

**TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
May 23, 2023, 6:00 p.m.**

Members Present:

Ken Ladner, Mayor
Rudy Bencomo, Councilor District 1
Nicholas Prince, Councilor District 2
Jose A. Ray, Jr., Councilor District 3
Guadalupe Cano, Councilor District 4

Others present:

Alex Brown, Town Manager
James Marshall, Assistant Town Manager
Jim Reynolds, Town Attorney
Tina Sublasky, Personnel Director
Freddie Portillo, Chief of Police
Vickie Toney, Code Enforcement
Animal Control Officer
Ben Beltron, Executive Director, CATS
Juno Ogle, Silver City Daily Press
Lynn Janes, Grant County Beat

1. CALL TO ORDER - Mayor Ladner called meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE AND SALUTE TO NEW MEXICO STATE FLAG - Mayor Ladner invited the public to recite the Pledge of Allegiance and Salute to the New Mexico State Flag.

Mayor Ladner welcomed the City Administration, Law Enforcement and members of the Press and community.

2. CHANGES TO AGENDA – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Bencomo stated he attended National Day of Prayer at Gough Park which was very well attended. He also attended the Town Hall Meeting pertaining to the Homelessness and the Toss No Mas Trash pickup, where he helped pickup two (2) bags of trash near the Big Ditch. While collecting trash Mr. Bencomo encountered a homeless camp. Councilor Bencomo thanked Code Enforcement for having a vehicle removed from a sidewalk. He also received a complaint for an issue on the corner of 23rd and Juniper Street. There are a couple of houses that need to be addressed about weeds and brush, there are residents complaining. Councilor Bencomo stated he has been meeting with Dr. Richard Rodriguez in regards to the Memory Lane Cemetery, he has also met with Alex Brown and Peter Peña. Councilor Bencomo asked Chief Portillo about an article in the paper referring to a study being done by the Department of Transportation, if there were any results of the study. Chief Portillo stated there has been some concerns on Silver Heights and Hudson. The Town requested a traffic study and was done by the Department of Transportation and Lee Engineering along with Assistant Town Manager James Marshall started on Monday April 24th with a virtual meeting and went out on the field on the 25th consisting of different times throughout the day. Groups were created and went to different areas from Silver Heights and 14th, Hudson and 14th, up to Silver Heights and Hudson and Silver Heights to Swan. The whole corridor study was completed. They looked at traffic volume, pedestrian traffic,

bicyclists, how the lights changed and sidewalks. All will be taken into consideration along with crash data when completing the report. Chief Portillo was not sure when the report was to be complete. Alex Brown stated the report will be done in August. Mr. Brown informed if there are any problem areas in the community a safety study can be requested through the Department of Transportation and the study shows there are problems that need to be addressed, that project will be a higher priority on their construction process. An example of a study was the construction from Ranch Club to 32nd St. and from McDonald's to 32nd were both done with a safety study. Just recently another safety study was requested at Highway 90 and Ridge Road and Cooper St. where the recent accident occurred. The Town has previously asked twice for a stop light. Councilor Bencomo thanked Town Clerk Alfred Sedillo for his help getting him up to speed on issues and providing him with a laptop and cell phone.

Councilor Cano attended a few events in the community consisting of Armed Forces Day celebration at Bataan Park, events at Gough Park put on by the Library, the museum has put on a community conversation on different topics on Silver City history, the Silver City Mainstreet has a program called Bad Ass Entrepreneurs where business owners talk about their stories on their businesses. Councilor Cano spoke about the Town Hall meeting on Homelessness that was very well attended. There was a lot of information from concerns and suggestions from residents. A homeless task force is being started and headed up by Patricia Cano and if anyone is interested in participating can call Ms. Cano at 575-590-3016 or by email at gccitizenstaskforce@gmail.com and she will provide information. Councilor Cano thanked County Commission Chairman Chris Ponce and County Treasurer – School Board Member Patrick Cohn who were her co-hosts for that evening as well as the Town Council, Commissioner Billings and Commissioner Browne, Superintendent Hawkins from Silver Schools, Chief Deputy DA, Timothy Aldrich who represented Michael Renteria who had a prior commitment, Assistant Town Manager James Marshall, Sharla Lefkowitz-Oberg Executive Director of Silver City MainStreet, Code Enforcement officers Juare and Toney, Romeo Cruz and his staff for preparing the room for the meeting and Patricia Cano for taking notes and distributing them to the elected officials that were present. Councilor Cano stated she heard complaints that the Town of Silver City and Grant County did not care and were not putting any effort concerning the issue. Councilor Cano stated it was absolutely false. Commissioner Ponce and Town Manager Alex Brown have been working very hard searching for solutions.

Councilor Ray reminded everyone school was letting out that week. Also, the Blues Festival coming up on Saturday and encouraged everyone to attend. Councilor Ray echoed Councilor Bencomo's comments about the Code Enforcement officers, they are doing a very good job. Councilor Ray was asked to tell Mr. Brown thank you for having work done at Scott Park for the handicap parking, they were very happy with the work and hope more work can be done. Councilor Ray advised there is going to be a revision on an Ordinance relating to side-by-side vehicles removing the wording stating DOT tires are required for street use, there is no state law that requires the use of DOT tires on the units. Chief Portillo stated he was okay with the revision. Councilor Ray also asked Chief Portillo if he thought if it would okay if he spoke to the Department of Transportation in Santa Fe in regards to using Highway 15 from 32nd Street all the way to Pinos Altos. Chief Portillo stated it would be a great idea, because that is where everyone goes to use their side-by-sides. Alex Brown stated a joint application was done with the County when the law came into effect and they were turned down because of the speeds, but it is worth trying again. Councilor Ray attended the Monday Meeting with the Mayor and found it very interesting especially the subject of Homelessness. He has spoken to some businesses and they are upset that they are having to place cameras at their place of business, something has to be done. He advised them it is in the works, but to have patience. Councilor Ray spoke about the

high prices of gas in Silver City. He was in Deming and Las Cruces where the gas was seventy-five (75) cents cheaper. People want us to buy locally, if they want us to support them, they need to help us.

Councilor Prince welcomed Councilor Bencomo and thanked him for stepping up to public service and looking forward serving with him. Councilor Prince spoke about the Public Meeting on Homelessness and thanked the Council for their attendance. Their authority and trust were very much appreciated and hopes there will be a solution to the homelessness at our local level. Councilor Prince also spoke on the national level of homelessness and mental health and he hopes something can be done for those that need help. Councilor Prince stated at the last School Board meeting it looks like the armed school guards are going to be inevitably. He finds it deeply concerning for a number of reasons, one being there is no evidence showing it will make our schools safer and on the contrary, it will be creating a bigger target of the schools. Suicide by law enforcement is the thing in today's society and he hopes to limit it if possible. Councilor Prince also would like to have a safety study at the intersection of Alabama and Highway 180, there has been a number of fatalities and hope something can be done to prevent anymore.

Mayor Ladner thanked Councilor-Mayor Pro Tem Cano, Patricia Cano and all the City and County Elected officials who participated in the Town Hall meeting. Mayor Ladner also thanked Councilor Bencomo for helping pick up trash and has already been receiving calls from community members voicing concern on the issue. He has personally met with them to review the issue to see how it can be resolved. Mayor Ladner stated Councilor Ray has been very involved in the community by contacting the U S Forest Service to see if they had any extra picnic tables to place at Noble Park on Market Street. They were able to supply him with two (2) old tables that the staff from Parks and Rec refurbished and were placed at Noble Park. Mayor Ladner also recognized Allyson Siwik and Candice Baca directors for the Pick It Up Toss No Mas program, they have really transformed the program. In the last two (2) years, about five hundred (500) volunteers have picked up fourteen thousand (14,000) pounds of litter which amounts to seven (7) tons of litter no longer in our community which shows community pride.

6. APPROVAL OF MINUTES – May 9, 2023, Regular Meeting. Councilor Ray moved to approve the May 9, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded the motion as stated. Motion carried unanimously.

7. PUBLIC INPUT – Patricia Cano stated she has a great deal of experience with job descriptions and serving on search committees. She has heard at the Work Session from Councilor Prince maybe using Zoom, she advised not to utilized Zoom as part of communication between the committee that will be selected to create the job description, because they may not be as forth coming with their comments. Ms. Cano hopes that there will be a chairperson selected when a committee is created so that someone can organize the thoughts and concerns of the residents.

Frank DeAngelis stated he lives at the corner of Corbin and Broadway where at around 5:00 pm while him and his girlfriend were on a hike for a couple of hours, a truck with possible drug induced people with a large dog in a pickup truck broke into his home and proceeded to set up their own living quarters. Mr. DeAngelis's girlfriend went by to check on the cats and encounter them at the home where they continued to scream at her advising her it was their home, so she called 911 and they fled leaving a mess at the house. Mr. DeAngelis thanked Corporal Perez and Detective Efran Canas and another officer for being very prompt, professional and caring. Mr. DeAngelis stated the neighborhood was shocked and

they are taking extra security measures and looking after each other and he would like to help his neighborhood safe and hospitable to all people including the homeless.

8. REPORTS:

A. Michael Renteria from the 6th Judicial District Attorney's Office Michael Renteria reviewed several House and Senate criminal bills that pertained to our community from the 2023 Legislative Session. Mr. Renteria apologized for not being able to attend the Homelessness Town Hall meeting, but felt that his office was very well represented by Chief Deputy DA, Timothy Aldrich. Mr. Renteria advised Councilor Cano he would be available for anything she needed; it is a very high priority for him, he pledges his full support. Mr. Renteria stated he knows our State Senators and Representative from Grant and Luna Counties and has a strong working relationship with them. He attended close to sixty (60) committee hearings and was able to voice when given the opportunity either support or against the bill and explain why and he hopes to be very affected for the community and district he represents, Grant, Luna and Hidalgo. Mr. Renteria continued reviewing several bills from the 2023 Legislative Session and spoke on bills that he will help pass at the next Legislative Session.

Mayor Ladner asked if there were any questions or comments?

Councilor Cano asked Mr. Renteria about House Bill Sixty-Four (64) if a person is already in prison for murder, are they able to have a parole hearing? Mr. Renteria asked if she meant if it would be retroactive? He was not sure if it was stated in the bill, but he would look into it and get back with her with the right answer. Another question Councilor Cano had was if the cameras that the down town business are placing if they are useful in court or are they a waste of money? Mr. Renteria stated they are very useful in court. The second part of the questions was if the home cameras of private citizens if they are useful as well. Mr. Renteria stated he could not tell how many times they have been used to convict someone it speaks louder than words.

Councilor Ray thanked Mr. Renteria for his presentation and asked him to return to reaffirm that he is trying to do his best.

Councilor Bencomo had a question on House Bill One Fifty-Seven (157) Cannabis Products Packaging and Labeling Requirements Pertaining to Child Safety did not pass. Mr. Renteria thought for sure it was going to pass being a safety issue for children, it went down party lines and was voted six (6) against and two (2) for it depended on how the committees are loaded with Democrats or Republican, he thought it was not a party issue to just keep the children and grandchildren safe. Mr. Renteria stated they are going to present it again next year.

Councilor Prince appreciates all the efforts that are moving and the recognizing of substance abuse, he would like to see tougher penalties for dosage that are in all the illegal drugs that people are taking and not knowing. Also, Councilor Prince stated that municipalities are living or dying based on gross receipts and lodgers' taxes and hope he can rely on Mr. Renteria to help with other tax funding to help build the ceiling and floor for the people. Mr. Renteria stated he has grant writers on his staff that go after all the funding they possibly can and any reoccurring funds those are the funds they go after first.

9. PUBLIC HEARINGS: NONE

10. UNFINISHED BUSINESS: NONE

11. NEW BUSINESS:

A. Approval / Disapproval of Resolution 2023-09 Acceptance and Approval of the Fiscal Year 2022 Audit Mike Stone from Stone, McGee & Co., CPA's stated the audit got a unmodified opinion on the Financial Statements which is the highest of an opinion that can be given by an auditor. Also, there was an unmodified opinion on the compliance with federal funding also the highest opinion that can be given. There were no findings relating to internal control. The only finding was on him for getting it in late. The financial system is working, grants and record keeping of the grants are taken very good care of and the staff is well trained, well supervised and very good at their jobs.

Mayor Ladner asked if there were any questions from the Council.

Councilor Prince thanked Mr. Stone for the audit which was quite readable. Councilor Prince stated the approval of Mr. Stone's services for the next audit and hopes there will still be an open door as far as any questions or concerns to make sure financial stability and knowledge would not fall through the cracks.

Mr. Stone agreed and stated he is a local auditor and that there has already been planning for succession by hiring someone to replace someone that will be transitioning out in a year and a half from now, they have time to train this person. Mr. Stone feels it is incredibly forward thinking having someone hired and trained that far out because governmental accounting is a very specialize area of accounting and Mr. Stone advised he is available at any time as he has in the past for any question or help as needed.

Councilor Cano stated as long as she has been on the Council, there has not been any findings on the audit and thanked Alex Brown and Anita Norero for their leadership.

Alex Brown introduced Dora Gonzales Assistant Finance Director and Amanda Teran Accounting Technician who both do a great job.

Mayor Ladner asked for a motion.

Councilor Ray moved to approve **Resolution 2023-09 Acceptance and Approval of the Fiscal Year 2022 Audit**. Councilor Cano seconded the motion as stated. Mayor Ladner asked for a roll call vote. Tina Sublasky did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. **Motion carried unanimously.**

B. 2023 Budget Review Alex Brown stated he did not have good number because of the insurance issue he did not feel comfortable giving numbers that will be changing when he gets the insurance amounts. As far as staffing it will stay the same, operations will also stay the same and personnel the only thing changed are the three (3) Union contracts where there were negotiated raises which are included in this budget. Since next week's preliminary budget is due it does not need to be approved by the Council, Mr. Brown will be submitting is last year's budget with updated revenue figures so the revenues can be moved once the insurance situation is done.

Mayor Ladner asked if there any questions.

Councilor Prince wanted to make sure the public is aware of the Public Liability will be changing and if there were any numbers yet for pricing? Mr. Brown stated it is a big number that he does not yet have to give.

C. Approval / Disapproval of Resolution 2023-10 A Resolution Adjusting Water Rates Alex Brown stated he is proposing a four (4) percent water sewer rate increase to cover inflation costs. Since over the last year where the monsoon season was very long so the water revenues were very low and there a lot of fixed costs and operational costs all went up. This year in March and April it was colder than usual so revenues were low. There is no cushion in water rates, so he is proposing a four (4) present rate increase across all in town and out of town rates and all water associations and not touching sewer and waste water. Also, the water sewer fund will be in the negative this year, but he will be utilizing the ARPA funding that was received last year to offset he revenue loss. Mr. Brown stated he should have brought up a rate increase last fiscal year, but since he had the ARPA funding, he chose to use those funds instead of a rate increase.

Mayor Ladner asked if there were any questions or comments.

Councilor Bencomo asked Mr. Brown since he pays roughly fifty-two dollars (52.00) on his utility bill what could he expect to pay? Mr. Brown stated it only apply to the water, not the sewer or garbage. Mr. Bencomo currently pays approximately twenty-five dollars (25.00) with the rate increase it will go up to approximately sixty cents (.60) a month with the average three thousand (3,000) gallons of water usage a month.

Councilor Prince asked historically when was the last time water rate were increased. Mr. Brown stated it had been six (6) years since the last rate increase.

Mayor Ladner asked for a motion.

Councilor Bencomo moved to approve **Resolution 2023-10 A Resolution Adjusting Water Rates.** Councilor Cano seconded the motion at stated. Mayor Ladner asked for a roll call vote. Tina Sublasky did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. **Motion carried unanimously.**

D. Approval / Disapproval of Resolution 2023-11 A Resolution Concerning Recycling Bins Alex Brown stated previously there was a single stream recycling program where you could place all the recycling materials in the green bin and it would be picked up for free. The program was discontinued in 2018 or 2019 because there is no market for recycling other than cardboard and metal. Because the sanitation fund was in solid financial shape it was decided to allow customers to keep the bin and trash could be placed in the bin and it would be picked up at no charge. During COVID there was an eighteen percent (18%) increase in the amount of trash that was being taken to the landfill that the Town has to pay for. Currently the amount has gone down to fourteen percent (14%) since 2018, but are still collecting more trash than before. Last year there was a rate increase because of the hauler. The rate increase is based on the consumer index which is rather high. This year he has been able to work out a deal for a four percent (4%) increase. Rather than doing a rate increase across the board Mr. Brown would like to pick up the green recycling containers at the last trash pickup at the last week of July. The public will be informed through newspaper, radio and social media. If someone needs to dump additional trash without going to the landfill, they would need to contact Universal Waste to make arrangements to get another blue container. Another reason for using the blue bins is if they get damaged the bin can be fixed or replaced for free, the green ones cannot. Mr. Brown stated there are about thirteen (13) to fifteen (15) hundred green containers used by residents.

Mayor Ladner asked if there were any questions or comments for Mr. Brown?

Councilor Prince stated the communication by newspaper, radio social media and postings at City Hall have not been affective. Councilor Price would like to see a one (1) page letter sent to the residents advising them of the issue. Mr. Brown stated every year a water quality report is sent out to all residents and a letter could be included with the report. It would be mailed to everyone that is on the water system.

Mayor Ladner asked for a motion?

Councilor Ray moved to approve **Resolution 2023-11 A Resolution Concerning Recycling Bins.** Councilor Bencomo seconded the motion. Mayor Ladner asked for a roll call vote. Tina Sablasky did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

E. Approval / Disapproval of Agreement for term extension of Master Operating Agreement (MOA) between Community Access Television of Silver City and the Town of Silver City. Alex Brown stated the agreement is to continue the service that Community Access Television (CATS) has been providing to the Town since 1997, they maintain the three (3) channels through Comcast and are reimbursed for their service based on the franchise fees that the Town receives which is around eighty percent (80%). This agreement will extend the agreement for another four (4) years.

Mayor Ladner asked if there were any questions or comments?

Councilor Prince stated he is extremely happy with CATS ability to update the broadcasting system and keeping the audio and video upgraded to four (4)K.

Mayor Ladner asked for a motion?

Councilor Cano moved to approve of **Agreement for term extension of Master Operating Agreement (MOA) between Community Access Television of Silver City and the Town of Silver City.** Councilor Prince seconded the motion as stated. Mayor Ladner asked for a roll call vote. Tina Sublasky did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

F. Mayor's Appointments to the Trails and Open Space Advisory Committee Mayor Ladner stated he had quite a few appointments to make to the Trails and Open Space Advisory Committee for several reasons from a committee members resignation to a committee member completing an unfilled term of a previous committee member. Mayor Ladner recommended reappointments for Harry Browne, Bob Schiowitz, Martha Egnal, Marsha Sue Lustig, Susannah Barsom. Mayor Ladner asked if there were any objections? Seeing none Mayor Ladner reappointed all five (5) to the Trails and Open Space Advisory Committee. Mayor Ladner also recommended Bruce McKinney to replace Jay Hemphill who did not reapply for another term. Mayor Ladner asked if there were any objections? Seeing none, Mayor Ladner appointed Bruce McKinney for a one (1) year term on the Trails and Opens Space Advisory Committee.

12. ADJOURNMENT - Mayor Ladner stated this concluded the items on the agenda. Mayor Ladner asked for a motion to adjourn. Councilor Prince moved to adjourn. Councilor Ray seconded the motion. Motion carried unanimously. Meeting adjourned at 7:25 p.m.

/s/
Ken Ladner, Mayor

Attest:

/s/
Alfred Sedillo, Town Clerk