

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
February 25, 2020, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe E. Cano, District 4

Also Present:

Alex C. Brown, Town Manager
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Jaime Embick, Community Development Director
Freddie Portillo, Police Chief

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m.

2. CHANGES TO AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Bettison commented on the following: compliments to the Territorial Charter Day Committee for an incredible job and suggested they consider making burlesque baseball a permanent event; how she did not know why she was not receiving certain email and asked everybody to add the town clerk's email address to any messages being sent to ensure she would get it or to call her message phone at 575-597-7031; apologies to her constituents for not walking the district for the election and how she would do it when it was warmer; and she encouraged people to vote during early voting or election day to exercise their right to vote. Councilor Cano commented on the following: how the Territorial Charter Day was a fabulous event and the Committee and Museum staff worked hard on it; thanks to the Grant County Prospectors, including Councilor Bettison, for the tremendous amount of work they put into Grant County Day at the legislature; how the Prospectors were well respected by the legislators and they had gotten a lot of capital outlay funding; how well Grant County was represented at the legislature; how the two Aldo Leopold students in attendance had also lobbied with the Aldo Leopold High School at the legislature and it made her think about Councilor Ray's idea about getting youth more engaged; and she encouraged other young people to give presentations at the Council meetings. Councilor Ray commented on the following: how he agreed with the bicycle lanes but many streets did not have a five foot free zone; he asked if it were possible to paint the bicycle lanes a different color for a safety corridor and Manager Brown said it would depend on the funding they were using because federal or state money had certain requirements; how Councilor Ray was totally against Senate Bill 5 Extreme Risk Firearm Protection Order Act and he hoped people would respond and how it may go to the Supreme Court to take it back again; how he was tired of hearing the democratic thing about the Presidential candidates in America and how the money they spent trying to get rid of President Trump could be used for the public roads or anything; how he did not believe in the 2020 Census and would not participate in it and if it was all about money they were doing the wrong thing; how he thought early education was wrong and kids should be kids and parents should be taking care of the kids, not the teachers; and how a lot of credit was going to the late Kobe Bryant, but credit should be going to the veterans instead. Councilor Aiman-Smith commented how people wanted her to intervene in Town management decisions and that she referred them back to staff and she provided examples. Mayor Ladner thanked the Council for their hard work and also thanked the hundreds of volunteers that made the events successful, and the community organizations that were doing tremendous things in the town, and he provided examples. He also mentioned the new MainStreet Downtown Plaza and said it was a heavenly place, and Charmeine Waite, Executive Director of the Silver City MainStreet Project, had shown great leadership to make it happen.

6. APPROVAL OF MINUTES - Regular Meeting – January 23, 2020 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of January 23, 2020. Councilor Ray seconded. The Mayor asked if there was any discussion, and there was none. He asked those in favor to approve the minutes to

say aye, and all of the Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

7. PUBLIC INPUT – Christine Wolferd, Executive Director of Supporting People in Need (SPIN), thanked the city for partnering with them during the cold weather season for cold weather shelter and how they had averaged about 14 people a night. She said it was starting to warm up, so it was time to start planning for next year on how they were going to keep people from freezing. She asked the Council, when planning the budget, to consider that homelessness was not just a SPIN problem or human problem, but it was also a Town problem. She said the Town had addressed it repeatedly in the Comprehensive Plan as an issue that the Town would partner with organizations to work on it. She provided handouts and said she looked forward to partnering with the Town again.

8. REPORTS –

A. Presentation about the Yellow Rose Project to honor the 100th Anniversary of women’s suffrage and encourage young voters to use their right to vote. Presented by Ajalaa Claussen and Kenya Leahy. Miss Leahy and Miss Claussen said they were Seniors from Aldo Leopold High School and together they started the Yellow Rose Project. They stated it was a non-partisan, non-profit organization that spreads awareness on how few eligible voters exercise their right to vote that minorities and women fought for centuries. She provided further details. Ms. Claussen said one hundred years after the ratification of the 19th Amendment younger generations have an apathetic voter turnout with only 30 percent of eligible Gen-Z voters going to the polls. She said they designed a collection of stickers to sell and distribute nationwide and they hoped to encourage their generation to use their voice at the polls. She said they would use the profit generated from sticker sales to help the voiceless and would donate 100 percent of the profits to Silver Regional Sexual Assault Support Services. She said they partnered with two local businesses, Power & Light Press and J & J Signs, to produce their product and she invited everyone to visit their website at www.yellowroseproject.org. Councilor Bettison thanked them and said it was an excellent presentation.

B. Staff Reports. Clerk Mackie said Election Day for Councilor in District 1 and Councilor in District 3 would be on March 3 and that Early Voting at City Hall would continue through Saturday, February 29 from 10:00 a.m. to 6:00 p.m. She encouraged the electors in District 1 and District 3 to exercise their right to vote.

