

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
July 24, 2012, 6:00 p.m.**

Present:

James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Pauline N. Hassler-Cook, District 2
Jose A. Ray, Jr., District 3
Michael S. Morones, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Ann L. Mackie, Town Clerk

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** - None.
- 4. PUBLIC INPUT** – Nancy Gordon provided a detailed update on the Waterworks Building Project. Art Martinez said he had hoped the distracted driving issue would have been on the agenda and asked if the current meeting was announced to the general public of the community in compliance with all of the open meetings laws. Mayor Marshall told him that it was not a time for questions and answers.
- 5. COUNCIL COMMENTS** – The Council commented on the following: how the public should continue to send feedback regarding the proposed ordinance on cell phone usage while driving; the upcoming First Annual Clay Festival from August 3-5; how 20 kids from the Sixth Street School were in a program to get a jump start on school; how it was good that people were using the Fox Field for sports and exercise; thanks were given to city personnel for putting up a 4 way stop sign on 7th Street and Gold; how the grand opening of Penny Park was a wonderful event; and how proposed ordinances allowed time for public input and that it was also valuable and necessary for people to take advantage of presenting their views during the Council meetings. Mayor Marshall said an ordinance had to wait 15 days from the first reading so it was forbidden to be on the current agenda because there were only 14 days between meetings, but it gave nearly a month of consideration of a Notice of Intent Ordinance before the final reading and final vote. Clerk Mackie was asked to describe the process of how Council meetings were noticed to the public in order to comply with the Open Meetings Act.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting, July 10, 2012** – Councilor Bettison moved to approve the minutes of the Regular Meeting of July 10, 2012 as presented. Councilor Ray seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of July 10, 2012. He asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all 4 Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.
- 8. REPORTS** – Captain Eloy Medina, Silver City Fire Department, reported on an upcoming Labor Day weekend bike run and street dance on Pope Street at Q's Southern Bistro Restaurant that would establish a scholarship fund with inter-agency coordination from the State Police, Silver City Police Department, Sheriff's Department, Silver City Fire Department, and Emergency Medical Services. He said Mayor Marshall would lead the bike run, and Councilor Ray and Aric Ray with the Fire Department were instrumental in helping them put it together. He said their goal was to give a couple of scholarships to people that wanted to go to Emergency Medical Training School, nursing students that needed assistance with books, or someone that wanted to attend the Police Academy. There was further discussion.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS - None.

11. NEW BUSINESS -

A. Approval / Disapproval of Public Celebration Permit Application for the 4th Annual Pickamania event sponsored by Mimbres Region Arts Council on Sept. 8 and 9, 2012 at Gough Park, Silver City, NM. License Holder: High Desert Brewing Co., 1201 W. Hadley Ave., Las Cruces, NM. Blake Farley said she was there on behalf of the Mimbres Region Arts Council and asked the Council to approve the permit for the High Desert Brewing Company. She said the beer garden would be at the same place as in previous years. Mayor Marshall asked if there were any comments. Councilor Morones moved for approval of the Public Celebration Permit Application and he read the agenda item description. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve, and asked if there was further discussion. Mayor Marshall said there was a motion and a second and no further discussion to approve the Public Celebration Permit Application for the 4th Annual Pickamania event sponsored by Mimbres Region Arts Council on Sept. 8 and 9, 2012 at Gough Park, Silver City, NM. License Holder: High Desert Brewing Co., 1201 W. Hadley Ave., Las Cruces, NM. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

B. Approval / Disapproval of Resolution No. 2012-17: Fiscal Year 2011-2012 Final Budget Adjustment. Manager Brown presented the details of the final budget adjustment for Fiscal Year 2011-2012. There was further discussion and the Mayor and members of the Council expressed their appreciation to Manager Brown, Linda Flores, Deputy Finance Director, and staff for doing a great job on the finances. Mayor Marshall said he would entertain a motion. Councilor Morones moved to approve Resolution No. 2012-17: Fiscal Year 2011-2012 final budget adjustment. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second and there was further discussion. Mayor Marshall said there was a motion and a second to approve Resolution No. 2012-17: Fiscal Year 2011-2012 final budget adjustment. He asked for a roll call vote and Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

C. Approval / Disapproval of Resolution No. 2012-18: final approval of Fiscal Year 2012-2013 Budget and Final 4th Quarter Report for Fiscal Year 2011-2012. Manager Brown presented the details. Mayor Marshall asked if there were any questions, and there was none. Councilor Bettison moved to approve Resolution No. 2012-18 and read the agenda item description. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to approve and asked if there was any discussion. There was further discussion and compliments and appreciation were extended to the staff and Manager Brown for keeping them in good financial order; how Manager Brown had a difficult job trying to provide services to the community with a finite amount of dollars and that he did it well; how Linda Flores, Deputy Finance Director, did a tremendous job with record keeping and made sure the Council received good numbers and were able to watch Manager Brown in the spending; and how the auditor told them each year what a great job the staff had done and verified that he did the audit. Mayor Marshall said there was a motion and a second to approve Resolution No. 2012-18: final approval of Fiscal Year 2012-2013 Budget and Final 4th Quarter Report for Fiscal Year 2011-2012. He asked for a roll call vote, and Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

D. Approval / Disapproval of Resolution No. 2012-19: Ratifying a certain Agreement between the Town and Southwest New Mexico Council of Governments for Fiscal Year 2012-2013. Manager Brown presented the details of Resolution No. 2012-19 and said they needed to appoint a representative and 2 alternates. Mayor Marshall asked Priscilla Lucero of the Southwest New Mexico Council of Governments if she wanted to speak. Ms. Lucero provided details of the services that SWNMCOG provided to the Town. There was further discussion, and Mayor Marshall recommended approving the agreement and to appoint Alex Brown as the representative, Councilor Bettison as Alternate No. 1 and Peter Pena as Alternate No. 2 as it currently stood. Councilor Bettison moved to approve Resolution No. 2012-19 and she read the agenda item description and the appointments as recommended by the Mayor. Councilor Morones seconded. Mayor Marshall said there was a motion and a second, and there was further discussion. Mayor Marshall said there was a motion and a second to approve Resolution No. 2012-19: ratifying a certain Agreement between the Town and Southwest New Mexico Council of Governments for Fiscal Year 2012-2013

and included in the agreement was the appointment of Alex Brown as the Public Official, Councilor Cynthia Bettison as Alternate No. 1, and Peter Pena as Alternate No. 2. He asked for a roll call vote and Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

E. Approval / Disapproval of Resolution No. 2012-20: a Resolution approving the Southwest New Mexico Council of Governments to apply for the Certified Communities Initiative Program for the Town of Silver City.

Priscilla Lucero of the Southwest New Mexico Council of Governments provided the details of the Certified Communities Initiative Program that would improve economic development in the 4 county area. There was further discussion about the application process as a regional effort, etc. Councilor Morones moved to approve Resolution No. 2012-20 and he read the agenda item description. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve and there was further discussion. Mayor Marshall said there was a motion and a second to approve Resolution No. 2012-20: a Resolution approving the Southwest New Mexico Council of Governments to apply for the Certified Communities Initiative Program for the Town of Silver City. He asked for a roll call vote and Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

F. Approval / Disapproval Notice of Intent to Adopt Ordinance No. 1209: an Ordinance amending Chapter 52 (Utilities), Article III (Water and Sewer Rates and Charges), Section 52-71 (Water Rates) of the Town of Silver City Municipal Code.

Manager Brown presented the details of Notice of Intent Ordinance No. 1209 and said he made the recommendation to increase the water rate by 3 percent during the preliminary budget hearings and the preliminary budget approval. He said the ordinance would also accomplish another issue: annually they would approve the rate for the water, sewer, and wastewater during the preliminary budget adoption so the rates that were adopted would be in line with accomplishing the revenue generation in the water/sewer fund. He said the rate increase was basically to cover the electrical pumping cost with the PNM rate increase. He said they had not raised water rates since Fiscal Year 2008. There was further discussion. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1209 and she read the agenda item description. Councilor Morones seconded. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to approve the Notice of Intent and asked if there was any discussion, and there was none. He said there was a motion and a second to approve Notice of Intent Ordinance No. 1209: an Ordinance amending Chapter 52 (Utilities), Article III (Water and Sewer Rates and Charges), Section 52-71 (Water Rates) of the Town of Silver City Municipal Code. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none.

G. Approval / Disapproval of Selection of a Voting Delegate and Alternate to vote at the New Mexico Municipal League's Annual Conference.

Mayor Marshall said every year at the Annual Conference of the New Mexico Municipal League they allowed each municipality 1 vote to conduct the business of the association, and in doing so they approved the policy statement, resolutions that were passed in committee, and elected the Board of Directors and leadership. He said that historically he was the voting delegate and Councilor Bettison was the alternate. He asked what the pleasure of the Council was. Councilor Morones said it worked for him. Councilor Cook said it worked for her, too. Mayor Marshall said that hearing no objections he would be the voting delegate and Councilor Bettison would be the alternate for the NMML Annual Conference in August. He asked all those in favor to say aye, and all 4 Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.

12. ADJOURNMENT – Mayor Marshall asked for a motion to adjourn. Councilor Morones moved to adjourn at 7:06 p.m. Councilor Cook seconded. Mayor Marshall stated there was a motion and a second to adjourn. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk