

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
July 28, 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** – None.
- 4. PUBLIC INPUT** – Vivian Flores, Vice-President of the Southwest Chicano Music Association, commented on the upcoming Labor Day Music Festival scheduled for September 4 - 6, 2015 at Gough Park. Eric Lynch and Elysia Drew commented on the automatic water meter readers being considered by the Town and how some types of automatic water meter readers had harmful environmental health effects and the public needed to know long before a decision was made, etc. Lucy Whitmarsh, Executive Director of Silver City MainStreet, commented that an official scenic historic marker was installed at the Visitor Center to honor Anita Scott Coleman who lived from 1890-1960 and grew up on a ranch south of town that was now part of Scott Park.
- 5. COUNCIL COMMENTS** – The Council commented on the following: a recent article in the *Silver City Daily Press Independent* that discussed some of Councilor Aiman-Smith's concerns and how she had been thinking about the Town's loss of revenues because there was less money coming in due to hold harmless and the loss of resources due to fewer people moving in and fewer volunteers; thanks to the Town for putting pickleball courts in because it was a growing sport with over 100 players in the area; various issues with the local newspaper about their reporting; how cop cars were going too fast on Cooper Street and Sheriff Villanueva was notified; how the people should be able to vote on the diversion for water; how more volunteers were needed and that hunger and homelessness were big issues in Grant County; how the Council was there to help the people and did a good job of doing it; people were encouraged to attend an upcoming event called, "A Second Great Conversation on Homelessness" that would be held on July 30th at 6:00 p.m. at the Volunteer Center; how the Public Works Department worked hard and needed to stay on schedule to get everything done, and that they had the same number of staff as they had 15 years prior; and Councilor Cano wished Linda Nunez, the Town's Utility Billing Supervisor, a happy retirement and thanked her for what she had done over several decades for Silver City.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting on July 14, 2015** - Councilor Aiman-Smith moved to approve the minutes of the Regular Town Council Meeting of July 14, 2015. Councilor Bettison seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Town of Silver City's Regular Council Meeting of July 14, 2015. 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.

**8. REPORTS** –

**A. Staff Reports.** BreAnne Davalos, Director of the Grant County Regional Dispatch or Central Dispatch, discussed how it was appropriate to call 911 if there was an emergency in progress like a medical emergency, a severe illness

when a person needed to get to the hospital immediately or when a crime was in progress. She said people should call their non-emergency phone number of 388-8840 for the other types of calls, and she explained the duties of the dispatcher. She reported on their fiscal year 2014-2015 and stated they had 3,341 landline 911 calls, 12,676 wireless calls to 911, and 80,707 non-emergency calls. She said their center was only manned with 2 dispatchers at a time and they handled 47,496 municipal police calls or Grant County Sheriff's Office calls. She discussed Code Red, the Reverse Emergency Notification System of Grant County, and encouraged people to sign up in order to receive notifications when they was a high emergency and a need to warn the public for evacuation, etc. She stated they only had 1,514 phone numbers signed up or 1,268 residents for the entire county. There was further discussion.

Chief Reynolds reported there was an increase in traffic enforcement in Silver City during the summer because they received grant funding from Safer New Mexico which targeted specific violations such as seat belt violations, D.W.I. (Driving While Intoxicated) enforcement, etc. He said they were enforcing Highway 180 for distracted drivers and speeding drivers through that grant, and he provided additional information. There was further discussion.

Manager Brown reported he had been working on the radio read water meter system and had done extensive research on the different types of meters. He said they would begin purchasing meters in late August and start replacing meters at the beginning of the next calendar year. He said they had white papers and 2 studies from California and Texas on the meter system they chose and he provided the following information: the system would send out a pulse every 7 minutes; that it was a non-ionizing pulse and was lower than a cell phone; that it would send out a pulse for a nanosecond so each day there would be less than one-fourth of a second of burst from that signal; that they would drive and gather the information once a month, but it would be for a 90 day period; that it would help them in the conservation process and would show their customers what their usage was in the last 90 days; that it would have very minimal impact to get a lot of information; and that people could request additional information by calling his office at 534-6358. Manager Brown also commented on weeding issues with the Public Works Department.

**9. PUBLIC HEARINGS** - None.

**10. UNFINISHED BUSINESS** – None.

**11. NEW BUSINESS** –

**A. Approval / Disapproval of 2 Public Celebration Permit Applications for the Western New Mexico University "Bash on Broadway" event to be held on August 15, 2015 from 5:00 p.m. to 10:00 p.m. at 200 N. Bullard Street, Silver City, NM. License holder: 1) Little Toad Creek Brewery & Distillery, DBA Little Toad Creek Distillery, Liquor License #63004, 1122 Hwy. 35, Mimbres, NM 88049, and 2) Little Toad Creek Brewery, DBA Little Toad Creek Brewery, Liquor License #67021, 1122 Hwy. 35, Mimbres, NM 88049.** Cari Lemon, Interim Director of Alumni Affairs at Western New Mexico University, said the Bash on Broadway event was an initiative to help bridge the community in Silver City and introduce students to the community as a kick-off for the new school year. There was further discussion about how the event would end at 10:00 p.m. and not 9:00 p.m., and the traffic and safety concerns since the event would close Bullard Street at the Broadway Avenue and Bullard Street intersection. Mayor Morones said he would entertain a motion, but asked that the time be changed to 10:00 p.m. in the motion. Councilor Ray moved to approve the 2 Public Celebration Permit Applications for the Western New Mexico University "Bash on Broadway" event to be held on August 15, 2015 from 5:00 p.m. to 10:00 p.m. at 200 N. Bullard Street, Silver City, NM. License holder: 1) Little Toad Creek Brewery & Distillery, DBA Little Toad Creek Distillery, Liquor License #63004, 1122 Hwy. 35, Mimbres, NM 88049, and 2) Little Toad Creek Brewery, DBA Little Toad Creek Brewery, Liquor License #67021, 1122 Hwy. 35, Mimbres, NM 88049. Councilor Cano seconded. The Mayor said they had a motion and a second as read into the record. He asked if there was any further 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.

**B. Approval / Disapproval of 2 Public Celebration Permit Applications for the Mimbres Region Arts Council's 7th Annual Pickamania! Festival to be held September 12 and 13, 2015 at the 1200 block of N. Pope Street, Silver City, NM. License holder: 1) Little Toad Creek Brewery & Distillery, DBA Little Toad Creek Distillery, Liquor License #63004, 1122 Hwy. 35, Mimbres, NM 88049, and 2) Little Toad Creek Brewery, DBA Little**

**Toad Creek Brewery, Liquor License #67021, 1122 Hwy. 35, Mimbres, NM 88049.** Faye McCalmont said she was representing the Mimbres Region Arts Council and was there seeking a permit for the beer garden that would take place in Pope Street adjacent to Gough Park. She provided further details and there was further discussion about the map and street closures. Mayor Morones said he would entertain a motion. Councilor Cano moved to approve the 2 Public Celebration Permit Applications for the Mimbres Region Arts Council's 7th Annual Pickamania! Festival to be held September 12 and 13, 2015 at the 1200 block of N. Pope Street, Silver City, NM. License holder: 1) Little Toad Creek Brewery & Distillery, DBA Little Toad Creek Distillery, Liquor License #63004, 1122 Hwy. 35, Mimbres, NM 88049, and 2) Little Toad Creek Brewery, DBA Little Toad Creek Brewery, Liquor License #67021, 1122 Hwy. 35, Mimbres, NM 88049. Councilor Ray seconded. The Mayor said there was a motion and a second as read into the record. He asked if there was any further 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.

**C. Approval / Disapproval of Resolution No. 2015-21: Final Quarter Financial Report for Year Ending June 30, 2015.** Manager Brown said the Fourth Quarterly Report was required to be approved by the Town Council and that it set the unaudited beginning cash balances for the next year's beginning budget. He provided further details. Mayor Morones asked if there were any questions, and there were none. Councilor Aiman-Smith moved to approve Resolution No. 2015-21: Final Quarter Financial Report for Year Ending June 30, 2015. Councilor Bettison seconded. Mayor Morones said there was a motion and a second for the approval of Resolution No. 2015-21: Final Quarter Financial Report for Year Ending June 30, 2015. There was no further discussion. He 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.

**D. Approval / Disapproval of Resolution No. 2015-22: a Resolution amending the approved and adopted budget for the Fiscal Year commencing July 1, 2014 through June 30, 2015, and for Municipal Purpose in the Town of Silver City, New Mexico, transferring and appropriating funds thereof.** Manager Brown said it was the final budget adjustment for Fiscal Year 2015 and he explained how revenues, transfers, and expenditures were adjusted. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Aiman-Smith moved to approve Resolution No. 2015-22: a Resolution amending the approved and adopted budget for the Fiscal Year commencing July 1, 2014 through June 30, 2015, and for Municipal Purpose in the Town of Silver City, New Mexico, transferring and appropriating funds thereof. Councilor Bettison seconded. The Mayor said there was a motion and a second for the approval of Resolution No. 2015-22: a Resolution amending the approved and adopted budget for the Fiscal Year commencing July 1, 2014 through June 30, 2015, and for Municipal Purpose in the Town of Silver City, New Mexico, transferring and appropriating funds thereof. There was no further discussion. He 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.

**E. Approval / Disapproval of Resolution No. 2015-23: approval and adoption of the Budget for the Fiscal Year commencing July 1, 2015 through June 30, 2016.** Manager Brown said it was the budget that was presented to them at the end of June, and he explained some changes that were made in Lodgers Tax, Lodgers Tax Promotional, and the Water and Sewer Fund to offset a negative balance to meet the one-twelfth reserve. He said in the Water and Sewer Fund they budgeted a one-twelfth cash reserve so they had approximately \$300,000 to use throughout the year. He said they also added additional grant projects that were authorized. There was no discussion. Councilor Aiman-Smith moved to approve Resolution No. 2015-23: approval and adoption of the Budget for the Fiscal Year commencing July 1, 2015 through June 30, 2016. Councilor Bettison seconded. The Mayor said they had a motion and a second for the approval of Resolution No. 2015-23: approval and adoption of the Budget for the Fiscal Year commencing July 1, 2015 through June 30, 2016. He 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. Manager Brown commended the Finance Department staff for all of their hard work on the budget; that they had done a tremendous job, specifically Anita Norero, Deputy Finance Director. He described how they had to work simultaneously on the budget, the requirements for the upcoming bond ordinance, and the water meter project. He added that Linda Nunez, Utility Billing Supervisor, would be sorely missed after she retired. Mayor Morones said he appreciated his comments because the work that the Finance Department had done over the past decade had been at such a high level, and they tended to take it for granted because their expectations were to have the good job. He said they did not want to under

appreciate them. He asked Manager Brown to pass on their appreciation of everything they did to get the clean audits, budgets, and everything they did day in and day out.

Councilor Bettison moved for a short recess at 7:00 p.m. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for a short 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. The Mayor called the meeting back to order at 7:14 p.m.

**F. Approval / Disapproval of Notice of Intent Ordinance No. 1241: an Ordinance amending Chapter 6 (Animals), Section 6-187 (Animals Running at Large), and Section 6-190 (Failure to Provide Proper Care and Maintenance), of the Municipal Code of the Town of Silver City.** Councilor Bettison, sponsor of Notice of Intent Ordinance No. 1241, said she worked with the Animal Advocates of Grant County and others on the ordinance and the most pressing thing for her was the single point tethering of animals. She said she wanted to find a way to stop what was also called the chaining of animals. She said the ordinance would set the parameters of what they expected within the Town of Silver City regarding animals running at large, prohibited tethering, etc. She said it would set standards of what they did not want to have, such as the chaining, staking or tethering of any animal in a cruel and inhumane manner. She said the section of the ordinance on the Adequate Care Requirements and Specifications was a road map of their expectations in the Town and was the hardest part to enforce, etc. She provided further information, and noted a correction that was needed in Section 6-190 (E) regarding medical and veterinary care; that human vaccines were listed and it was supposed to be distemper, parvovirus, and adenovirus for animals. She said the description of adequate shelter was not specific enough so she and the Town Attorney would come up with a more detailed description of how animals should be adequately protected from the elements. Additionally, she requested the word "fresh" be placed consistently in front of the words "food" and "water" throughout the document. She asked that the ordinance be considered for 30 days and that it be revisited at the second meeting in August. She said she had met with Police Chief Reynolds and Sherwood Nance, the Animal Control Officer, and she asked Chief Reynolds to make any comments in support of the ordinance. Chief Reynolds said at face value they had no issues with it, but there were some specific areas that would be more difficult to enforce and would require help from the public. He said they would try to get compliance through education.

Mayor Morones said they would start with the public on their comments, then would hear from the Council. He started with the names of the people that signed up for Public Input before the meeting began. Public input was received from Theresa North, Candace Breen-Lee, Jeanne Martin, April Lee, and Alan Mong. The Mayor asked if the Council had any comments or questions, and there was further discussion about educating the public; administrative enforcement; how animals were property and did not have independent rights of their own; how people accepted small changes to the animal ordinance more readily than a comprehensive revision of the entire animal ordinance; how the Mayor fully supported the Notice of Intent Ordinance and hoped the Council would push it forward to the public's eye; how dogs could only be tethered in the presence of their owner/keeper or guardian; and how to articulate the description of adequate shelter; etc.

Councilor Bettison moved to approve Notice of Intent Ordinance No. 1241: an Ordinance amending Chapter 6 (Animals), Section 6-187 (Animals Running at Large), and Section 6-190 (Failure to Provide Proper Care and Maintenance), of the Municipal Code of the Town of Silver City with the amendment that under Section 6-190 (E) that diphtheria-tetanus-pertussis be replaced with distemper, parvovirus, and adenovirus as the proper vaccinations for dogs and animals. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second as read into the record. There was no further discussion. The Mayor 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.

**G. Approval / Disapproval of the Selection of a Voting Delegate and Alternate to vote at the New Mexico Municipal League's Annual Conference.** Councilor Bettison said at the Annual Conference each member municipality had an opportunity to vote on the candidates and the resolutions presented to the body for consideration in the Policy Statement for the League. She said it was an important task to determine who would be the primary voting delegate and alternate. There was further discussion and Councilor Bettison said she was running for office for the Board Member at Large. Mayor Morones suggested they keep the voting delegate the same as last year with himself as

the voting delegate and Councilor Bettison as the alternate. Councilor Aiman-Smith moved to appoint Mayor Morones as the voting delegate and Councilor Bettison as the alternate to vote at the New Mexico Municipal League's Annual Conference. Councilor Ray seconded. Mayor Morones said there was a motion and a second as read into the record. There was no further discussion. 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 8:12 p.m., and Councilor Ray seconded. Mayor Morones stated there was a motion and a second to adjourn. 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.

\_\_\_\_\_/s/\_\_\_\_\_  
Cynthia Ann Bettison, Mayor Pro Tem

Attest:

\_\_\_\_\_/s/\_\_\_\_\_  
Yolanda C. Holguin, Acting Town Clerk