9. PUBLIC HEARINGS –

A. Approval/Disapproval of a request for an alteration of property boundaries of Lots 1, 2 and 3 Block 6, Rio Vicente Subdivision and a partial subdivision plat vacation of Lots 8, 9, 10, 11, and 12 and part of Lots 13, 14 and 20, Block 6, Agave Circle, and Agave Place, Rio Vicente Subdivision, Town of Silver City, Grant County, NM. The applicant is Bruce McKinney of Esperanza Hills, LLC. Mayor Ladner read the procedures for the public hearing and said the Town Council would serve as the hearing board and he would be the presiding officer. He asked the hearing board if they had any ex parte discussions or any communication from any party to the case, and they said no. He asked all parties and witnesses intending to testify to be sworn in by the Town Clerk. Clerk Mackie swore in Jaime Embick and Bruce McKinney. Ms. Embick, Community Development Director, said it was the final vacation phase of the Rio Vicente Subdivision and she asked the hearing board to go to the page labeled “sketch” in their packet. She said the fine dotted lines were the lot lines that currently exist and that would be vacated with this procedure. She said three lots on the top were sold after the 1980s when the subdivision was developed; that Mr. McKinney did not own those lots. She said those three property owners signed the plat that the Mayor would sign if it was approved. She said it was supposed to be a manufactured housing subdivision that was platted in the 1980s and never developed; that Mr. McKinney was not the original owner and had owned it since 2004. She said he was not responsible for any of the original platting and he decided it would be easier for him to use the property if he just vacated the original subdivision and began with something new. She said in 2017 they vacated a larger portion, but this part they left by itself because it involved the other three property owners that had purchased part of the subdivision. She said any future development on the parcels, or any new subdivisions would have to be in compliance with the current Land Use Code and go through the complete development process. She said PNM, New Mexico Gas, and Qwest had all signed off and had no problem with the vacation. She said no departments of the Town had any problems with the vacation. She directed the Council to the Plat of Survey and stated the three lots on top would remain the same and would no longer have the Agave Circle. She said Agave Place further down south on the plat would be vacated. She said the top of Agave Circle portions that lie on lots 3, 2, and 1 would revert to the owners, and

they were the three owners that signed off. She said the Town Utilities and Public Works Department reviewed it and there were no utility lines within those properties. She recommended that the plat be vacated and the approval criteria was in the Staff Report in Section 6-2-19 of the Land Use Code. She said it would be a partial vacation and it called for an alteration of property boundaries and that was because of the cul-de-sac that would revert to the three property owners. She read the approval criteria 1, 2, and 3. She said it created a clean slate for the development of that area and the topography of the land would never allow for the subdivision to be developed as it was originally platted; that it looked great on a flat piece of paper, but it was very hilly and would have been very hard to provide utilities to those lots as they were constructed. Councilor Aiman-Smith asked Ms. Embick if the people living above the area would have access to their properties and Ms. Embick said the Plat of Survey showed Sotol Street to the north and it was a plated paved street with utilities and already in use.

Mayor asked the proponent to come forward and Bruce McKinney came forward. He said he agreed with what Ms. Embick said and he showed the before and after maps of the subdivision. He said there were only four lots left of the subdivision that was not developed and that he owned. He said there was a lot of big open raw space left if it was approved. He said they were undoing something. He said before it started he had 214 lots and if approved he would have 10 large parcels. He said he hoped they would approve it. There were no questions from the Council.

Mayor Ladner asked the hearing board if they had any questions or comments, and there were none. He asked if the hearing board was prepared to consider the application and render their decision, and they said yes. He asked for a motion. Councilor Ray moved to approve a request for an alteration of property boundaries of Lots 1, 2 and 3 Block 6, Rio Vicente Subdivision and a partial subdivision plat vacation of Lots 8, 9, 10, 11, and 12 and part of Lots 13, 14 and 20, Block 6, Agave Circle, and Agave Place, Rio Vicente Subdivision, Town of Silver City, Grant County, NM. The applicant is Bruce McKinney of Esperanza Hills, LLC. Councilor Bettison seconded. Mayor Ladner asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of Resolution No. 2020-06: a Resolution declaring as “Non-Essential” a parcel of unimproved real estate located at 2830 Little Walnut Road, Silver City, NM. Jaime Embick, Community Development Director, said they had an application to purchase a piece of property that the Town owns on Little Walnut Road. She said the Resolution was the first step in making it available for sale; that all Town owned property within Town limits was assumed to be essential unless the Council declared it non-essential through this process. She said their packet had a survey and legal description with a remainder tract and a roadway dedication tract. She said the Town had already surveyed and will retain, if sold, a portion for expansion of Little Walnut Road. She stated the Utilities Director, the Town Manager, and the Public Works Director did not have any future needs for the piece. She said Kurt Ashton, adjoining landowner, applied to purchase it and would use it for residential property. She said regarding the circumstances of the sale, the Town had no future plans for the piece of property, the Town could acquire other property and receive funds from the sale of the property for other projects. She said at this time she saw no disadvantage to declaring it non-essential, and it also did not mean the Town had to sell the property, that it just meant they were open to beginning the process. She provided further details. She said the Community Development Department found the project to be beneficial to reuse a vacant residential lot within the Town limits. She said it was the first project they had of that nature and asked if they had questions. There were no questions. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2020-06: a Resolution declaring as “Non-Essential” a parcel of unimproved real estate located at 2830 Little Walnut Road, Silver City, NM. Councilor Bettison seconded. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Ray voted aye. Motion carried.

B. Approval / Disapproval of Resolution No. 2020-07: A Resolution adopting the Town’s “Fair Housing Policy”, “Citizen Participation Plan”, “HUD Section 3 Plan”, “Residential Anti-Displacement and Relocation Plan and Certification”, and “CDBG Procurement Policy” for the Town of Silver City, Grant County, NM. Clerk Mackie provided the details of why they were only required to adopt one Resolution for the five annual policies. Manager

Brown stated the Resolution was not just required for CDBG projects but was also required for NMFA program like the Vistas de Plata Affordable Housing project. He recommended they adopt the entire packet every year. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2020-07: A Resolution adopting the Town's "Fair Housing Policy", "Citizen Participation Plan", "HUD Section 3 Plan", "Residential Anti-Displacement and Relocation Plan and Certification", and "CDBG Procurement Policy" for the Town of Silver City, Grant County, NM. Councilor Ray seconded. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

C. Approval / Disapproval of Bid No. 19/20-4: Downtown Sidewalk Improvements. Manager Brown said the Town received two bids for the Downtown Sidewalk project from Southwest Concrete and Paving and Halo Services. He said the Town has been engineering the project for the last two years and it had been very expensive to design because of all the historical requirements in the downtown area. He said the cost was over \$270,000 for design which was about 50 percent of the bid's construction costs. He said it was staff's recommendation to award the project to Southwest Concrete and Paving for bid lots 1 and 2 plus gross receipts taxes for \$435,784.32. He stated the Town had \$403,000 available and they would put in the remaining amount from the General Fund. Councilor Bettison asked for the map to be placed on the Town's website so the residents and businesses would know where it would be done, and Manager Brown said yes. Mayor Ladner asked for a motion. Councilor Ray moved to approve Bid No. 19/20-4: Downtown Sidewalk Improvements per staff recommendation to Southwest Concrete and Paving Inc. for total project of \$435,784.32. Councilor Cano seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

D. Approval / Disapproval of Bid No. 19/20-5: Ridge Road Phase I. Manager Brown said the Town received one bid for the project with a total amount of \$1,480,526.70 plus gross receipts tax for \$1,598,968.84. He said the Town had \$802,000 in grant proceeds for the project, so it was staff's recommendation to reject the bid and rework the bid package to decrease the size of the project and rebid it. He provided further details. Mayor Ladner asked for a motion. There was further discussion. Councilor Ray moved to approve the reject of Bid No. 19/20-5: Ridge Road Phase I per staff recommendation. Councilor Bettison seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

E. Approval / Disapproval of Notice of Intent Ordinance No. 1289: An Ordinance amending the Municipal Code of the Town of Silver City, Grant County, NM, Chapter 50, Section 50-2 (Penalty Assessments), and certain provisions of the Town of Silver City Traffic Code. Attorney Scavron provided the background of the Town's Uniform Traffic Ordinance. He said this year there were basically two main changes to adopt: 1) driving intoxicated with a minor in the car and how there was a criminal penalty for it, and 2) parking in designated disabled parking spaces so you could not block the designated parking place or the curb cut that allows the handicap person to enter on the sidewalk. He provided examples and said the penalty was stiff with a \$250 to \$500 fine, and it would be enforced. There was further discussion. Mayor Ladner asked for a motion. Councilor Cano moved to approve Notice of Intent Ordinance No. 1289: An Ordinance amending the Municipal Code of the Town of Silver City, Grant County, NM, Chapter 50, Section 50-2 (Penalty Assessments), and certain provisions of the Town of Silver City Traffic Code. Councilor Bettison seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

F. Appointment to the Historic Design Review Committee. Mayor Ladner said the Town received an application from Becky Smith Ladner to continue her service on the Historic Design Review Committee which she had served on since 2004. He said the Community Development Director highly recommended her reappointment. He said the Town Attorney assured him that there was no conflict with him making the appointment. He said if there was no objection, he would reappoint her. There was no objection.

G. Approval / Disapproval to cancel the Regular Council Meeting scheduled for March 10, 2020. Mayor Ladner said Councilor Bettison requested the cancellation because she would be out of town as the New Mexico Municipal League President. He said there was no pending business for that date and he recommended they approve it. He asked for a motion. Councilor Bettison moved to approve the cancellation of the Regular Council Meeting scheduled for

March 10, 2020. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 7:12 p.m., and Councilor Lynda seconded. Mayor Ladner stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all four Councilors said aye. Motion carried.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Ann L. Mackie, Town Clerk