

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
April 8, 2014, 6:00 p.m.**

Present:

Michael Shawn Morones, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe "Lupe" Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Yolanda C. Holguin, Acting Town Clerk
Peter Pena, Public Works Director
Jaime Embick, Town Planner
Peter Russell, Community Development Director

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Morones called the meeting to order at 6:00 p.m.

2. CEREMONIES - None.

3. PROCLAMATIONS – Mayor Morones stated that he did not take proclamations lightly and that they were opportunities to set a tone and basic understanding with the community as to what were good and positive activities and what activities would not be tolerated.

"Child Abuse Prevention Month in Silver City" - April 2014 - Mayor Morones read the proclamation and presented it to Patti Hamilton of the New Mexico Children, Youth and Families Department. Ms. Hamilton thanked the Mayor and Council on behalf of the children of Silver City for the proclamation.

"Sexual Assault Awareness Month" – April 2014 - Mayor Morones read the proclamation and presented it to Catherine Olmstead, Executive Director of the Silver Regional Sexual Assault Support Services (SASS), and Advocacy and Crisis Coordinator, Stephanie Gonzales. They thanked the Council on behalf of SASS survivors and their families for recognizing the importance of the month and supporting and opening the communication with the community.

"Fair Housing Month" – April 2014 - Mayor Morones read the proclamation and presented it to Mike Eley, Town Planner. Mr. Eley commented that the Town, Community Development staff, and Habitat for Humanity Gila Region would continue to support equal and fair housing.

4. PUBLIC INPUT – Silvia Reuda with the Southwest Chicano Music Association informed the Council of three major events that they were working on: the Cinco de Mayo tardeada, the Silver City Chicano Music Festival, and the New Mexico Tamal Fiesta e Mas. She commented that they would be working with the Mix and the Southwest Green Chamber of Commerce on the events; on promoting, preserving and educating Chicano music; how the events would bring in well-known artists; and on the revenues and business that the events would bring into Silver City. She thanked the Council for their time and gave the Association's contact information. Terry Timme of the Town of Silver City's Office of Sustainability stated that the Earth Day event would be held at Gough Park on Saturday, April 19, 2014 from 10:00 a.m. to 2:00 p.m., and that the event would include food, music, a booth with information, and organizations that would be selling plants. He stated that there would be recycling collection at the parking lot at 12th and Pope Streets that would accept all normal recyclable items and electronics which was defined as any item that could be plugged in or battery operated. He said a certified company would safely destroy hard drive data; that cell phones and compact fluorescent light bulbs would also be accepted; and that the event was free and open to county residents. Manager Brown and Mr. Timme thanked Freeport McMoRan, PNM, the Food Co-Op, the Gila Conservation Education Center, the Guadalupe Montessori School, and Gila Resources Information Project for the sponsorship of the event.

5. COUNCIL COMMENTS – The Council commented on the following: the upcoming "Comcast Cares Day" to be held April 26, 2014 to help support the Mimbres Region Arts Council and to assist with the new youth mural at the

Silver City Recreation Center; an upcoming event by the Western Institute of Lifelong Learning and the Green Chamber about "Sense of Place and Tourism" on April 11, 2014 at the Global Resource Center; an invitation for senior residents to participate in the Senior Olympics; the parking situation downtown and walking downtown; and an upcoming event that would be held April 11-13, 2014 at the Global Resource Center to support and raise funds for the Sexual Assault Support Services (SASS).

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – Regular Meeting on March 25, 2014 - Councilor Bettison moved to approve the minutes of the Regular Meeting of March 25, 2014. Councilor Ray seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Regular Meeting of March 25, 2014. 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 – Public Works Department – Peter Pena, Public Works Director, provided a very detailed report on the Public Works Department's administrative office; the Cemetery Division; the City Shop Division; the Parks Division; the Pool Division; the Streets Division; the Sanitation Division; and the Recreation Center Division. He described the duties and responsibilities of the supervisors and employees; how they worked with other departments and the capacity in which they provided public services; their maintenance and repair responsibilities; how they submitted various grant applications for projects; and their accomplishments and future goals, etc. Manager Brown commented that the divisions were solely funded through the General Fund and the primary source of revenues for the General Fund was from Gross Receipt Taxes (GRT) and that the GRT for the current year had been at 4.8% during the low level of last year so they had to put a hold on filling positions in departments. He reported that the Sanitation Division was solely funded through the Landfill Collection on water bills and that the landfill fees paid for the recycling services that the Town contracted with the Southwest Solid Waste Authority. He commented on the Street Division's funding through the General Fund which covered personnel costs and that a temporary hiring freeze had been put in place due to the decreasing amount of GRT and because the Gas Tax for maintenance had been decreasing the last 14 years due to more efficient vehicles. He said the Town received 2 cents per gallon, not a percentage, therefore the funds for maintenance had been decreasing yearly. He commented that this year they would be paying off the 1995 GO Bonds that were issued for water projects and that they were paid with property taxes with a .6 mills that had been levied since 1995. He recommended diversifying revenue sources for the Street Division for additional street maintenance and to provide funding for equipment, and to plan and design for other projects so they could be shovel ready for future grants. He said they should not let the .6 mills go away but levy it under the operating mill levies so it would keep the property taxes as they were. He said with the hold harmless issue with GRT that they were focused on taking steps to move all of the dedicated GRT increments over to the General Fund; and that 1/8 percent was currently dedicated to the Water and Sewer Fund for subsidizing water rates. He recommended taking half of that percentage and dedicating it, along with the property and gas tax, into a street maintenance work fund so more funding sources would be available for what needed to be done to the streets. He said the 3 different sources of revenues would increase the street funds from \$170,000 to approximately \$500,000 with no property tax rate increase and that it would just be a re-adjustment of revenues. There was further discussion.

