

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT
February 23, 2021, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe E. Cano, District 4

Also, present:

Alex C. Brown, Town Manager
James Marshall, Assistant Town
Ann L. Mackie, Town Clerk
James Reynolds, Town Attorney
Jaime Embick, Community Development Director
Priscilla Shoup, Town Planner/Mapper
Freddie Portillo, Police Chief
Milo Lambert, Fire Chief
Jeff Fell, Assistant Fire Chief
Robert Higgins, Information Technology Director

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m. Clerk Mackie did a roll call of the Mayor, Councilors and staff.

2. CHANGES TO AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Aiman-Smith commented that she had visited the Town parks and they were inviting and beautiful. She said she was glad they were safely in operation and she thanked Manager Brown and staff. There were no further comments.

6. APPROVAL OF MINUTES - Regular Meeting on February 9, 2021 – Mayor Ladner asked for a motion to approve the minutes. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of February 9, 2021. Councilor Ray seconded. The Mayor asked if there was any 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.

7. PUBLIC INPUT – Mayor Ladner asked Clerk Mackie if any public input was received. Clerk Mackie said there was no public input received by email.

8. REPORTS –

A. Staff Reports. Manager Brown reported that Better Cities would bring an update on the Recreation Center at the next Council meeting. He said they would talk about plans and opportunities for the Recreation Center which would help them get headed in the right direction.

9. PUBLIC HEARINGS –

A. Approval / Disapproval of Ordinance No. 1301: An Ordinance to amend the Official Zoning Map for a tract of land from a Commercial Highway Zoning District to Residential B-2 Zoning District for a tract of land described as: A tract of land situated in the NE1/4 NE1/4, Section 35, T. 17S., R. 14W., N.M.P.M., Grant County, New Mexico, being described more particularly as follows: Beginning at the corner No. 1, from whence the Southwest Corner of the NE1/4 NE1/4 bears S. 43°33'44"W., 733.12 ft. distant; Thence N.80°01'24"., 323.76 ft to Corner No. 2; Thence N.13°46'14"E., 168.18 ft to Corner No. 3; Thence S.85°12'37"E., 326.71 ft. to Corner No. 4; Thence S. 13°46'14"W., 134.76 ft. to Corner No. 5; Thence S. 13°27'14"., 63.00 ft. to the point and place of

beginning. Containing 1.357 acres more or less. The Applicant is Daniel Casaus and the property is addressed as 2888 Pinos Altos Road, Silver City NM. Mayor Ladner read the procedures for the public hearing and asked if any members of the hearing board had any ex parte discussions or communications from any party concerning the case. Clerk Mackie did a roll call and none of the Councilors had ex parte discussions. The Mayor asked all parties and staff members that intended to give testimony to identify themselves and be sworn in by the Town Clerk. Clerk Mackie swore in Priscilla Shoup, Town Planner/Mapper, Jaime Embick, Community Development Director, and applicant Daniel Casaus. The Mayor continued reading the procedures, then asked Ms. Shoup to present the application for the hearing board's consideration. Ms. Shoup read through a PowerPoint presentation for the zone change to amend the Official Zoning Map from Highway Commercial Zoning District to a Residential B-2 Zoning District for the property addressed as 2888 Pinos Altos Road, Silver City, NM for applicant Daniel Casaus. She stated Mr. Casaus wanted to build his primary residence on the property. She said the property was surrounded by other residential properties. She gave the background of the case and stated one of the goals of the Town's Comprehensive Plan is to create conditions that encourage more development within the Town. She said based on the objectives of the Comprehensive Plan and the Land Use Code, the Town hopes to align the Official Zoning Map with the Land Use Code, the Comprehensive Plan, property owner's wishes and the ways that the Town has grown and developed. She described the intention of the Residential B Mixed Housing Types District. She cited Section 1.3.3 of the Land Use Code 2010 and the Town's Comprehensive Plan pages 3-22. She said the only department that had comments was the Utilities Department; that the Utilities Director stated a sewer easement existed on the property restricting permanent structures from being built upon. She said Mr. Casaus was aware of the sewer easement. She stated as required by Section 6.2.11 of the Land Use Code 2010, the Community Development Department contacted the 10 property owners by mail, as identified by Grant County tax rolls, within 300 feet of the affected area, and there was no response from any of the property owners. Ms. Shoup presented the zoning map and photos. She said the Town Council shall make at least one of the seven Findings, and she read the seven Findings. She said the recommendation of the Planning and Zoning Commission and the opinion of the Community Development Department was that the zone change met the following Findings: 1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan, and 2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan. She concluded her presentation.

Mayor Ladner asked Mr. Casaus if he had comments. Mr. Casaus said yes, and stated he wanted to make the zone change to the property on 2888 Pinos Altos Road, Silver City, NM. He said he wanted to make it residential so he could make it a family home for his family so they could grow up in it and have something to look forward to in the future, and not have to jump around from house to house. He said he wanted to build a garage to work on project cars with his family for fun. He said there were a lot of residential properties surrounding the property that were permanent residents for families. He said he believed the proposed amendment was in substantial compliance with the Town's Comprehensive Plan and would not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan. He concluded his testimony.

Mayor Ladner asked Ms. Shoup if there were any other witnesses to be sworn in, and she said no. He asked if there were any persons that would like to testify in opposition of the case, and there were none. Mayor Ladner asked the hearing board if they had any questions, and there were none. He asked the hearing board if they were prepared to render their decision, and they said yes. Councilor Cano moved to approve Ordinance No. 1301: An Ordinance to amend the Official Zoning Map for a tract of land from a Commercial Highway Zoning District to Residential B-2 Zoning District for a tract of land described as: A tract of land situated in the NE1/4 NE1/4, Section 35, T. 17S., R. 14W., N.M.P.M., Grant County, New Mexico, being described more particularly as follows: Beginning at the corner No. 1, from whence the Southwest Corner of the NE1/4 NE1/4 bears S. 43°33'44"W., 733.12 ft. distant; Thence N.80°01'24"., 323.76 ft to Corner No. 2; Thence N.13°46'14"E., 168.18 ft to Corner No. 3; Thence S.85°12'37"E., 326.71 ft. to Corner No. 4; Thence S. 13°46'14"W., 134.76 ft. to Corner No. 5; Thence S. 13°27'14"., 63.00 ft. to the point and place of beginning. Containing 1.357 acres more or less. The Applicant is Daniel Casaus and the property is addressed as 2888 Pinos Altos Road, Silver City NM with the following Findings: 1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan, and 2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan. Councilor Bettison seconded. Mayor Ladner asked if there was any 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 passed.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1300: Labor Management Relations Ordinance to amend Ordinance No. 1297, relating to Collective Bargaining (Chapter 38, Article II) of the Town of Silver City Code of Ordinances, curing deficiencies and providing rights, responsibilities, and conditions of continued existence and transfer of authority upon termination of Local Board. Manager Brown said it was the third time to address the Ordinance. He said they met with the State and reviewed the Notice of Intent Ordinance that was passed. He said they went over it and found a couple differences from their template because the Town did not get the final version of the template. He said the changes included a duplication of the definition of the local labor board and the powers and duties pertaining to the way the Town and the unions dealt with each other, which was another duplication of language. He said they cleared it up and the State did preliminarily approve the Ordinance pending the Council's adoption of the Ordinance, and then it would be final. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Ordinance No. 1300: Labor Management Relations Ordinance to amend Ordinance No. 1297, relating to Collective Bargaining (Chapter 38, Article II) of the Town of Silver City Code of Ordinances, curing deficiencies and providing rights, responsibilities, and conditions of continued existence and transfer of authority upon termination of Local Board. Councilor Bettison seconded. The Mayor 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 passed.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2021-03: Supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund (for water system improvements for the Chloride Flats water storage tank renovations). Manager Brown said they were recently awarded a bid to renovate one of the tanks at the Chloride Flats facility through the Colonias Infrastructure Program. He said they had three tanks and the oldest tank was currently under renovation. He said they were going to apply to renovate the second oldest tank. He provided further details. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2021-03: Supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund (for water system improvements for the Chloride Flats water storage tank renovations). Councilor Cano seconded. The Mayor 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 passed.

B. Approval / Disapproval of Resolution No. 2021-04: Supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund (for Ridge Road, Phase III). Manager Brown said they were currently under construction for Phase I and II that would go to Bob White. He said this application would go from Bob White to Lance which is in the city limits. He said the county had acquired funding in the last grant cycle to do the design part of Ridge Road from Lance to the landfill and jail area. He said this application would hopefully get the Town's portion of the road finished. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2021-04: Supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund (for Ridge Road, Phase III). Councilor Cano seconded. Councilor Ray said there was a lot of traffic there and advised everybody to go slow with a lot of construction going on. He thanked Manager Brown. The Mayor 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 passed.

C. Approval / Disapproval of Executive Session pursuant to NMSA 1978 Section 10-15-1 (H) 7. subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Mayor Ladner asked for a motion. Councilor Bettison moved to approve of Executive Session pursuant to NMSA 1978 Section 10-15-1 (H) 7. subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Councilor Ray seconded. Mayor Ladner 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 passed. The Council returned to open session at 7:00 p.m. Mayor Ladner stated the Council was back in session and no matters other than those matters included in the motion to go into Executive Session were discussed. He asked for a roll call to affirm the statement. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye.

12. ADJOURNMENT – Mayor Ladner concluded the meeting. Councilor Ray moved to adjourn at 7:01 p.m., and Councilor Aiman-Smith seconded. Mayor Ladner 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.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Ann L. Mackie, Town Clerk