

BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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**CITY COUNCIL MEETING**  
**AGENDA**  
**November 21, 2023**  
**5:30 P.M.**

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

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

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

Access Code: 595-334-189

Password: 595334189

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

1. Consent Agenda
  - A. Minutes
    - a. Regular City Council October 17, 2023
    - b. Planning and Zoning October 16, 2023
2. Video Presentation of Fly-In Event – Community Services Director
3. Request for the Approval of the 2024 Holiday Schedule
4. Request for Approval of Job Description of Senior Systems Analyst and Amendment to Job Descriptions for Accounting Clerk/Chief Procurement Officer and Financial Asset Analyst
5. Mayoral Appointment of Alternate Municipal Judge and Commissioners to Parks and Planning & Zoning
6. Public Hearing: To Consider an Amendment to Title 12, Chapter 7, Section 3: Regarding Storage Unit Requirements
7. Public Hearing: To Consider the Application for a Restaurant A Liquor License for Bennett Restaurant Management Company, LLC
8. Public Hearing: To Consider the Transfer of Ownership and Location of Liquor License No. 4016, for Circle K
9. Quasi-Judicial Public Hearing: To Consider a Special Use Permit for the Operation of SPIN at 709 S. Copper Street
10. Administrators Report
11. Adjourn Meeting

*The next regular City Council Meeting is scheduled for December 19, 2023, at 5:30 p.m.*

# CITY COUNCIL MEETING MINUTES

November 21, 2023

Remote meeting in compliance with the  
New Mexico Open Meetings Act

## Council Present:

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

## Council Present (Telephonically/Virtually):

## Council Absent:

## Staff Present:

Aaron Sera, City Administrator  
Azucena Vargas, Community Services Director  
Cint Hogan, Chief of Police  
Owen, Fire Chief  
Amanda Sanders, Public Information Officer  
Julian Hernandez, Battalion Chief Fire Department  
Jim Massengill, Public Works Director  
Laura Holguin, Finance Director  
Jeremy Gervais, Special Projects Coordinator  
Joe Adrian Coloma, IT  
Yeimi Bustos, Receptionist  
Windia Cassie, Admin. Asst. Public Works

## Staff Present (Telephonically/Virtually):

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

Mayor Jasso called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

Mayor Jasso asked for a Roll Call, as follows, determining a quorum:

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

Ms. Valdez verified a quorum.

### 1. Consent Agenda

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

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

### ROLL CALL VOTE

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

**2. Video Presentation of Fly-In Event – Community Services Director**

Mr. Sera stated that Ms. Vargas was not able to attend; adding that her department put together a video for the community, of the fly-in event. Mr. Sera stated that the Young Eagles Chapter volunteered their time, planes, fuel and all else to help children get an insight of what being an aviation pilot could be. Mr. Sera stated that all are looking forward to hosting the event again, next year. Mayor Jasso thanked all of staff, organizations, and Mr. Benavidez for making the event successful.

**3. Request for the Approval of the 2024 Holiday Schedule**

**Mr. Sera presented the holiday schedule for 2024, explaining the difference of Independence Day and Christmas Days which include a day off on Friday, which is only a half day worked.**

Councilor Valdespino motioned to approve the 2024 Holiday Schedule, as submitted; motion second by Councilor Milo; motion carried by following roll call vote:

**ROLL CALL VOTE**

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

**4. Request for Approval of Job Description of Senior Systems Analyst and Amendment to Job Descriptions for Accounting Clerk/Chief Procurement Officer and Financial Asset Analyst**

Mr. Sera stated that the Senior Systems Analyst is a title change from IT Technician. Mr. Sera stated that the position was created three years ago; adding that they have been performing at a top notch level. Mr. Sera stated that the range change to a 26, will allow them to top out later.

Ms. Holguin explained that the next two positions are currently in place and is requesting the range change from 10 to a range 12, due to certification requirements of CPO which takes two years to obtain and has to be maintained, and also the responsibilities for the Accounting Clerk; adding that the Asset Analyst also requires keeping track of the city's assets and having knowledge of the audit rule and state statutes; stating that both of the positions deserve a higher range.

Councilor Rodriguez motioned to approve the job descriptions for all, as submitted; motion second by Mayor Pro Tem Topham; motion carried by following roll call vote:

**ROLL CALL VOTE**

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

**5. Mayoral Appointment of Alternate Municipal Judge and Commissioners to Parks and Planning & Zoning**

Mayor Jasso asked for Council's approval of his appointment of Kelly Gannaway to serve as the Alternate Judge for Municipal Court who will serve in the absence of Judge Davalos; Alan Briley to serve on the Planning & Zoning Commission; Silas Wilson and Zalenna Villanueva to serve on the Parks Commission.

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

**ROLL CALL VOTE**

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

**6. Public Hearing: To Consider an Amendment to Title 12, Chapter 7, Section 3: Regarding Storage Unit Requirements**

Mayor Jasso conducted a public hearing to consider an amendment to Title 12, Chapter 7, Section 3, regarding storage unit requirements.

Mr. Sera explained that the proposed amendment is being made to standardize the current ordinance after it being brought to his attention by Harbor Freight representatives that the current ordinance was not clear.

Mayor Jasso opened the public hearing for public input. There was none.

Mayor Jasso closed public input and asked Council if they were prepared to make a motion.

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

**ROLL CALL VOTE**

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

**7. Public Hearing: To Consider the Application for a Restaurant A Liquor License for Bennett Restaurant Management Company, LLC**

Mayor Jasso conducted a public hearing to consider the approval or denial of a Restaurant A Liquor License applied for by Bennett Restaurant Management Company, LLC.

Mr. Sera stated that this license is being applied for under the new law for restaurant licenses to serve beer and wine.

Mayor Jasso opened the public hearing for public input. There was none.

Mayor Jasso closed public input and asked Council if they were prepared to make a motion.

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

**ROLL CALL VOTE**

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

**8. Public Hearing: To Consider the Transfer of Ownership and Location of Liquor License No. 4016, for Circle K**

Mayor Jasso conducted a public hearing to consider the transfer of ownership and location of liquor license number 4016, for Circle K.

Mr. Sera stated that the liquor license would be put into use at the Circle K/Valero next to Sonic; adding that the establishment is well within the 300 ft. requirement from any church or school.

Mayor Jasso opened the public hearing for public input. There was none.

Mayor Jasso closed public input and asked Council if they were prepared to make a motion.

Councilor Valdespino motioned to approve the liquor license transfer, as presented; motion second by Councilor Milo; motion carried by following roll call vote:

**ROLL CALL VOTE**

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

**9. Quasi Judicial Public Hearing: To Consider a Special Use Permit for the Operation of SPIN at 709 S. Copper Street**

Mayor Jasso conducted a quasi-judicial public hearing to Consider the Request of a Special Use Permit, by SPIN (Supporting People In Need) applied for by its Director Christina Wolford Castillo, for the operation of a transitional housing facility.

Mr. Camfield, City Planner, presented the case to the Mayor and City Council explaining that the applicant is requesting the special use permit to operate a transitional housing facility at 709 S.

Copper, which is zoned A Single Family Dwelling. Mr. Camfield explained that City Municipal Code does not allow for the operation of such establishment in a residentially zoned area; adding that the applicant charges rent to each tenant and that the establishment has been in operation without proper zoning and business licensing. Mr. Camfield addressed staff's objection to the approval and informed

Council that the Planning and Zoning Commission recommended the denial of the request on October 16, 2023.

Mayor Jasso asked if Council had any questions for Staff. Councilor Rodriguez asked if the establishment was already in operation and if there were already people living at the residence. Mr. Camfield confirmed. Councilor Milo stated that it seems as if the applicant plans to rent out six (6) rooms and it's only a three (3) bedroom house.

Mayor Jasso asked if the applicant would like to make a statement; informing them to state their name and address for the record.

The applicant Ms. Castillo, Director of SPIN, addressed City Council providing history of their existence in other communities; adding that stating that the transitional home in Deming has been in operation since 2021 with a 70% success rate of participants. Ms. Casillo stated that the participants who come to their transitional homes are local people who are living in your community and on your streets, in your vacant buildings, adding that they're ones that probation and parole have identified as wanting to do something different and are in need of that first initial step. Ms. Castillo stated that the rent that is paid is put back into buying toiletries, cleaning supplies, and document recovery, and for things that people need to transition successfully into their own housing.

Ms. Casillo stated that people with disabilities such as addiction, alcoholism, and mental illness are protected under the American's With Disabilities Act of 1990, 42 USC Section 12181-12189 reads that the title 3 of the ADA prohibits discrimination based on disability in the goods services facilities privileges advantages and accommodations of places and public services and facilities operated by private entities. She went on to explain the Fair Housing Act on all types of transactions; adding that denying their special use permit because of the disabilities of the individuals who could or would live there could result in fines that were emphasized verbally and expressively by Ms. Castillo as "staggering" in the amount of tens of thousands of dollars; additionally stating "and if there's any thoughts in your minds collectively that you might deny this special use permit and use that as a way for us not to be able to house people I would just suggest that you table this and talk to your lawyer or City Attorney and then come back and have this conversation.

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

Councilor Milo questioned the number of tenants and if the tenants held employment. Ms. Castillo stated that they currently have four tenants and that they each have their own individual plan. Ms. Castillo stated that they do not have individual rooms that there are a couple people to each room.

Councilor Valdespino questioned the length of time they'll be residing within the home. Ms. Castillo stated they would be residing in the home for six months to one year. Councilor Valdespino asked how many participants have been in the program with the 70% success rate. Ms. Castillo stated that there have been thirty (30) participants.

Mayor Jasso asked if there were any affected parties, who had been sworn-in, that would like to provide testimony.

Mr. Camfield, City of Deming Planner, read a letter from an affected resident, Ms. Sutton residing at 914 S. Copper Street, for the record (attached for reference) opposing the operation of transitional housing within their neighborhood due to the rise in crime since the operation commenced.

Ms. Heddlesten, property resident at 300 S. Copper, addressed Council asking what the City or SPIN is doing to protect the neighbors in that area.

Ms. Quarrell, residing at 121 E. Elm, stating she is a neighbor of the transitional home when it was located on S. Silver Street. Ms. Quarrell stated that the participants are willing to help anyone, and have moved people without asking for money; she added that the participants are drug tested and that they follow rules. Ms. Quarrell stated that there are people throughout this town who are getting in trouble; adding that the participants don't live on the Silver Street location anymore and they still see people walking around everywhere. Ms. Quarrell stated that Christie screens the participants very well and that she turns away many people that don't fit into their program.

Mr. Aguilera, affected resident residing at 707 S. Copper Street, addressed Council stating that he and his family are direct neighbors of the subject location. Mr. Aguilera stated that the transitional housing and previous counseling center had been in operation for about a year and a half; noting that the operation was without a business license, the occupation was not in compliance with local law. Mr. Aguilera stated that his family immediately begin to notice foot traffic from the homeless community as well as increased vehicle traffic. Mr. Aguilera stated that after his knowledge of personnel from the City of Deming shutting down the operation, the operations continued after only a ½ day of shutting down which was another failure of the occupation to be in compliance with local law. Mr. Aguilera noted that during the City of Deming's Planning and Zoning meeting, held on October 16<sup>th</sup>, 2023, the applicant was notified during the review that there were to be no new tenants moved in; to which the operation moved in two more people adding that he and his family have witnessed approximately 6 tenants residing in the home. Mr. Aguilera heavily noted the history of incompliance to local laws by the proposed applicant. Mr. Aguilera provided a document from Silver City's Town Council relating to the complaints of another location operated by the same organization (SPIN) and Director Christina Wolford Castillo (attached for record). Mr. Aguilera stated that the safety of those who reside near the subject location is at risk for violence, increased drug activity, and theft as there is a rotation of repeat offenders residing there.

Mr. Aguilera noted that the value of the properties near the subject location would also decrease, due to the operation of the transitional house, should they decide to sell their properties.

Mr. Padron, affected party residing at 714 S. Copper, addressed his concerns to Council stating that he and his family have resided at their residence for 20 years; adding that they rarely had any issues at all until the operation commenced. Mr. Padron noted that since the transitional housing began operating, they have seen increased homeless persons in their neighborhood, increased drug activity and violence, his family has dealt with persons banging at their door and fighting on a weekly basis. Mr. Padron stated that the statement made by Ms. Castillo that the denial would violate fair housing or protected class rights was a scare tactic; adding that a single family zoning district simply does not allow for the operation of that nature of business. Mr. Padron stated that he is in support of services to be provided if they are located in a proper zoning for the safety of all residents. Mr. Padron noted that the "Acts" do not permit for the allowance of changing zoning requirements to allow nor the violating other citizen's rights within the neighborhood.

Ms. Padron, affected party residing at 714 S. Copper, addressed Council stating that their family has resided in their home for 20 years, adding that the increased safety issues brought on by the operation of the transitional housing unity has been alarming as they have a minor son who has witnessed, first-hand, a fight between persons entering and exiting the subject location. Ms. Padron noted the decrease in property value, as well as the area being zoned residential which is not the proper place for such a business.

Mr. Padron, minor residing at 714 S. Copper and affected party, addressed Council stating that he witnessed the fight which started as a loud disturbance. Mr. Padron (minor) stated that as he walked home from school he witnessed two drug addicts which scared him. This has never happened before.

Mayor Jasso asked if there were any interested parties, who had been sworn-in, that would like to provide testimony.

Ms. Quarrell, interested person, addressed Council stating that drug addicts are all over in town and noted that there is a house to the south of the subject property that has unsupervised drug addicts. Ms. Quarrell stated that the neighbors should think about the supervision the transitional housing.

Ms. Tuton, affected party, owner of property at 722 S. Gold Ave. Ms. Tuton addressed Council stating that she and her fiancé had just purchased the property that was dilapidated. Ms. Tuton stated that they are interested in improving Deming, as she's relocated to Deming and is raising her child here. Ms. Tuton questioned the fire capacity regarding the number of persons living in the subject property, stating that this should possibly be looked at by the Fire Marshall. Ms. Tutson stated it is a safety and cleanliness concern, and asked that Council consider its denial as there were three fires started within two weeks from the time they purchased the property.

Ms. Fairman, interested party, addressed Council stating that she and the organization Silver Linings, collaborates with SPIN. Ms. Fairman stated that she is in support of the SPIN program; suggesting that the people in the home should become a family while living in the home.

Ms. Perez, employee of SPIN, addressed Council stating that she works with the residents. Ms. Perez stated that they have housed persons who have had issues with drugs, and stated that if they're not allowed a second chance, they possibly won't make it. Ms. Perez stated that she's willing to work with the neighborhood if there are any issues with their residents. Ms. Perez stated that they're trying to help people become better people. Mayor Jasso asked if the tenants are monitored. Ms. Perez stated that there is a head of house gentleman and that their cameras are operable 24/7.

Mr. Camfield, City Planner, reiterated for Council that the issue is not related to the tenants residing in the transition home; however, it is related to the correct zoning for the establishment as a Single Family zoned location does not allow for the operation of such business as does the property of their second location which is zoned commercial in which they do have a business license. Mr. Camfield reiterated that SPIN has expressed that they do not feel that the need a business license at the subject property, after being informed that they do because it is operating as a business.



Mayor Jasso closed public comments and asked Council if they were prepared to make a motion. Councilor Rodriguez motioned to deny the special use permit for transitional housing located at 709 S. Copper Street as presented and recommended by staff; motion second by Councilor Valdespino; motion carried with the following ROLL CALL VOTE:

ROLL CALL VOTE:

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

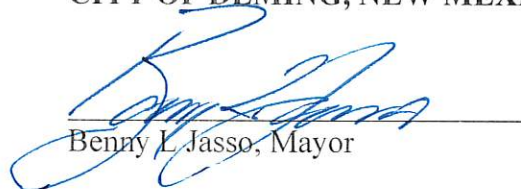
**10. Administrator's Report**

- Mr. Sera stated that the City and County attended an outdoor economic recreation conference. Mr. Sera stated that projects are still in progress such as kayak rentals and staff is still exploring more outdoor activities for the community.
- Mr. Sera stated that Harbor Freight is 99.9% ready to sign the contract.
- Mr. Sera stated that he's discussed the Obligation Bonds with NMFA and will come to Council in January for another portion of street light replacements.
- Met with Office of State Engineer to discuss the AZ Water Settlement Act Funding.
- DPS is upgrading the girls' baseball field, the City budgeted up to \$150,000 after the DPS received a Title 9 complaint which has to be satisfied.
- The Golf Course is a big issue; met with RMMCC is going under and they are going to shut it down. The City owns half and they own the other half. Financials are being reviewed to find a solution so that it will not close.
- Audit on water, by Ms. Holguin, has no update as of today but will get a status on this. The financial audit will be late as well, as the deadline is December 15<sup>th</sup>.

**11. Adjourn Meeting**

With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting. Councilor Milo motioned to adjourn the meeting; Councilor Rodriguez second the motion; motion carried unanimously. The meeting adjourned at 6:55 p.m.

CITY OF DEMING, NEW MEXICO

  
Benny L. Jasso, Mayor

ATTEST:

  
Mary Jo Valdez, Municipal Clerk