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P.O. BOX 706 · DEMING, NEW MEXICO 88031
POPULATION 14,000

CITY COUNCIL MEETING
AGENDA
November 16, 2021
5:30 P.M.

Due to an increase in Covid-19 cases, those who would like to participate may do so remotely with the following credentials:

You may dial in 10-15 minutes before the meeting begins.

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

<https://www.gotomeet.me/CityofDeming>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(312\) 757-3119](tel:+13127573119)

Access Code: 595-334-189

Password: 595334189

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ATTENDANCE ROLL CALL

1. Consent Agenda
 - A. Minutes – City Council 10/19/2021
 - B. Minutes – Airport Commission 10/12/2021
 - C. Minutes – P&Z Commission 10/18/2021
 - D. Request to Dispose of Public Records
2. Public Comments
3. Presentation by Gensler Architects on K-Mart Building Design
4. Cannabis Presentation: For Public Informational and Educational Purposes
5. Approval to Amend the 2021 and Accept the 2022 Holiday Schedules
6. Notice of Intent to Adopt an Ordinance Authorizing a Loan through NMFA
7. Resolution: Participation in Capital Outlay to Improve Trees Lake at Voier’s Park
8. Resolution: Participation in Capital Outlay for a Public Works Facility Project
9. Resolution: Participation in Capital Appropriation Project for Downtown Public Art
10. Public Hearing: To Consider a Restaurant (A) Beer & Wine Liquor License for Mama Fats, LLC
11. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision Request for 55 Dona Ana Rd
12. Quasi-Judicial Public Hearing: To Consider a Special Use Permit to Allow the Operation of a Cannabis Microbusiness/Dispensary, Proposed by Jorge Martinez & Victor Tarango DBA Sacred Mountain Cannabis, to be Located at 117 E. Spruce Street, within the City Limits
13. Quasi-Judicial Public Hearing: To Consider a Special Use Permit to Allow the Operation of a Cannabis Cultivation and Manufacturing Establishment, Proposed by John Fisher DBA FCI of New Mexico, LLC, to be Located at 1319 E. Pine Street, within the City Limits
14. Administrator’s Report
15. Adjourn Meeting

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

CITY COUNCIL MEETING MINUTES

November 16, 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

Irrmaisela “Irma” A. Rodriguez, Councilor

Monica Topham, Councilor

Council Present (Telephonically): Dr. Victor Cruz, Councilor

Council Absent:

Staff Present: Aaron Sera, Administrator

Clint Hogan, Chief of Police

Adrian Coloma, IT

Jim Massengill, Public Works Director

Lane Camfield, Planner

Staff Present (Telephonically/Virtually): Laura Holguin, Finance Director/CFO

Joe Owen, Fire Chief

Alexi Jackson, Community Services Director

Jeremy Escarcega, Utility Dept.

Azucena Vargas, Asst. PWD

Cassie Arias, Economic Development

Recording Secretary: Mary Jo Valdez, CMC, Municipal Clerk

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

1. Consent Agenda

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

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 Rodriguez Aye

Mayor Pro Tem Milo Aye

Councilor Cruz 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.

3. Presentation by Gensler Architects on K-Mart Building Design

A virtual presentation was given on the proposed design for the new City offices. An anticipated date to relocate is hopefully in about a year.

4. Cannabis Presentation: For Public Informational and Educational Purposes

Mr. Sera explained that he and staff attended a virtual training on the Cannabis permitting process and provided the information for the Mayor, Council, staff, and the public. (Attached for reference)

5. Approval to Amend the 2021 and Accept the 2022 Holiday Schedules

Mr. Sera explained that December 31 was missed in observance of the 2022 New Year holiday which is the amendment being requested.

Mr. Sera presented the 2022 holiday schedule stating that additions are Juneteen and an additional day for July 4th; adding that Columbus Day has been removed.

Mayor Pro Tem Milo motioned to approve the 2021 and 2022 schedules, as presented; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE	
Councilor Rodriguez	Aye
Councilor Cruz	Aye
Mayor Pro Tem Milo	Aye
Councilor Topham	Aye

6. Notice of Intent to Adopt an Ordinance Authorizing a Loan through NMFA

Mr. Sera explained that the proposed ordinance is set to come before Council in December and that it is a requirement to provide a notice of intent. Mr. Sera stated that the discussion will take place during next month’s public hearing.

