



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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

CITY COUNCIL MEETING AGENDA September 20, 2022 5:30 P.M.

Those who would like to participate remotely can via GoToMeeting.com with the following credentials:

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

<https://meet.goto.com/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
 - a. Regular City Council August 16, 2022
 - b. P&Z Commission August 15, 2022
 - c. Historical Landmark Commission August 24, 2022
 - B. Resolutions
 - a. Ratifying the Credit Card Acceptance Policy
 - b. Adopting the Luna County Hazardous Mitigation Plan
 - c. To Participate in the TPF Program through NMDOT
 - d. Authorizing the Submission of an Application to the Water Trust Board and match commitment
 - e. Updating the Scope and Termini for Project #HW2L100552 MAP for Pear Street
 - C. Out of State Travel Request for Mr. Sera and Ms. Holguin to Obtain Bond Ratings in Dallas, TX
 - D. Proclamation Declaring October 7th as National Manufacturing Day
2. Public Comments
3. Resolution: Minimum Wage Increase for Regular City of Deming Employees
4. Procurement:
 - a. Bid #23-01 Decocoat Solar Reflective Asphalt Coating or Equivalent
5. Public Hearing: To Consider an Ordinance Increasing Municipal Gross Receipts Tax by .25%
6. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision for Gutierrez
7. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision for Garcia
8. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision for Strand
9. Quasi-Judicial Public Hearing: To Consider a Special Use Permit for the Operation of a Cannabis Consumption Lounge Proposed by Richard Argant DBA Deming Ganja Lounge, LLC, to be located at 119 B N. 8th Street
10. Quasi-Judicial Public Hearing: To Consider a Special Use Permit for the Operation of a Cannabis Consumption Lounge Proposed by Nick DBA Green Thumb, LLC to be located at 200W. Cedar
11. Administrator's Report
12. Adjourn Meeting

The next regular City Council Meeting is scheduled for October 18, 2022 at 5:30 p.m.

CITY COUNCIL MEETING MINUTES

September 20, 2022

Remote meeting in compliance with the
New Mexico Open Meetings Act

Council Present:

Benny L. Jasso, Mayor
Joe "Butter Milo, Councilor
Alex Valdespino, Councilor, Arriving in person at 6:10 p.m.

Monica Topham, Mayor Pro Tem
Irmaisela A. Rodriguez, Councilor

Council Present (Telephonically/Virtually): Alex Valdespino, Councilor

Council Absent:

Staff Present: Aaron Sera, City Administrator
Alexi Jackson, Community Services Director
Clint Hogan, Chief of Police
Tyler Massey, Public Information Officer
Lane Camfield, Planner

Laura Holguin, Finance Director/CFO
Azucena Vargas, Asst. Public Works Director
Jim Massengill, Public Works Director
Adrian Coloma, IT
Joe Owen, Fire Chief

Staff Present (Telephonically/Virtually):

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.
Mayor Jasso confirmed there was a quorum with the following roll call:

ROLL CALL VOTE

Councilor Valdespino	Aye
Councilor Milo	Aye
Mayor Pro Tem Topham	Aye

Ms. Valdez stated that Councilor Rodriguez would not be in attendance.

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; Mayor Pro Tem Topham second the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Valdespino	Aye
Mayor Pro Tem Topham	Aye
Councilor Milo	Aye

CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 22-31

**A RESOLUTION RATIFYING THE IMPLEMENTATION OF A POLICY
FOR THE ACCEPTANCE OF CREDIT/DEBIT CARDS OR ELECTRONIC TRANSFER FOR
PAYMENTS OF UTILITIES AND RELATED SERVICES**

WHEREAS, this resolution is created to ratify the implementation of a policy for the acceptance of credit/debit cards or electronic transfer for payments of utilities and related services; and

WHEREAS, to be in compliance with NMAC 2.60.8.1-9 a policy was approved by City Council during their regular meeting held on July 19, 2022; and

WHEREAS, this resolution will be effective ratifying the policy approved on July 19, 2022 by the Mayor and Council of the City of Deming; and

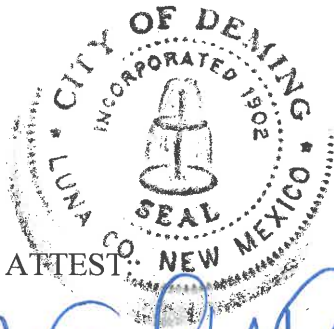
NOW, THEREFORE, BE IT RESOLVED by the City of Deming that:

1. City of Deming personnel will follow the policy for the acceptance of credit/debit cards or electronic transfer for payments of utilities and related services.

PASSED, APPROVED AND ADOPTED by the City Council this 20th day of September 2022.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor




Mary Jo Valdez, Municipal Clerk

RESOLUTION NO. 22-32

**A RESOLUTION ADOPTING THE CITY OF DEMING HAZARD
MITIGATION PLAN**

WHEREAS, natural and man-made hazards exist within City of Deming and Luna County and these hazards have the potential of causing harm to the citizens, property, economy, and environment within Luna County; and

WHEREAS, the hazards identified for immediate consideration include drought, flooding, and hazardous material transport; and

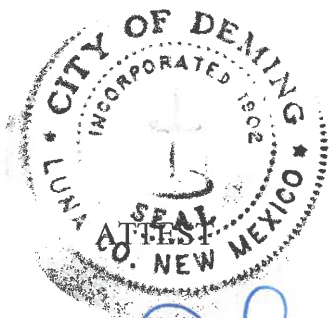
WHEREAS, a Luna County Hazard Mitigation Plan has been developed that provides strategies for elimination or reduction of these hazards; and

WHEREAS, the Luna County Hazard Mitigation Plan is the result of cooperative effort of governmental agencies and community input

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the City of Deming;

1. Adopts The Luna County Hazard Mitigation Plan Update as the City of Deming's official plan
2. An official hard copy and electronic copy of the Luna County Hazard Mitigation Plan can be located at the City of Deming's office at 309 S. Gold

PASSED, ADOPTED, AND APPROVED this 20th day of September, 2022




Mary Jo Valdez, Municipal Clerk

CITY OF DEMING

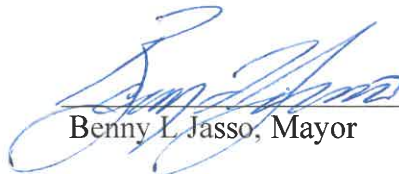

Benny L. Jasso, Mayor

EXHIBIT B
RESOLUTION 22-33
City of Deming

**PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM ADMINISTERED BY
NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the **City of Deming** and the New Mexico Department of Transportation have entered into a grant agreement under the Transportation Fund Program for a local road project.

WHEREAS, the total cost of the project will be \$2,230,000 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or \$2,118,500.00; and
- b. **City of Deming's** proportional matching share shall be 5% or \$111,500.00

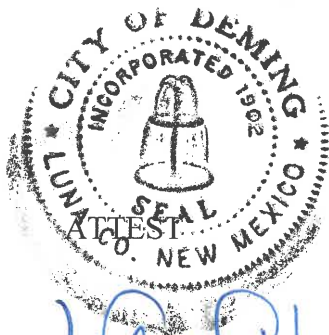
TOTAL PROJECT COST IS \$2,230,000.00

The **City of Deming** shall pay all costs, which exceed the total amount of \$2,230,000.00. 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 for Project Control Number **LP10034** with the New Mexico Department of Transportation for the TPF Program for year 2023 for Gold Street Maintenance Reduction Road Diet, Signalization and Pedestrian Safety Improvements-Gold Street Road Diet from Cedar Street to Poplar and Cody Road Intersection, to include traffic signal synchronization, pedestrian safety improvements, and underground utility upgrades. Signal Synchronization will occur between Cedar Street and Ash Street within the control of the **City of Deming** in New Mexico.

PASSED, ADOPTED, AND APPROVED this 20th day of September 2022




Mary Jo Valdez, Municipal Clerk

CITY OF DEMING


Benny L. Jasso, Mayor

CITY OF DEMING, NEW MEXICO

RESOLUTION NO. 22-34

RESOLUTION OF THE GOVERNING BODY, AUTHORIZING THE SUBMISSION OF A NOTICE OF INTENT AND AN APPLICATION AND NECESSARY DOCUMENTS FOR FUNDING ASSISTANCE TO NEW MEXICO FINANCE AUTHORITY WATER TRUST BOARD AND COMMITMENT TO THE OPERATION & MAINTENANCE OF THE PROPOSED 2023 WTB WATER PROJECT

WHEREAS, the City of Deming is a qualified entity under the New Mexico Finance authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the City of Deming is authorized to apply for funds for financing of public projects for benefit of the community and its citizens; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Water Trust Board and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for; and

WHEREAS, the Governing Body intends to design the rehabilitation of seven water wells within the Deming water system for the benefit of the community and its citizens; for the ("Project") City of Deming Water Well Rehabilitation; and

WHEREAS, the Governing Body is committed to properly operate and maintain the proposed improvements as described by the proposed project that funding is being requested for.

WHEREAS, the City of Deming acknowledges the local match identified in the application, is committed to the project and agrees to pay any costs that exceed the project amount if the application is selected for funding.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING; That the Governing Body hereby directed the submittal of a Notice of Intent and subsequent Application to the Authority for its review, and further authorized to take such other action as may be requested by the Authority in its consideration and review of the Notice of Intent and Application and to further proceed with arrangement for financing the Project. The Governing Body is fully committed to properly operate and maintain the system and the proposed project being submitted for funding.

BE IT FURTHER RESOLVED that the filing of an application to the New Mexico Water Trust Board for funding in the 2023 Water Project Fund funding cycle is hereby authorized and that the Public Works Director or Assistant Public Works Director, are designated as the City of Deming's representatives to act on behalf of this application.

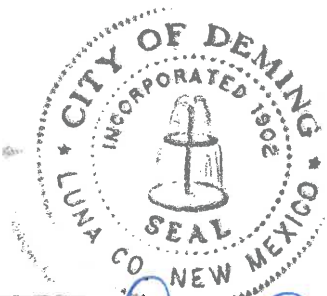
PASSED, APPROVED, AND ADOPTED this 20th day of September 2022.

CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal City Clerk



City Of Deming

RESOLUTION NO. 22-35

TO AMEND ROUTE AND TERMINI FOR MUNICIPAL ARTERIAL PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City Of Deming and the New Mexico Department of Transportation enter into a Cooperative MAP Agreement.

WHEREAS, the total cost of the project will be \$240,000 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$180,000
- and
- b. City Of Deming's proportional matching share shall be 25% or \$60,000

TOTAL PROJECT COST IS \$240,000

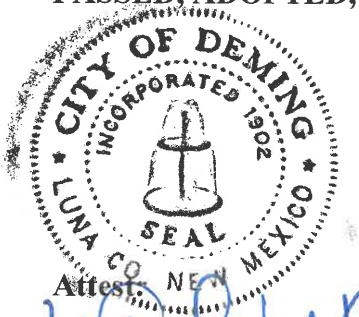
The City Of Deming shall pay all costs, which exceed the total amount of \$240,000.

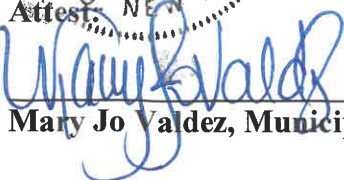
NOW THEREFORE, BE IT RESOLVED in official session that The City Of Deming determines, resolves, and orders as follows:

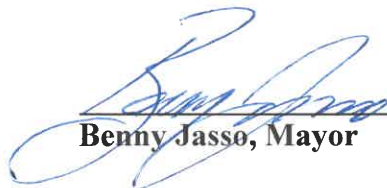
- That the project for this Cooperative agreement is adopted and has a priority standing.
- The agreement terminates on **June 30, 2024**, and the *City Of Deming* incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such 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 MAP Agreement Control Number HW2L100552 with the New Mexico Department of Transportation for MAP Project year 2022 – 2023 to Design Improvements on the road surface and improvements storm water drainage on East Pear from NM11 East to Country Club Road, Santa Clara St from Dona Ana St to East Pear Street, Santa Monica St. from Dona Ana St to East Pear St, and Saddler St. from Dona Ana St to East Pear St., within the control of the City of Deming Luna County, New Mexico.

PASSED, ADOPTED, AND APPROVED this 20th day of September 2022.




Mary Jo Valdez, Municipal Clerk


Benny Jasso, Mayor

City of Deming Proclamation

A proclamation designating the first Friday of October as NATIONAL MANUFACTURING DAY.

WHEREAS, the first Friday of October each year is designated as National Manufacturing Day; and

WHEREAS, manufacturing makes a very significant contribution to the national, state, and local economy; and

WHEREAS, Deming, Luna County, NM is a significant contributor to the manufacturing industry in our region and is fortunate to be the home of many world-class and diverse manufacturing companies; and

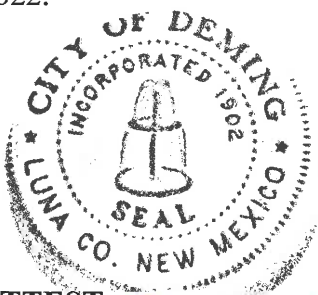
WHEREAS, Deming serves as the region's home to the largest winery in the State of New Mexico, largest green chile and jalapeno processor in the world, and only custom manufactured home builders in the country, accounting for over 1,300 jobs in our community.

WHEREAS, the manufacturing companies located in Deming, Luna County, New Mexico add to the vitality and prosperity of our community by providing high paying quality jobs; and

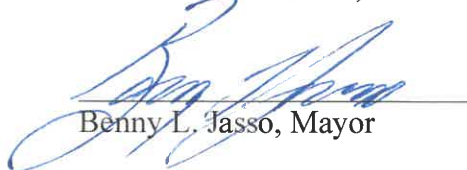
NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Deming, New Mexico, hereby proclaims the first Friday of October to be NATIONAL MANUFACTURING DAY presented locally by Deming Luna County Economic Development, Inc.

For 2022, National Manufacturing Day is hereby designated as October 7, 2022. The City Council hereby urges all citizens to join in recognizing the value of our manufacturers and the importance they serve in our community.


IN TESTIMONY WHEREOF the Mayor of the City of Deming has hereunto subscribed his name and have caused the Official Seal of the City of Deming to be hereunto affixed in on this 20th day of September 2022.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal City Clerk

2. Public Comments

Mayor Jasso opened the meeting for public comment stating that comments entertained should not be related to any items on the agenda.

3. Resolution: Minimum Wage Increase for Regular City of Deming Employees

Mr. Sera explained that the finance committee met to discuss the pay scale and rates and have agreed to change the minimum wage to \$13 in preparation of better wages; the increase will not affect salaries for appointed or elected officials. Mr. Sera further explained that this will hopefully help to attract and retain employees.

Mayor Pro Tem Topham motioned to approve the resolution, as submitted; motion second by Councilor Valdespino; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Rodriguez	Aye
Mayor Pro Tem Topham	Aye

4. Procurement:

a. Bid #23-01 Decocoat Solar Reflective Asphalt Coating or Equivalent

Mr. Jackson stated that the product will be used over existing asphalt at the intersection where the Sun Zia symbol is and on sidewalks in the project area; adding that it helps protect the applicated areas for up to 12 years. Mr. Jackson requested authorization for staff to enter into an agreement with Creative Paving Solutions and to execute any related documents for this project.

Councilor Milo motioned to approve the bid, as presented; Mayor Pro Tem Topham second the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Valdespino	Aye
Mayor Pro Tem Topham	Aye
Councilor Milo	Aye

5. Public Hearing: To Consider an Ordinance Increasing Municipal Gross Receipts Tax by .25%

Mayor Jasso conducted a public hearing to consider an ordinance increasing municipal gross receipts tax by .25%.

Mr. Sera stated that Ms. Melendres was present to answer any questions Council may have and that Mr. Valenzuela is also on virtually to do the same. Mr. Sera went on to explain that the increase would allow for some coverage to offset salary increases due to inflation.

Ms. Melendres explained the process to Council, stating that a 2% increase is allowed without voter approval.

Councilor Milo stated that he thought it was a fair increase, with no burden on anyone.

Mr. Sera stated that it would not fund more project, but rather sustain those projects already in progress.

Mayor Jasso opened the public hearing for public comments. There were none.

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

CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 22-36

**SUPPORTING \$13.00 MINIMUM WAGE FOR THE
CITY OF DEMING INTERNAL HIRING PROCESS AND PAY SCALE**

WHEREAS, a meeting with the Finance Committee was held to discuss pay scale and rates for city employees; and

WHEREAS, Economists have indicated that today's minimum wage is not enough for a single parent to reach even the most basic threshold of adequate living standards; and

WHEREAS, the City of Deming employs on average 160 people; and

WHEREAS, the City of Deming promotes adequate living standards for our employees; and

WHEREAS, the City of Deming supports a \$13.00 minimum wage in its' internal hiring process and pay scale;

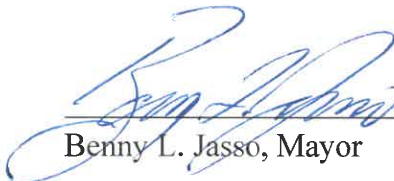
NOW THEREFORE BE IT RESOLVED, the Governing Body in and for the City of Deming hereby approves the minimum pay for City of Deming regular, full-time employees, excluding temporary, seasonal, part-time employees and elected officials to be \$13.00 effective upon the first full pay period beginning October 1, 2022, and authorizes the City Administrator and City Treasurer to make changes to the pay scale and pay range necessary to accommodate this change. Furthermore, to implement this change, each employee will receive a \$1.00 per hour pay increase excluding Department Heads and the forementioned, to ensure proper accommodation for years of service.

BE IT FURTHER RESOLVED, which the City of Deming encourages local governments and local businesses to consider a minimum wage increase to help promote adequate living standards amongst our community.

PASSED, ADOPTED AND APPROVED this 20th day of September, 2022.



Mary Jo Valdez, City Clerk


Benny L. Jasso, Mayor

Mayor Pro Tem Topham motioned to approve the ordinance, as presented; motion second by Councilor Milo; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Valdespino	Aye
Councilor Milo	Aye
Mayor Pro Tem Topham	Aye

Mayor Jasso asked that all parties interested in providing testimony for the cases listed in items 6-10 sign-in and be sworn-in by raising their right hand and stating “I do so affirm” once he read the oath. All parties swore-in.

6. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision for Gutierrez

Mayor Jasso conducted a quasi-judicial public hearing to consider an alternate subdivision for Gutierrez at 2212 S. Gold, located within the City limits.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

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, would be dividing tracts 1 through 3 for mobile home rental spaces. Mr. Camfield added that the property is zoned correctly for the proposed use.

Mayor Jasso asked if staff or Council had any questions.

Councilor Milo asked if the applicant is aware of all the requirements of dividing and renting spaces. Mr. Camfield confirmed that the applicant is aware.

Mayor Jasso asked if the applicant would like to make a statement. He did not.

Mayor Jasso asked if Council had any questions for the applicant’s agent; they did not.

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

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

Mayor Jasso closed the public hearing and asked for Council’s decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.

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

ROLL CALL VOTE

Councilor Milo	Aye
Mayor Pro Tem Topham	Aye
Councilor Valdespino	Aye

ORDINANCE NO. 1313

ADOPTING A MUNICIPAL GROSS RECEIPTS TAX
BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF DEMING

Section 1. Imposition of Tax. There is imposed on any person engaging in business in this municipality for the privilege of engaging in business in this municipality an excise tax equal to one-fourth of one percent (.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the Municipal Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the “unrestricted municipal gross receipts tax.”

Section 2. General Provisions. This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

Section 3. Specific Exemptions. No municipal gross receipts tax shall be imposed on the gross receipts arising from:

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the municipality to another point outside the municipality;
- B. a business located outside the boundaries of a municipality on land owned by that municipality for which a state gross receipts tax distribution is made pursuant to Subsection C of Section 7-1-6.4 NMSA 1978; or
- C. direct broadcast satellite services.

Section 4. Dedication. Revenue from the municipal gross receipts tax will be used for the purpose(s) listed below:

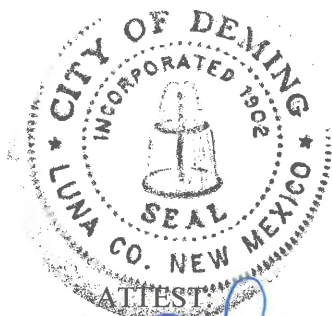
General Fund

Section 5. Effective Date. The effective date of the municipal gross receipts tax shall be either January 1, or July 1, whichever date occurs first after the expiration of three months from the date this ordinance is adopted, unless an election is held on the question of approving the ordinance, in which case the effective shall be either January 1 or July 1, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance’s adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF DEMING THIS 20TH DAY OF
SEPTEMBER 2022.

CITY OF DEMING


Benny L. Jasso, Mayor




Mary Jo Valdez, Municipal Clerk

7. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision for Garcia

Mayor Jasso conducted a quasi-judicial public hearing to consider an alternate subdivision for Garcia at the corner of Jarvis and Columbus Rd., located within the City limits.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

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, is requesting a subdivision to retain tract 1 and sell tracts 2 and 3 to family members. The current zoning is "C" Commercial and staff has no objections.

Mayor Jasso asked if staff or Council had any questions. Councilor Milo asked if they wish to place a house or mobile home. Mr. Camfield stated that they would come before City Council when they wish to develop.

Mayor Jasso asked if the applicant would like to make a statement. He did not.

Mayor Jasso asked if Council had any questions for the applicant; they did not.

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

Mayor Jasso asked if there were any other parties that would like to speak; there were none.

Mayor Jasso closed the public hearing and asked for Council's decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.

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

ROLL CALL VOTE

Mayor Pro Tem Topham	Aye
Councilor Valdespino	Aye
Councilor Milo	Aye

For the record, Councilor Valdespino joined the meeting, in person, at 6:10 pm.

8. Quasi-Judicial Public Hearing: To Consider an Alternate Subdivision for Strand

Mayor Jasso conducted a quasi-judicial public hearing to consider an alternate subdivision for Strand for property located on Dona Ana Rd SE., located within the City limits.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

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, is requesting an alternate subdivision for the applicant to sell tracts 1, 2, and 3 in the future; to increase the easement to 30' and to attach covenant restrictions on the tracts. The property is zoned "A" Single-Family and staff has no objections or concerns.

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. Mr. Strand addressed Council stating that the restrictive covenant will be filed with all deeds.

Mayor Jasso asked if Council had any questions for the applicant. Councilor Milo asked if they are to stick to the covenant at time of sale; Mr. Strand confirmed.

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

Mayor Jasso asked if there were any other parties that would like to speak; there were none.

Mayor Jasso closed the public hearing and asked for Council's decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.

Councilor Milo motioned to approve the alternate subdivision, as presented; motion second by Councilor Valdespino; motion was approved by the following roll call vote:

ROLL CALL VOTE

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 a Cannabis Consumption Lounge Proposed by Richard Argant DBA Deming Ganja Lounge, LLC to be located at 119 B N. 8th Street

Mayor Jasso conducted a quasi-judicial public hearing to consider a special use permit for the operation of a Cannabis Consumption Lounge proposed by Richard Argant DBA Deming Ganja Lounge, LLC, to be located at 119 B N. 8th Street, located within the City limits.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

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, is requesting a special use permit to operate a consumption lounge at 119 "B" N. Eighth Street. Current zoning is "C" Commercial which complies with use requirements. Mr. Camfield addressed that CID communicated that they are unsure about issuing an occupancy certificate and that they were concerned about this being approved. Mr. Camfield addressed some concerns related to the safety of adults and children if the establishment is located within the same building as the dental office; air quality and how it will be controlled.

Mayor Jasso asked if staff or Council had any questions. Councilor Milo asked about state rules for indoor lounges. Mr. Camfield stated they must comply with air filtration and outdoor fencing amongst other safety requirements. Councilor Milo stated that if the special use permit were to be approved, the state may still not approve. Mr. Camfield confirmed, stating that CID communicated they were reluctant to approve the occupancy change.

Mr. Sera stated that the New Mexico Cannabis Control Division is the licensing entity and that they are approving establishments, including this one.

Mayor Jasso asked if the applicant would like to make a statement. Mr. Johnson, applicant's agent, addressed Council assuring them that the establishment will always be secure, and that safety will not be an issue. Mr. Johnson stated that there will be booths to smoke in for partakers and that they will be ventilated. Mr. Johnson stated that they will take measures to provide a safe plan for those partaking as well as for the safety of others through educating them and their staff as well.

Dr. Argant addressed Council stating that they anticipate opening a high-class operation, as the dental facility is adjacent; Dr. Argant also anticipates opening employment opportunities.

Mayor Jasso asked if Council had any questions for the applicant. Mayor Jasso asked about the time frame to operate. Mr. Johnson stated it will open soon after their staff is hired and trained, anticipating about 8 employees.

Mayor Jasso asked if there were any affected parties that would like to speak. Mr. Felipe Soto, owner of a restaurant to the east of the proposed location, addressed Council stating that he is concerned about the crowd attracted to the establishment and the safety of the patrons of his restaurant. Mr. Johnson stated that there will not be smoking allowed outdoors and that the area will be controlled for safety measures.

Mayor Jasso asked if there were any other parties that would like to speak. Ms. Gutierrez addressed Council stating that she is located quite a distance from the proposed establishment; however, she is also located next door to a cannabis dispensary. Ms. Gutierrez informed Council that the smell travels through to her salon even with ventilation and asked Council to consider how other establishments will be affected as the smell will travel.

Mr. Johnson stated that they will be smart about ventilation and containing the smell as much as possible. Dr. Argant added that each table will have filters to contain the fumes.

Mayor Jasso closed the public hearing and asked for Council's decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.

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

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Valdespino	Aye
Mayor Pro Tem Topham	Aye

10. Quasi-Judicial Public Hearing: To Consider a Special Use Permit for the Operation of a Cannabis Consumption Lounge Proposed by Nick DBA Green Thumb, LLC to be located at 200 W. Cedar

Mayor Jasso conducted a quasi-judicial public hearing to consider a special use permit for the operation of a Cannabis Consumption Lounge proposed by Nick DBA Green Thumb, LLC, to be located at 200 W. Cedar, located within the City limits.

Mayor Jasso asked if all hearing notices were posted properly. Ms. Valdez confirmed.

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, is requesting a special use permit to operate a cannabis consumption lounge. Mr. Camfield stated the property is zoned "C" Commercial and noted some concerns about air quality, the safety of the public due to an outdoor lounge, and parking. Mr. Camfield stated that if Council is not comfortable with an outdoor lounge, they agree to operate an indoor only lounge.

Mayor Jasso asked if staff or Council had any questions.

Mayor Jasso asked if the applicant would like to make a statement. Mr. Dragovitz addressed Council stating that the outdoor area would have a metal roof 8 feet high off the ground.

Mayor Jasso asked if Council had any questions for the applicant. Councilor Valdespino asked if there were any gaps in fencing which may allow the passage of cannabis to outside persons. Mr. Dragovitz stated that the fencing would be concrete block walls and metal roofing.

Mr. Kriaris stated that there will be 3 filtration rated systems; adding that there will only be one way in and one way out of the establishment for security measures.

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

Mayor Jasso asked if there were any other parties that would like to speak. Ms. Gutierrez reiterated that an outdoor lounge would cause the smell to travel, asking what will be allowed next.

Ms. Harvey addressed Council asking what the plan for the allowance of cannabis establishments within City limits.

Mr. Sera stated that the Cannabis Act was passed and local government cannot regulate much nor can they deny them operation unless there is a public safety concern. Mr. Sera stated that ordinances will be modified to bring to Council for adoption to adjust some allowances, however, State law is not going to change.

Ms. Harvey asked if the lounge is outdoor; adding that if it has concrete walls and roofing, it seems as if it's indoor. Mr. Kriaris agreed that it will all be covered and considered all indoors as such.

Mayor Jasso closed the public hearing and asked for Council's decision and asked if Council wished to go into closed session pursuant to NMSA 1978 10-15-1 (H) 3 of the Open Meetings Act, to discuss the item.

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

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Valdespino	Aye
Mayor Pro Tem Topham	Aye

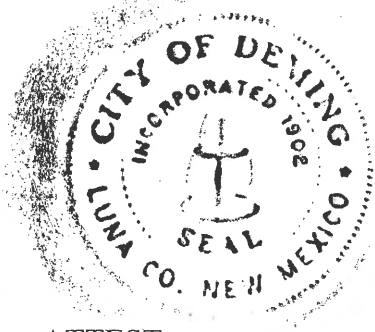
11. Administrator's Report

Mr. Sera addressed Council, reporting on the following items.

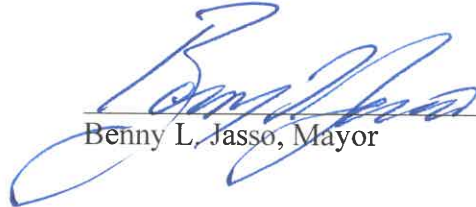
- Staff will working on drafting an amendment to cannabis ordinances
- Changes to ICIP was completed and submitted by Ms. Vargas
- Balboa Motel may be used as a transition housing for homeless persons
- The New City Hall is coming along well
- Town Hall meetings are extended to Deming Public School Systems and the public is invited
- Staff has been working on figuring finances to cover raises, projects, etc.
- Staff will begin working on the inflatable water park
- Staff is loving the 36 hour work schedule and it's working well for the public as well

12. Adjourn Meeting

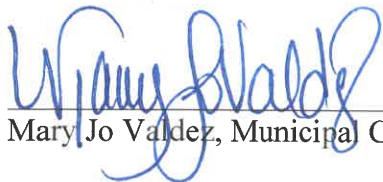
With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting. Councilor Milo motioned to adjourn the meeting; Mayor Pro Tem Topham second the motion; motion carried unanimously. The meeting adjourned at 7:36 p.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk