OF NEW MEXICO
COUNTY OF LUNA

The foregoing instrument was acknowledged before me this 19th of April, 2021 by Benny Jasso Mayor, City of Deming, on behalf of the City Council.


Notary Public

My commission expires: 7-24-28



CITY COUNCIL DECISION AND ORDER

City of Deming • 309 S. Gold, Deming NM 88030 • (575) 546-8848

DATE ISSUED: April 15, 2021

ATTENTION: City Council - City of Deming

SUBJECT: Zone change for property located between Pearl and Ruby, Lots 7 – 10, Block 43 of South Addition.

REFERENCE: Applicant – Andy Gilmore

Should the City Council approve the zone change from “B” – Multi-Family Residential to “B-1” Multi-Family Residential?

BACKGROUND

The petition is being made in accordance with requirements of Title 13 of the City Code 2001. The subject land, located on South Pearl Ave, Lots 7-10 of Block 43 of South Addition.

FINDING OF FACT

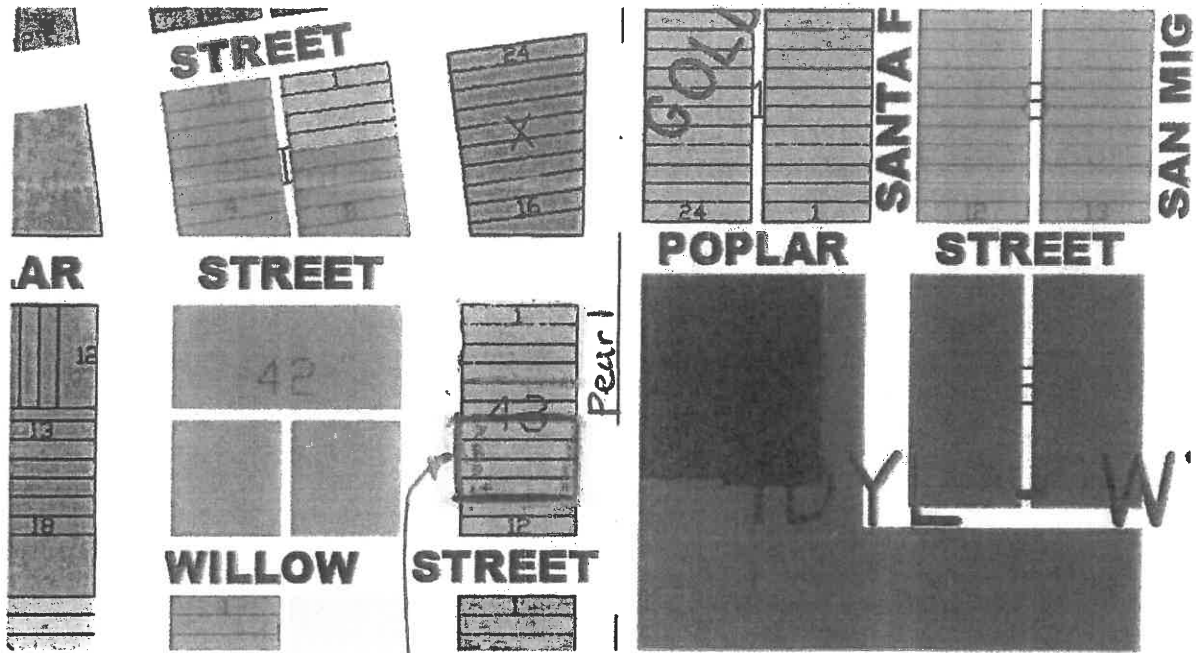
THIS MATTER having come before the City Council on July 21, 2016 on the request and application for a zone change in Deming, Luna County, New Mexico and the City of Deming City Council through Mayor Jasso having held a quasi-judicial hearing, adduced evidence and introduced matters into the record, the applicant, affected parties and other persons having the opportunity to appear and provide input in this matter and the City Council having been fully advised FINDS:

1. The Zone Change from B – Multi-family to B-1 Multi-Family residential zoning of Lots 7 through 10 of Block 43 of South Addition, shall be granted.

ORDER

UPON DELIBERATION, it is within the discretion of this City Council to APPROVE, Applicant's request, DENY Applicant's request or MODIFY APPROVAL of Applicant's request through the SETTING OF CONDITIONS upon the REQUEST FOR AN ALTERNATE SUBDIVISION. The City Council, GRANTS the zone change.

-
SO ORDERED BY A VOTE OF 4-0



SUBJECT PROPERTY

AFFECTED PARTIES INCLUDING THE CITY OF DEMING, THE COUNTY OF LUNA, THE APPLICANT OR ANY AFFECTED PARTY SHALL HAVE FIFTEEN DAYS FROM THE FILING OF THIS ORDER WITH THE LUNA COUNTY CLERK AND/OR THE DEMING CITY CLERK TO APPEAL THIS DECISION ORDER TO THE SIXTH JUDICIAL DISTRICT COURT AS PROVIDED FOR BY LAW.

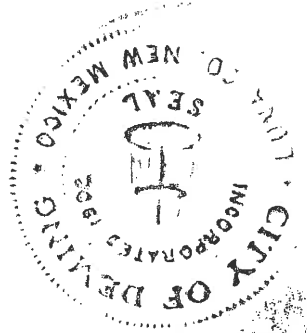
DATED this 19th day of April, 2021

CITY OF DEMING, NEW MEXICO

By [Signature]
Mayor, Benny Jasso

ATTEST:

[Signature]
City Clerk

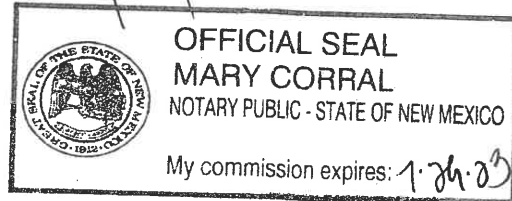


STATE OF NEW MEXICO
COUNTY OF LUNA

The foregoing instrument was acknowledged before me this 19th of April 2021 by Benny Jasso Mayor, City of Deming, on behalf of the City Council.

[Signature]
Notary Public

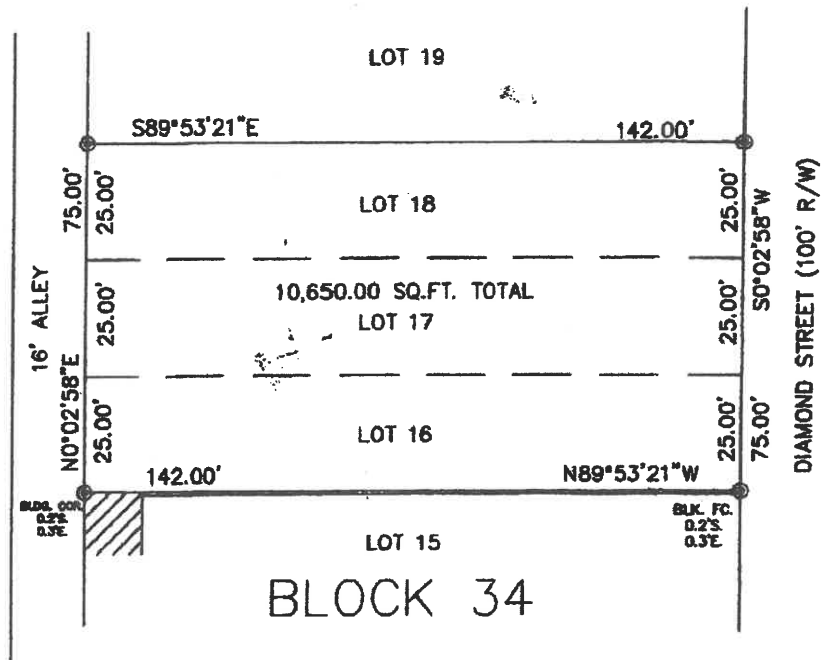
My commission expires: 1.24.25



DESERT VALLEY INC.

PROPERTY BOUNDARY SURVEY

A SURVEY TO SET OR LOCATE THE PROPERTY CORNERS FOR
CERTAIN TRACTS OF LAND IN BLOCK 34 OF THE SOUTH
ADDITION TO DEMING, LUNA COUNTY, NEW MEXICO.



PROPERTY CORNERS SET
#4 STEEL ROD & PL/CAP
LS 9829 OR AS INDICATED

BASIS OF BEARING
S0°02'58"W ALONG THE EAST
LINE OF BLOCK 34 AS PER GPS
OBSERVATION

DESCRIPTION

ALL OF LOTS 16 THRU 18 IN BLOCK 34 OF THE SOUTH
ADDITION TO THE CITY OF DEMING, ACCORDING TO THE PLAT THEREOF ON FILE
IN THE OFFICE OF THE LUNA COUNTY CLERK IN DEMING, LUNA COUNTY,
NEW MEXICO.



GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.



CERTIFICATION

Deming, Luna County, New Mexico, December 12th, 2007
I Frank L. Quarrell, hereby certify that I am the
Registered Land Surveyor who prepared this plat
from field notes of an actual survey conducted
by me or under my direction and that the same
are true and correct to the best of my knowledge
and belief. This plat meets the minimum requirements
of the standards for Land Surveys in New Mexico.

Frank L. Quarrell
Professional Land Surveyor NO. 9829

AFFECTED PARTIES INCLUDING THE CITY OF DEMING, THE COUNTY OF LUNA, THE APPLICANT OR ANY AFFECTED PARTY SHALL HAVE FIFTEEN DAYS FROM THE FILING OF THIS ORDER WITH THE LUNA COUNTY CLERK AND/OR THE DEMING CITY CLERK TO APPEAL THIS DECISION ORDER TO THE SIXTH JUDICIAL DISTRICT COURT AS PROVIDED FOR BY LAW.

DATED this 19th day of April, 2021

CITY OF DEMING, NEW MEXICO

By [Signature]
Mayor, Benny Jasso

ATTEST

[Signature]
City Clerk



STATE OF NEW MEXICO
COUNTY OF LUNA

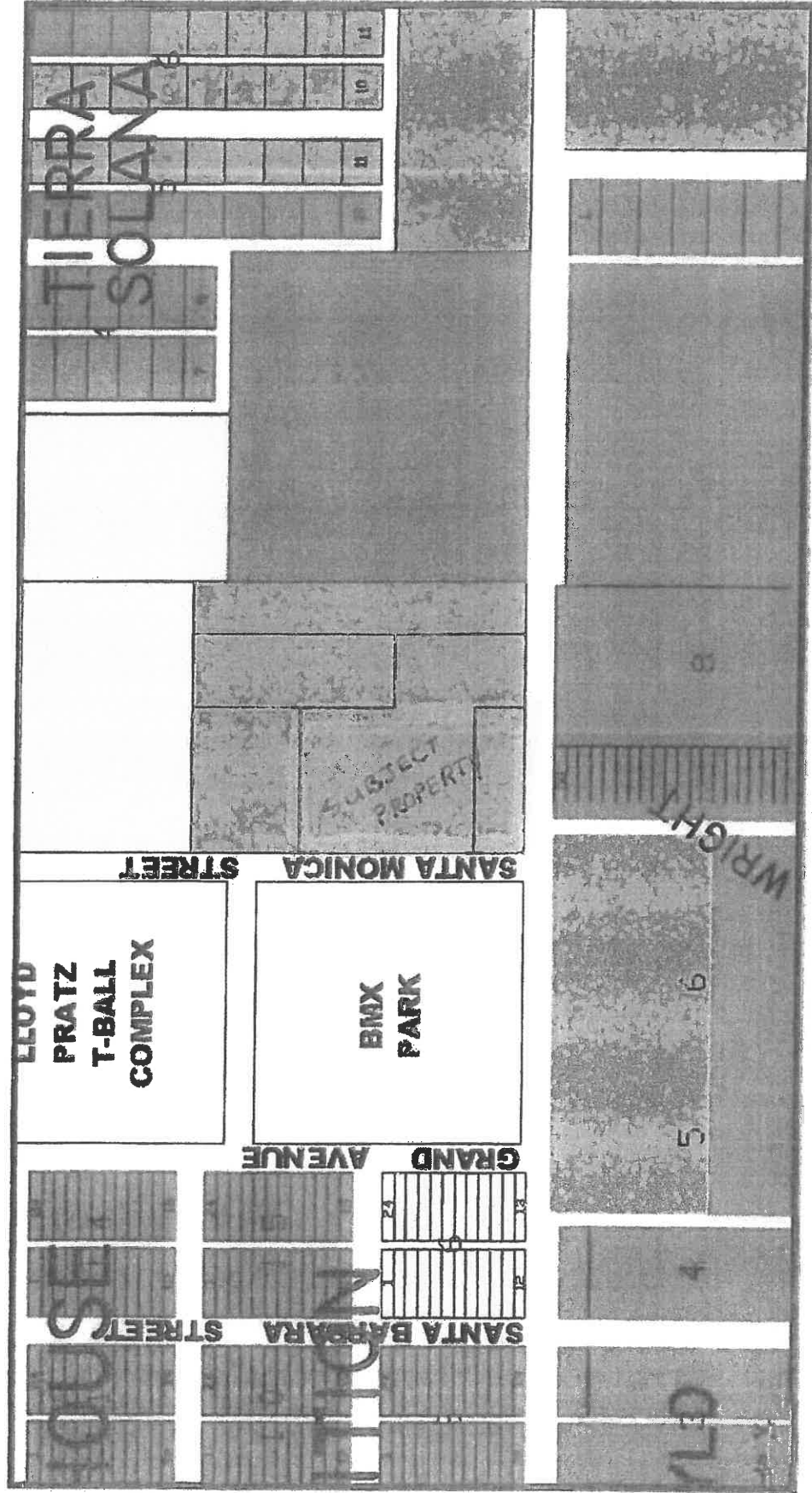
The foregoing instrument was acknowledged before me this 19th of April 2021 by Benny Jasso Mayor, City of Deming, on behalf of the City Council.

[Signature]
Notary Public

My commission expires: 1-24-23



Zone Change Case



AFFECTED PARTIES INCLUDING THE CITY OF DEMING, THE COUNTY OF LUNA, THE APPLICANT OR ANY AFFECTED PARTY SHALL HAVE FIFTEEN DAYS FROM THE FILING OF THIS ORDER WITH THE LUNA COUNTY CLERK AND/OR THE DEMING CITY CLERK TO APPEAL THIS DECISION ORDER TO THE SIXTH JUDICIAL DISTRICT COURT AS PROVIDED FOR BY LAW.

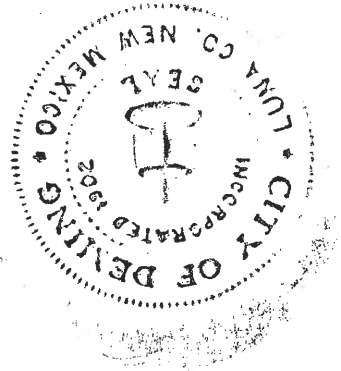
DATED this 19th day of April, 2021

CITY OF DEMING, NEW MEXICO

By [Signature]
Mayor, Benny Jasso

ATTEST:

[Signature]
City Clerk

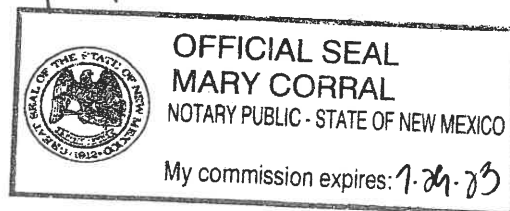


STATE OF NEW MEXICO
COUNTY OF LUNA

The foregoing instrument was acknowledged before me this 19th of April, 2021 by Benny Jasso Mayor, City of Deming, on behalf of the City Council.

[Signature]
Notary Public

My commission expires: 7.24.23



CITY COUNCIL DECISION AND ORDER

City of Deming • 309 S. Gold, Deming NM 88030 • (575) 546-8848

DATE ISSUED: April 15, 2021

ATTENTION: City Council - City of Deming

SUBJECT: Zone change for property located on the south side of East and West Second Street

REFERENCE: Applicant – City of Deming

Should the City Council approve the zone change from “D” Industrial to B-1 Multi-Family Residential?

BACKGROUND

The petition is being made in accordance with requirements of Title 13 of the City Code 2001. The subject land is Blocks 10-14, 17, 29, 33, 34, 37 and 38 of the Wallis Survey, on the southside of First Street. The zoning is currently D- Industrial and the request is to change the zoning to V-1 Multi-Family Dwelling. The reason for the request is that most of these lots are currently residential uses, and the lots are 25 feet wide and are not conducive to industrial use. The zone change corrects the zoning to a more appropriate zone for the land use in the area.

FINDING OF FACT

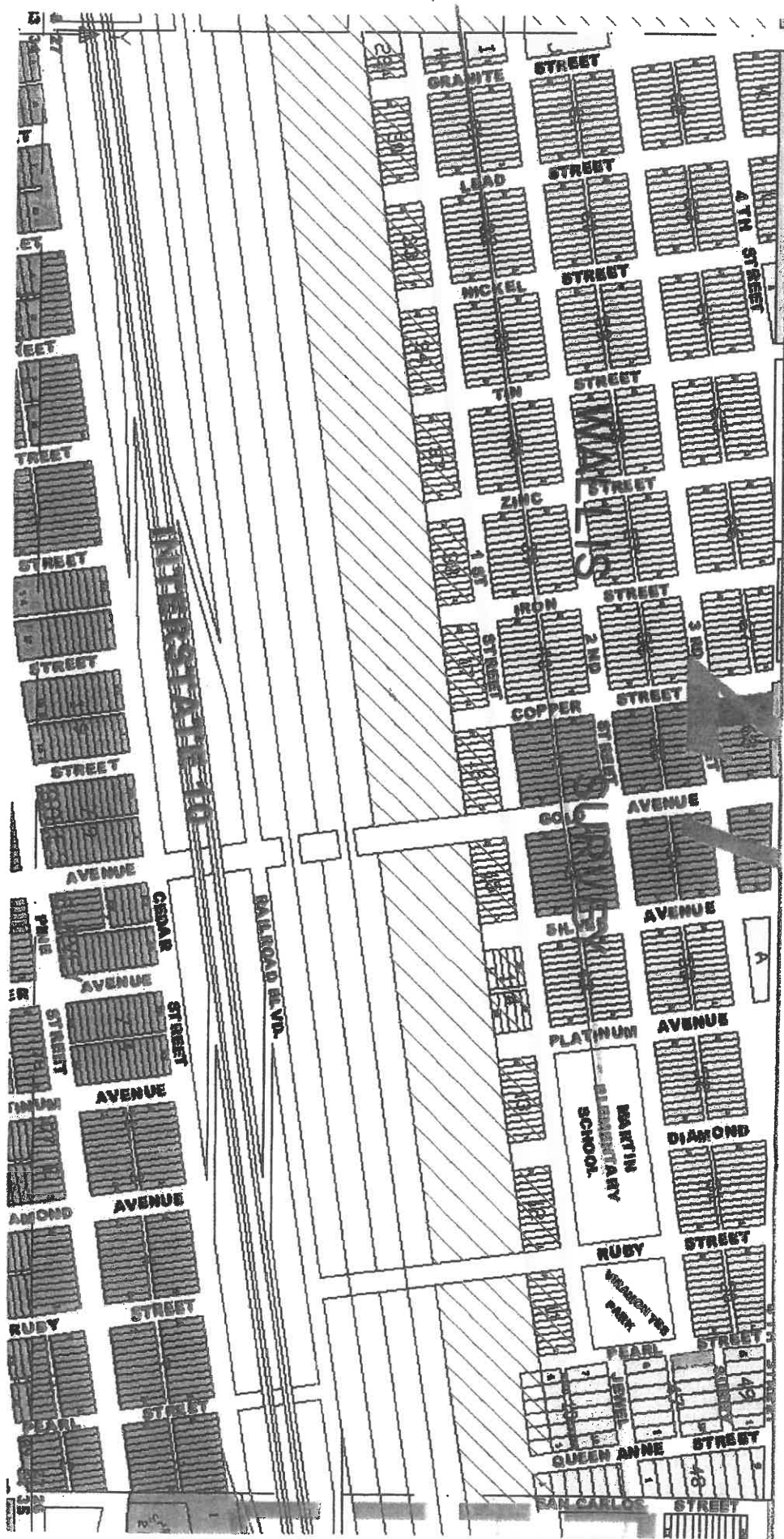
THIS MATTER having come before the City Council on March 9, 2015 on the request and application for a zone change in Deming, Luna County, New Mexico and the City of Deming City Council through Mayor Jasso having held a quasi-judicial hearing, adduced evidence and introduced matters into the record, the applicant, affected parties and other persons having the opportunity to appear and provide input in this matter and the City Council having been fully advised FINDS:

1. The Zone Change from D - Industrial to B1 – Multi-Family zoning of Blocks 10-14, 17, 29, 33, 34, 37 and 38 of the Wallis Survey, on the southside of First Street shall be granted.

ORDER

UPON DELIBERATION, it is within the discretion of this City Council to APPROVE, Applicant's request, DENY Applicant's request or MODIFY APPROVAL of Applicant's request through the SETTING OF CONDITIONS upon the REQUEST FOR AN ALTERNATE SUBDIVISION. The City Council, GRANTS the zone change.

SO ORDERED BY A VOTE OF 4-0



AFFECTED PARTIES INCLUDING THE CITY OF DEMING, THE COUNTY OF LUNA, THE APPLICANT OR ANY AFFECTED PARTY SHALL HAVE FIFTEEN DAYS FROM THE FILING OF THIS ORDER WITH THE LUNA COUNTY CLERK AND/OR THE DEMING CITY CLERK TO APPEAL THIS DECISION ORDER TO THE SIXTH JUDICIAL DISTRICT COURT AS PROVIDED FOR BY LAW.

DATED this 19th day of April, 2021

CITY OF DEMING, NEW MEXICO

By [Signature]
Mayor, Benny Jasso

ATTEST:
[Signature]
City Clerk

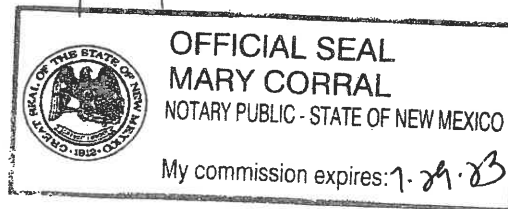


STATE OF NEW MEXICO
COUNTY OF LUNA

The foregoing instrument was acknowledged before me this 19th of April 2021 by Benny Jasso Mayor, City of Deming, on behalf of the City Council.

[Signature]
Notary Public

My commission expires: 7.24.23



CITY COUNCIL DECISION AND ORDER

City of Deming • 309 S. Gold, Deming NM 88030 • (575) 546-8848

DATE ISSUED: April 15, 2021

ATTENTION: City Council - City of Deming

SUBJECT: Zone change from "A"-Single Family to "G" Government zoning at 301 S. Tin Street.

REFERENCE: Applicant – City of Deming

Should the City Council approve the zone change from "A"- Single Family Residential to "G" Government at 301 S. Tin Street?

BACKGROUND

The petition is being made in accordance with requirements of Title 13 of the City Code 2001. The property is owned by the City of Deming, and is located on Lots 21 through 24, Block 22 of Deming Townsite. The reason for the request is to zone the property appropriately for its use and applying the zone that regulates government-owned properties.

FINDING OF FACT

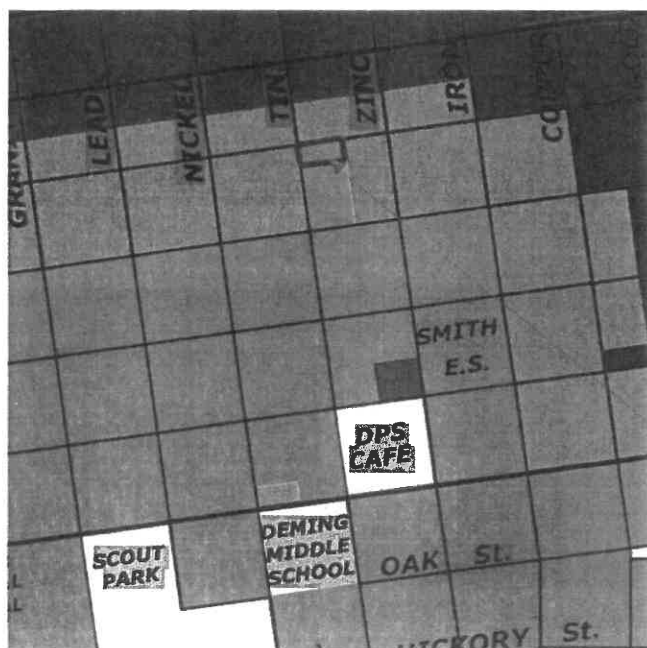
THIS MATTER having come before the City Council on July 9, 2018 on the request and application for a zone change in Deming, Luna County, New Mexico and the City of Deming City Council through Mayor Jasso having held a quasi-judicial hearing, adduced evidence and introduced matters into the record, the applicant, affected parties and other persons having the opportunity to appear and provide input in this matter and the City Council having been fully advised FINDS:

1. The Zone Change from A- Single Family zoning to G Government zoning of the of the property described as Lots 21-24 of Block 22 of Deming Townsite, within the City Limits of Deming, NM, shall be granted.

ORDER

UPON DELIBERATION, it is within the discretion of this City Council to APPROVE, Applicant's request, DENY Applicant's request or MODIFY APPROVAL of Applicant's request through the SETTING OF CONDITIONS upon the REQUEST FOR AN ALTERNATE SUBDIVISION. The City Council, GRANTS the zone change.

SO ORDERED BY A VOTE OF 4-0



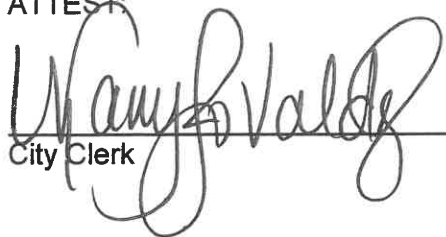
Subject Property

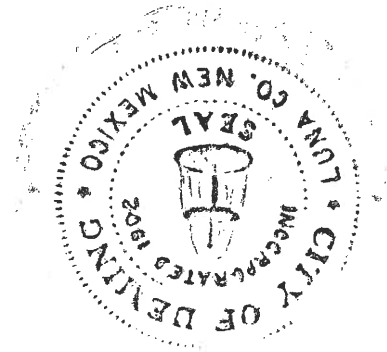
AFFECTED PARTIES INCLUDING THE CITY OF DEMING, THE COUNTY OF LUNA, THE APPLICANT OR ANY AFFECTED PARTY SHALL HAVE FIFTEEN DAYS FROM THE FILING OF THIS ORDER WITH THE LUNA COUNTY CLERK AND/OR THE DEMING CITY CLERK TO APPEAL THIS DECISION ORDER TO THE SIXTH JUDICIAL DISTRICT COURT AS PROVIDED FOR BY LAW.

DATED this 19th day of April, 2021

CITY OF DEMING, NEW MEXICO

By 
Mayor, Benny Jasso

ATTEST

City Clerk



STATE OF NEW MEXICO
COUNTY OF LUNA

The foregoing instrument was acknowledged before me this 19th of October, 2020 by Benny Jasso Mayor, City of Deming, on behalf of the City Council. April 2021


Notary Public

My commission expires: 7-29-2023



CITY COUNCIL DECISION AND ORDER

City of Deming • 309 S. Gold, Deming NM 88030 • (575) 546-8848

DATE ISSUED: April 15, 2021

ATTENTION: City Council - City of Deming

SUBJECT: Zone change for property located between Pearl and Ruby, Lots 7 – 10, Block 43 of South Addition.

REFERENCE: Applicant – Andy Gilmore

Should the City Council approve the zone change from “B” – Multi-Family Residential to “B-1” Multi-family?

BACKGROUND

The petition is being made in accordance with requirements of Title 13 of the City Code 2001. The applicant is requesting this zone change to allow him to place a mobile home on the property, and mobile homes are not allowed in the “B” multi-family zone, but they are allowed in the “B-1” multi-family zone. There are other mobile homes in the area.

FINDING OF FACT

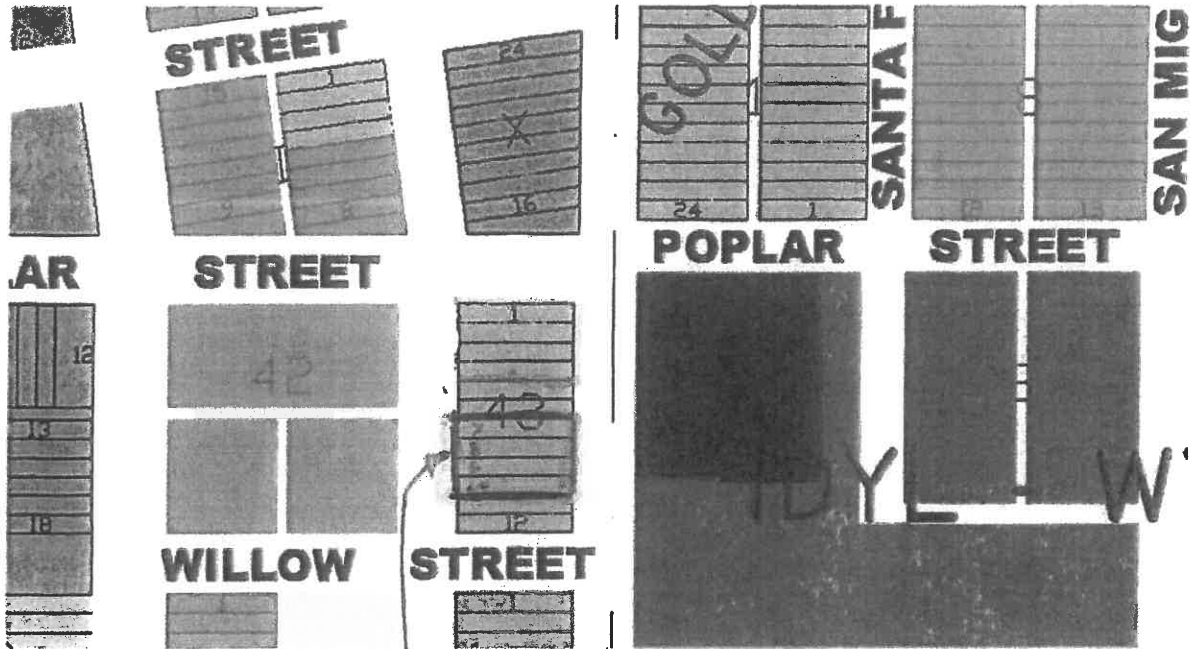
THIS MATTER having come before the City Council on April 10, 2017 on the request and application for a zone change in Deming, Luna County, New Mexico and the City of Deming City Council through Mayor Jasso having held a quasi-judicial hearing, adduced evidence and introduced matters into the record, the applicant, affected parties and other persons having the opportunity to appear and provide input in this matter and the City Council having been fully advised FINDS:

1. The zone change request from “B” Multi-family zoning to “B-1” Multi-family zoning of lots 7, 8, 9 and 10 of Block 43 of South Addition between Poplar and Willow Streets on the west side of Pearl shall be approved.

ORDER

UPON DELIBERATION, it is within the discretion of this City Council to APPROVE, Applicant’s request, DENY Applicant’s request or MODIFY APPROVAL of Applicant’s request through the SETTING OF CONDITIONS upon the REQUEST FOR AN ALTERNATE SUBDIVISION. The City Council, GRANTS the zone change.

SO ORDERED BY A VOTE OF 3-0



SUBJECT PROPERTY

FINDING OF FACT

THIS MATTER having come before the City Council on October 20, 2020 on the request and application for a zone change in Luna County, New Mexico and the City of Deming City Council through Mayor Jasso having held a quasi-judicial hearing, adduced evidence and introduced matters into the record, the applicant, affected parties and other persons having the opportunity to appear and provide input in this matter and the City Council having been fully advised FINDS:

1. That the Change in Zoning of Lands Owned by GEO Southwest, Located Within the Former ETZ Area Which is Adjacent to the Peru Mill Industrial Site, as well as Properties North of Interstate 10, and West of the Industrial Area, as presented shall be approved.

ORDER

UPON DELIBERATION, it is within the discretion of this City Council to APPROVE, Applicant's request, DENY Applicant's request or MODIFY APPROVAL of Applicant's request through the SETTING OF CONDITIONS upon the REQUEST FOR AN ALTERNATE SUBDIVISION. The City Council, GRANTS the zone change.

SO ORDERED BY A VOTE OF 3-0

AFFECTED PARTIES INCLUDING THE CITY OF DEMING, THE COUNTY OF LUNA, THE APPLICANT OR ANY AFFECTED PARTY SHALL HAVE FIFTEEN DAYS FROM THE FILING OF THIS ORDER WITH THE LUNA COUNTY CLERK AND/OR THE DEMING CITY CLERK TO APPEAL THIS DECISION ORDER TO THE SIXTH JUDICIAL DISTRICT COURT AS PROVIDED FOR BY LAW.

DATED this 27th day of April, 2021

CITY OF DEMING, NEW MEXICO

By 
Mayor, Benny Jasso

ATTEST:


City Clerk



**ALTA/ASCM
LAND TITLE SURVEY
ENVIRON INTERNATIONAL CORPORATION**
AS SITUATED IN CERTAIN TRACTS OF LAND IN SECTIONS
17, 20, 21, AND 29, T25S, R3W, N.M.P.M.,
LUNA COUNTY, NEW MEXICO

SEE ATTACHED DESCRIPTION

NOTES:
1. The above described land is located within the boundaries of the Enclaves of the Navajo Nation, and is subject to the provisions of the Navajo Land Allotment Act, as amended, and the Navajo Land Allotment Act, as amended, and the Navajo Land Allotment Act, as amended.

NOTES:
2. The above described land is located within the boundaries of the Enclaves of the Navajo Nation, and is subject to the provisions of the Navajo Land Allotment Act, as amended, and the Navajo Land Allotment Act, as amended, and the Navajo Land Allotment Act, as amended.

Environ International Corporation

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CITY OF DEMING
ORDINANCE NO. 1297
AN ORDINANCE APPROVING A LOCAL ECONOMIC DEVELOPMENT
PROJECT FOR SECURED FINANCIAL ASSISTANCE
PROPOSED BY HOME GROWN MARKET, LLC

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO that the following is added to the municipal code:

Pursuant to the City of Deming Economic Development Plan, Ordinance No. 1011, and NMSA 1978 Section 5-10-1, et seq. (Local Economic Development Act - "the Act"), the proposed economic development project of Home Grown Market, LLC ("The Company") which is on file with the City Administrator and available for public inspection, is approved for the purposes set forth in NMSA 1978 Section 5-10-1, et seq. and the City of Deming is authorized to enter into a Project Participation Agreement ("The Agreement") with the Company as required by Section 10 of the Act, and in substantially the same form as attached hereto, the terms of which are incorporated herein.

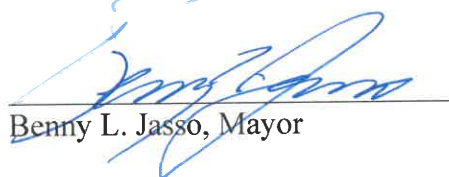
The City Council finds as follows:

- 1) the Company is an entity as defined in NMSA 1978, Section 5-10-3G;
- 2) Under the Agreement, the Company will provide a substantive contribution for the proposed project as described in NMSA 1978, Section 5-10-10B in the form of a going concern, a limited tax base, and employment;
- 3) the Agreement complies with the requirements of the Act and Ordinance No. 1011;
- 4) the benefit of the proposed project to the City of Deming are benefits arising from employment and economic activity under the project which exceeds the cost to the City of providing to the Company the assistance specified in the agreement, and
- 5) the Agreement complies with the requirements of Section 10 of the Act and is hereby adopted and approved.

BE IT FURTHER ORDAINED, that the Mayor or City Administrator are hereby authorized and directed to do all things necessary to implement this ordinance that is lawfully adopted.

PASSED, ADOPTED AND APPROVED this 18th Day of May 2021.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST


Mary Jo Valdez, Municipal Clerk