



MICHELE C. SHILLITO, MAYOR

AARON SERA, MANAGER

Phone (575) 546-8848 · Fax (575) 546-6442  
E-MAIL: deming@cityofdeming.org Website: www.cityofdeming.org  
P.O.BOX 706 · DEMING, NEW MEXICO 88031  
POPULATION 14,758

## **CITY COUNCIL MEETING AGENDA March 19, 2024 5:30 P.M.**

Please join the meeting from your computer, tablet or smartphone.

<https://meet.goto.com/CityofDeming>

Or Using your Phone: [1 866 899 4679](tel:18668994679)

Access Code: 595-334-189

Password: 595334189

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

#### **1. Consent Agenda**

##### **A. Minutes**

- a. Parks Commission January 10, 2024
- b. Tourism Development Committee January 25, 2024
- c. Planning and Zoning Commission February 12, 2024
- d. Regular City Council February 20, 2024
- e. Special City Council February 28, 2024

##### **B. Out of State Travel Request**

- a. Requesting Approval for Two DARE Instructors to Attend the 36<sup>th</sup> Annual DARE International Training Conference in Orlando, FL
- b. Requesting Approval for an Investigator to Attend the NCAC Symposium, in Huntsville, Alabama

#### **2. Legislative Update by Senator Siah Correa Hemphill**

#### **3. Request to Authorize the Disposal of Used or Obsolete Property with a FMV of \$5,000 More/Less**

#### **4. Request of Approval to Amend Fees and Hours of Operation for Aquatic Centers**

#### **5. Procurement:**

- a. RFP 24-03 Westside Property Purchase
- b. ITB 24-05 Sam Baca Aquatic Center Activity Pool Renovation

#### **6. Public Hearing: To Consider the Amendment of Title 9, Chapter 6, Article 5.C. to Correct Language**

#### **7. Public Hearing: To Consider the Transfer of Ownership for Liquor License No. 2643**

#### **8. Quasi-Judicial Public Hearing: To Consider a Variance Requested by Yvette Verdugo, for 1113 S. 9<sup>th</sup> Street, Within the City Limits**

#### **9. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision Requested by Joe Jackson, for the Southeast Corner of South Saddler Street and Baker Drive, within the City Limits**

#### **10. City Manager's Report**

#### **11. Closed Session: Pursuant to NMSA 10-15-1, H (2) and H (7) To Discuss Limited Personnel Matters Regarding Code of Conduct and Threatened and/or Pending Litigation**

#### **12. Open Session: Motions, if any**

#### **13. Adjourn Meeting**

*The next regular City Council Meeting is scheduled for April 16, 2024, at 5:30 p.m.*

# CITY COUNCIL MEETING MINUTES

**March 19, 2024**

**Remote meeting in compliance with the  
New Mexico Open Meetings Act**

**Council Present:**

Michele C. Shillito, Mayor  
Joe “Butter Milo, Councilor  
Julian Monjaras, Councilor

Stephen Westenhofer, Councilor  
Irmaisela A. Rodriguez, Councilor

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

**Council Absent:**

**Staff Present:**

Aaron Sera, City Administrator  
Azucena Vargas, Community Services Director  
Martha Salas, Asst. Finance Director/Dep. Clerk  
Joe Owen, Fire Chief  
Adrian Coloma, IT  
Cassie Ward, Economic Dev. Director  
Karen Reed, Aquatic Manager

David McSherry, Public Works Director  
Jose Montoya, Interim Chief of Police  
Jeremy Gervais, Special Projects Coordinator  
Lane Camfield, Planner I  
Amanda Sanders, Public Information Officer  
Yeimi Bustos, Receptionist

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

Benjamin Jimenez, Municipal Court Administrator

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

Mayor Shillito called for Pastor Duffy to lead in prayer.

Mayor Shillito called the meeting to order at 5:34 p.m. and led the Pledge of Allegiance.

A quorum was verified with a roll call.

**ROLL CALL VOTE**

Councilor Milo	Aye
Councilor Westenhofer	Aye
Councilor Rodriguez	Aye
Councilor Monjaras	Aye

**1. Consent Agenda**

Mayor Shillito asked if there were any questions on the items within the consent agenda or if Council was prepared to make a motion.

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

**ROLL CALL VOTE**

Councilor Westenhofer	Aye
Councilor Rodriguez	Aye
Councilor Milo	Aye
Councilor Monjaras	Aye

**2. Legislative Update by Senator Siah Correa Hemphill**

Mayor Shillito greeted Senator Hemphill and allowed her the floor.

Senator Hemphill informed Council about items presented, which were approved, to include funding for match funding; food banks; training for teachers, student mental health; and mental health. Senator Hemphill reported that the 30-day session had finished.

Councilor Milo asked if anything was passed to assist with homelessness issues. Senator Hemphill stated that funding was approved for affordable housing, mental health, and that they are advocating for resources.

**3. Request to Authorize the Disposal of Used or Obsolete Property with a FMV of \$5,000 More/Less**

Mr. Sera stated that the request is to allow the outdated and/or used inventory valued at under \$5,000 be removed from the asset report. Items approved will either be destroyed if they have no value. Councilor Milo asked what happens to the used cars belonging to the city at the service center. Mr. Sera stated that it was a different process and that an auction would have to be scheduled.

Mayor Shillito asked Council if they had questions or if they're prepared to make a motion.

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

**ROLL CALL VOTE**

Councilor Monjaras	Aye
Councilor Milo	Aye
Mayor Pro Tem Westenhofer	Aye
Councilor Rodriguez	Aye

**4. Request of Approval to Amend Fees and Hours of Operation for Aquatic Centers**

Ms. Vargas presented and read the memorandum explaining the increase of fees to the Mayor and Council. (Memo attached to the record)

Councilor Rodriguez asked if family night would still be offered. Ms. Reed, Aquatics Manager, stated that it can be looked at, if needed, to reinstate family nights.

Councilor Milo asked if there was adult time. Ms. Vargas stated that the therapy pool hours will remain the same.

Mayor Shillito asked Council if they had questions or if they're prepared to make a motion.

Councilor Rodriguez motioned to approve the amended fees, as submitted; motion second by Mayor Pro Tem Westenhofer; motion carried by the following roll call vote:

**ROLL CALL VOTE**

Councilor Monjaras	Aye
Mayor Pro Tem Westenhofer	Aye
Councilor Milo	Aye
Councilor Rodriguez	Aye



MICHELE C. SHILLITO, MAYOR

AARON SERA, MANAGER

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POPULATION 14,758

March 19, 2024

We, officials of the City of Deming, do hereby authorize the disposal of the used or obsolete property with a FMV of more/less than \$5,000, listed below.

See attached list.

Signed this 19<sup>th</sup> day of March 2024.

Michele C. Shillito, Mayor

Stephen Westenhofer, Mayor Pro Tem

Aaron Sera, Manager

## 5. Procurement

### a. RFP 24-03 Westside Property Purchase

Ms. Ward presented the item to Mayor Shillito and Council informing that there was only one proposal received and recommended that BW Gas & Convenience Holdings, LLC (Yesway-Allsupps) be awarded the RFP. Ms. Ward stated that the project is not a City funded project. Ms. Ward asked Council for the authorization for the Community Services Director and/or the City Manager to execute any documents related to the project with BW Gas & Convenience Holdings, LLC (Yesway-Allsupps).

Councilor Milo motioned to award RFP 24-03 to BW Gas & Convenience Holdings, LLC (Yesway-Allsupps), and to allow the Community Services Director and/or the City Manager to execute any documents related to the project, as presented; motion second by Mayor Pro Tem Westenhofer; motion carried by the following roll call vote:

#### ROLL CALL VOTE

Councilor Monjaras	Aye
Councilor Westenhofer	Aye
Councilor Rodriguez	Aye
Councilor Milo	Aye

### b. ITB 24-05 Sam Baca Aquatic Center Activity Pool Renovation

Mr. Gervais presented the item to Mayor Shillito and Council informing that only one bid was received from Frontline Contractors. Mr. Gervais requested Council's approval to award Frontline Contractors the ITB for a total amount of \$225,160.00, which includes NMGR and asked Council for the authorization for the Community Services Director and/or the City Manager to execute any documents related to the project.

Councilor Milo motioned to award ITB 24-05 to Frontline Contractors for \$225,160.00, and to allow the Community Services Director and/or the City Manager to execute any documents related to the project, as presented; motion second by Councilor Rodriguez; motion carried by the following roll call vote:

#### ROLL CALL VOTE

Councilor Westenhofer	Aye
Councilor Milo	Aye
Councilor Rodriguez	Aye
Councilor Monjaras	Aye

## 6. Public Hearing: To Consider the Amendment of Title 9, Chapter 6, Article 5.C. to Correct Language

Mayor Shillito conducted a public hearing to consider an amendment to Title 9, Chapter 6, Article 5.C. to correct language.

Ms. Valdez presented the item for Mayor Shillito and Council explaining that the language in the previous version was misaligned with the process and would allow an additional 15-days to pass before the assessment of penalty fees for non-payment of balances due on utility accounts.

Ms. Valdez stated that the corrected language would allow penalties to be assessed after the close of business, on the 15<sup>th</sup> day, which is when the balance is due.

Mayor Shillito opened the public hearing for public comment.

Mr. Fox addressed Council stating that in other states, late fees aren't applied until after a 4-5 day grace period. Mr. Fox asked if the assessments applied to only residential accounts or also applied to



CITY OF DEMING  
ORDINANCE NO. 1329

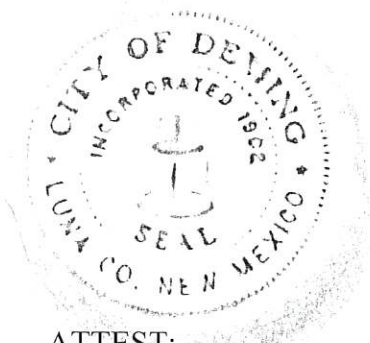
AN ORDINANCE AMENDING TITLE 9, CHAPTER 6, ARTICLE 5.C.,  
TO CORRECT LANGUAGE, OF THE MUNICIPAL CODE  
OF THE CITY OF DEMING, NEW MEXICO

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

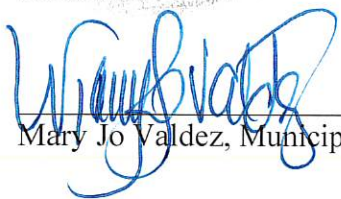
1. Title 9, Chapter 6, Article 5.C. of the City of Deming Municipal Code is hereby amended  
by deleting it in its entirety and replacing it as follows:

9-6-5.C. Late Fees: Should an account not be paid by the close of business, on the fifteenth (15)  
day when it is due, a late fee of ten percent (10%) shall be added to the bill after close of business  
on that fifteenth (15) day.

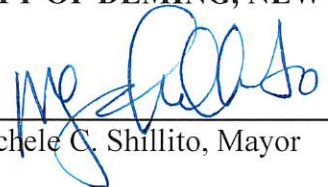
**PASSED, ADOPTED, AND APPROVED**, this 19<sup>th</sup> day of March 2024.



ATTEST:

  
\_\_\_\_\_  
Mary Jo Valdez, Municipal Clerk

**CITY OF DEMING, NEW MEXICO**

  
\_\_\_\_\_  
Michele C. Shillito, Mayor

commercial accounts. Ms. Valdez stated that penalties applied to both residential and commercial accounts.

Mr. Fox asked if the penalty assessment allowed for exceptions, and asked if the City was closed early they'd be penalized.

Ms. Valdez called point of order explaining that the ordinance is only to correct the language to one that is already in place. Ms. Valdez addressed the question about the penalty assessment, stating that if the due date is on a Friday, the penalty assessments would not be posted until the end of business on the Monday proceeding as the City closes at 11:45 a.m. on Fridays.

With no further comments, Mayor Shillito closed public comments and asked if Council was prepared to make a motion.

Councilor Monjaras motioned to approve the amendment, as presented; motion second by Councilor Rodriguez; motion carried by the following roll call vote:

**ROLL CALL VOTE**

Councilor Milo	Aye
Mayor Pro Tem Westenhofer	Aye
Councilor Monjaras	Aye
Councilor Rodriguez	Aye

**7. Public Hearing: To Consider the Transfer of Ownership for Liquor License No. 2643**

Mayor Shillito conducted a public hearing to consider the transfer of ownership for liquor license no. 2643.

