

**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 22, 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  
Ed Reynolds, Chief of Police

**CALL TO ORDER / PLEDGE OF ALLEGIANCE** - Mayor Marshall called the meeting to order at 7:00 p.m.

**PUBLIC INPUT** – Pauline Cook, owner of Javalina Coffee House, commented on the following: a male teenager that was intimidating her customers and threatening her staff; requested a different location for the bicycle rack; and requested porta-potties to be placed downtown during special events. Joe and Deborah Kelly and Diana Edwards commented on problems with garbage containers in their neighborhoods.

**COUNCIL COMMENTS** – The Council commented on the following: recently attended events; refuted a complaint that the Council was only interested in “business as usual” by reporting the achievements that had been made by the Council during their terms; the local rainfall amount and the availability of a 24 hour/7 day per week online weather station for Silver City; traffic and speeding concerns; how the Town should be very assertive in handling assaults of fire and police personnel; a reminder to the public to control their dogs so meter readers would not be attacked; concern for the delay of the Lodgers’ Tax Advisory Board meeting and the qualifications of its members; an update on the re-codification project for the Town’s Code of Ordinances; openings on the Town’s Boards and Committees; how the new fireworks ordinance would be more effective if the Town and the other local communities worked together on it; and concerns about the construction of the skatepark.

**CHANGES TO AGENDA** – None.

**APPROVAL OF MINUTES – July 8, 2008, Regular Council Meeting.** Councilor Ward made a motion to approve the Minutes, Councilor Nupp seconded. All were in favor, motion passed.

**REPORTS –**

**A. The Town Manager-Finance Director’s report on the State’s interim approval of the Town’s proposed operating budget for Fiscal Year 2008-2009.** Manager Brown reported that the New Mexico Department of Finance and Administration’s Local Government Division approved the interim budget for the Fiscal Year 2008-2009.

Manager Brown also reported on lifeguard vacancies at the swimming pool and stated that he would keep the Council informed of any changes to the schedule of the swimming pool. Mayor Marshall reported that the draft of the Extraterritorial Jurisdiction (ETJ) Joint Powers Agreement between the Town and Grant County was close to being ready and may be brought to Council for action at the next Council Meeting. Chief Reynolds reported on the criminal and traffic statistics for the Town for the first six months of 2008 and compared them with the first six months of 2007. He commented that he had received positive comments from the public regarding the new police vehicles, and how they were assigned to officers based on merit. He also reported that they would be re-evaluating the school zone areas, would work with the schools on their needs, and were looking at having a community resource officer to facilitate activities with the schools and other programs within the community. There was further discussion on the school zone areas.

**UNFINISHED BUSINESS –**

**A. Ordinance No. 1147: An ordinance amending Section 32.03 of the Town of Silver City Municipal Code, relating to rules and regulations pertaining to the use and maintenance of the Town of Silver City Cemetery.** Councilor May presented Ordinance No. 1147 and made a motion to approve it. Councilor Wheaton-Smith seconded the motion. There was further discussion. A roll call vote was taken with the following results: Councilor Ward – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

**NEW BUSINESS –**

**A. Resolution No. 2008-25: Cooperative Agreement between the Town and the New Mexico Department of Transportation for street and drainage improvements on Leslie Road.** Manager Brown presented the details of Resolution No. 2008-25. There was further discussion. Councilor May made a motion to approve it, Councilor Ward seconded the motion. There was no further discussion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward – aye. Motion passed.

**B. Bid 08/09-2: 2008 CDBG street and drainage improvements on San Vicente and Sonora Streets.** Manager Brown presented the details and stated that it was the staff’s recommendation to award the bid to Southwest Concrete & Paving, Incorporated for a total bid with gross receipts tax in the amount of \$364,521.03. Councilor Wheaton-Smith made a motion to award the bid to Southwest Concrete & Paving, Councilor May seconded. There was further discussion. All were in favor, motion passed.

**C. Resolution No. 2008-26: Fiscal Year 2007-2008 Final Budget Adjustment.** Manager Brown presented the details of Resolution No. 2008-26. There was further discussion. Councilor Ward made a motion to approve Resolution No. 2008-26, Councilor Nupp seconded. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward – aye. Motion passed.

**D. Resolution No. 2008-27: Final Approval of Fiscal Year 2008-2009 Budget.** Manager Brown presented the details of Resolution No. 2008-27. Councilor Ward made a motion to approve it, Councilor Nupp seconded the motion. There was no further discussion. A roll call vote was taken with the following results: Councilor Ward – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

**E. Re-scheduling of next regular Council Meeting.** There was discussion of re-scheduling the next regular Council Meeting because the Mayor and many of the staff members would be attending the New Mexico Municipal League’s Annual Conference in Clovis, New Mexico. Mayor Marshall received the Council’s consensus to change the next regular Council Meeting date from August 12<sup>th</sup> to August 4<sup>th</sup> at 7:00 p.m.

**ADJOURNMENT –** Councilor Wheaton-Smith made a motion to adjourn the meeting at 8:05 p.m. Councilor Ward 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