

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING**

Grant County Administration Center, 1400 Hwy 180, Silver City, NM

August 11, 2009 – 7:00 P.M.

Present: James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Thomas A. Nupp, District 2
Simon Wheaton-Smith, District 3
Steve May, District 4

Also Present: Alex C. Brown, Town Manager-Finance Director
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Ed Reynolds, Police Chief
Robert Esqueda, Utilities Director
Peter Russell, Community Development Director

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 7:03 p.m.
- 2. CEREMONIES** – Raquel de los Santos and Diana Temple of the Silver City Little League presented pins and certificates to employees of the Parks Division: Jonathan Baca, Charles Melendrez, Francisco Chavez, Roman Madrid, Genaro Pedraza, Chris Marrufo, and Justin Reese.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – None.
- 5. COUNCIL COMMENTS** – The Council commented on the following: recently attended events; the H1N1 swine flu virus; handicap parking violations; request for an update on the landfill; status on the reconstruction of Penny Park; status on the suspect from the skatepark incident and the Penny Park incident; recycling; and funding issues for EMS services throughout the State.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting – July 28, 2009:** Councilor Wheaton-Smith made a motion to approve the minutes with one correction noted by the Town Clerk. Councilor Bettison seconded the motion. All were in favor, motion passed. **Special Meeting – August 3, 2009:** Councilor Bettison made a motion to approve the minutes, Councilor Wheaton-Smith seconded. All were in favor, motion passed.
- 8. REPORTS – A. Fire Marshal Lambert reported on the adoption of the International Fire Code, 2009 Edition.** Fire Marshal Lambert reported that the Town’s current ordinance provided for the adoption of any revisions or additions to the International Fire Code, and the Town had been enforcing the 2006 Edition, but the 2009 Edition had been released. He stated there were two very large points of notice in the 2009 Edition, and the one that was stirring the most comment was related to crowd managers when there was a crowd of over 1000 people. He said it was already a practice in the Town so there was no impact. He stated the other significant change that had created a lot of debate was the residential sprinkler systems mandated for all new construction of single and multi-family dwellings. He commented that a high end residential sprinkler would run \$1.80 - \$1.90 per square foot, but it would reduce the home owner’s insurance by 15% on average. He said it was strictly for new construction and would not affect existing homes or remodels. There was further discussion about the type of large trash cans that could be used inside buildings; portable outdoor fireplaces; floor wall base trims; automatic sprinklers; and notice to contractors. Fire Marshal Lambert stated there would be a 90 day grace period before enforcement of the 2009 Edition would begin.

Manager Brown reported on the construction of new cells at the landfill; the status of the reconstruction of Penny Park and the options that were possible; and the markets for recycling. Police Chief Reynolds reported on his meeting with the downtown merchants; low turnout for National Night Out; and how vandalism and criminal damage incidents had increased in the northeast part of town.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of Resolution No. 2009-21: Ratifying a certain Agreement between the Town and Southwest New Mexico Council of Governments for Fiscal Year 2009-2010. Manager Brown presented the details. Councilor Bettison made a motion to approve Resolution No. 2009-21, Councilor Nupp seconded the motion. There was no further discussion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

B. Approval / Disapproval of Resolution No. 2009-22: Extending the Silver City Veterans Park Advisory Committee (formerly known as the Veterans Memorial Citizens Advisory Committee). Mayor Marshall stated the Resolution would extend the Committee, change the name of the Committee to remove the word “Memorial”, and name the park (Silver City Veterans Park). Councilor May made a motion to approve Resolution No. 2009-22. Councilor Wheaton-Smith seconded the motion. There was no further discussion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Bettison – aye. Motion passed.

C. Approval / Disapproval of Resolution No. 2009-23: Supporting Silver City MainStreet Project in Applying for New Mexico MainStreet Appropriation Fiscal Year 2010 Funds for Big Ditch Park III Improvements. Frank Milan, Project Manager of Silver City MainStreet Project, requested the Resolution of support for the grant application of \$150,000 for design and planning funds for Big Ditch Park III improvements. He provided further details and stated they did not expect any costs to the Town. Councilor Wheaton-Smith made a motion to approve Resolution No. 2009-23. Councilor May seconded the motion. Mayor Marshall thanked Mr. Milan for moving on it. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Bettison – aye. Motion passed.

D. Approval / Disapproval of Resolution No. 2009-24: Endorsing a Cultural Plan Developed for the Silver City Arts and Culture District. Faye McCalmont, on behalf of the Silver City Arts and Culture District, commented that Silver City was one of two cities that had been designated as an Arts and Culture District in the State of New Mexico. She described the work of the committee and the development of a Cultural Plan that was required by the State. She stated the Arts and Culture District was an actual place with boundaries, but the Cultural Plan would extend to the broader Grant County area. Councilor Bettison commented that the Cultural Plan was very comprehensive and would be a great benefit to the Town and to Grant County. Mayor Marshall commented on the business survey and requested the data related to local government. Linda Kay Jones, committee member, responded by stating the information would become available, but the names would remain confidential. Councilor Bettison made a motion to approve Resolution No. 2009-24. Councilor Nupp seconded the motion. There was no further discussion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

E. Approval / Disapproval of Bid 09/10-1: Gabby Hayes Replacement Well. Manager Brown reported that 5 bids were received, all of which were above the budgeted funds available, and it was staff’s recommendation to reject all bids. He stated the lowest bid received was \$874,581.06 plus gross receipts taxes, but the available funds amounted to \$450,000 which were received from a loan through New Mexico Finance Authority two years before. He stated the engineer’s estimate for the projects was \$479,652.31. He said it was staff’s recommendation to amend the project by scaling it back and to submit for additional stimulus funding with the help of the Southwest New Mexico Council of Governments. He said the project would be re-advertised. Robert Esqueda, Utilities Director, commented on the bidders and said 26 plan holders were interested in the project. Councilor May made a motion to reject all bids for Bid 09/10-1 and to leave it up to Town staff to put another plan into action. Councilor Wheaton-Smith seconded the motion as stated. There was further discussion about how the bids were two and three times the engineer’s estimate. Mr. Esqueda commented that the engineers were also surprised and had re-evaluated their estimate to \$830,000. He commented on how they would apply for additional funds through various

funding sources; how the project was advertised; and how the Gabby Hayes well was still pumping, but they were unable to lower the pump setting. Mayor Marshall asked for a vote. All were in favor, motion passed.

Councilor Wheaton-Smith made a motion to recess at 8:00 p.m. Councilor Bettison seconded the motion. Mayor Marshall asked for a vote. Councilor May and Councilor Nupp were not in favor, Councilor Wheaton-Smith and Councilor Bettison were in favor. Mayor Marshall broke the tie with a vote in the affirmative. Motion passed. Mayor Marshall called the meeting back to order at 8:10 p.m.

F. Approval / Disapproval of Bid 09/10-3: Woodward Well #2 Repairs. Manager Brown said it was staff's recommendation to award the bid to Farwest Pump, the only bidder, for \$15,255 plus gross receipts taxes. Mr. Esqueda stated it was for the annual maintenance on the well and he described the process. There was further discussion about the bid and how it included a cost of \$175 for one hour of work for the cleaning of the casing and well; how it could require more than one hour of work, based on the staff's assessment, but a change order could be issued up to 10% of the bid. Councilor Wheaton-Smith made a motion to award Bid 09/10-3 to Farwest Pump for \$15,255 which was \$16,360.99 including gross receipts taxes. Councilor May seconded the motion. There was further discussion about how the bid was written and how a change order could accommodate any changes with only a 10% maximum exposure to the Town.

G. Approval / Disapproval of Request for Proposal 09/10-1P: Downtown Master Plan. Manager Brown stated the Town received 7 proposals and it was staff's recommendation to go into negotiations with Community By Design. Peter Russell, Community Development Director, commented on the Request for Proposal process for the Downtown Master Plan and how it was required by the New Mexico MainStreet Program. There was no discussion. Councilor Wheaton-Smith made a motion to approve Request for Proposal 09/10-1P and to go into negotiations with Community By Design. Councilor Nupp seconded the motion. All were in favor, motion passed.

H. Approval / Disapproval of Letter of Support to the Community Preservation Partners for the Rehabilitation and Preservation of the Casa Linda Apartments at 100 East 17th Street, Silver City, New Mexico. Mayor Marshall advised that he had received a letter on that date from Mortgage Finance Authority (MFA) that stated Community Preservation Partners had filed an application and that they would assume that the Mayor supported the project if no comment was received within thirty days from the date of the letter. There was no representative in attendance from Community Preservation Partners or from the Casa Linda Apartments. The Council discussed the request for a letter of support and how the application had already been made without it; if the rent amounts were really affordable to senior citizens; how there had been minimal communication with the firm because they were out of town; concerns about their funding with MFA; how the housing was a valuable asset to the Town and that it was critical to maintain its' appearance and function; and apprehension for the Town to go out on a limb to support a private enterprise. Councilor Wheaton-Smith made a motion to table Agenda Item H for the letter of support. Councilor Bettison seconded the motion. There was further discussion about whether the item should be withdrawn from the agenda, tabled, or postponed. Attorney Scavron commented that there was not much risk because it was a U.S.D.A. project. Manager Brown suggested that Mike Eley, Town Planner, could research these types of projects in the future. Mayor Marshall stated they had thirty days to respond and if the item was postponed Mike Eley could research the project so they would have more information to possibly support it. The Mayor asked for a vote on the motion to table the item. Councilor Nupp and Councilor Wheaton-Smith voted in favor of the motion, Councilor Bettison and Councilor May voted against the motion. Mayor Marshall broke the tie by voting against the motion. Motion failed. Councilor May made a motion to postpone the item. Councilor Bettison seconded the motion. All were in favor, motion passed to postpone Item H.

12. ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 8:35 p.m. Councilor May seconded the motion. All were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk