

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
July 9, 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
Ed Reynolds, Police Chief

- 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** – Alan Mong commented on the Town Council's anti-bullying proclamation from April and how there were activities in the recent Grant County-Silver City Chamber of Commerce's 4th of July Parade that involved hate speech that was disgraceful, hurtful, and bullying; that it was not the Town Council's fault; and that the Chamber of Commerce should have parade monitors and not allow loudspeakers for speakers.
- 5. COUNCIL COMMENTS** – The Council had the following comments: they expressed thanks to the firefighters that had protected the Gila National Forest; expressed their sadness about the recent tragedy that happened to the Granite Mountain Hotshots in Arizona; thanked Police Chief Reynolds for the increased police patrol downtown; how people should clean their yards or they may get citations; how a couple of buildings downtown had been painted and looked nice; and the problem with panhandlers and vagrants downtown, and how the Town, Town staff, and merchants could possibly come up with a complex solution to a complex problem. Mayor Marshall commented on Mr. Mong's public input and said people must go out into society with respect for each other with what they say, how they drive, and how they conduct themselves. He said it was disgraceful on the Town and the County that the parade was used for hate instead of celebrating the country's independence and their rights to have free speech. He said that it spoke more about the people that were preaching hate than it did for anybody else, and he hoped people would choose civil manners in which to discuss and share their beliefs.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES** – **Special Meeting on June 20, 2013** – Councilor Bettison moved to approve the minutes of the Special Meeting of June 20, 2013. Councilor Ray seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Special Meeting of June 20, 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. **Regular Meeting on June 25, 2013** - Councilor Bettison moved to approve the minutes of the Regular Meeting of June 25, 2013 as presented. Councilor Morones seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of June 25, 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.** Police Chief Reynolds reported that they had a good start in developing a plan to deal with some of the issues downtown; how they hired 2 individuals that would work downtown; how they wanted to bring back bicycle patrols; how there would be an educational process for downtown merchants on July 18th to cover shoplifting and

white color crime; how he appreciated the fact that business people were coming forward and trying to organize a group downtown; and how the Municipal Judge wanted signs posted downtown about not doing u-turns per the Uniform Traffic Code. Mayor Marshall stated that maybe they needed to change the Code because they were not going to post the Code on every block, and that there was also a law that you had to be aware of the laws where you were so they would have to take a look at that. Police Chief Reynolds said that he would appreciate that.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1222: an Ordinance amending the Town's Municipal Code, Appendix C (Land Use and Zoning Code of 2010), Article 6, Secs. 6.1.1 A) and 6.1.1 A)1) (Planning and Zoning Commission). Mayor Marshall said the ordinance would change the Planning and Zoning Commission from 7 members to 5 members, and that they would make their best effort to represent each district and 1 at large within the Town. He said hopefully it would resolve major issues with maintaining a quorum on the Commission in order to allow citizens to conduct their business with the Commission. Councilor Bettison moved to approve Ordinance No. 1222 and she read the agenda item description. Councilor Morones seconded. There was no discussion. Mayor Marshall said there was a motion and a second to approve Ordinance No. 1222: an Ordinance amending the Town's Municipal Code, Appendix C (Land Use and Zoning Code of 2010), Article 6, Sections 6.1.1 A) and 6.1.1 A)1) (Planning and Zoning Commission). He asked for a roll call vote. Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

11. NEW BUSINESS -

A. Approval / Disapproval of a Public Celebration Permit Application for the Silver City CLAY Festival's CLAY Gala Fundraiser to be held on August 1, 2013, from 6:00 pm - 9:00 pm, at the Historic Carter House at 101 N. Cooper Street, Silver City, NM. Liquor License Holder: Little Toad Creek Distillery, License #63004, 1122 Hwy. 35, Mimbres, NM 88049. Lee Gruber, Executive Director of the Silver City Clay Festival, said it would be a Gala event and they were trying to raise funds to help make the Clay Festival sustainable. There was further discussion from the Council and no comments from the audience. Mayor Marshall said he would entertain a motion. Councilor Ray moved to approve the Public Celebration Permit Application and he read the agenda item description with a waiver of New Mexico Statutes 60-6B-10. Councilor Bettison seconded. There was no discussion. Mayor Marshall said there was a motion and a second to approve a Public Celebration Permit Application for the Silver City CLAY Festival's CLAY Gala Fundraiser to be held on August 1, 2013, from 6:00 pm - 9:00 pm, at the Historic Carter House at 101 N. Cooper Street, Silver City, NM. Liquor License Holder: Little Toad Creek Distillery, License #63004, 1122 Hwy. 35, Mimbres, NM 88049 with the granting of a waiver of New Mexico Statutes Annotated 60-6B-10. 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 an Agreement between the Town of Silver City and Local 2430 International Association of Firefighters, AFL-CIO, through June 30, 2014. Manager Brown said they negotiated changes to the contract and that 90 percent were clarifications and updates in the language. He said the only monetary changes were for them to give up part of their Easter holiday and to change their insurance benefits to 90 percent. There was further discussion about page 21, Section 14 Court Time, and that it should say "testify for a work related issue." Councilor Morones moved to approve the Agreement with the addition of "for a work related issue" into Section 14 Court Time, to state, "When an employee of the Fire Department is subpoenaed to testify in court, for a work related issue, while off duty." Councilor Ray seconded. There was no discussion. Mayor Marshall said there was a motion and a second to approve with the addition of the words, "for a work related issue" in Section 14 Court time to read, "When an employee of the Fire Department is subpoenaed to testify in court, for a work related issue, while off duty." He asked all those in favor to say aye, and all 4 Councilors said aye. Motion carried.

C. Approval / Disapproval of Bid #12/13-11: Water Conservation Project. Manager Brown said it was staff's recommendation to award the Water Conservation Bid #12/13-11 to Water Management Incorporated of Alexandria, Virginia for an amount of \$48,966 with gross receipts taxes for a total of \$49,751. He said it was to upgrade the sprinkler system and install wind fences at the Ben Altamirano Sports Complex. He said it was fully funded by a grant.

Denise Smith from the Office of Sustainability provided additional details about the project. Councilor Morones moved to approve Bid #12/13-11 Water Conservation Project with staff's recommendation to Water Management Incorporated for a total with gross receipts tax of \$49,751. Councilor Bettison seconded. There was no discussion. Mayor Marshall said there was a motion and a second to approve staff recommendation on Bid #12/13-11 Water Conservation Project awarded to Water Management Incorporated for a total with gross receipts tax of \$49,751. 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. Approval / Disapproval of Resolution No. 2013-26: participation in Local Government Road Fund Program administered by New Mexico Department of Transportation. Manager Brown said it would authorize the Town to participate in the Coop Program and that the annual funds set aside were for smaller projects. He said funding used to be \$120,000 to \$150,000 annually, but were down to \$50,000 so they would like to do a chip seal project with the money in June or August of 2014, and that all of the streets to be chip sealed were listed on the Resolution. There was further discussion. Councilor Bettison moved to approve Resolution No. 2013-26 and she read the agenda item description. Councilor Morones seconded. There was no discussion. Mayor Marshall said there was a motion and a second to approve Resolution No. 2013-26: participation in Local Government Road Fund Program administered by New Mexico Department of Transportation, and he asked for a roll call vote. Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

E. Approval / Disapproval of Notice of Intent Ordinance No. 1223: an Ordinance amending Chapter 2, Article II (Elections), Sections 2-53 and 2-29 of the Municipal Code of the Town of Silver City, Grant County, NM. Mayor Marshall said the State Election Code allowed an uncontested election with no questions on the ballot to hold one single location for voting, and the Town's current Code did not permit that so they were reconciling their current Code to the State Election Code. He said in the future if they had completely uncontested races and no questions on the ballot that they would have one polling place in town. Clerk Mackie stated they would also have absentee voting at City Hall, but on election day they would have one polling place. He said the tied results section was also being tied back to the State Election Code. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1223 and she read the agenda item description. Councilor Morones seconded. There was no discussion. Mayor Marshall said there was a motion and a second to approve Notice of Intent Ordinance No. 1223: an Ordinance amending Chapter 2, Article II (Elections), Sections 2-53 and 2-29 of the Municipal Code of the Town of Silver City, Grant County, NM. 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.

F. Approval / Disapproval to change the Regular Council Meeting scheduled for July 23, 2013 to another date. Mayor Marshall said that because of issues that he had no control of that he would be out of town on July 23rd so he asked that the meeting date be moved to July 25th in the same room. Councilor Bettison moved to change the Regular Council Meeting scheduled for July 23rd to July 25th in the same place at the same time. Councilor Morones seconded. The Mayor said there was a motion and a second to approve changing the Regular Council Meeting scheduled for July 23rd to July 25th in the same location at the usual time of 6:00 p.m. 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.

12. ADJOURNMENT – Mayor Marshall asked for a motion to adjourn. Councilor Morones moved to adjourn at 6:53 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