

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
July 26, 2022, 6:00 p.m.

Members Present:

Ken Ladner, Mayor
Lucian Farmer, Councilor, District 1
Nicholas Prince, Councilor, District 2
Jose A. Ray, Jr., Councilor District 3
Guadalupe E. Cano, Councilor, District 4

Others present:

Alex C. Brown, Town Manager
Alfred Sedillo, Town Clerk
Freddie Portillo, Police Chief
Jim Reynolds, Town Attorney
James Marshall, Assistant Town Manager
Manny Jaure, Code Enforcement
Roger Lance, Grant County Beat
Ben Beltron, Executive Director, CATS
Jordan Archunde, Silver City Daily Press
Judy Cruz, Silver City Resident

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 the Salute to the New Mexico State Flag.

Mayor Ladner welcomed Police Chief Freddie Portillo, news media, guests who will be making presentations, staff and the members of the community. Mayor Ladner asked Alex Brown to introduce the new Code Enforcement Officer. Alex Brown introduced Thomas Hernandez as the new Code Enforcement Officer.

2. CHANGES TO AGENDA – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS:

Councilor Prince stated his continued appreciation and support to the City’s Code Enforcement officers. Also, he was happy to see many volunteers taking part in the clean up in the City Orchard on Eleventh (11th) Street with equipment supplied by Stream Dynamics. Councilor Prince volunteered himself to help rough-in a new sound system at the downtown Silco Theater made possible by the Thirty for Thirty Grant Program. The New Mexico Legislative Finance Coalition was hosted at Western New Mexico University, opening many new opportunities for collaboration and funding. Councilor Prince encouraged people to heed current expert recommendations advising effective N95; masks they are widely available and test kits are free. Indoor masking and masking at crowded events are still recommended when in close proximity. On Saturday August 6th, Councilor Prince encouraged everyone to attend the new Community Meet and Greet at the Silver City Museum Courtyard.

Councilor Farmer stated it was great to be home after a wonderful vacation. He wanted to thank Ben Beltron from CATSTV, he was able to watch the Council Meeting and Planning and Zoning Commission Meeting of June 15th on YouTube while on vacation. Councilor Farmer advised everyone the video is on the website for them to view.

Councilor Cano advised that school is getting ready to begin and asked that anyone driving in a school zone to please slow down with kids walking to school, some being new students. Councilor Cano stated since Mayor Ladner was unavailable last week, she spoke at the Legislative Finance Committee meeting, giving a general welcome and spoke on some issues in the community. Councilor Cano spoke on two (2) issues, Affordable Housing and the Homeless issue and advised the committee there is no State Agency that regulates homeless shelters and feels it is a severe problem not only here, but in other communities. She did get some feed back from some of the legislators and they are interested working on the issue. Councilor Cano stated herself and Commissioner Chris Ponce would be in touch with them.

Councilor Ray advised the public to attend the Knights of Columbus Car Show on Saturday July 30th at Gough Park. Councilor Ray stated there were some cyclists and a power chair riding the wrong way on a one-way street asking people to be very careful.

6. APPROVAL OF MINUTES – July 12, 2022 Regular Meeting. Councilor Ray moved to approve the July 12, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Farmer seconded. Motion carried.

7. PUBLIC INPUT – Judy Cruz a school Councilor and a native of Silver City spoke on her concerns of the SPIN shelter opening next to 6th Street Elementary School. Ms. Cruz advised she grew up in the neighborhood and her parents still live in the neighborhood. She remembered when a similar shelter opened back in the eighties (80's) the neighborhood was unsafe with people walking around at all hours of the night and also being a victim of a break-in herself, made it uneasy to sleep at night. Ms. Cruz feels the shelter is too close to 6th Street Elementary and one block from her parents, she hopes there would be a better placement for the shelter. As a Councilor she understands the need for mental health services and feels it is all about location and the safety of children and neighborhoods.

8. REPORTS – Staff Reports: Alex Brown advised Mayor Ladner in future the department heads will give a report on their departments every Council meeting and alternate each meeting to keep them updated. Mr. Brown advised he has been working with a contractor to recognize Airbnb's in the community that the new Councilors have been interested in knowing. The contractors monitor travel websites for all the Airbnb's in a location such as Silver City. They also provide services to help them comply to pay their lodgers taxes and an additional service to provide policies within the organizations. Once the contract is up and going, Mr. Brown will be asking Councilors Farmer and Prince to help move process forward.

A. Update Recreation Center – Last week Mr. Brown and Anita Norero (Finance Director) traveled to New York for a bond rating to borrow the four million dollars (4,000,000.). Mr. Brown stated there are a few ways of borrowing the money by going directly to a bank or going through the New Mexico Finance Authority that only look at your spread sheets not at what is going on in your community or a bond rating which allows you to tell your story about the community like Freeport McMoran is making a huge investment in our mines locally to make sure that they move from a tier four (4) to a tier three (3) mine to create more stability for the organization. Mr. Brown stated last time they went for a bond rating they scored an A+ which is very good and this time he is hoping for an AA- rating. Also, a steering committee meeting was held to look at the interior plans to see if it needed to be refined and to get cost estimates for construction to see if it needs to cut back. Once complete the report will be presented at the second meeting in August.

B. Update New City Hall – Mr. Brown stated nothing has been done.

C. Update Current and Proposed Swimming Pool – The RFP for the architectural services will be put out this week, hopefully it will be awarded at the first meeting in September.

D. Update Gough Park – Nothing has been done other than what Councilor Prince mentioned about the orchard clean up.

E. Update City Hall – Nothing has been done.

F. Update Scott Park Golf Course – Ten (10) of the thirty (30) carts have arrived and the parking lot is being paved.

G. Update on Little Walnut – Construction has started with water line replacements and upgraded and fire hydrants are being installed. The contractors are working with our Utilities crew.

H. Update on Regional Water Project – The Regional Water project has started meeting again and there has been a federal allocation of two hundred thousand (200,000.) to update that has already been done, since Hurley has already drilled some wells and installed transmission lines. Freeport McMoran has become involved in the process and hopes to make real progress in the next few years.

Mayor Ladner asked if anyone had any questions for Mr. Brown. Councilor Prince asked if Mr. Brown had the name of the contractor that was doing the reviewing of the Airbnb's listing and data collection. Mr. Brown advised Councilor Prince; he would get it for him the next day. Mr. Brown stated he met with Community Development and then Councilor Lynda Aiman-Smith who were working on recognizing the Airbnb's in the community. The count at that time was sixty-four (64) or sixty-five (65). After meeting with the current contractor, they took a snap shot of what was here and there are one hundred and eleven (111).

9. PUBLIC HEARINGS – A hearing conducted by the Town Council pursuant to the Town's Nuisance Ordinance, Section 32-3 (b) (1) through (4), for determination of the existence of a nuisance and other issues concerning the alleged nuisance located at 209 Mountain View Road, Silver City. The Respondent is Jonathan D. S. Torrasi. Jonathan D. S. Torrasi stated he needed a continuance due to his vehicle has broken down and he needs time to receive the parts to repair his vehicle. Mr. Torrasi asked for a continuance until the 7th of September or the 11th of October. Mayor Ladner stated if there is a motion for the continuance it will be for a date for the Public Hearing where the Council will determine a reasonable deadline that the property will be cleaned up and where Mr. Torrasi will be present. Mayor Ladner asked for a motion. Councilor Ray motioned for a continuance of the Public Hearing until August 9, 2022. Councilor Farmer seconded the motion. Mayor Ladner asked if there was any discussion. Councilor Cano stated Mr. Torrasi had asked for a continuance until October 11th. Councilor Cano opposed the request, which is three months away. Mr. Torrasi advised he was advised by the company where he ordered the parts the order was incorrect and had to reorder the parts which prolonged it another week. Councilor Prince advised Mr. Torrasi the primary concern when the first citation was issued on April 12th. The need for abatement on the property must move forward to clear the property and suggest for Mr. Torrasi to find a way to get a ride to be able to make it for the August 9th meeting. Mayor Ladner advised Mr. Torrasi he must be present at the next Council meeting on August the 9th or they would have to proceed without him. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. motioned carried.

10. UNFINISHED BUSINESS:

A. Approval / Disapproval of ORDINANCE NO. 1313 AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (ELECTIONS), DIVISION 2 (DISTRICTS), SECTION 2-50 (DISTRICTS CREATED), SUBSECTIONS (a) AND (b) (1) THROUGH (4) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO. Mr. Reynold advise the redistricting Ordinance had been presented several times, the Notice of Intent was voted on and approved with the least changed. Mayor Ladner asked for a motion. Councilor Farmer moved to approve ORDINANCE NO. 1313 AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (ELECTIONS), DIVISION 2 (DISTRICTS), SECTION 2-50 (DISTRICTS CREATED), SUBSECTIONS (a) AND (b) (1) THROUGH (4) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO. Councilor Cano seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. motioned carried.

11. NEW BUSINESS:

A. Approval / Disapproval of RESOLUTION NO. 2022-12 A RESOLUTION AMENDING THE APPROVED AND ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2021 THROUGH JUNE 30, 2022 AND FOR MUNICIPAL PURPOSE IN THE TOWN OF SILVER CITY, NEW MEXICO, TRANSFERRING AND APPROPRIATING FUNDS THEREOF. Alex Brown stated a budget adjustment is being presented for the end of the year showing new grants that were received and the city had taken over the Golf Course where nothing had been budgeted. The sanitation fund had to be subsidized due to the rates were not sufficient to cover the cost. Mayor Ladner asked for a motion. Councilor Cano moved to approve **RESOLUTION NO. 2022-12 A RESOLUTION AMENDING THE APPROVED AND ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2021 THROUGH JUNE 30, 2022 AND FOR MUNICIPAL PURPOSE IN THE TOWN OF SILVER CITY, NEW MEXICO, TRANSFERRING AND APPROPRIATING FUNDS THEREOF.** Councilor Prince seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. motioned carried.

B. Approval / Disapproval of RESOLUTION NO. 2022-13 FINAL QUARTER FINANCIAL REPORT YEAR ENDING JUNE 30, 2022 Alex Brown stated this was the final quarterly report that will submitted to the Department of Finance Authority (DFA) which encompasses all the activity for the last fiscal year. Mayor Ladner asked for a motion. Councilor Cano moved to approve **RESOLUTION NO. 2022-13 FINAL QUARTER FINANCIAL REPORT YEAR ENDING JUNE 30, 2022.** Councilor Ray seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. motioned carried.

C. Approval / Disapproval of RESOLUTION NO. 2022-14 APPROVAL AND ADOPTION OF THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 THROUGH JUNE 30, 2023. Alex Brown stated this was the final adoption of the preliminary budget that was presented with the addition of the settlement, gross receipt tax, the colonias grant that was recently awarded and the seven (7) percent rate increase in the sanitation fund. Councilor Cano thanked Mr. Brown and Ms. Norero for their hard work on the budget all year long. Mayor Ladner asked for a motion. Councilor Ray moved to approve **RESOLUTION NO. 2022-14 APPROVAL AND ADOPTION OF THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 THROUGH JUNE.** Councilor Farmer seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. motioned carried.

D. Approval / Disapproval of RESOLUTION NO. 2022-15 RESOLUTION OF THE TOWN OF SILVER CITY RATIFYING A CERTAIN AGREEMENT BETWEEN THE TOWN OF SILVER CITY AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JULY 26, 2022 AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF THE TOWN OF SILVER CITY. Alex Brown advised this was the agreement that is approved every year to participate with the Council of Governments. Mr. Brown stated the Council of Governments provide substantial amount of support through grant funding and access to state agencies. The dues are about ten thousand dollars a year (10,000.) where if we had to pay for competitive process, we would be paying hundreds of thousands of dollars that we get from the Council of Governments. The agreement designates Mr. Brown as the representative with no alternate. Mr. Brown stated he has been the Vice Chair for the Council for the last seven (7) to eight (8) years. Mayor Ladner asked for a motion. Councilor Prince motioned to approve **RESOLUTION NO. 2022-15 RESOLUTION OF THE TOWN OF SILVER CITY RATIFYING A CERTAIN AGREEMENT BETWEEN THE TOWN OF SILVER CITY AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JULY 26, 2022 AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF THE TOWN OF SILVER CITY.** Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. motioned carried.

