

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
April 23, 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

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:02 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** –  
**"Children's Mental Health Awareness Day" - May 9, 2013** - Mayor Marshall read and presented the proclamation to Josiah Reyes, Youth Coordinator of the Children, Youth, and Families Department. Mr. Reyes announced the details of an upcoming event that would be held on May 11<sup>th</sup> with other social services groups that would be useful for youth and families.  
**"Declaring the Town a Bullying and Harassment Free Zone."** - Mayor Marshall read and presented the proclamation to PFLAG Silver City (Parents, Families, and Friends of Lesbians and Gays in Silver City), the Grant County Branch of the AAUW (American Association of University Women), and the Southwest New Mexico Chapter of the ACLU (American Civil Liberties Union). Ms. Damie Nelson, President of the local PFLAG Chapter, announced the details of several upcoming events: on May 9th an event for educators and councilors at Western New Mexico University, on May 10th a Community Bullying Prevention Forum at the Silver City Women's Club that would be open to the public, and a day camp in July for middle-school students that would help them learn to stand up for themselves and to work as an ally for others.  
**"American Legion Day" - May 14, 2013** - Mayor Marshall read and presented the proclamation to Ray Davis, Commander of New Mexico Post 18 of the American Legion. Mr. Davis said that in almost 100 years that it would be the first time that an American Legion National Commander would come to Silver City, and that it was a great honor. He said that it would be great if people would put out flags.
- 4. PUBLIC INPUT** – None.
- 5. COUNCIL COMMENTS** – Councilor Bettison reminded the public that April 27th would be Comcast Cares Day and that Comcast would be working with the Mimbres Region Arts Council at the 12th Street Bridge at 12th Street and Santa Rita Street to work on a beautiful mural called "Water is Life/ Aqua es la Vida". She also stated that she had the pleasure of welcoming the New Mexico Chapter of the General Federation of Women's Clubs at their New Mexico Chapter Annual Conference on April 19th. Councilor Ray congratulated Mike Connor for hiring a man to clean his business; how at the Little League Baseball tournament at Scott Park the opposing coaches and teams ranked the Scott Park facility in the top 3; how the Tour of the Gila event was coming and he asked people to be extra careful of the bicyclists and with their driving; and that he would like to see a lot of people in Grant County and Silver City put out American flags. Mayor Marshall welcomed bicyclists from all over the world to Silver City and Grant County and that they should make sure that everybody would stay safe.
- 6. CHANGES TO THE AGENDA** – None.

- 7. APPROVAL OF THE MINUTES – Regular Meeting on April 9, 2013** – Councilor Bettison moved to approve the minutes of the Regular Meeting of April 9, 2013. Councilor Cook seconded. Mayor Marshall stated there was a

motion and a second to approve the minutes of the Regular Meeting of April 9, 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.** None.

## **9. PUBLIC HEARINGS –** None.

## **10. UNFINISHED BUSINESS –**

**A. Approval / Disapproval of Bid #12/13-10: Homeowner Rehabilitation Project.** Manager Brown said at the last Council meeting they had to reject the bid for the project, and that they went out to bid on the next day for the shortest period possible. He said they amended the cost estimate and it was accepted by HUD (Department of Housing and Urban Development). He said that they received only 1 bid for the same project from Chavez Construction for \$60,310.00 plus gross receipts tax for a total of \$64,041.68. He said it was staff's recommendation to accept the bid, and that it was 100 percent grant funded so none of the funds would come out of the Town's funds. He said it was their recommendation to award the bid. Councilor Bettison moved to approve Bid #12/13-10: Homeowner Rehabilitation Project per staff's recommendation to Chavez Construction in the total amount of \$64,041.68 which included gross receipts taxes. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to approve staff's recommendation on Bid #12/13-10, and he asked if there was any discussion. There was no discussion. He said there was a motion and a second to approve staff's recommendation on Bid #12/13-10 Homeowner Rehabilitation Project, and to award it to Chavez Construction for a total including gross receipts taxes of \$64,041.68. He said there was no further discussion, and asked all those in favor to say aye. All 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

## **11. NEW BUSINESS –**

**A. Approval / Disapproval of Resolution No. 2013-15: authorizing the execution and delivery of a Loan Agreement and Intercept Agreement by and between the Town of Silver City and the New Mexico Finance Authority, in the principal amount of \$246,499 for the purpose of financing the costs of purchasing the Silco Theater Building.** Manager Brown said it was the Resolution to continue moving forward on their part of the purchase agreement of the Silco property. He said that it was their part to acquire the financing, but they did not have to accept the loan unless MainStreet, the other party to the purchase agreement, met all of the requirements of the purchase agreement that was approved by the Town Council. He said that until then they would not take the loan, but they were just getting it in place and ready to go if everything was met by MainStreet. Mayor Marshall asked if anybody in the audience would like to speak, and there was no public input. He gave Councilor Morones the floor. Councilor Morones said they definitely needed to put everything in place to ensure that as things progressed that everything was in line. He said the local MainStreet and State MainStreet were putting a lot of effort forward in getting everything lined up and put in an architect to make sure the work was in place, etc. There was further discussion about the contingencies in the purchase agreement that needed to be met by Silver City MainStreet; that the agreement would need to be amended and approved by the Town Council if MainStreet needed additional time; that the Town Council would have the final decision; that in a future lease agreement MainStreet would either lease the property or lease to own the property from the Town; that there would be no costs to the Town because the lease or lease to own agreement would be in an equal amount to the debt service payment so nothing would come out of the Town's pockets; how the State MainStreet grant had been extended to September or October and how the Town needed to make sure they did not get caught holding a bill that was not anticipated because of any deadline changes to the agreement; how State MainStreet initiated the extension of the grant; how the Town's Building Inspector and a contracted engineer and architect would oversee the work and ensure that the Town was protected; how the Resolution was ensuring that the Town met their side of the contract and to have the funds available by the original date of May 31st; how MainStreet would have their own architect or engineer to manage their side; and how State MainStreet and the local MainStreet were working diligently to get it done as soon as possible. Mayor Marshall said he would entertain a motion. Councilor Morones moved to approve Resolution No. 2013-15 and he read the agenda description. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve Resolution No. 2013-15, and he asked if there was any other discussion. There was no further discussion. Mayor Marshall said there was a motion and a second and no

further discussion to approve Resolution No. 2013-15: authorizing the execution and delivery of a Loan Agreement and Intercept Agreement by and between the Town of Silver City and the New Mexico Finance Authority, in the principal amount of \$246,499 for the purpose of financing the costs of purchasing the Silco Theater Building. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

**B. Approval / Disapproval of Resolution No. 2013-16: Authorizing the filing of an application for funding with the New Mexico Finance Authority for Scott Park Multi-use Fields Lighting.** Manager Brown said the Resolution would authorize him to submit an application to the New Mexico Finance Authority for up to \$700,000 for the lighting for the Scott Park Multi-Use Fields Complex. He said the Town already had the completed designs for the protective lighting, the concession stand, and the restroom facility. He said the Town was awarded \$275,000 from 2 Legislative allocations from Senator Morales and Representative Martinez for the project. He said the Resolution would be supplementing and getting the final funds that would be required to finish the phase of the project. Mayor Marshall asked for comments from the audience. Cissy McAndrew, Executive Director of the Southwest New Mexico Green Chamber of Commerce, said that she hoped they would consider energy efficient lighting and to protect the dark skies. Manager Brown said protecting the dark skies was a state law so the lighting was designed in that manner and would be as energy efficient as possible for that type of project. There was further discussion. Mayor Marshall said he would entertain a motion. Councilor Ray moved to approve Resolution No. 2013-16 and he read the agenda item description. Councilor Morones seconded. Mayor Marshall said there was a motion and a second and he asked if there was further discussion. There was no further discussion. He said there was a motion and a second to approve Resolution No. 2013-16: Authorizing the filing of an application for funding with the New Mexico Finance Authority for Scott Park Multi-use Fields Lighting. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

**C. Approval / Disapproval of Notice of Intent Ordinance No. 1219: Pledging the distributions of Environmental Services Gross Receipts Tax Revenues received by the Town of Silver City, New Mexico from the New Mexico Department of Taxation and Revenue to payment of the Southwest Solid Waste Authority Solid Waste System Improvement and Refunding Revenue Bonds, Series 2013; ratifying actions heretofore taken; repealing all action inconsistent with this Ordinance; and authorizing the taking of other actions in connection with the Pledge of the Pledged Revenues to the Series 2013 Bonds.** Manager Brown said the Southwest Solid Waste Authority (SWSWA) had been trying to refinance its debt for the last year because the interest rate on its debt was fairly high. He said the members of the SWSWA were ultimately responsible for the debt and the bank was requesting that both Grant County and Silver City pledge their environmental gross receipts taxes. He said the 1/16 of a percent of tax was dedicated to the Sanitation Fund and could only be dedicated for solid waste uses. He said they received about \$214,000 in environmental gross receipts taxes this year and the Town's tipping fees to dump at the landfill averaged \$500,000 so they were guaranteeing that debt with the Town's payment of the tipping fees. He said that Grant County and Silver City loaned some funds to SWSWA about 6 years ago and they would both be paid back those funds out of the refinancing so it would create a positive cash flow for the Town and County. Mayor Marshall asked if there was any discussion from the audience, and there was none. He asked if there was any discussion from the Council, and there was none. He said he would entertain a motion. Councilor Morones moved to approve Notice of Intent Ordinance No. 1219 and he read the agenda item description. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve Notice of Intent Ordinance No. 1219: Pledging the distributions of Environmental Services Gross Receipts Tax Revenues received by the Town of Silver City, New Mexico from the New Mexico Department of Taxation and Revenue to payment of the Southwest Solid Waste Authority Solid Waste System Improvement and Refunding Revenue Bonds, Series 2013; ratifying actions heretofore taken; repealing all action inconsistent with this Ordinance; and authorizing the taking of other actions in connection with the Pledge of the Pledged Revenues to the Series 2013 Bonds. He asked if there was any discussion, and there was none. He said there was a motion and a second and no discussion to approve Notice of Intent Ordinance No. 1219 as read twice and published. 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.

**D. Appointments to the Cemetery Board.** Mayor Marshall said there were 2 openings and 2 applicants that were both duly qualified. He said he would like to re-appoint Mr. Rider South and appoint Mr. Jeffrey Fell. There were no objections from the Council and they were duly appointed.

**E. Appointments to the Incentive Review Committee.** Mayor Marshall said there were several applicants and one was not qualified due to residency. He said that if there was no objection he would like to appoint District 1, Sherry Ann Clements; District 2, Lynda Aiman-Smith; District 3, Robert Donnelly; District 4, Annie Lessem; and the At Large member, Sherri Lyle. There was no objection from the Council and they were duly appointed.

**12. ADJOURNMENT** – Mayor Marshall asked for a motion to adjourn. Councilor Bettison moved to adjourn at 6:44 p.m., and Councilor Ray 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