

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
February 10, 2015, 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
Ed Reynolds, Police Chief

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – "Iwo Jima Day" - February 19, 2015. Mayor Morones read the proclamation that recognized the 70th Anniversary of the United States Marines landing on the island of Iwo Jima in the South Pacific; an operation that was the main turning point of the war in the Pacific theater because of its strategic location to Japan. A group of United States Marines were present, including 3 Silver City residents that served during that critical operation: Eugene Lewis, Curtis Maxwell, and Felipe Ortego.
- 4. PUBLIC INPUT** – Lucy Whitmarsh, Director of the Silver City MainStreet Project, said the New Mexico Legislature had declared February 18, 2015 as New Mexico MainStreet Day to celebrate 30 years of economic development and revitalization of traditional town centers. She invited everyone to attend the event at the State Capitol Round House in Santa Fe on February 18th and she provided further details. Bruce Ashburn thanked the Town Council for representing their wonderful city in Santa Fe and stated it was a huge time commitment. James Baldwin said he was a Grant County resident, but did his shopping in the city limits. He commented on the agenda item for Ordinance No. 1236 pertaining to the Silco Theater and how he did not think it was a worthy project for the Town and he gave his reasons. He also commented on newspaper articles about reductions in the Town's gross receipts tax revenues and how it would affect the Town's budget, etc.
- 5. COUNCIL COMMENTS** – The Council commented on the following: thanks were given to the veterans of Iwo Jima for their service to their country; a follow-up on the "Conversations with a Councilor" event with Councilor Bettison and special guests that occurred on January 22nd; how tips could be made anonymously to Central Dispatch by requesting that phone numbers not be captured and how those tips would help build a file; how the Town's website should include information on pending legislation that would affect the Town and inform citizens on how they could assist; the great success of Grant County Day in Santa Fe that was hosted by the Grant County Prospectors and how Silver City and Grant County made a great impression on the legislators and government staff on how committed they were about ensuring that the needs of their community were met and funded; thanks were given to the Silver City Police Department for taking care of noise complaints that occurred from Gough Park on February 8th; thanks were given to Mayor Morones for his excellent guest column in the Silver City Daily Press that talked about fixing the food tax and the proposal by the New Mexico Municipal League to do that, etc; an upcoming "Love Your Library Day" event at the Silver City Public Library on February 21st; a recent Town Resolution that urged the New Mexico Legislature to take action on high interest rate small loans and how House Bill 24, House Bill 36, and Senate Bill 72 were scheduled to be heard in committee; a recent Town Resolution for a grant application for a bicycle grant and how some money was awarded, but not all so they would be looking for other sources of funds; thanks to Alan Mong for chauffeuring Councilor Aiman-Smith to Santa Fe for Grant County Day; thanks to William Joseph for touring Councilor Aiman-Smith through his neighborhood and talking about his concerns; how the town should have events downtown on Friday nights like a Cowboy Night or Hip Hop Night; an idea that the Town could make a brick roadway behind the businesses near the Big Ditch so businesses could be extended and people could view the Big Ditch; how

Grant County Day was fun and people were singing in Spanish; how Silver City needed to be represented in Santa Fe; thanks to the voters and everybody involved in the school board election; and how one of Councilor Cano's proudest moments was sitting in the Senate Gallery and watching Councilor Ray and other Vietnam Veterans present the colors.

6. CHANGES TO THE AGENDA – Mayor Morones said he would like to move New Business, Item A, up before Reports, and to follow the Approval of Minutes. The Council did not object.

7. APPROVAL OF THE MINUTES – Regular Meeting on January 21, 2015 - Councilor Bettison moved to approve the minutes of the Regular Town Council Meeting of January 21, 2015. Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to approve the minutes for the Regular Meeting of January 21, 2015. He asked if there was any discussion, and there was none. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

See Item 6. Changes to the Agenda above.

11. NEW BUSINESS –

A. Approval / Disapproval of the Town of Silver City Audit Report for Fiscal Year ended June 30, 2014.

Mike Stone with Stone, McGee and Co., CPAs, said the audit report was due by December 1, 2014, and it was completed to the State Auditor prior to that date. He said the audit report was timely and released in a timely manner. He stated the Opinion on the Financial Statements was unqualified which was the highest opinion he could issue; the Opinion on Compliance with Federal Program Requirements was unqualified again which was the highest opinion he could issue; and there was one little comment on a budget issue that was at the back of the Audit Report, but it was not of any significance whatsoever. He said it was because there was a glitch with a check run in the wrong fiscal year, but by the time they got it corrected they could not amend the budget at that point and time because the New Mexico Department of Finance Administration would not let them do it. Again he said it was nothing of any significance. He pointed out that even though they talk about Silver City being small; the Council was managing almost \$70,000,000 worth of assets. He said it was important to realize that not all of it was cash, but there were buildings and infrastructure and those things were relatively important, too. He reminded the Council that it was an action item on the agenda and needed to be approved or disapproved. There was further discussion about the clerical error with the check run and how Mr. Stone disagreed with the State Auditor's rule that an auditor could only do the audits for 12 years in a row. Mr. Stone expressed his appreciation to the Finance Director, Alex Brown, the Town staff, and the Town Council. He said the staff imparted an ethical aura and tried to do things right and with excellence; that it was as good as it gets. Councilor Bettison thanked Mr. Stone for his service for the past 12 years and how Town staff did not fear him walking in the door and that he showcased the staffs' talents at making the budget as good as it was and doing everything they could with excellence, integrity, and honesty. She also thanked the Finance Director and staff, and she asked the staff to stand up and be recognized. Alex Brown, Town Manager-Finance Director, introduced the staff of the Finance Department that were present: Renee Van Laningham, Amanda Teran, Anita Norero, and Steven Lopez. He said they did an excellent job and worked very hard. He said he really appreciated what Mr. Stone and his staff did and that throughout the year he and Deputy Finance Director Anita Norero called them to get their advice on how to handle odd-ball things that happen throughout the year; that they are always there as a resource to help them and to ensure things are done right. Mayor Morones said the staff had been wonderful and it was easy to be on the Council when they had staff that they could trust and that did good work year after year, but the Council still had to do their due diligence and monitor. He said it was sad that they had to see Stone and McGee lay off for the designated period of time, and he described how the firm worked with a handful of people and they sat there and did the work which was not a common practice anymore because other firms did things electronically and would just provide a report with suggestions. He said there was a tremendous amount of value added to the work that Mr. Stone and his firm provided and it was a diligence that really helped him feel extremely comfortable with Town staff. Mr. Stone said the lay off period was 2 years and that he was going to send a letter to the new State Auditor to say rural communities were damaged by that rule because it was hard to find an auditor in southwest New Mexico; that currently the rule was 12 years on and 2 years off. Mayor Morones said he would entertain a motion. Councilor Bettison moved to approve the Town of Silver City Audit Report for Fiscal Year ended June 30, 2014. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for approval of the Town of Silver City Audit Report for Fiscal Year

ended June 30, 2014. There was no further discussion. 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.

8. REPORTS –

A. High Desert Humane Society's Animal Intake Report for 2014 by Heidi Ogas. Ms. Ogas said she was the President of the High Desert Humane Society, and they had an agreement with the Town to house animals. She reviewed the animal intake for the town for 2014 and said the cats that were returned to the owners was extremely low. She said they were implementing a new policy that any animal that left the shelter would be micro chipped. She reported the following: impound fees were \$2,796.91 and the licenses were \$5,427.50; total dog intake was 414 and total cat intake was 339; how in 2007 the total city intake was 1,137 and for 2014 it was down to 753 so that was really good; and how they hoped to continue doing a gradual downswing to get a handle on overpopulation. She answered questions from the Council and there was further discussion. Ms. Ogas stated their Halt a Litter Today (HALT) program had raised almost \$250,000 since 2002 and it had all gone back into the community for financial assistance for spay and neutering.

B. Staff reports. Chief Reynolds presented an overview of a 19 page report of the Silver City Police Department 2014 Statistical Comparison to 2013 as follows: the number of calls for service declined in 2014 over 2013 by 1,059 which was a 7.5 % decrease; the number of self-initiated activities by officers increased over 2013 by 2,584 or 41,446 in 2014 compared to 38,862 in 2013; the overall index crimes such as murder, forcible rape, robbery, simple and aggravated assault, burglary, larceny and stolen motor vehicle declined from 1,081 in 2013 to 929 in 2014; how larceny was the highest of those eight crimes, but there was a 14.4 % decrease from 569 in 2013 to 487 in 2014; domestic violence was higher in 2014 by 6.19 % from 517 in 2013 to 549 in 2014; arrests were up by 22.79 % or 2,085 in 2014 from 1,698 in 2013; forcible rapes decreased by 4 in 2014 with 10 in 2014 compared to 14 in 2013; aggravated assaults decreased by 10 with 45 in 2014 compared to 55 in 2013; burglaries decreased by 52 from 201 in 2013 to 149 in 2014; damage to vehicles saw a marked decrease from 2013 with 215 in 2013 to 133 in 2014 or a 38.14 % decrease; robberies were up by 2 with 10 in 2014 and 8 in 2013; reported crashes were up by 6 from 2013 with 473 in 2013 and 479 in 2014; animal complaints increased by 1.25 % over 2013 with 1,135 in 2014 and 1,121 in 2013; and driving under the influence remained the same with 80 in 2014 and 79 in 2013. He answered questions from the Council. He said the Crime Index for 2009 to 2014 was set at a population rounded off at 10,000 and a portion at 15,000 population for their service population since they figure the service population is between 17,000 and 20,000 so the rates of individual crimes would be lower in each category. He continued to review pages of the report including traffic crashes, citations, etc. Mayor Morones commented on the Crime Index regarding the population and the Town's borders and said at times it looked like they had a high crime rate, but their borders had not changed a lot even though a few miles outside of town had grown significantly which was evidenced by the Town supplying water to 20,000 Grant County residents. He said in town they slept 10,000 people at night, but they had a tremendous increase in population during the day so he appreciated the 15,000 population that the Chief had because it helped the index give a truer result. He said he agreed and believed it was considerably higher than even the 15,000 during the day, but they would still love to have zeros on everything. He asked about community policing activity and actions. Chief Reynolds discussed the changes in community policing and said he was working with Assistant Town Manager Marshall, and he gave examples of how they would focus on problem areas and re-evaluate the program each quarter. He said they wanted to be proactive when dealing with shopliftings, burglaries and larcenies to include interaction with the businesses and citizens by way of providing education on prevention, and building bridges with the community regarding burglaries such as neighborhood watches, etc. There was further discussion about eradicating drug houses from neighborhoods; how Chief Reynolds, Assistant Town Manager Marshall and Manager Brown were looking at the statistics from different perspectives; how there was a direct correlation between the number of bench warrants and the number of arrests on those bench warrants that took a lot of the police officers' time when they could be making contact with the public, etc.; and how in 2014 the total number of arrests was 2,085 and out of that 1,037 were for Failure to Pay, Failure to Comply, and Contempt of Court bench warrants which were 49.7 % of arrests which took a lot of time for police officers. They also discussed the traffic concerns with the upcoming closure of the Highway 90 bridge, etc.

Mayor Morones asked Manager Brown if he had anything to report on the legislative bills. Manager Brown said as bills started moving and had some possibility of being enacted, they would give their point of view of how it would

affect the Town so the public could contact the Legislators and get more involved with the process. He said he had provided the Council with a list of bills that they were tracking.

Councilor Bettison moved for short break at 7:34 p.m. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for a recess. He asked for a vote of all those in favor, 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 7:44 p.m. He resumed the meeting with Reports.

Clerk Mackie provided election information to the public and stated they were in the election process for Councilor in District 1 and Councilor in District 3. She said the names of the candidates for Councilor in District 1 were Cynthia Ann Bettison and Ronald G. Perez, and the candidate for Councilor in District 3 was Jose A. Ray, Jr. She said Election Day would be on March 3, 2015 and would be held at the Voting Convenience Center at the Silver City Woman's Club and she encouraged the registered voters of District 1 and District 3 to support the Town's election by either voting during the absentee and early voting period at City Hall or on Election Day.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1236: an Ordinance adopting the restoration of the Silco Theater as an Economic Development Project within and for the Silver City Arts and Cultural District pursuant to Section 5-10-2B. NMSA 1978 (Local Economic Development Act) and Section 16-21(a) of the Municipal Code the Town of Silver City, Grant County, New Mexico or an agency thereof. Mayor Morones said Ordinance No. 1236 was predominantly due to a \$100,000 grant from Secretary Barela with the New Mexico Economic Development Department. He said they had \$100,000 in hand from the Secretary that was specifically only for theaters in New Mexico, and Secretary Barela wanted to do it as long as the Town had this simple ordinance. He said the ordinance was a means to the ultimate end of having a restored theater in town. He provided further background information on the partnership between the Town and Silver City MainStreet Project; the community donations for the Silco Theater renovation project; how Local Economic Development Act (LEDA) funds were earmarked for theaters; how no Town funds had been utilized out of the General Fund; how not having a theater made the town less attractive for potential professionals and potential families; and how a theater was a vital economic driver from a cultural standpoint and turning away from the state money would mean the Town was not interested in driving their economy forward. He gave the floor to Councilor Ray, the sponsor of Ordinance No. 1236.

Councilor Ray said it would be a good thing and that he was all for it because MainStreet had done a lot of things for Silver City and they had worked hard to get money for different projects. He said people wanted to go downtown and it would be a nice theater. He moved to approve Ordinance No. 1236: an Ordinance adopting the restoration of the Silco Theater as an Economic Development Project within and for the Silver City Arts and Cultural District pursuant to Section 5-10-2B. NMSA 1978 (Local Economic Development Act) and Section 16-21(a) of the Municipal Code the Town of Silver City, Grant County, New Mexico or an agency thereof. Councilor Cano seconded. Mayor Morones said there was a motion and a second to approve Ordinance No. 1236: an Ordinance adopting the restoration of the Silco Theater as an Economic Development Project within and for the Silver City Arts and Cultural District pursuant to Section 5-10-2B. NMSA 1978 (Local Economic Development Act) and Section 16-21(a) of the Municipal Code the Town of Silver City, Grant County, New Mexico or an agency thereof. There was further discussion by the Council and Attorney Scavron. Mayor Morones repeated the motion and asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

11. NEW BUSINESS –

A. Approval / Disapproval of the Town of Silver City Audit Report for Fiscal Year ended June 30, 2014. This item was moved up in the agenda, after the Approval of the Minutes on page 2.

B. Discussion and vote on changing the regular Council meeting scheduled for Tuesday, February 24, 2015 to Thursday, February 19, 2015 at 6:00 p.m. at the Grant County Administration Center. Councilor Bettison stated that she and another Councilor would be attending the beginning of the Municipal Day event on February 24th in

Santa Fe, and that she would also be attending the New Mexico Municipal League's Board of Director's meeting in Santa Fe on February 25th. She moved to approve changing the regular Council meeting scheduled for Tuesday, February 24, 2015 to Thursday, February 19, 2015 at 6:00 p.m. at the Grant County Administration Center. Councilor Aiman-Smith seconded. Mayor Morones repeated the motion, and asked if there was any further discussion. There was none. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:07 p.m., and Councilor Ray 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