Ms. Valdez stated that the agent for Ms. Mugar is virtually in attendance.

Ms. Mugar addressed Council stating that she purchased the hotel where the Lazy Lizard is located.

Mayor Shillito opened the public hearing for public comments.

Ms. Stoker addressed Council informing them that the request is only for the transfer of ownership for the license that is currently being operated at the same location.

Councilor Rodriguez motioned to approve the transfer of ownership for liquor license No. 2643, as submitted; motion second by Mayor Pro Tem Westenhofer; motion carried by the following roll call vote:

**ROLL CALL VOTE**

Councilor Milo	Aye
Councilor Monjaras	Aye
Mayor Pro Tem Westenhofer	Aye
Councilor Rodriguez	Aye

Mayor Shillito asked if staff had identified all parties giving testimony and asked that all parties interested in providing testimony for the cases listed in item 8 and 9, sign-in and be sworn-in by raising their right hand and stating "I do so affirm" once she read the oath. All parties swore-in.

**8. Quasi-Judicial Public Hearing: To Consider a Variance Requested by Yvette Verdugo, for 1113 S. 9<sup>th</sup> Street, Within the City Limits**

Mayor Shillito conducted a quasi-judicial public hearing to consider a variance requested by Ms. Verdugo for 1113 S. 9<sup>th</sup> Street. Mayor Shillito asked if Council had any conflicts of interest; they affirmed that did not.

Mayor Shillito asked if legal notices were properly posted. Ms. Valdez confirmed that they had been.

Mayor Shillito asked staff if they were prepared to present the case.

Mr. Camfield, City Planner, addressed Council explaining that the applicant, Ms. Yvette Verdugo, is requesting the approval to amend the required front yard depth (setback) for the property located at 1113 S. 9<sup>th</sup> St. Deming NM. Mr. Camfield explained that the variance is to amend the required distance for a front yard depth setback to be 18'6". Mr. Camfield explained that Ms. Verdugo has recently purchased the property for her family to move from California to Deming; adding that Ms. Verdugo is remodeling her home and plans to enclose the existing porch to use for additional living space. If approved, the porch would then become livable area and part of the square footage of the entire home. As a result, with the current ordinance, the home would then not meet the required front yard depth (setback).

Mayor Shillito asked if Council had any questions for staff.

Councilor Rodriguez asked if the existing porch is not included in the initial setback, and if it should be enclosed, will they be allowed to add on another porch. Mr. Camfield stated that it would be an issue and he has discussed that with the applicant and was informed by Ms. Verdugo that there would not be an additional porch added once the existing porch is enclosed.

Mayor Shillito asked if the applicant wished to address Council. She did not.

Mayor Shillito asked if there were any affected parties who would like to address Council. There were none.

Mayor Shillito asked if there were any interested parties who would like to address Council. There were none.

Councilor Monjaras asked what the purpose of the setback was. Mr. Camfield stated that it is required for safety purposes; for the alignment of homes; and for the allowance of utility easements and sidewalks.

With no further comments, Mayor Shillito closed comments and asked Council if they were prepared to go into closed session under NMSA 1978, 10-15-1-H-3.

Councilor Rodriguez motioned to approve the variance request for 1113 S. 9<sup>th</sup> Street requested by Yvette Verdugo, as submitted; motion second by Mayor Pro Tem Westenhofer; motion carried by the following roll call vote:

**ROLL CALL VOTE**

Councilor Milo	Aye
Mayor Pro Tem Westenhofer	Aye
Councilor Rodriguez	Aye
Councilor Monjaras	Aye

Mayor Shillito stated that the decision announced by the authority will be effective after the written order is executed and filed with both the Municipal and County Clerks.



Pursuant to NMSA, 1978 39-3-1.1.C, any action of the City Council in approving, conditionally approving, or denying this application may be appealed by any aggrieved person, any member of the City Council, or by the City Administrator to the District Court within 30 calendar days from the date the order has been filed.

**9. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision Requested by Joe Jackson, for the Southeast Corner of South Saddler Street and Baker Drive, within City Limits**

Mayor Shillito conducted a quasi-judicial public hearing to consider an alternate subdivision requested by Joe Jackson, for the Southeast Corner of South Saddler Street and Baker Drive.

Mayor Shillito asked if Council had any conflicts of interest; they affirmed that did not.

Mayor Shillito asked if legal notices were properly posted. Ms. Valdez confirmed that they had been.

Mayor Shillito asked staff if they were prepared to present the case.

Mr. Camfield, City Planner, addressed Council explaining that the applicant, Mr. Joe Jackson, is requesting the approval of a change in lot configuration. To subdivide 1 lot into 5 lots for possible sale in the future. Located at the corner of South Saddler Street SE. and Baker Dr.

Mayor Shillito asked if Council had any questions for staff; there were none.

Mayor Shillito asked if the applicant wished to address Council. He did not.

Councilor Milo asked about utilities within the area. Mr. Camfield stated that utilities have been addressed with the applicant.

Mayor Shillito asked if there were any affected parties who would like to address Council. There were none.

Mayor Shillito asked if there were any interested parties who would like to address Council. There were none that had been sworn in.

With no further comments, Mayor Shillito closed comments and asked Council if they were prepared to go into closed session under NMSA 1978, 10-15-1-H-3.

Mayor Pro Tem Westenhofer motioned to approve the alternate subdivision for requested by Joe Jackson for the Southeast Corner of South Saddler Street and Baker Drive, as submitted; motion second by Councilor Monjaras; motion carried by the following roll call vote:

**ROLL CALL VOTE**

Councilor Milo	Aye
Councilor Rodriguez	Aye
Councilor Monjaras	Aye
Mayor Pro Tem Westenhofer	Aye

Mayor Shillito stated that the decision announced by the authority will be effective after the written order is executed and filed with both the Municipal and County Clerks.

Pursuant to NMSA, 1978 39-3-1.1.C, any action of the City Council in approving, conditionally approving, or denying this application may be appealed by any aggrieved person, any member of the City Council, or by the City Administrator to the District Court within 30 calendar days from the date the order has been filed.

## 10. City Manager's Report

- Harbor Freight has signed, and construction started yesterday. They should be opened by the end of June.
- Silver Linings Work Program has started.
- Public Works and I have been working on the WWTP to address the quality of effluent water.
- Working on litigation in progress which has consumed a lot of my time and Laura's time for quite some time now, in getting all the paperwork together for IPRA requests.

## 11. Closed Session: Pursuant to NMSA 10-15-1, H(2) and H(7) To Discuss Limited Personnel Matters Regarding Code of Conduct and Threatened and/or Pending Litigation

Mayor Shillito asked Council for a motion to go into closed session.

Councilor Milo motioned to go into closed session, as listed; motion second by Mayor Pro Tem Westenhofer; motion carried with the following ROLL CALL VOTE:

### **ROLL CALL VOTE**

Councilor Monjaras	Aye
Councilor Rodriguez	Aye
Mayor Pro Tem Westenhofer	Aye
Councilor Milo	Aye

## 12. Open Session: Motions, if any

Mayor Shillito asked for a motion to go back into open session.

Councilor Milo motioned to go back into open session; motion second by Councilor Rodriguez; motion carried by the following roll call vote:

### **ROLL CALL VOTE**

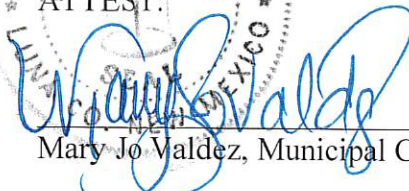
Mayor Pro Tem Westenhofer	Aye
Councilor Milo	Aye
Councilor Rodriguez	Aye
Councilor Monjaras	Aye

Mayor Shillito stated that only those items listed on the agenda were discussed and that no motions were made during closed session.


## 13. Adjourn Meeting

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

Councilor Milo motioned to adjourn the meeting; second by Councilor Monjaras; motion carried unanimously. The meeting adjourned at 8:21 p.m.

ATTEST:  
  
Mary Jo Valdez, Municipal Clerk

**CITY OF DEMING, NEW MEXICO**

  
Michele Shillito, Mayor