7. Resolution: Participation in Capital Outlay to Improve Trees Lake at Voier’s Park

Mr. Jackson informed that the funds will be used for improvements at Trees Lake but will not be limited to landscaping.

Councilor Rodriguez motioned to approve the resolution, as submitted; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE	
Councilor Cruz	Aye
Mayor Pro Tem Milo	Aye
Councilor Rodriguez	Aye
Councilor Topham	Aye

8. Resolution: Participation in Capital Outlay for a Public Works Facility Project

Mr. Jackson informed that the resolution is required for participation in funding for a public works facility in Deming. Mr. Sera stated that the funds will be used to aid with the old Kmart building. Mayor Pro Tem Milo motioned to approve the resolution, as presented; Councilor Rodriguez 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

9. Resolution: Participation in Capital Appropriation Project for Downtown Public Art

Mr. Jackson informed that the funds can be used for anything downtown that has art in the project, which would cover the Sun Zia construction.

Councilor Rodriguez motioned to approve the resolution, as presented; 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

10. Public Hearing: To Consider a Restaurant (A) Beer & Wine Liquor License for Mama Fats, LLC

Mayor Jasso conducted a public hearing to consider a Restaurant (A) Beer and Wine license by Mana Fats, LLC, and called the hearing to order.

Mr. Sera stated that Mama Fats has applied to the Alcoholic Beverage Control Division for a liquor license to serve beer and wine as a restaurant.

Mayor Jasso opened the hearing for public comment.

Ms. Harman addressed Council asking if the license was going to be local and who is applying for it.

Mayor Jasso confirmed that it would be operated locally at the location on 1521 S. Columbus Hwy, which is near Ultimate Fitness.

With no further comments, Mayor Jasso closed public comments and asked Council if they were prepared to make a decision.

Mayor Pro Tem Milo motioned to approve liquor license for Mama Fats, LLC, as presented; 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

City Of Deming
RESOLUTION NO. 21-29
PARTICIPATION IN CAPITAL OUTLAY PROGRAM
ADMINISTERED BY NEW MEXICO DEPARTMENT OF FINANCE ADMINISTRATION

WHEREAS, the City of Deming and the New Mexico Department of Finance Administration enter into a cooperative agreement;

WHEREAS, the total minimum cost of the project will be \$284,000.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Finance Administration's share shall be 100% or not exceed \$284,000.00

and

- b. City of Deming's proportional matching share shall be 0%.

The City of Deming shall pay all costs, which exceed the total amount of \$284,000.00.

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on June 30, 2025 and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Appropriation ID: 21-F2800 with the New Mexico Department of Finance Administration for Capital Outlay (Laws of 2021) for "Planning, designing, and construction of improvements at Trees Lake in Voiers park in Deming Luna County".

PASSED, ADOPTED, AND APPROVED this 16th day of November 16, 2021.

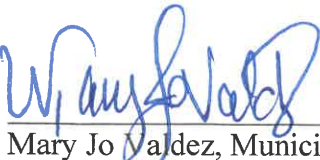


CITY OF DEMING, NEW MEXICO



Benny L. Jasso, Mayor

ATTEST:



Mary Jo Valdez, Municipal City Clerk

City Of Deming
RESOLUTION NO. 21-30
PARTICIPATION IN CAPITAL OUTLAY PROGRAM
ADMINISTERED BY NEW MEXICO DEPARTMENT OF FINANCE ADMINISTRATION

WHEREAS, the City of Deming and the New Mexico Department of Finance Administration enter into a cooperative agreement.

WHEREAS, the total minimum cost of the project will be \$275,000.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Finance Administration's share shall be 100% or not exceed \$275,000.00

and

- b. City of Deming's proportional matching share shall be 0%.

The City of Deming shall pay all costs, which exceed the total amount of \$275,000.00. Minus the allocation for Art in Public Places ("AIPP amount"). Two Thousand Seven Hundred Fifty Dollars (\$2,750.00), which equals Two Hundred Seventy-Two Thousand Two Hundred Fifty Dollars (\$272,250.00) (the "Adjusted Appropriation amount").

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

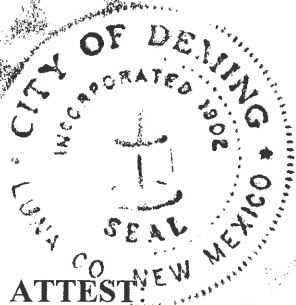
The agreement terminates on June 30, 2025, and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

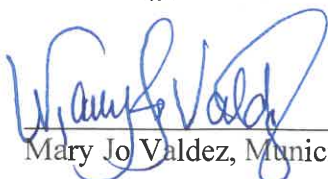
NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Appropriation ID: 21-F2799 with the New Mexico Department of Finance Administration for Capital Outlay (Laws of 2021) for "Planning, designing, and construction of a Public Works facility in Deming in Luna County".

