

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
March 26, 2013, 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  
Robert L. Scavron, Town Attorney  
Rudy Bencomo, Fire Chief

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:02 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – None.
- 5. COUNCIL COMMENTS** – The Councilors had no comments. Mayor Marshall commented on the following: a recent legislative bill that was passed during the last minutes of the Legislative Session that would phase out the hold harmless tax revenues to municipalities and counties; an offensive newspaper article; how the fiscal impact report and the 35 page amendment to the bill were not available in the last 17 minutes of the Legislative Session when it passed from the Senate to the House to be voted on; how at the same time they passed a bill that agendas must be published 72 hours before a meeting and how that was a contradiction, offensive, a strong neglect of their duty, not transparent, and in the long run there would be potential harm; how the Town had 9 years of audits with no findings, followed all of the rules, balanced the checkbook every month even with staff changes, and that the State had not balanced their checkbook in 5 years; and how the bill was totally uncalled for. He also commented that Grant County would be proposing quality of life bonds in an upcoming special election regarding county-wide gross receipts taxes; that the Town had participated in the discussions to help develop the projects and that they were partnering with Western New Mexico University (WNMU); how it was a county-wide gross receipts issue and would not be run through Silver City so the residents of Silver City would not have to carry the entire burden for the county; that the projects would support everybody in the county as well as WNMU; and how it was very important that they support WNMU because Dr. Shepard, President, had impressive and in-depth plans for WNMU and its growth. He said the projects for the quality of life bonds were for a baseball field that WNMU and the community could use that would be home to the WNMU baseball team; improvements to the golf course cart paths; lengthening the WNMU swimming pool that would be available to the public, swimming leagues, and WNMU swim team; and a movie theater that it was critical infrastructure for a town. There was further discussions between the Mayor and Manager Brown on the phasing out of the hold harmless tax revenues to the Town, how the State would allow a provision to compensate for the loss of revenue with an increase of 3/8th of 1 percent of gross receipts tax on everything but medical and food; that the Mayor was not a fan of raising taxes, but they had to provide required services that citizens depended on; that it would be phased in very slowly so it may be 3 or 4 years before the effect on the Town would be realized; and that the allowed compensation for the lost revenues was only a partial compensation because the Town would lose 18 percent of the gross receipts for the Town or approximately \$1.9 million; and that it was time they made sure that they were operating efficiently.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES** – **Regular Meeting on March 12, 2013** – Councilor Bettison moved to approve the minutes of the Regular Meeting of March 12, 2013. Councilor Ray seconded. Mayor Marshall stated there

was a motion and a second to approve the minutes of the Regular Meeting of March 12, 2013. 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 –**

**A. Staff reports.** Fire Chief Bencomo reported that various meetings throughout the county would be held by the Silver City Fire Department and volunteer fire departments to educate the public on fire prevention, preparedness, and wildfire defensible space. He thanked Kathy Anderson with the Neighborhood Alliance Group for coordinating the meetings. He also said the Town's Code Enforcement Officers would be enforcing the Town's ordinance on weeds and brush, etc., and he asked the public to be proactive and follow the instructions if a door tag was left at their residence. He thanked Lori Ford and CATS (Community Access Television of Silver, Inc.) for presenting the Ready, Set, Go program in English and Spanish on CATS. He said that on April 29th the Fire Department would be participating in Career Day. Manager Brown reported that he had started working on the Fiscal Year 2013-2014 budget and that the first budget hearing would be held during the next Council meeting.

## **9. PUBLIC HEARINGS – None.**

## **10. UNFINISHED BUSINESS –**

**A. Approval / Disapproval of Ordinance No. 1218: an Ordinance permitting the transfer of certain real property, commonly known as the "Tennis Court Parking Lot" to Silver Consolidated Schools; all pursuant to Chapter 48, Section 48-24 of the Town of Silver City Municipal Code.** Mayor Marshall stated that Notice of Intent Ordinance No. 1218 was passed a couple of weeks before, but the schools had not returned Manager Brown's messages so he was not prepared to commit the Town. He said that he would entertain a motion to postpone action on Ordinance No. 1218. Councilor Morones moved to postpone action on Ordinance No. 1218. Clerk Mackie asked for a time frame for the postponement. There was further discussion. Attorney Scavron recommended postponing it to a time not to exceed 6 months. Councilor Morones moved to postpone it to a time not to exceed 6 months. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to postpone action on Ordinance No. 1218 to a time not to exceed 6 months. He asked if there was any discussion, and there was none. He said there was a motion and a second to postpone action on Ordinance No. 1218 for a time not to exceed 6 months. 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. Motion carried.

