

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM**  
**July 8, 2008 – 7:00 p.m.**

**Present:** James R. Marshall, Mayor  
A. Judith Ward, District 1  
Thomas Nupp, District 2  
Simon Wheaton-Smith, District 3  
Steve May, District 4

**Also Present:** Alex C. Brown, Town Manager-Finance Director  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
Rudy Bencomo, Fire Chief  
Peter Pena, Public Works Director

**CALL TO ORDER / PLEDGE OF ALLEGIANCE** - Mayor Marshall called the meeting to order at 7:02 p.m.

**PUBLIC INPUT** – Ray Lopeman commented on the film industry in New Mexico and his desire to make films in southern New Mexico. He recommended that the Town consider a film commission for this region of the State.

**COUNCIL COMMENTS** – The Council commented on the following: recently attended events and the Town’s 4<sup>th</sup> of July weekend festivities; fireworks issues; the swimming pool closure during the holiday weekend; traffic and speeding concerns; downtown loading zones; the status of the CDBG grant for Chihuahua Hill; openings on the Parks and Recreation Board; and a report on the local rainfall.

**CHANGES TO AGENDA** – None.

**APPROVAL OF MINUTES – June 24, 2008, Regular Council Meeting.** Councilor Ward made a motion to approve the Minutes, Councilor Nupp seconded. All were in favor, motion passed.

**REPORTS –**

Manager Brown thanked all of the Town’s departments for their work during the holiday weekend, and he reported on the reasons for the swimming pool closure and the operational costs to run the pool versus the revenues. He and Peter Pena, Public Works Director, commented on the improvements that were accomplished at the swimming pool facility and the plans for future improvements. Manager Brown also reported that the New Mexico Finance Authority would feature the Town of Silver City in their newsletter because of the outstanding projects that had been accomplished by the Town: the sanitation project, the purchase of two fire trucks, the purchase of nine police vehicles; and the well and Supervisory Control and Data Acquisition (SCADA) system project.

Mayor Marshall commended the Police and Fire Departments for their difficult job regarding fireworks complaints. He stated that it was extremely disappointing that citizens had made verbal and physical attacks on Town staff that were doing their jobs. He requested that Attorney Scavron draft a fireworks ordinance similar to Albuquerque’s fireworks ordinance or California’s state-wide “safe and sane” fireworks law, and he asked that it be brought back to Council within two months. Attorney Scavron commented that the Fireworks Lobby had a stranglehold on the New Mexico legislature, and suggested that people could direct some of their indignation towards the legislature. Mayor Marshall agreed with his suggestion and further stated that the County Manager had indicated that he was also interested in reconciling the fireworks problem throughout the county.

Fire Chief Rudy Bencomo commented on the verbal and physical attacks that were received by his department during the July 4<sup>th</sup> weekend because of fireworks issues. He also reported that the U. S. Forest Service would lift the Stage 1 fire restrictions in the Gila National Forest on that date at midnight, and he recommended lifting the Town’s fire restrictions by July 11<sup>th</sup> if the rainfall continued.

**UNFINISHED BUSINESS –**

**A. Ordinance No. 1145: An Ordinance amending Chapter 32, Section 32.01 of the Town of Silver City Municipal Code, relating to Library Board.** Mayor Marshall stated that he had introduced the ordinance in the

last Council Meeting, but was recently advised that the Chairman of the Grant County Board of Commissioners, Henry Torres, would serve on the Silver City Public Library Board as ex officio. Therefore, the Mayor asked that the Council not support the ordinance. There was further discussion. Councilor Wheaton-Smith made a motion to approve Ordinance No. 1145, Councilor Ward seconded the motion. A roll call vote was taken with the following results: Councilor Ward – nay; Councilor Nupp – nay; Councilor Wheaton-Smith – nay; and Councilor May – nay. Motion failed unanimously.

**NEW BUSINESS –**

**A. Agreement between Town of Silver City and American Federation of State, County and Municipal Employees (AFSCME), July 1, 2008 to June 30, 2010.** Manager Brown presented the details of the Agreement and stated that Councilor Wheaton-Smith had found several typos that could be corrected with a Memorandum of Understanding if the Council approved the contract. There was further discussion and Sam Martinez, President of AFSCME Local 3370, Council No. 18, confirmed that the Union was satisfied with the contract. Councilor Wheaton-Smith made a motion to approve the Agreement, Councilor May seconded. All were in favor, motion passed.

**B. Request for Proposal 07/08-3P: Legal Services.** Manager Brown stated that one proposal was received from Robert L. Scavron, and staff recommended that the bid be awarded pending negotiations with Mr. Scavron. There was further discussion. Councilor May made a motion to approve the recommendation to allow Manager Brown to enter into negotiations with Robert L. Scavron for legal services, Councilor Wheaton-Smith seconded. There was no further discussion. All were in favor, motion passed.

**C. Selection of a Voting Delegate and Alternate to vote at the New Mexico Municipal League’s Annual Conference.** Mayor Marshall presented the details. Councilor May made a motion that Mayor Marshall would serve as the voting delegate and Manager Brown would serve as the alternate. Councilor Ward seconded the motion. All were in favor, motion passed.

**D. Appointments to the Building Inspection Program Advisory Task Force.** Mayor Marshall received the Council’s consensus to appoint the following five members to the Task Force: Patrick Casey, Michael Harrison, Thomas D. McArthur, Peter Dames, and George F. Lundy.

**E. Appointment of one member to Library Board.** Mayor Marshall received the Council’s consensus to appoint Maureen Craig to the Library Board.

**F. Appointments of three members to the Museum Board.** Mayor Marshall received the Council’s consensus to re-appoint three members to the Museum Board: Sandra Hicks, An-Jean H. Wright, and Berma Matteson.

**ADJOURNMENT –** Councilor Ward made a motion to adjourn the meeting at 8:05 p.m. Councilor May seconded the motion. All were in favor, motion passed.

/s/

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James R. Marshall, Mayor

Attest:

/s/

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Ann. L. Mackie, Town Clerk