PASSED, ADOPTED, AND APPROVED this 16th day of November 2021.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor




Mary Jo Valdez, Municipal City Clerk

City Of Deming
RESOLUTION NO. 21-31
PARTICIPATION IN CAPITAL OUTLAY PROGRAM
ADMINISTERED BY NEW MEXICO DEPARTMENT OF FINANCE ADMINISTRATION

WHEREAS, the City of Deming and the New Mexico Department of Finance Administration enter into a cooperative agreement.

WHEREAS, the total minimum cost of the project will be \$125,000.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 100% or not exceed \$125,000.00

and

- b. City of Deming's proportional matching share shall be 0%.

The City of Deming shall pay all costs, which exceed the total amount of \$125,000.00

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on June 30, 2025, and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

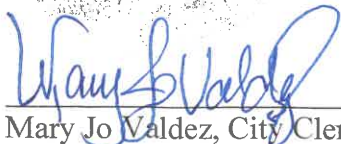
NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Appropriation ID: 21-F2798 with the New Mexico Department of Finance Administration for Capital Outlay (Laws of 2021), "Chapter 138, Section 29, Paragraph 239, One Hundred Twenty-Five Thousand Dollars (\$125,000.00) to plan, design, purchase, equip and install public art in the downtown historic district in Deming in Luna County."

PASSED, ADOPTED, AND APPROVED this 16th day of November 2021.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor


Mary Jo Valdez, City Clerk

Mayor Jasso asked that all parties who are signed in or plan to provide testimony or address Council for the Quasi-Judicial Public Hearings listed in items 11, 12, and 13, swear-in and administered the swearing in of all parties.

11. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision Request for 55 Dona Ana Rd

Mayor Jasso conducted a Quasi-Judicial public hearing to consider an alternate subdivision request for 55 Dona Ana Rd.

Mayor Jasso called the hearing to order and asked if Council had any conflicts of interest; they did not.

Mr. Camfield, City Planner, presented the item to Council stating that the applicant, Mr. Dominguez, is requesting an alternate subdivision to split the property into two lots, in hopes of developing in the future or to lease or sell them.

Staff has reviewed the property and has no objections to the approval of the request.

Mayor Jasso asked if staff or Council had any questions.

There were no questions.

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

Mayor Jasso asked if Council had any questions for the applicant. There were none.

Mayor Jasso asked if there were any affected parties that would like to speak. There were none.

Mayor Jasso asked if there were any registered parties that would like to cross-examine any party having already given testimony. There were none.

Mayor Jasso closed the public hearing and asked for Council's decision.

Mayor Pro Tem Milo motioned to approve the alternate subdivision, as submitted; Councilor Rodriguez 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

12. Quasi-Judicial Public Hearing: To Consider a Special Use Permit to Allow the Operation of a Cannabis Microbusiness/Dispensary, Proposed by Jorge Martinez & Victor Tarango DBA Sacred Mountain Cannabis, to be Located at 117 E. Spruce Street, within the City Limits

Mayor Jasso conducted a quasi-judicial public hearing to consider a special use permit to allow the operation of a Cannabis Microbusiness/Dispensary, proposed by Jorge Martinez and Victor Tarango DBA Sacred Mountain Cannabis, to be located at 117 E. Spruce Street, within the City Limits.

Mayor Jasso called the hearing to order and asked if Council had any conflicts of interest; they did not.

Mr. Camfield, City Planner, presented the item to Council stating that the applicants, Jorge Martinez and Victor Tarango are requesting a special use permit for the operation of a cannabis Microbusiness/Dispensary to be operated at 117 E Spruce. Current Zoning is “C” Commercial which complies with the use requirements as passed by City Ordinance 1302.

During the Planning and Zoning’s special meeting held on October 18, 2021, the request for the Special Use Permit was recommended to be approved, with the condition that they obtain a NM State Permit for the address, by the New Mexico Cannabis Control Division.

Staff has reviewed the property and has no objections to the approval of the request, with the condition that a NM State Permit is approved for the address, by the New Mexico Cannabis Control Division.

Mayor Jasso asked if staff or Council had any questions. There were none.

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

Mayor Pro Tem Milo asked what was there prior. Mr. Sera stated a cannabis business which did not open up the business.

Mayor Jasso asked if Council had any questions for the applicant. There were none.

Mayor Jasso asked if there were any affected parties that would like to speak. There were none.

Mayor Jasso asked if there were any registered parties that would like to cross-examine any party having already given testimony.

Ms. Bronken addressed Council expressing her concern for the location addressing parking in that area. Ms. Broken also addressed the parking pertaining to the elderly and uprising crime.

Mayor Jasso closed the public hearing and asked for Council’s decision.

Mayor Pro Tem Milo motioned to approve the special use permit as submitted; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE	
Councilor Rodriguez	Aye
Councilor Cruz	Aye
Councilor Topham	Aye
Mayor Pro Tem Milo	Aye

13. Quasi-Judicial Public Hearing: To Consider a Special Use Permit to Allow the Operation of a Cannabis Cultivation and Manufacturing Establishment, Proposed by John Fisher DBA FCI of New Mexico, LLC, to be Located at 1319 E. Pine Street, within the City Limits

Mayor Jasso conducted a quasi-judicial public hearing to consider a special use permit to allow the operation of a Cannabis Cultivation and Manufacturing Establishment, proposed by John Fisher DBA FCI of New Mexico, LLC, to be located at 1319 E. Pine Street, within the City Limits.

Mayor Jasso called the hearing to order and asked if Council had any conflicts of interest; they did not.

Mr. Camfield, City Planner, presented the item to Council stating that the applicant, Mr. Fisher, is requesting a special use permit for the operation of a cultivation and manufacturing establishment. Mr. Camfield stated that the current Zoning is “C” Commercial which complies with the use requirements as passed by City Ordinance 1302.

During the Planning and Zoning’s special meeting held on October 18, 2021, the request for the Special Use Permit was recommended to be approved, with the condition that they obtain a NM State Permit for the address, by the New Mexico Cannabis Control Division.

Staff has reviewed the property and has no objections to the approval of the request, with the condition that a NM State Permit is approved for the address, by the New Mexico Cannabis Control Division.

Mayor Jasso asked if staff or Council had any questions.

Mayor Pro Tem Milo asked if this is the same location that was approved at the last meeting. Mr. Sera stated there are two different businesses.

Mayor Jasso asked if the applicant would like to make a statement. Mr. Fisher thanked City Council for their consideration of granting the special use permit, adding that the facility was already operating a hemp establishment.

Mayor Jasso asked if Council had any questions for the applicant. There were none.

Mayor Jasso asked if there were any affected parties that would like to speak. There were none.

Mayor Jasso asked if there were any registered parties that would like to cross-examine any party having already given testimony.

Mayor Jasso closed the public hearing and asked for Council’s decision.

Councilor Rodriguez motioned to approve the special use permit as submitted; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

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

14. Administrator’s Report

Mr. Sera addressed Council reporting on the following items.

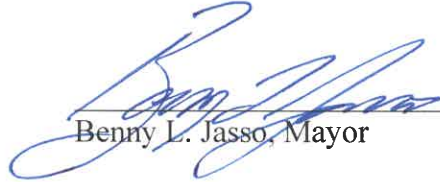
- Working to implement some of the recommendations made during the Workforce Retention Study process.
- Appraisals are being obtained on Pine Street in hopes of addressing the homeless project.
- Looking to assist the farm help to locate a place for boarding.
- Staff remains short-handed; Police Dept. has hired 7 but they’re not yet allowed to patrol.
- Office staff are on a modified schedule due to covid outbreak.
- Looking into an FCC license to operate a radio station for City’s use to keep the public informed. Alexi will work on this project.
- Capital Outlay requests are due on January 13th.
- Mr. Massengill informed that he is waiting for the ok to operate the stop lights on North Gold.

15. Adjourn Meeting

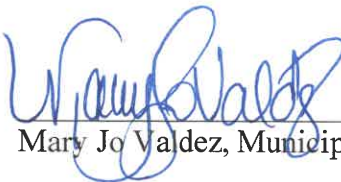
With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting. Mayor Pro Tem Milo motioned to adjourn the meeting; Councilor Rodriguez second the motion; motion carried unanimously. The meeting adjourned at 7:51 p.m.



CITY OF DEMING, NEW MEXICO


 Benny L. Jasso, Mayor

ATTEST:


 Mary Jo Valdez, Municipal Clerk