E. Approval / Disapproval of the destruction of records for the following departments:

Finance and Library. Quantity: 106 boxes. Clerk Sedillo stated the records had met their retention period and were ready for destruction. Mayor Ladner asked for a motion. Councilor Farmer motioned to approve the destruction of records for the following departments: Finance and Library. Quantity: 106 boxes. Councilor Ray second the motion. Motion carried.

F. Approval / Disapproval of an Agreement between the Town of Silver City and the Fraternal Order of Police/Silver City Police Officers Association, July 1, 2022 to June 30, 2025.

Alex Brown stated there were scheduling conflicts before they were able to meet a couple of weeks ago. Mr. Brown advised there has to be the opportunity for anyone to withdraw from the union at a certain time each year. The Police union kept with the other three (3) unions which was from December 1st through December 10th. As far as wages, they have agreed on one dollar and twenty-five cents (1.25) increase this year. Next year they have agreed on a two-dollar (2.00) increase and the following year another two-dollar (2.00) increase. Every year they will also receive a one-time payment of one-thousand dollars (1,000.). Mr. Brown also advised a Labor Management Board has been added as the Fire department has done. The committee will be made up of management and union to keep communication on a regular basis. The contract is for three (3) years. Councilor Cano stated she had issues with the contract, basically the bonus part because the Fire and AFSME Union did not receive the same. Councilor Ray echoed Councilor Cano's comments, but stated the Council should go along with the contract because it was what the union wanted and agreed too. Alex Brown explained the negotiations for all three (3) unions. Mayor Ladner asked Mr. Brown if he would create an easy-to-read document explaining the negotiations for the next Council meeting. Councilor Cano asked if the Fire Department asked for the one thousand dollar (1,000) at the next negotiations if it would be considered. Alex Brown answered yes. Councilor Prince had comments on some items in the contract. Mr. Brown advised Councilor Prince the items were all a part of the negotiations. Councilor Farmer asked if union members were allowed to attend the meeting. Mr. Brown advised it was an open meeting and anyone could attend. Mayor Ladner asked for a motion. Councilor Ray motioned to approve an Agreement between the Town of Silver City and the Fraternal Order of Police/Silver City Police Officers Association, July 1, 2022 to June 30, 2025. Councilor Farmer seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. motioned carried.

G. Appointment of the Town's Labor Management Relation Board.

Alex Brown stated per state law the Town has to approve a Labor Management Relation Board that reviews any conflicts and interpretation of the Union agreements whether it be AFSME, Police or Fire. According to the Ordinance that the Town previously adopted requires the town appoint one (1) person, the Unions appoint one (1) person and the two (2) people that have been appointed by the Town and Union appoint a third (3rd) representative. The Unions representative is Terry Fortenberry past State President for the FOP and was Mayor for the Town of Silver City. Mr. Brown recommended the appointment of Tony Garcia, the former assistant Fire Chief and former Union President. Both appointees chose AJ Tow a businessman in the community. Both of the appointments by the city and the Unions have management and union experience. Mayor Ladner asked for a motion. Councilor Ray moved to approve appointment of the Town's Labor Management Relation Board. Labor recommendation: Terry Fortenberry, City Manager's recommendation: Tony Garcia and Fist Two (2) Appointees' Recommendation: AJ Tow. Councilor Farmer seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted nay; Councilor Ray voted aye; and Councilor Cano voted nay. Mayor Ladner stated Councilor Farmer and Councilor Ray voted in the affirmative, Councilor Cano and Councilor Prince voted as a no, it was a tie and Mayor Ladner would break the tie voting yes. motioned carried.

12. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 6:54 p.m.

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk