

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING**

Grant County Administration Center, 1400 Hwy 180, Silver City, NM

July 27, 2010 – 6:00 PM

Present: James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Jamie K. Thomson, District 2
Simon W. Wheaton-Smith, District 3
Michael S. Morones, District 4

Also Present: Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND READING OF MISSION STATEMENT – Mayor Marshall called the meeting to order at 6:00 PM. Councilor Morones read the Town’s Mission Statement.

2. CEREMONIES – None.

3. PROCLAMATIONS – None.

4. PUBLIC INPUT – Herbie Marsden commented on solar energy and the citizen’s right to access it, and asked the Council to consider the issue while reviewing the proposed revisions of the Land Use Code.

5. COUNCIL COMMENTS - The Council commented on the following: recently attended events; how the office of Border Area Mental Health was back at their normal venue; communication between the Town and businesses; the new Parks and Activities Guide booklet that was created by the Parks and Recreation Board and Peter Pena, Public Works Director; how lighting complaints from the parking lot of the jail was resolved with shrouds by Justin Reese, Grant County Public Works Director; how the swimming pool allowed children to learn how to swim; the need for traffic calming devices to reduce speeding; compliments to Police Chief Reynolds and the Police Department for their prompt response to concerns that citizens brought forward; and how citizens should report things through the proper channels, i.e. by dialing 911 or calling Central Dispatch, instead of calling the Town Council.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – Work Session, June 30, 2010 - Councilor Bettison made a motion to approve the minutes. Councilor Wheaton-Smith seconded the motion as stated. All were in favor, motion passed. **Regular Meeting - July 13, 2010** - Councilor Bettison made a motion to approve the minutes. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed.

8. REPORTS – Manager Brown reported on the meeting of the New Mexico Municipal League's Resolutions Committee. He said that Bill Fulginiti, Executive Director of the New Mexico Municipal League, reported on the revenue estimates of the State of New Mexico and said the current fiscal year would have a \$150 million shortfall and that it could go as high as \$300 million. Manager Brown said the Governor had the authority to make the necessary cuts in the budget to address the shortfall, and he expressed his concern about how it could affect the Town's budget. He answered questions from the Council about infrastructure and traffic issues regarding the construction of the Grant County Detention Center on Ridge Road.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of Resolution No. 2010-24: Ratifying a certain Agreement between the Town of Silver City and the Southwest New Mexico Council of Governments for Fiscal Year 2010-2011. Manager Brown presented the details of the Agreement. There was further discussion. Councilor Bettison made a motion to approve

Resolution No. 2010-24. Councilor Wheaton-Smith seconded the motion. There was further discussion about designating a public official and 2 alternates as voting members of the Southwest New Mexico Council of Governments. Councilor Bettison amended her motion to include the public official designated as Alex C. Brown, Town Manager-Finance Director, Alternate No. 1 designated as Councilor Bettison, and Alternate No. 2 designated as Peter Pena, Public Works Director. Councilor Wheaton-Smith accepted the friendly amendment. There was further discussion. A roll call vote was taken with the following results: Councilor Bettison - aye; Councilor Thomson - aye; Councilor Wheaton-Smith - aye; and Councilor Morones - aye. Motion passed.

B. Approval / Disapproval of Resolution No. 2010-21: a Resolution authorizing the Town Manager to execute contracts for recycling services on behalf of the Town of Silver City. Manager Brown presented the details of Resolution No. 2010-21 and the current contract with Southwest Solid Waste Authority (SWSWA). He described the transition of going from an older system to a single stream system, commented on the recycling process, and answered questions from the Council. There was further discussion about recycling and curbside collection; how the contract should have performance standards that require 95% compliance in the scope of work in order to get full payment or a proportional percentage would be taken off their payment; and how Manager Brown would recuse himself from voting on the contract since he was the Chair of SWSWA. Councilor Wheaton-Smith made a motion to approve Resolution No. 2010-21 with a provision that the contract would include a performance-based section as appropriate. Councilor Morones seconded the motion as stated. There was further discussion. A roll call vote was taken with the following results: Councilor Morones - aye; Councilor Wheaton-Smith - aye; Councilor Thomson - aye; and Councilor Bettison - aye. Motion passed.

C. Approval / Disapproval of Bid 10/11-1: Refuse collection truck. Manager Brown presented the details of Bid 10/11-1 and said 3 bids were received and it was staff's recommendation to award the bid to Rush Truck Center for \$195,186 plus applicable taxes. There was further discussion. Councilor Wheaton-Smith made a motion to approve staff's recommendation for Bid 10/11-1 for a total bid of \$195,186 plus applicable gross receipts tax. Councilor Bettison seconded the motion as stated. All were in favor, motion passed.

D. Approval / Disapproval of Bid 10/11-2: Homeowner rehabilitation. Manager Brown presented the details of Bid 10/11-2 and said that it was the 6th of 7 homes to be rehabilitated for the grant agreement. He said 1 bid was received (G & J Construction, Anthony, NM) for the project, and that it would be paid completely through grant funds from the Mortgage Finance Authority. He commended Mike Eley, Town Planner, for doing a good job because they had already rehabilitated or completely rebuilt 22 homes, and would get another 8 homes the following year. There was further discussion. Councilor Wheaton-Smith made a motion to approve staff's recommendation and award Bid 10/11-2 to G & J Construction of Anthony, NM for a total \$57,050.00, gross receipts tax \$4,207.44, total plus gross receipts tax \$61,257.44. Councilor Bettison seconded the motion as stated. All were in favor, motion passed.

E. Approval / Disapproval of Resolution No. 2010-22: Fiscal Year 2009-2010 Final Budget Adjustment. Manager Brown presented the details and said it was the final budget adjustment for Fiscal Year 2009-2010 and that all of the adjustments were related to grants. He said the final budget adjustment was taken into account when the budget for Fiscal Year 2010-2010 was put together. Mayor Marshall said Manager Brown did a good job as usual. Councilor Morones made a motion to approve Resolution No. 2010-22. Councilor Bettison seconded the motion as stated. There was no further discussion. A roll call vote was taken with the following results: Councilor Morones - aye; Councilor Wheaton-Smith - aye; Councilor Thomson - aye; and Councilor Bettison - aye. Motion passed.

F. Approval / Disapproval of Resolution No. 2010-23: Final Approval of Fiscal Year 2010-2011 Budget. Manager Brown said Resolution No. 2010-23 was required to approve the final budget for Fiscal Year 2010-2011. He commented on the State's requirements for the final approval of the budget and provided the budget details. Mayor Marshall thanked him for excelling at developing the Town's budget and ensuring that it was stable in order to take care of the citizens and the employees. Councilor Bettison agreed with his comment, and told Manager Brown that he did an excellent job. Councilor Bettison made a motion to approve Resolution No. 2010-23. Councilor Morones seconded the motion as stated. There was no further discussion. A roll call vote was taken with the following results: Councilor Bettison - aye; Councilor Thomson - aye; Councilor Wheaton-Smith - aye; and Councilor Morones - aye. Motion passed.

G. Selection of a Voting Delegate and Alternate to vote at the New Mexico Municipal League's Annual Conference. Mayor Marshall said that he would be attending the conference and had been the voting delegate for 4 years. He added that Manager Brown and Councilor Bettison would also attend the conference. Manager Brown suggested that Councilor Bettison be nominated as an alternate because he was on the Board of Directors. Mayor Marshall received the Council's consensus to select Mayor Marshall as the Voting Delegate and Mayor Pro Tem / Councilor Bettison as the Alternate.

H. Appointment of 1 member to the Mayor's Climate Protection Agreement Citizens Advisory Committee. Mayor Marshall received the Council's consensus to appoint Sam Castello to the Committee.

I. Appointment of 1 member to the Recycling Advisory Committee. Mayor Marshall received the Council's consensus to appoint Gordon West to the Committee.

12. ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 7:08 p.m. Councilor Bettison seconded the motion as stated. All were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk