

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
November 12, 2013, 6:00 p.m.**

Present:

James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Pauline N. Hassler-Cook, District 2
Jose A. Ray, Jr., District 3
Michael S. Morones, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Denise Smith, Office of Sustainability

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:01 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – Faye McCalmont, Executive Director of the Mimbres Region Arts Council, said the Arts and Cultural District was working with the Silver City MainStreet Project on a group called the Downtown Safety and Security Task Force that included the merchants downtown and neighboring residents of the downtown area. She said they were meeting to address some difficulties with panhandlers, vagrants, etc., and she commended Police Chief Reynolds for attending every meeting or for sending a representative. She said he had been extremely responsive to requests from the merchants, had helped them put together some educational programs, and that he met with the co-chairman and herself before each of their meetings.
- 5. COUNCIL COMMENTS** – Mayor Marshall said it was that time of the year when they typically announced their candidacies for the upcoming municipal election. He said he would not be seeking re-election. He said he thoroughly appreciated the support and that it had been quite an honor, but he did not plan to file for re-election. Councilor Morones said he was coming up for re-election in District 4, and that he had been thinking about what he wanted to do. He said the more he considered the possibilities, and the idea that Mayor Marshall may someday decide not to run, that he had decided to throw his hat in the Mayor's race. He said he would greatly work towards and try to continue the openness, and the inclusive and non-partisan environment that the Mayor had established, and to do it in a way that they still had great fiscal responsibility, clean audits, and a tremendous amount of transparency that was not real characteristic across the state as a model for municipalities in the state. He discussed projects that he would work towards in the position of Mayor, and said that he looked forward to a good campaign against anybody that also wanted to participate in government. He encouraged others to try to run and to also run for the District 4 Councilor position because it would need a new voice and fresh ideas. Councilor Ray congratulated Mayor Marshall and Councilor Morones. He commented on a movie that was made at Boston Hill and said it was a good thing because money was spent in Silver City and the movie would benefit Silver City. He also discussed possible damage to the trails and how motorized emergency vehicles were at Boston Hill to provide protection during the making of the movie. Councilor Cook commented that she was unable to find the damaged area at Boston Hill, but the picture of the damage did not seem that bad. She congratulated Councilor Morones and told the Mayor to enjoy retirement. Councilor Bettison congratulated Mayor Marshall on his retirement and Councilor Morones on his announcement. She said she appreciated everybody's support and their requests that she run for Mayor in the event that Mayor Marshall would decide not to run. She said it was a very difficult decision to make, but after thinking it through she realized the position that she currently held on the Council was the best fit for her on the Council. She said she would rather be a legislator that actually voted, and that it fit her best in her service to the community and in service to the broader State of New Mexico as an elected member of the New Mexico Municipal League's Board. She said it was best that she stayed where she was and that she really enjoyed being a Councilor so she could speak her piece and do her voting.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – Regular Meeting on October 22, 2013 - Councilor Bettison moved to approve the minutes of the Regular Meeting of October 22, 2013. Councilor Ray seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of October 22, 2013. He asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all 4 Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.

8. REPORTS –

A. Visitor Center's 1st Quarter 2013 Report (and tourism interpretation) by Cissy McAndrew, Executive Director of the Southwest New Mexico Green Chamber of Commerce. Ms. McAndrew reported on the visitation by month since they took over in August 2011; how visitation was growing in spite of the fires and the shutdown; percentages on where visitors were coming from; how the lodgers tax monies were spent; how the Visitor Center was used by tourists and locals, and how local non-profits and community groups used their conference room for meetings; how they promoted local events and happenings; how they were written about in Money Magazine in October; how they were doing tours for the Western New Mexico University orientations and helping parents understand where their students were going to be, etc.; how they were working with bus tours, various conferences and events, the museums, etc.; how there was a lot of real estate interest downtown and that she felt the centerpiece would be the Silco Theater; how people were looking at the downtown areas as a place to live and work due to the new mixed-use zoning; how they were giving presentations to various groups; how they were fully staffed and had 7 part-time people plus 13 volunteers; and how it was a hub of activity at the Visitor Center. There were no questions from the Council.

B. Staff reports. None.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1225: Adopting a Municipal Infrastructure Gross Receipts Tax in the amount of one-eighth of one percent (.125%) for Public Safety purposes. Note: if approved a question to the voters would be placed on the ballot for the upcoming regular election to be held on March 4, 2014. Manager Brown said Ordinance No. 1225 was the second step in imposing the public safety tax that was imposed almost 10 years ago. He said they had presentations of exactly how the money was spent over the last 10 years and that they would continue to be used in that same fashion; how on the website they put a calendar of how the process would work; and how the next step would be to put a question on the election resolution and move forward. He said it was not a tax increase; all it would do is continue a tax that was imposed in 2004 so they could continue to use it for police and fire. He said it paid for the salaries of 3 police officers and 1 firefighter, and equipment for both departments. He said if it was approved by the electorate that it would have to be used for those same purposes of public safety, and that it would amount to 12-1/2 cents per \$100 spent, and if it was voted against then they would lose 3 police officers and 1 firefighter. He said that since the public would vote on the increment of gross receipts tax that it meant the Town Council at no time would be able to change the purposes for which the funds were used; that the only way would be to go back out to a vote so the voters could change it. He commented further on the other 6 increments of gross receipts tax. Mayor Marshall asked the audience if they had comments, and there were none. There was further discussion on how the funds would be solely dedicated to public safety, and that they had been using the funds for the salaries and benefits for the 3 police officers and the 1 firefighter, as well as the capital purchases for the Police and Fire Departments. Mayor Marshall said it was important to look at the big picture on the tax; that they were facing a time where the state had attacked their local autonomy to control revenues and in doing that they empowered municipalities to impose additional tax; that the state forced tax increases down to the local level; how the Town had to compensate at some point and the current municipal infrastructure tax had a sunset clause for transparency and accountability; how over the 10 years they had proven that they utilized the funding for the public health, safety, and welfare of the community, and how that was the primary objective and responsibility of the Town Council. He said to continue to put the tax at risk had a huge potential to harm the health, safety, and welfare of the Town. He commented on the Town's

Sustainability Plan 2030 that was also on the agenda, and how they would need more police and firefighters, etc. He said if the tax went away they could expect roads to not get repaired any time soon because that funding would have to go to pay for direct life, safety, and health issues that the tax would have funded. He said it was really critical, as they balanced the new funding sources and tried to figure out how to balance their budget going forward over the next several years, that they not jeopardize certain things, and that public safety was a critical burden that they had to maintain. He said that he prayed that the public would come out and strongly support the tax and support the community in doing so. He said he would entertain a motion. Councilor Morones moved to approve Ordinance No. 1225: Adopting a Municipal Infrastructure Gross Receipts Tax in the amount of one-eighth of one percent (.125%) for Public Safety purposes. Note: if approved a question to the voters would be placed on the ballot for the upcoming regular election to be held on March 4, 2014. Councilor Bettison seconded. There was further discussion. Mayor Marshall said there was a motion and a second to approve Ordinance No. 1225: Adopting a Municipal Infrastructure Gross Receipts Tax in the amount of one-eighth of one percent (.125%) for Public Safety purposes. Note: if approved a question to the voters would be placed on the ballot for the upcoming regular election to be held on March 4, 2014. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

11. NEW BUSINESS -

A. Approval / Disapproval of a Special Dispenser Permit Application for the Mimbres Region Arts Council's Black Tie Ball on December 14, 2013 from 6:00 pm to 12:00 am at Lawley Toyota, 2750 Hwy. 180 E., Silver City, NM. License Holder Information: Snappy Mart #4, Owner name: W & N Enterprises, Inc., 206 N. Hudson, Silver City, NM 88061. Faye McCalmont, Executive Director of the Mimbres Region Arts Council, requested approval of the Special Dispenser Permit Application for the Black Tie Benefit Ball, and she answered questions from the Council. Mayor Marshall said he would entertain a motion. Councilor Ray moved to approve the Special Dispenser Permit Application and he read the agenda item description. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second and asked if there was any discussion. There was none. He said there was a motion and a second to approve a Special Dispenser Permit Application for the Mimbres Region Arts Council's Black Tie Ball on December 14, 2013 from 6:00 pm to 12:00 am at Lawley Toyota, 2750 Hwy. 180 E., Silver City, NM. License Holder Information: Snappy Mart #4, Owner name: W & N Enterprises, Inc., 206 N. Hudson, Silver City, NM 88061. He asked all those in favor to say aye, and all 4 Councilors said aye. Motion carried.

B. Approval / Disapproval of Resolution No. 2013-36: adoption of Town of Silver City Sustainability Plan 2030 Policy Statements, Selected Efforts, and the Overall Plan in Principal. Denise Smith, Acting Director of the Office of Sustainability, said she was proud to present the Silver City Sustainability Plan 2030 and to request the adoption of Resolution No. 2013-36. She said the Plan was the result of a 7 month effort by the Task Force and it provided a set of recommendations for actions to reduce the Town's vulnerability to impacts from increasing heat, drought, larger and more intense wildfires, and increased stress on Emergency Services personnel and equipment. She acknowledged Nick Sussillo, the former Director of the Office of Sustainability, as the main force behind the Plan and said he would be on hand to answer questions. She discussed why they went through the exercise of developing a Plan, and commented on the anticipated impacts by 2050 and the results from climate changes. She acknowledged the members of the Task Force and other supporters that worked on the Plan, and said they identified elements of the Town's municipal operations within the community that could be vulnerable by providing categories, systems, and key planning areas. There were no questions from the Council. Mayor Marshall thanked Ms. Smith for incorporating their discussions in to the Plan. Nick Sussillo provided further details on the development of the Plan, and said there was a triple theme of Protect, Conserve, and Prepare that was contained in Exhibit B of the Resolution. He said the Office of Sustainability had a major focus on conservation with the Water Conservation Plan that was adopted, solar energy conservation, and recycling. He commented further on other items in the Plan. Mayor Marshall asked if there were comments from the audience, and Cissy McAndrew stated the Southwest New Mexico Green Chamber was in favor of the Plan and encouraged the Council to pass the Resolution. Mayor Marshall stated the Council received a letter of support from the Silver City Neighborhood Alliance. There was further discussion, and the Mayor recommended they strike Section B Policy under the Now, Therefore of the Resolution since it was redundant to the overall Policy book and to move Section C up to Section B. Councilor Bettison moved to approve Resolution No. 2013-36 and she read the agenda item description, and to strike Section B Policy and change Section C to Section B. Councilor Morones seconded. There was further discussion. Mayor Marshall said there was a motion and a second to approve Resolution No. 2013-36:

adoption of the Town of Silver City Sustainability Plan 2030 Policy Statements, Selected Efforts, and the Overall Plan in Principal as amended to delete in the Now, Therefore, Section B and move Section C to Section B. He asked for a roll call vote. Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

C. Approval / Disapproval of Resolution 2013-39 Amending Resolution 99-32 Regarding the Town Procurement Code, Public Works Contracts, and Accounts Payable process pursuant to the requirements of the Town Charter. Manager Brown said the state considered the Town to be Home Ruled because of the Town's Territorial Charter. He said the last major revision to the Procurement Code was done 14 years ago so they had quite a few updates to do. He presented the details for the changes to the Procurement Code for Resolution No. 2013-39 which included the following: 1) to increase the limit for going out to bid for tangible goods for construction from \$25,000 to \$60,000 like the state, 2) and to decrease the limit on small purchases on the purchasing card from \$2,000 to \$1,000. Mayor Marshall asked if there was discussion from the audience. Nancy Gordon said she had been working on the rehabilitation of the Old Waterworks Building and said she was in favor of the changes. Mayor Marshall thanked her for her work. There was further discussion from the Council. Mayor Marshall said he would entertain a motion. Councilor Morones moved to approve Resolution 2013-39 Amending Resolution 99-32 Regarding the Town Procurement Code, Public Works Contracts, and Accounts Payable process pursuant to the requirements of the Town Charter. Councilor Ray seconded. There was no further discussion. Mayor Marshall said there was a motion and a second to approve Resolution 2013-39 Amending Resolution 99-32 Regarding the Town Procurement Code, Public Works Contracts, and Accounts Payable process pursuant to the requirements of the Town Charter. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

D. Discussion and vote on whether to change or cancel the regular meeting scheduled for November 26, 2013. Clerk Mackie said there were no items on the agenda for November 26th. Mayor Marshall checked with other staff members, and there were no items pending. Mayor Marshall recommended that they cancel the meeting since there were no agenda items. Councilor Bettison moved to cancel the regular Town Council meeting scheduled for November 26, 2013, and said the next regular meeting was scheduled for December 10th. Councilor Morones seconded. There was no further discussion. Mayor Marshall asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none.

12. ADJOURNMENT – Mayor Marshall asked for a motion to adjourn. Councilor Cook moved to adjourn at 7:18 p.m., and Councilor Bettison seconded. Mayor Marshall stated there was a motion and a second to adjourn. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

James R. Marshall, Mayor

Attest:

Ann L. Mackie, Town Clerk