## **11. NEW BUSINESS -**

**A. Approval / Disapproval of 2 Public Celebration Permit Applications for the SRAM Tour of the Gila Bicycle Race Beer Garden on May 4, 2013 at 703 N. Bullard St., Silver City, NM. License Holders are: 1) High Desert Brewing Company, 1201 W. Hadley Ave., Las Cruces, NM 88005, and 2) Little Toad Creek Distillery, 1122 Hwy. 35, Mimbres, NM 88049.** Mayor Marshall gave the floor to Jack Brennan and Michelle Geels with the Tour of the Gila. Mr. Brennan stated the title sponsor was the Silver City Tour of the Gila and SRAM was the presenting sponsor so it was named Silver City Tour of the Gila powered by SRAM. He said it would be the 3rd year for the beer garden and he provided details of each liquor license holder. Mayor Marshall asked if there were any comments or questions. Councilor Bettison commented on the number of security for each license holder and how each license holder application was separate so each would provide 3 security officers. Mr. Brennan agreed, and said the security would be in the same confined area. Mayor Marshall asked Attorney Scavron if they had to do new application forms because they said SRAM Tour of the Gila Bicycle Race and the race had a new title, but the sponsor remained Tour of the Gila, Inc. Attorney Scavron said that as long as the description put them on notice of what they were talking about that it was good enough, and as long as the Council was aware of what the event was by their discussion, then there was no problem. Mayor Marshall asked the Council to confirm that they were aware that the SRAM Tour of the Gila Bicycle Race Beer Garden was the same as the Silver City Tour of the Gila powered by SRAM. Each Councilor said yes. He said he would entertain a motion. Councilor Ray made a motion to approve the 2 public celebration permit applications and he read the agenda item description. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second and asked if there was any discussion, and there was none. He said there was a motion and a second and that the description had been read several times. 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. Motion carried. Councilor Bettison asked if they needed to do something about the Episcopal Church's proximity to the event because they had to do the waiver. Mayor

Marshall said that somebody needed to move to reconsider. Councilor Bettison moved to reconsider Item A under New Business. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to reconsider Item A under New Business. 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. Motion carried. He said Item A was back on the agenda and that the motion needed to include allowing the waiver of New Mexico Statutes Annotated #60-6B-10 for the prohibition on the dispensing of alcohol within 300 feet of churches or schools. Councilor Ray moved to approve the 2 public celebration permit applications, and he read the agenda item description, with waiver of New Mexico Statutes Annotated #60-6B-10 of the prohibition on the dispensing of alcohol within 300 feet of church property. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve the 2 public celebration permit applications with the waiver of #60-6B-10 of the New Mexico Statutes. He asked if there was any discussion, and there was none. He said there was a motion and a second and no discussion for the approval of the 2 public celebration permit applications with the waiver. 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. Motion carried.

**B. Approval / Disapproval of Bid #12/13-9: Street and Drainage Improvements: Alice, Garcia, Texas and Bullard Streets.** Manager Brown said the Town received 4 bids for the CDBG (Community Development Block Grant) project and it was staff's recommendation to award the bid to Renegade Construction, LLC contingent upon clearance and approval from DFA (New Mexico Department of Finance and Administration). He said the contingency was needed because DFA had started a new process of vetting the contractors for State projects, and that it would take a couple of weeks to do that. Manager Brown said the grant amount for the project was \$434,000.00 so the lowest bid was substantially lower than that so they would be able to change order some additional work. Councilor Ray moved to approve Bid #12/13-9: Street and Drainage Improvements: Alice, Garcia, Texas and Bullard Streets to Renegade Construction, LLC for a total of \$339,599.99 without gross receipts tax, and contingent upon clearance and approval by DFA. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to approve Bid #12/13-9: Street and Drainage Improvements for Alice, Garcia, Texas and Bullard Streets by staff recommendation to Renegade Construction, LLC for a total without gross receipts tax of \$339,599.99 contingent upon clearance and approval by DFA. 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. Motion carried.

**13. ADJOURNMENT** – Mayor Marshall asked for a motion to adjourn. Councilor Bettison moved to adjourn at 6:40 p.m., and Councilor Morones 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/

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James R. Marshall, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk