

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
November 17, 2014, 6:00 p.m.**

Present:

Michael S. Morones, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
James Marshall, Assistant Town Manager
Ed Reynolds, Police Chief

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Morones called the meeting to order at 6:01 p.m.

2. CEREMONIES – None.

3. PROCLAMATIONS – None.

4. PUBLIC INPUT – Adrienne Booth commented on the upcoming Fourth Annual Tamal Fiesta y Más event scheduled for November 29th in historic downtown Silver City, and she thanked the Town for being one of their major sponsors. She said it would help locals rediscover downtown and bring in tourists to learn about the diverse heritage and culture here. She thanked Councilor Aiman-Smith and Councilor Cano for their role in helping to develop the Tamal Fiesta. Jamie Newton said he was a member of the Board of Directors of Gila Mimbres Community Radio, and he thanked the Town for the funding support given to the Non-Profit Resource Group of the National Center for Frontier Communities. He commented on how the Town's support had benefited Gila Mimbres Community Radio and other nonprofit organizations. Robert Donnelly, Chair of the Town's Incentive Review Committee, commented on the activities of the Committee and its membership. He said due to attrition the Committee was down to 2 members and needed 3 other positions filled, etc. James Baldwin commented on the plastic bag ordinance and asked for clarification on the thickness of the plastic that was required and the enforcement and penalties section of the ordinance. He questioned the need for the ordinance, etc.

5. COUNCIL COMMENTS – The Council commented on the following: an announcement that Councilor Bettison would run again for her fourth term as Councilor in District 1; the animal ordinance and the securing of dogs; how drivers must be attentive and respectful to pedestrians and bicyclists and how pedestrians in a crosswalk by law had the right of way; an upcoming event called "Conversation with a Councilor" with Councilor Aiman-Smith on November 19th; how the Toy Run sponsored by the Charity Riders of Southwest New Mexico was a success and all the toys went to the Children, Youth, and Families Division; how the bike lanes were intended for bikes and not for foot traffic; how in looking for ways to promote Western New Mexico University (WNMU) the Town Manager gave his approval for WNMU to paint and maintain the 2 water tanks by Chloride Flats; appreciation for the public comments and how it helped the Council to get a barometer of people's feelings and allowed them to clarify and communicate; how the plastic bag ordinance was purposely put off for 6 months for education and to figure out how to enforce it, etc., and that any questions about it could be answered by staff; how the new center divider on South Swan would be painted entirely in yellow paint; and thanks were given to the Juvenile Probation and Parole Office's kids that cleaned up all of the plastic bag litter at the landfill last summer since it made the town more beautiful and met the criteria of the New Mexico Environmental Department.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – **Regular Meeting on October 28, 2014** - Councilor Bettison moved to approve the minutes of the Regular Town Council Meeting of October 28, 2014. Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to approve the minutes for the Regular Meeting of October 28,

2014. He asked if there was any discussion, and there was none. 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.

8. REPORTS –

A. Staff reports. James Marshall, Assistant Town Manager, discussed a recent report about the 10 most dangerous cities in New Mexico, and stated the statistics were erroneous and gave the wrong perception to people. He said that he and Manager Brown had spent time in the last month digging into the statistics to see what created those numbers for Silver City. He said those types of reportings were very irresponsible because the F.B.I. flatly stated on their website that the statistics should not be used for ranking and that was what citydata.com and the report about the 10 most dangerous cities in New Mexico did. He said it created headlines and fear based on an unreliable analysis or no analysis of the data. He said the rules for entering and clearing cases on the F.B.I. Uniform Crime Report were extremely complicated and there was a lot of fluctuation on how the data was collected and entered. He explained further and gave some comparisons of the demographic and geographic differences between Silver City, Espanola, and Deming. He compared their actual populations with their contributing populations and how Silver City's actual population was 10,315, but the contributing population was around 20,000 and contributed to traffic, unemployment, the crime rate, the gross receipts taxes, etc. He discussed a chart that compared Silver City's crime rates with other cities in New Mexico that had either a population of 10,000 or 20,000 and how Silver City did not have the highest of any one crime among those cities, except for the crime of rape for a population around 10,000. He said Silver City had an extremely active Sexual Assault Support System (SASS) that worked very hard, that they had a University in the town, and how the hospital had participated actively in making sure people were comfortable in reporting sexual assault so even the numbers could be proven by the population and did not necessarily indicate a level of safety in the community, but rather the level of safety in reporting. He said Silver City had 1.7 police officers per 1,000 if figured with a population of 20,000, and that the most common ratio for a municipality of the same size was 1.6 to 2.0 officers per 1,000. He said their conclusion was that Silver City's crime rates, although were not where they desired them to be, were within a statistically expected range, that the police staffing was within the industry average, and that crime rate analysis was extremely complicated. He said it was important that they get out and make sure the public knew what the real numbers were, and that he had been talking with the businesses downtown and in town and that nobody told him they felt unsafe in Silver City. He repeated that it was critically important they get the word out that people did feel safe in Silver City. He asked the Council if they had questions, and there was further discussion.

Ed Reynolds, Police Chief, said it was an excellent report and that he appreciated it. He said the community was safe and their police officers worked very hard at keeping it that way. He said the software at the Police Department was antiquated and created some of their problems for getting true statistics, however, the reports that he provided to the Council were hand searched through the offense reports so they provided the most accurate information. He agreed that the Town's contributing population was around 20,000. He commented on the upcoming "Coats for Kids" project and how the Police Department would provide 5 baskets for needy families for Thanksgiving and Christmas. He discussed crime statistics and gave examples of what people could do to protect themselves and their property.

Clerk Mackie announced the vacancies on various Town boards and committees.

Councilor Bettison moved for a short recess at 6:59 p.m. Councilor Ray seconded. Mayor Morones said there was a motion and a second for a short recess. 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. Mayor Morones called the meeting back to order at 7:06 p.m. He said Councilor Ray had a final comment. Councilor Ray said he would also run for re-election.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of a Special Dispenser Permit Application for the Mimbres Region Arts Council's Black Tie Ball on December 13, 2014 from 6:30 pm to 12:00 am at Lawley Toyota, 2750 Hwy. 180 E., Silver City, NM. License Holder Information: Snappy Mart #4, Owner name: W & N Enterprises, Inc., Liquor

License #0151, 206 N. Hudson, Silver City, NM 88061. Faye McCalmont, Executive Director of the Mimbres Region Arts Council, requested their approval for their annual ball on December 13th, and that their meeting packet had the map, etc. There were no questions from the Council. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve the Special Dispenser Permit Application for the Mimbres Region Arts Council's Black Tie Ball on December 13, 2014 from 6:30 pm to 12:00 am at Lawley Toyota, 2750 Hwy. 180 E., Silver City, NM. License Holder Information: Snappy Mart #4, Owner name: W & N Enterprises, Inc., Liquor License #0151, 206 N. Hudson, Silver City, NM 88061. Councilor Bettison seconded. Mayor Morones said they had a motion and a second for the approval of the Special Dispenser Permit and he repeated the motion. He asked if there was further discussion, and there was none. 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. Direction on Legislative priorities for the Prospector's Legislative Forum. Manager Brown said on December 2nd the Prospectors would be holding their Legislative Forum and he would be presenting the Town's priorities to their legislators. He said he wanted to get their input and he recommended that their number 1 priority should be a fixed hold-harmless because it impacted them more than anything. He said they usually identified what capital outlay they would be looking to receive so he provided them a copy of the Infrastructure Capital Improvement Plan for Fiscal Years 2016-2020 in their meeting packet. He said the only ones that had not been funded in items 1 through 12 were the Chihuahua Hill water system improvements and some sidewalk projects because they were going to be CDBG projects, but they were not able to apply because they had not received their grant agreement for their last projects. He recommended they request funding for sidewalks and to increase their next chip seal and fog seal project, and he provided further information. There was further discussion, and Mayor Morones said they were good with the direction he wanted and that he should also mention to their legislators that they needed more efficient grant processes and procedures so they could give them more fruitful projects to work on.

C. Approval / Disapproval of Notice of Intent Ordinance No. 1235: an Ordinance granting a franchise for cable services to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, amending Appendix A, Article IV of the Town of Silver City Municipal Code. Attorney Scavron provided the details of the cable television franchise ordinance with Comcast for a term of 10 years; the negotiation process; and how Comcast's percentage of gross receipts taxes to the Town was fundamentally used to finance Community Access Television of Silver, Incorporated (CATS). There was further discussion. Mayor Morones said he would entertain a motion. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1235: an Ordinance granting a franchise for cable services to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, amending Appendix A, Article IV of the Town of Silver City Municipal Code. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second and he repeated the motion. He asked if there was further discussion, and there was none. He asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

D. Approval / Disapproval of Resolution No. 2014-31: a Resolution in support of interest fee caps on small loan companies in New Mexico. Councilor Aiman-Smith began by saying a resolution, when adopted by a vote of the Town Council was their formal expression of their opinion or will that was based on their values of the Town. She said one of the most common uses of a resolution was to express the opinion of the governing body on a certain issue to another level of government. She stated Resolution No. 2014-31 would request the Governor, the Legislature, and the New Mexico Regulation and Licensing Department to put a cap on the small loans that were lent out by certain small loan high-interest lenders that were currently charging their citizens over 175 percent for an annual percentage rate, and sometimes up to 1,500 percent. She said it was important to her and should be important to all citizens because the State of New Mexico had not enacted any regulations placing reasonable caps on the interest rates charged by small loan lenders while the State reserved its right to regulate as such. She said the Town had to request the State to take the appropriate steps to regulate the small loans. She provided further details and gave examples. There was further discussion. Mayor Morones allowed public input, and comments in favor of Resolution No. 2014-31 were received by Dr. Art Martinez and Gary Stailey. Councilor Aiman-Smith moved to approve Resolution No. 2014-31: a Resolution in support of interest fee caps on small loan companies in New Mexico. Councilor Bettison seconded. Mayor Morones said there was a motion and a second and he repeated the motion. There was further discussion. Mayor Morones asked

for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

E. Approval / Disapproval of Resolution No. 2014-30 for the Regular Municipal Election to be held on March 3, 2015. Clerk Mackie presented the details of the Election Resolution for the election of 1 Councilor in District 1 for a 2 year term and 1 Councilor in District 3 for a 2 year term. She said there would be 1 voting location at the Silver City Woman's Club for both districts, and she discussed the dates for absentee and early voting, candidate filing day, and how the casting of votes would be recorded on paper ballots and counted by Dominion electronic vote tabulator machines. She explained the process of the Auto Vote system that would be used during the election and answered questions from the Council. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Bettison moved to approve Resolution No. 2014-30 for the Regular Municipal Election to be held on March 3, 2015. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second and he repeated the motion. He asked if there was further discussion, and there was none. He asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Ray moved to adjourn at 8:04 p.m., and Councilor Bettison seconded. Mayor Morones 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/

Michael S. Morones, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk