



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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 14,000

CITY COUNCIL MEETING AGENDA August 17, 2021 5:30 P.M.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ATTENDANCE ROLL CALL

1. Consent Agenda
 - A. Minutes – City Council
 - a. Regular Meeting 07/20/2021
 - b. Special Meeting 07/29/2021
 - B. Minutes – Planning & Zoning Commission 07/19/2021 Cancelled, no items
 - C. Minutes – Airport Commission 08/10/2021 Cancelled, no quorum
 - D. Approval of Job Descriptions
 - a. Title Change for the Administrative Secretary Job Description to Administrative Assistant
 - b. Operator III – Water
 - c. Operator III/CDL – Water
 - d. Operator III – Solid Waste
 - e. Operator III/CDL – Solid Waste
 - E. Mayoral Appointment to Tourism Development Committee
 - F. Ratification of Physical Inventory for Fiscal Year 2021
 - G. Approval of the Amendment to DM 09-10 Drug and Alcohol Policy
2. Public Comments
3. Presentation of a Certificate of Appreciation to James Teeter
4. Swearing in of Deming Fire Department Personnel
5. Mayoral Appointment of Assistant Chief/Chief of Police
6. Resolution to Approve the 2023-2027 Infrastructure Capital Improvement Plan
7. Public Hearing Title 9 Chapter 1 Section 5 Poly Cart Fees
8. Public Hearing: To consider the Amendment of Title 6 Section 1D-8 of the Municipal Code Pertaining to the Possession of Marijuana / Cannabis
9. Public Hearing: To consider the Amendment of Title 12, Chapter 4, of the Municipal Code Pertaining to the Addition of Subsection Q “Cannabis Zoning Regulations”
10. Public Hearing: To consider the Amendment of Title 3, of the Municipal Code, with the Addition of Chapter 14 “Medical and Recreational Cannabis Establishment Regulations”
11. Administrator’s Report
12. Closed Session: To discuss the purchase, acquisition or disposal of real property, pursuant to NMSA 1978 Section 10-15-1(H)(8) of the Open Meetings Act
13. Open Session: Motions, if any
14. Adjourn Meeting

The next regular City Council Meeting is scheduled for September 21 2021 at 5:30 p.m.

CITY COUNCIL MEETING MINUTES

August 17, 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
Irmaisela "Irma" A. Rodriguez, Councilor

Dr. Victor Cruz, Councilor
Monica Topham, Councilor

Council Present (Telephonically):

Council Absent:

Staff Present: Aaron Sera, Administrator
Alexi Jackson, Community Services Director
Joe Owen, Fire Chief
Felipe Figueroa, Administrative Assistant

Jim Massengill, Public Works Director
Azucena Vargas, Assistant PWD
Alex Valdespino, Chief of Police

Staff Present (Telephonically/Virtually):

Recording Secretary: Mary Jo Valdez, Municipal Clerk

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

1. Consent Agenda

Mr. Sera presented the consent agenda to Council stating that there were no items to discuss.
Councilor Cruz asked about the amendment to the drug and alcohol policy. Mr. Sera stated that the amendment is to follow the NM Cannabis Act for pre-employment screening; adding that after the applicant becomes an employee the no tolerance policy is in effect.

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

ROLL CALL VOTE

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

2. Public Forum

Mayor Jasso opened the meeting for public comment stating that comments entertained should not be related to any items on the agenda. Mr. Sera shared a video of the Fishing Day held in the community. Mayor Jasso closed the public forum.



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COUNCIL RATIFICATION

The City of Deming Council does hereby ratify the attached FY 2021 physical inventory certification sheets. These certifications acknowledge that a physical inventory has been conducted on all assets listed on the City of Deming Inventory Schedule.

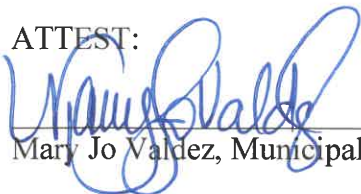
Ratified this 17th day of August 2021.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk



BENNY JASSO, MAYOR

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INVENTORY SIGN OFF FORM

I acknowledge my responsibility for the attached listed equipment. I certify that unless otherwise noted all equipment has been accounted for as of June 30th, 2021.

DEMING POLICE DEPARTMENT

Department Name



Signature of Department Head

8/10/21

Date



Signature of Foreman

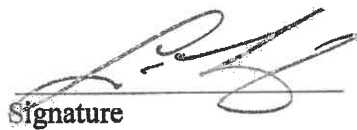
8/12/21

Date

The following individuals conducted the Physical Inventory.

Louis Tawron

Print Name



Signature

8/12/21

Date

Print Name

Signature

Date

Print Name

Signature

Date



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BUILDING INSPECTOR

Department Name _____



Signature of Department Head

8/14/21

Date



Signature of Foreman

8/14/21

Date

The following individuals conducted the Physical Inventory.

Print Name Signature Date

Print Name Signature Date

Print Name Signature Date



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GOLF COURSE

Department Name

[Signature]
Signature of Department Head

June 27 2001
Date

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.

Virel Clemente
Print Name

[Signature]
Signature

June 27 2001
Date

Print Name

Signature

Date

Print Name

Signature

Date



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WASTE WATER
Department Name

[Signature]
Signature of Department Head

6/29/21
Date

Archie Hedlister
Signature of Foreman

6-29-21
Date

The following individuals conducted the Physical Inventory.

Archie Hedlister
Print Name

Archie HE
Signature

6-29-21
Date

Print Name

Signature

Date

Print Name

Signature

Date



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WATER DEPARTMENT

Department Name

Signature of Department Head

6/29/2021
Date

Signature of Foreman

6-29-21
Date

The following individuals conducted the Physical Inventory.

Marcus Dominguez
Print Name

Signature

6-29-21
Date

Jim Massengill
Print Name

Signature

6/29/2021
Date

Print Name

Signature

Date



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STREETS

Department Name _____



Signature of Department Head

6/23/21

Date

Aron Klockgether

Signature of Foreman

6/22/21

Date

The following individuals conducted the Physical Inventory.

Aron Klockgether

Print Name



Signature

6/22/21

Date

Print Name

Signature

Date

Print Name

Signature

Date



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SERVICE CENTER

Department Name

A handwritten signature in dark ink, appearing to be "David Ritchlin".

Signature of Department Head

A handwritten date "6/24/21" in dark ink.

Date

A handwritten signature in dark ink, appearing to be "David Ritchlin".

Signature of Foreman

A handwritten date "6-22-21" in dark ink.

Date

The following individuals conducted the Physical Inventory.

The printed name "DJ Ritchlin" in dark ink.

Print Name

A handwritten signature in dark ink, appearing to be "DJ Ritchlin".

Signature

A handwritten date "6-22-21" in dark ink.

Date

Print Name

Signature

Date

Print Name

Signature

Date



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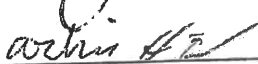
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SOLID WASTE

Department Name

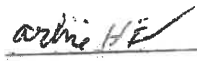

Signature of Department Head

6/29/2021
Date


Signature of Foreman

6/29/2021
Date

The following individuals conducted the Physical Inventory.

ARLIE GEDDESEN  6-29-2021
Print Name Signature Date

Print Name Signature Date

Print Name Signature Date



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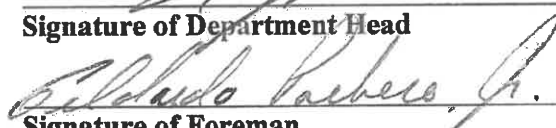
I acknowledge my responsibility for the attached listed equipment. I certify that unless otherwise noted all equipment has been accounted for as of June 30th, 2021.

PARKS / CEMETERY

Department Name


Signature of Department Head

6/24/21
Date


Signature of Foreman

6/23/21
Date

The following individuals conducted the Physical Inventory.

Ricardo Pacheco, Jr.
Print Name


Signature

6/23/21
Date

Julian Sanchez
Print Name


Signature

6/23/21
Date

Print Name

Signature

Date



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SENIOR CENTER

Department Name

Juan Soto *ASR 6/24/21* 6-23-21
Signature of Department Head Date

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.

Barbara Rio
Print Name

Barbara Rio
Signature

6/23/2021
Date

Print Name

Signature

Date

Print Name

Signature

Date



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MUNICIPAL COURT

Department Name


Signature of Department Head


Date


6.23.21

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.


Print Name


Signature


Date

6.23.21

Print Name

Signature

Date

Print Name

Signature

Date



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FACILITIES MAINTENANCE

Department Name _____


Signature of Department Head

6/22/21
Date


Signature of Foreman

6/22/2021
Date

The following individuals conducted the Physical Inventory.

MARSHALL BOYER
Print Name


Signature

6/22/2021
Date

Print Name

Signature

Date

Print Name

Signature

Date



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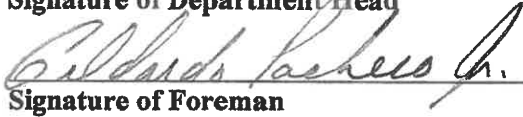
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AQUATIC CENTER

Department Name


Signature of Department Head

6/24/21
Date


Signature of Foreman

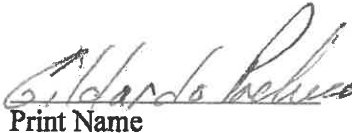
6/23/21
Date

The following individuals conducted the Physical Inventory.

Ryan Robinson
Print Name


Signature

6/23/21
Date


Print Name


Signature

6/23/21
Date

Print Name

Signature

Date



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CITY HALL

Department Name _____

Signature of Department Head _____

Date _____

Signature of Foreman _____

Date _____

The following individuals conducted the Physical Inventory.

<u>Christina Sanchez</u>	<u>Christa Sanch</u>	<u>6/22/21</u>
Print Name	Signature	Date

_____	_____	_____
Print Name	Signature	Date

_____	_____	_____
Print Name	Signature	Date



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MOTOR VEHICLE DEPARTMENT

Department Name

[Signature]

Signature of Department Head

6/30/21

Date

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.

Jacey Chaires
Print Name

Jacey Chaires
Signature

10/29/21
Date

Print Name

Signature

Date

Print Name

Signature

Date



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SPECIAL PROJECTS

Department Name _____


Signature of Department Head

6/30/2021
Date

by David M²Sherry
Signature of Foreman

2021 06 28
Date

The following individuals conducted the Physical Inventory.

David M²Sherry
Print Name


Signature

June 28 2021
Date

Print Name

Signature

Date

Print Name

Signature

Date



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GAS

Department Name


Signature of Department Head

6/30/2021
Date


Signature of Foreman

6/30/21
Date

The following individuals conducted the Physical Inventory.

Ramon Sanchez

Print Name

[Signature]

Signature

6-30-21

Date

Print Name

Signature

Date

Print Name

Signature

Date



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LIBRARY

Department Name


Signature of Department Head

6-28-21

Date

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.

Lucas Marsh

Print Name


Signature

6-28-21

Date

Print Name

Signature

Date

Print Name

Signature

Date



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AMBULANCE / FIRE DEPARTMENT

Department Name

[Signature]
Signature of Department Head

8/5/21
Date

[Signature]
Signature of Foreman

8/5/21
Date

The following individuals conducted the Physical Inventory.

Lonny Stevenson
Print Name

[Signature]
Signature

6/25/21
Date

Raul Mercado
Print Name

[Signature]
Signature

6/30/21
Date

Print Name

Signature

Date



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DEMING POLICE DEPARTMENT

Department Name

Signature of Department Head

Date

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.

Print Name

Signature

Date

Print Name

Signature

Date

Print Name

Signature

Date



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BUILDING INSPECTOR

Department Name _____


Signature of Department Head _____


Date


Signature of Foreman _____


Date

The following individuals conducted the Physical Inventory.

Print Name

Signature

Date

Print Name

Signature

Date

Print Name

Signature

Date



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GOLF COURSE

Department Name _____


Signature of Department Head _____

 27 2001
Date _____

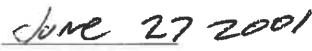
Signature of Foreman _____

Date _____

The following individuals conducted the Physical Inventory.


Print Name _____


Signature _____


Date _____

Print Name

Signature

Date

Print Name

Signature

Date



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WASTE WATER
Department Name

[Signature]
Signature of Department Head

6/29/21
Date

[Signature]
Signature of Foreman

6-29-21
Date

The following individuals conducted the Physical Inventory.

Archie Hedlerton
Print Name

[Signature]
Signature

6-29-21
Date

Print Name

Signature

Date

Print Name

Signature

Date



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WATER DEPARTMENT

Department Name


Signature of Department Head

6/29/2021
Date


Signature of Foreman

6-29-21
Date

The following individuals conducted the Physical Inventory.

Marcos Dominguez
Print Name


Signature

6-29-21
Date

Jim Massengill
Print Name


Signature

6/29/2021
Date

Print Name

Signature

Date



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STREETS

Department Name _____


Signature of Department Head _____

6/23/21
Date

Aron Klockgether
Signature of Foreman _____

6/22/21
Date

The following individuals conducted the Physical Inventory.

Aron Klockgether
Print Name


Signature

6/22/21
Date

Print Name

Signature

Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

Phone (575) 546-8848 - Fax (575) 548-6442
E-MAIL: deming@cityofdeming.org - Website: www.cityofdeming.org
P.O. BOX 706. DEMING, NEW MEXICO 88031
POPULATION 14,000

INVENTORY SIGN OFF FORM

I acknowledge my responsibility for the attached listed equipment. I certify that unless otherwise noted all equipment has been accounted for as of June 30th, 2021.

SERVICE CENTER

Department Name

[Signature]

Signature of Department Head

Date

6/24/21

David Ritchlin

Signature of Foreman

Date

6-22-21

The following individuals conducted the Physical Inventory.

DJ Ritchlin

Print Name

DJ Ritchlin

Signature

6-22-21

Date

Print Name

Signature

Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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INVENTORY SIGN OFF FORM

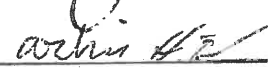
I acknowledge my responsibility for the attached listed equipment. I certify that unless otherwise noted all equipment has been accounted for as of June 30th, 2021.

SOLID WASTE

Department Name

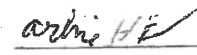

Signature of Department Head

6/29/2021
Date


Signature of Foreman

6/29/2021
Date

The following individuals conducted the Physical Inventory.

ARLENE HELLESTADT  6-29-2021
Print Name Signature Date

Print Name Signature Date

Print Name Signature Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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POPULATION 14,000

INVENTORY SIGN OFF FORM


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PARKS / CEMETERY

Department Name


Signature of Department Head

6/24/21
Date


Signature of Foreman

6/23/21
Date

The following individuals conducted the Physical Inventory.

Bildardo Pacheco, Jr.
Print Name


Signature

6/23/21
Date

Julian Sanchez
Print Name


Signature

6/23/21
Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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P.O. BOX 706, DEMING, NEW MEXICO 88031
POPULATION 14,833

INVENTORY SIGN OFF FORM

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SENIOR CENTER

Department Name

Juan Z... *[Signature]* 6-23-21
Signature of Department Head Date

Signature of Foreman Date

The following individuals conducted the Physical Inventory.

Barbara Rios *Barbara Rios* 6/23/2021
Print Name Signature Date

Print Name Signature Date

Print Name Signature Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

Phone (575) 546-8848 - Fax (575) 546-8442
E-MAIL: deming@cityofdeming.org - Website: www.cityofdeming.org
P.O. BOX 706, DEMING, NEW MEXICO 88031
POPULATION 14,000

INVENTORY SIGN OFF FORM

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MUNICIPAL COURT

Department Name

[Signature] 6/23/21
Signature of Department Head Date

Signature of Foreman Date

The following individuals conducted the Physical Inventory.

Edgar Davelos [Signature] 6.23.21
Print Name Signature Date

Print Name Signature Date

Print Name Signature Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

Phone (575) 546-8848 - Fax (575) 546-8442
E-MAIL: deming@cityofdeming.org - Website: www.cityofdeming.org
P.O. BOX 708, DEMING, NEW MEXICO 88031
POPULATION 14,000

INVENTORY SIGN OFF FORM

I acknowledge my responsibility for the attached listed equipment. I certify that unless otherwise noted all equipment has been accounted for as of June 30th, 2021.

FACILITIES MAINTENANCE

Department Name _____


Signature of Department Head

6/21/21
Date


Signature of Foreman

6/22/2021
Date

The following individuals conducted the Physical Inventory.

MARSHALL BOYER
Print Name


Signature

6/22/2021
Date

Print Name

Signature

Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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POPULATION 14,000

INVENTORY SIGN OFF FORM

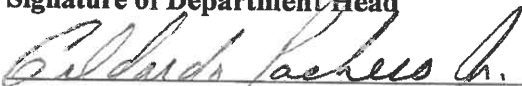
I acknowledge my responsibility for the attached listed equipment. I certify that unless otherwise noted all equipment has been accounted for as of June 30th, 2021.

AQUATIC CENTER

Department Name


Signature of Department Head


6/24/21
Date


Signature of Foreman

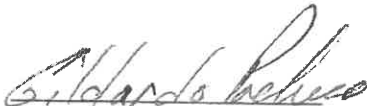
6/23/21
Date

The following individuals conducted the Physical Inventory.

Ryan Robinson
Print Name


Signature

6/23/21
Date


Print Name


Signature

6/23/21
Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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POPULATION 14,000

INVENTORY SIGN OFF FORM

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CITY HALL

Department Name

Signature of Department Head

Date

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.

Christina Sanchez Christina Sanchez 6/22/21
Print Name Signature Date

Print Name Signature Date

Print Name Signature Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR


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POPULATION 14,000

INVENTORY SIGN OFF FORM

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MOTOR VEHICLE DEPARTMENT

Department Name


Signature of Department Head

6/30/21
Date

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.

Jacey Chaires
Print Name

Jacey Chaires
Signature

10/29/21
Date

Print Name

Signature

Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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POPULATION 14,000

INVENTORY SIGN OFF FORM

I acknowledge my responsibility for the attached listed equipment. I certify that unless otherwise noted all equipment has been accounted for as of June 30th, 2021.

SPECIAL PROJECTS

Department Name _____


Signature of Department Head

6/30/2021
Date

by David McSherry
Signature of Foreman

2021 06 28
Date

The following individuals conducted the Physical Inventory.

David McSherry
Print Name


Signature

June 28 2021
Date

Print Name

Signature

Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

Phone (575) 546-8848 - Fax (575) 546-6442
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POPULATION 14,000

INVENTORY SIGN OFF FORM

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GAS

Department Name


Signature of Department Head

6/30/2021
Date


Signature of Foreman

6/30/21
Date

The following individuals conducted the Physical Inventory.

Ramon Sanchez

Print Name

RL

Signature

6-30-21

Date

Print Name

Signature

Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

Phone (575) 546-8848 - Fax (575) 546-6442
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POPULATION 14,000

INVENTORY SIGN OFF FORM

I acknowledge my responsibility for the attached listed equipment. I certify that unless otherwise noted all equipment has been accounted for as of June 30th, 2021.

LIBRARY

Department Name _____


Signature of Department Head

6-28-21

Date

Signature of Foreman

Date

The following individuals conducted the Physical Inventory.

Lucas Marsh

Print Name


Signature

6-28-21

Date

Print Name

Signature

Date

Print Name

Signature

Date



BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

Phone (575) 546-8848 - Fax (575) 546-6442
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POPULATION 14,000

INVENTORY SIGN OFF FORM

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AMBULANCE / FIRE DEPARTMENT

Department Name



Signature of Department Head

8/5/21

Date



Signature of Foreman

8/5/21

Date

The following individuals conducted the Physical Inventory.

Lonny Stevenson 

Print Name

Signature

6/25/21

Date

Raul Mercado 

Print Name

Signature

6/30/21

Date

Print Name

Signature

Date

3. Presentation of Certificate of Appreciation to James Teeter

Mayor Jasso presented a certificate of appreciation to Mr. Teeter and thanked him for his service to the community.

4. Swearing in of Deming Fire Department Personnel

Chief Owen asked to have this postponed for now due to the uprise in Covid cases and the exposure to department personnel and their families.

5. Mayoral Appointment of Assistant Chief/Chief of Police

Mayor Jasso announced the resignation of Chief Alex Valdespino thanking him for his years of service to the City of Deming and the community. Mayor Jasso requested City Council's approval to appoint Clint Hogan as Assistant Chief of Police until September 30, 2021, during which time he would mirror Chief Valdespino to become better prepared to fulfill the requirements of the position; Mayor Jasso also requested Council's approval to appoint Clint Hogan as the Chief of Police upon Chief Valdespino's retirement date of October 1, 2021.

Councilor Cruz motioned to approve the Mayor's appointment of Clint Hogan to Assistant Chief of Police through September 30, 2021 and the appointment to Chief of Police to be effective on October 1, 2021, as submitted; Mayor Pro Tem Milo second the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

6. Resolution: To Approve the 2023-2027 Infrastructure Capital Improvement Plan (ICIP)

Mr. Sera stated that there had been staff meetings to discuss projects including, an inflatable water park at Trees Lake; budgeting for a property purchase on the west side of town; recreational trails; continued work at Tulip Drive landfill in which funding would be sought for the projects that are listed on the ICIP.

Mayor Pro Tem Milo asked if legislation has helped with prior projects. Mr. Sera stated that there is a great working relationship between the City and State Representatives and Senators which have resulted in attaining funding for many projects. Mr. Sera stated that the top five (5) projects will be discussed with Senator Diamond and State Representative Sweetser for possible funding opportunities; adding that there is a lot of Capital Outlay funding.

Councilor Rodriguez motioned to approve the resolution for the 2023-2027 ICIP, as submitted; Councilor Topham second the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

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

7. Public Hearing: Title 9 Chapter 1 Section 5 Poly Cart Fees

Mayor Jasso conducted a public hearing to consider the amendment of Title 9, Chapter 1, Section 5, Poly Cart Fees.

Mr. Massengill explained that the fees for a second poly cart would be reduced to \$6, if approved.

Mr. Massengill also stated that the times for pick up services has been changed to 7:00 am.

Councilor Cruz asked if the \$6 charge is weekly or monthly. Mr. Massengill stated monthly.

Councilor Rodriguez asked if the new rates will be advertised. Mr. Massengill stated it would.

Mayor Jasso opened the hearing for public comments.

With no further comments, Mayor Jasso asked Council for a motion.

Councilor Rodriguez motioned to approve the ordinance amending Title 9, Chapter 1, Section 5 Poly Cart Fees, as submitted; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

8. Public Hearing: To Consider the Amendment of Title 6, Section 1D-8 of the Municipal Code Pertaining to the Possession of Marijuana/Cannabis

Mayor Jasso conducted a public hearing to consider the amendment of Title 6, Section 1D-8 of the Municipal Code pertaining to the possession of marijuana/cannabis.

Mr. Sera explained that this ordinance and the following two are presented to be aligned with the Cannabis Act which the State of New Mexico passed.

Councilor Cruz asked if the possession was for those under 21. Mr. Sera confirmed.

Councilor Cruz asked Chief Valdespino if those under 21 would be cited. Chief Valdespino stated that he has been informed that the District Attorney would not be prosecuting any of the cases.

Mayor Pro Tem Milo asked if it depends on the amount possessed. Chief Valdespino stated it has to be a significant amount.

Mayor Jasso opened the hearing for public comments.

With no further comments, Mayor Jasso asked Council for a motion.

Mayor Pro Tem Milo motioned to approve the ordinance amending Title 6, Section 1D-8 of the Municipal Code, as submitted; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

9. Public Hearing: To Consider the Amendment of Title 12, Chapter 4, of the Municipal Code Pertaining to the Addition of Subsection Q “Cannabis Zoning Regulations”

Mayor Jasso conducted a public hearing to consider the amendment of Title 12, Chapter 4, of the Municipal Code pertaining to the addition of Subsection Q “Cannabis Zoning Regulations”.

Mr. Sera explained that this is also an ordinance presented to be aligned with the Cannabis Act which the State of New Mexico passed.

Mr. Sera stated that a special use agreement is to be in place on all City owned property prior to any cannabis activity; adding for an example, that farms leased cannot be used to grow unless there is an agreement in place.

Mayor Pro Tem Milo questioned the number of establishments that would be allowed. Mr. Sera stated that the next ordinance would address the process.

Councilor Cruz addressed that each residence can only have 6 mature plants for each individual.

Mr. Sera stated that the Act allows for a total maximum of 12 plants per household.

Mayor Jasso opened the hearing for public comments.

With no further comments, Mayor Jasso asked Council for a motion.

Mayor Pro Tem Milo motioned to approve the ordinance amending Title 12, Chapter 4, setting Cannabis Zoning Regulations, as submitted; Councilor Rodriguez second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

10. Public Hearing: To Consider an Amendment to Title 3, of the Municipal Code with the Addition of Chapter 14 “Medical and Recreational Cannabis Establishment Regulations”

Mayor Jasso conducted a public hearing to consider the Amendment to Title 3 of the Municipal Code Pertaining to the addition of Chapter 14, “Medical and Recreational Cannabis Establishment Regulations”.

Mr. Sera explained that this is also an ordinance presented to be aligned with the Cannabis Act which the State of New Mexico passed.

Mr. Sera stated that each establishment will be required to come before City Council to operate a cannabis establishment and City Council would decide on a case by case basis, determined by facts presented, if allowed.

Mayor Jasso opened the hearing for public comments.

With no further comments, Mayor Jasso asked Council for a motion.

Councilor Cruz motioned to approve the ordinance amending Title 13, with the addition of Chapter 14, setting Medical and Recreational Cannabis Establishment Regulations, as submitted; 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 Cruz	Aye
Councilor Rodriguez	Aye

11. Administrator's Report

Mr. Sera addressed Council reporting on the following items.

- Employment Issues – Ongoing with shortages in the Fire Department and Police Department. A consultant has been hired to perform a City wide study to find incentives to retain or recruit applicants.
- A cost estimate was received for the K-Mart Building in the amount of \$8.9 million. Mr. Sera stated that he is trying to reduce the cost to \$7 million.
- Employee Vaccinations – Management is requiring employees who are not vaccinated to be tested weekly and shall report their results to their supervisors in efforts of preventing the spread of the virus. Mr. Sera stated that he does not wish to make it mandatory to vaccinate at this time because he does not wish to lose those who are against the vaccination.

12. Closed Session: To Discuss the purchase, acquisition or disposal of real property, Pursuant to NMSA 1978 Section 10-15-1 (H) (8) of the open Meetings Act

Mayor Pro Tem Milo motioned to go into closed session, pursuant to NMSA 1978 Section 10-15-1(H)(8) 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 Cruz	Aye
Mayor Pro Tem Milo	Aye
Councilor Rodriguez	Aye

13. 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:

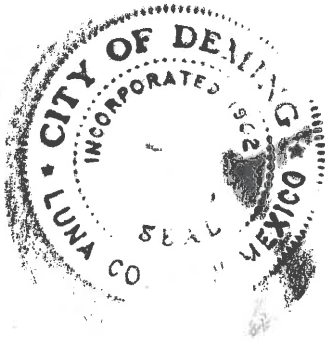
ROLL CALL VOTE

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

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

14. Adjourn Meeting

With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting. Councilor Cruz motioned to adjourn the meeting; Councilor Rodriguez second the motion; motion carried unanimously. The meeting adjourned at 7:55 p.m.



CITY OF DEMING, NEW MEXICO

Benny L. Jasso, Mayor

ATTEST:

Mary Jo Valdez, Municipal Clerk

**CITY OF DEMING
RESOLUTION NO. 21-20**

**RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS
PLAN (ICIP) FOR THE CITY OF DEMING, NEW MEXICO**

WHEREAS, the municipality of Deming recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long-range capital planning efforts.

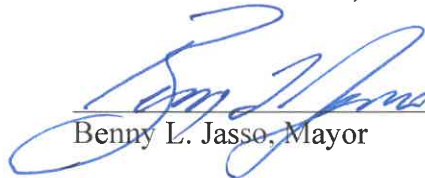
NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY OF DEMING That:

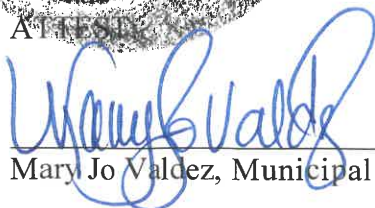
1. The municipality has adopted the attached FY 2023-2027 Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for the New Mexico's infrastructure.
3. This Resolution supersedes the previous Resolution No. 20-25.

PASSED, APPROVED AND ADOPTED by the governing body at its meeting of August 17, 2021.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Mary Jo Valdez, Municipal City Clerk

**CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1300**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, SECTION 5 “SOLID
WASTE/GARBAGE COLLECTION FEES-CURBSIDE COLLECTION OF POLY
CART CONTAINERS”, ITEMS A 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 THAT TITLE 9, CHAPTER 1, SECTION 5 “SOLID WASTE/GARBAGE COLLECTION FEES-CURBSIDE COLLECTION OF POLY CART CONTAINERS – A. RESIDENTIAL/COMMERCIAL” ITEMS A-2b, B-2,C-1, OF THE MUNICIPAL CODE OF THE CITY OF DEMING, NEW MEXICO BE AMENDED TO THE FOLLOWING:

**9-1-5: SOLID WASTE/GARBAGE COLLECTION FEES-CURB SIDE COLLECTION
OF POLY CART CONTAINERS**

A. RESIDENTIAL/COMMERCIAL

2. Fees:

b. The account holder shall be charged at the current adopted rate per month for each scheduled curbside collection pick up per poly cart. Fees shall be in accordance with the payment schedule set out in the table below:

POLY CART FEES

Weekly Pick up	Residential Poly cart (1)	Residential Additional Poly cart (1)	Commercial Poly cart (1)	Commercial Additional Poly cart (1)
1	\$19.54	\$6.00	\$19.54	\$6.00

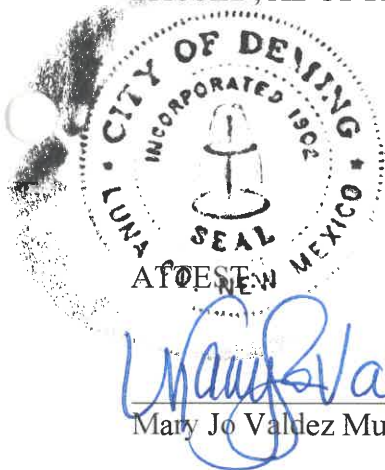
B. PRECOLLECTION/COLLECTION PRACTICES:

2. The front of the cart should face the street with the cart's handle facing the residence. Place cart(s) curbside no later than seven o'clock (7:00) A.M. on the designated collection day, unless otherwise directed by the public works department or its duly authorized agent.

C. COLLECTION DAY:

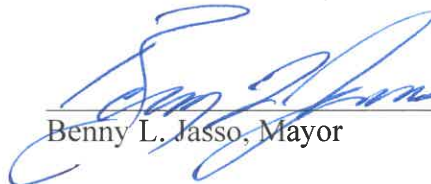
1. On the day curbside collection is scheduled for any premises, poly cart may be placed according to the setbacks noted under subsection B, "Pre-collection/Collection Practices", of this section or unless otherwise specified by the public works director or duly authorized agent. Residents shall place the poly cart at the designated location no earlier than twelve (12) to sixteen (16) hours prior to the scheduled collection day. When there is more than one poly cart at a residence, poly carts must be separated a minimum of thirty-six inches (36") for ease of operation. Poly carts stacked side by side will not be picked up and an additional pick-up charge will be applicable. Poly cart(s), when placed at the designated location, shall not interfere with pedestrian or vehicular traffic. Place cart(s) curbside no later than seven o'clock (7:00) A.M. on the designated collection day. It shall be the responsibility of the resident to deliver the poly carts to such point for collection and return the empty containers from such points to the usual place of storage, within twenty- four (24) hours of collecting. No items, bagged, bundled or otherwise, may be placed for pick up outside, adjacent to, or on top of the poly cart.

PASSED, ADOPTED, AND APPROVED, this 17th day of August 2021.



Mary Jo Valdez Municipal City Clerk

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

**CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1301**

**AN ORDINANCE REPEALING
TITLE 6, CHAPTER 1D-8, POSSESSION OF MARIJUANA,
OF THE MUNICIPAL CODE OF THE CITY OF DEMING, NEW MEXICO
AND REPLACING IT AS FOLLOWS:**

6-1D-8: POSSESSION OF CANNABIS / MARIJUANA:

DEFINITIONS As used in this chapter:

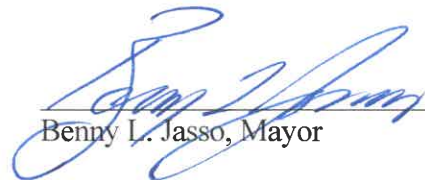
CANNABIS/MARIJUANA – All parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent of a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin.

CONSUMER: means a person twenty-one years of age or older who purchases, acquires, owns, possesses, or uses a cannabis product for a purpose other than resale.

- A. Prohibition: In accordance with the “Cannabis Regulation Act”, It is unlawful for any person that is not a consumer to possess, consume, sell and/or purchase cannabis/marijuana within the city limits.

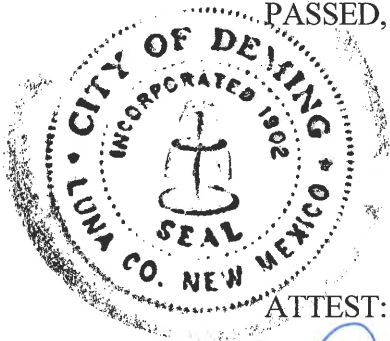
PASSED, ADOPTED, AND APPROVED, this 17th day of August 2021.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez Municipal City Clerk



CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1302
AMENDING TITLE 12, CHAPTER 4 “USE DISTRICT REGULATIONS”
WITH THE ADDITION OF SUBSECTION Q. “CANNABIS ZONING REGULATIONS”
OF THE CITY OF DEMING MUNICIPAL CODE

An ordinance amending the City Code of Deming, New Mexico, providing for certain zoning restrictions.

WHEREAS, in accordance with the New Mexico State Cannabis Regulation Act, signed into legislation by Governor Michelle L Grisham on April 12, 2021, the City Council of the City of Deming provides certain zoning and use restrictions concerning cannabis/marijuana.

NOW, THEREFORE, be it ordained by the City Council of the City of Deming, New Mexico, as follows:

12-4-Q1: DEFINITIONS:

As used in this chapter:

CANNABIS – All parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent of a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product.

CANNABIS CONSUMPTION AREA: means an area where cannabis products may be served and consumed so long as the establishment is not licensed to serve alcoholic beverages.

HOME GROWN: means grown or made for purposes that are not dependent or conditioned upon the provision or receipt of financial consideration

HOUSEHOLD: means a housing unit and includes any place in or around the housing unit at which an occupant of the housing unit produces, manufactures, keeps, or stores homegrown cannabis or homemade cannabis products

IMMATURE CANNABIS PLANT: means a cannabis plant that has no observable flowers or buds.

POSSESSION: The state of having, owning, or controlling something; an item of property; something belonging to an individual.

PUBLIC PLACE: means a place to which the general public has access and includes hallways, lobbies and other parts of apartment houses and hotels that do not constitute rooms or apartments designed for actual residence; highways; streets; schools; places of amusement; parks; playgrounds; and places used in connection with public passenger transportation.

12-4-Q2: POSSESSION AND GROWING OF PERSONAL PLANTS:

- A. Pursuant to the Cannabis Regulation Act, a person is allowed a limited amount of 6 mature plants and 6 immature cannabis plants that are homegrown, with a household limit of 12 plants, not to be exceeded.

12-4-Q2: CONSUMPTION IN PUBLIC AND WITHIN ESTABLISHMENTS

- A. Consumption will only be allowed for establishments that meet the following criteria
 1. Areas that are strictly limited to persons over 21 years of age
 2. Establishment is located at a minimum distance of 300 feet from a daycare center or school; and
 3. The establishment is not licensed to sell alcoholic beverages.
- B. In compliance with the Dee Johnson Clean Air Act
 1. Establishments, that meet the criteria in Section A, shall establish a smoke free area that extends a reasonable distance from any entrances, windows and ventilation systems to any enclosed areas where smoking is prohibited. The reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to ensure that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means.”
NMSA24-16-13, 2007
- C. Consumption in Public Places, as per the definition above, shall be prohibited.

12-4-Q3: ALL OPERATIONS CONCERNING CANNABIS ON CITY OWNED PROPERTY

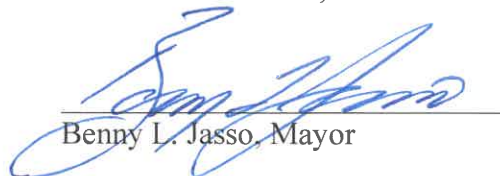
- A. Requirement of a Special Use Agreement to be in place.

12-4-Q4: APPROVED USES PER ZONING DISTRICT:

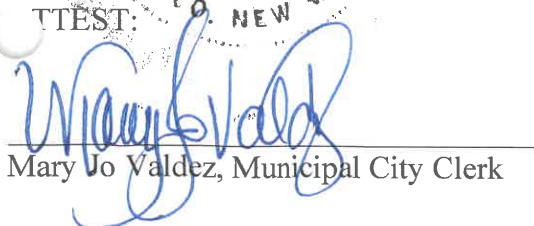
	Producers/ Cultivators Incl. Growers of Medical and Recreational	Retail Sales Medical and Recreational Cannabis Dispensaries	Micro- Businesses	Testing and Research Laboratories	Couriers	Training Programs	Homegrown Plants Household Limit of 12 Plants
A, A-1, A-3, A-4 Single Family Dwelling					Allowed		Allowed
A-5 Agricultural	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
G- Government	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
B B-1 B-2 Multi- Family dwelling					Allowed		Allowed
C C-1 C-2 Commercial	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
D Industrial	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
T- Trailer Mobile Home Parks					Allowed		Allowed
PUD Planned Urban Development					Allowed		Allowed

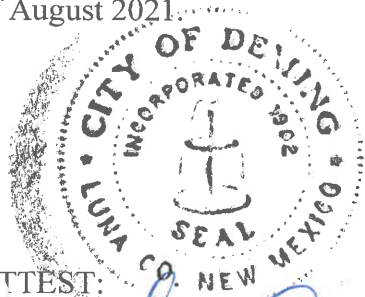
PASSED, ADOPTED AND APPROVED by the City Council, City of Deming, New Mexico, this 17th day of August 2021.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

TEST:


Mary Jo Valdez, Municipal City Clerk



CITY OF DEMING, NEW MEXICO
ORDINANCE NO. 1303
AMENDING TITLE 3 WITH THE ADDITION OF CHAPTER 14
“MEDICAL AND RECREATIONAL CANNABIS ESTABLISHMENT REGULATIONS”
OF THE CITY OF DEMING MUNICIPAL CODE

An ordinance amending the City Code of Deming, New Mexico, provision for medical and recreational cannabis establishments.

WHEREAS, in accordance with the New Mexico State Cannabis Regulation Act, signed into legislation by Governor Michelle L Grisham on April 12, 2021, the City Council of the City of Deming provides regulations for the operation of cannabis/marijuana establishments.

3-14-1: DEFINITIONS

As used in this chapter:

CANNABIS – All parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent of a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin.

CANNABIS ESTABLISHMENT – Includes medical producers, producers, consumption areas, testing and research laboratories, couriers, producers, manufacturers, microbusinesses, training programs, retailers, integrated cannabis microbusiness, and vertically integrated cannabis. A business organization, whether for profit or not for profit dealing with the production, sale, or distribution of cannabis.

CONSUMER: means a person twenty-one years of age or older who purchases, acquires, owns, possesses, or uses a cannabis product for a purpose other than resale.

CANNABIS CONSUMPTION AREA: means an area where cannabis products may be served and consumed so long as the establishment is not licensed to serve alcoholic beverages.

CANNABIS COURIER: means a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers

3-14-2: LICENSE PROCESS

A. Retail establishments will be allowed to operate within the limits of the City of Deming once approved through a special use permit process, which requires a public hearing.

1. Special Use Applications shall include the following information:

- a. NM State Permit Application and/or approval
- b. Security Plan as submitted to the State of New Mexico
- c. A map of proposed business location identifying surrounding retail and/or dispensary establishments and their distance; and the distance from the nearest daycare centers and schools to be at a minimum distance of 300 feet.

d.A fee of \$225.00 pursuant to Municipal Code 12-13-1

B. Once an establishment is approved, the following applies:

1. An approved State of New Mexico License is required, annually, to continue in operation.
2. The location of the establishment remains the same; if location should change, a subsequent special use permit will be required.

3-14-3: APPLICATION REQUIREMENTS AND FEE

- A. Application provided by the City of Deming to include, NM Business Tax ID Number, location of proposed business, detailed description of the nature of business.
- B. NM State Permit Application and/or approval
- C. Map of proposed establishment location
- D. Security plan
- E. Business Registration Fee of \$35.00 is required per location

3-14-4: CONSUMPTION IN PUBLIC AND WITHIN ESTABLISHMENTS

- A. Consumption will only be allowed for establishments that meet the following criteria
 1. Areas that are strictly limited to persons over 21 years of age
 2. Establishment is located at a minimum distance of 300 feet from a daycare center or school; and
 3. The establishment is not licensed to sell alcoholic beverages.
- B. In compliance with the Dee Johnson Clean Air Act
 1. Establishments, that meet the criteria in Section A, shall establish a smoke free area that extends a reasonable distance from any entrances, windows and ventilation systems to any enclosed areas where smoking is prohibited. The reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to ensure that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means." NMSA24-16-13, 2007

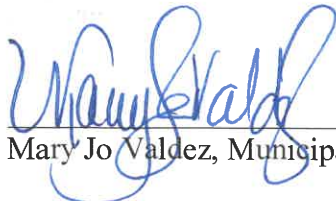
PASSED, ADOPTED AND APPROVED by the City Council, City of Deming, New

Mexico, this 17th day of August 2021.

CITY OF DEMING, NEW MEXICO

By 
Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal City Clerk