9. PUBLIC HEARINGS -

A. Approval / Disapproval of #SD 14-01: a request for a Preliminary Plat Approval to allow a new manufactured home park to be created at 2180 32nd Street By-Pass. The applicant is Duane Rigg of Rigg Properties, LLC, the property owner. Mayor Morones stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He asked if any member of the hearing board had ex-parte discussions with any person regarding the subject matter, or had any communication from any party to the case, and all 4 Councilors said no. He qualified all of them to be on the hearing board. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. Mayor Morones stated that anyone not sworn in would not be able to testify or participate in the hearing. The Acting Town Clerk swore in 6 witnesses. Mayor Morones read the procedures of how the hearing would be conducted. He gave the floor to Town staff. Jaime Embick, Town Planner, presented the details of the staff report and photographs of the property. She stated that it was a new manufactured home project and that the Planning and Zoning Commission heard the case in March. She showed a map

of the area provided by the engineer and the surrounding areas. She stated that a large amount of research went into the project, i.e. engineering reports of sewer, drainage and traffic studies; that the final plat would come before the Council for approval; and she emphasized the distinction of the manufactured home park definition and gave the details of the definition. She stated that the Riggs would remain the owners of the entire property and would rent the homes on the parcel and maintain them. She showed a map of the Riggs' area and the surrounding properties, and discussed Land Use Goal #1.2 in reference to managing growth and #7.4 in reference to site standard and appropriate location. She stated the property would create affordable housing; that the property was zoned properly; that a manufactured home park had to be approved in the same manner as a subdivision; and that it would be one owner of one parcel of land and that the homes would be rented. She stated the property did meet the standard of one acre (2.859 acres); that the Town would have control of moving permits and requirements for each home moved in; that surrounding property owners were in support of the project and addressed drainage concerns; and that the existing home would be a manager residence on site on the property. She stated that before making their final decision for approval of a subdivision, that the Planning and Zoning Commission and the Council shall consider the following factors and she read them for the record so the Council would not have to repeat them in their motion: 1) Whether the proposed subdivision furthers the goals and policies of the Town's Comprehensive Plan; and 2) Whether the proposed subdivision complies with the standards and design requirements of the Land Use Code; and 3) Whether the proposed subdivision provides a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed; and 4) Whether the proposed subdivision has made adequate provision for sewage disposal which complies with federal, state and local laws and regulations; and 5) Whether the proposed subdivision is compatible with the soil, topography, drainage, and other natural features and physical conditions of the site; and 6) Whether the proposed sub-divider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws and regulations. She stated that at the hearing on March 4, 2014 the Planning and Zoning Commission recommended approval based on the above criteria.

Mayor Morones asked if there were any questions from the hearing board. Councilor Aiman-Smith commented on the Town's Comprehensive Plan's goals about how they wanted the Town to look, feel, and develop in the future and she described them. She asked Town staff if they had any analysis or recommendation that addressed those goals with regard to the proposed neighborhood. Ms. Embick said there was a lighting and sewer plan; that it was an affordable, safe housing area; and that it was a neighborhood that was part of Silver City's character of having a variety of housing. She said the engineering reports and the thought that the Riggs put into it definitely met the goals of a neighborhood and she described how it met the criteria. Peter Russell, Community Development Director, addressed concerns about the walk-ability of the neighborhood; how the Comprehensive Plan established a vision and a series of goals to work towards, but they could not all happen at once; and how they had to incrementally address development regarding infrastructure. There was further discussion about the safety of the manufactured homes; how the Town's regulatory oversight was to ensure that the home had the HUD seal of a certain construction standard and that all manufactured housing since 1976 had the HUD seal, etc.; how the term "mobile home" was reserved for manufactured housing constructed before 1976; how the Town did not have a rental or maintenance function with inspectors so the condition of a home was strictly a contractual relationship between the tenant and the owner barring some issues around Fire Marshal consultation; how there was State oversight to ensure the mobile home was established securely and safely; how the application of the park did not address how it would improve the Town's economic development, but worker housing in town was really significant and important as an issue, especially for families with children that fell below the median income in an area; how the stock of inexpensive housing in Silver City was in really poor condition and that it was very expensive to improve that condition; how providing a diverse range of housing costs would serve the Town well; concerns about the quality and safety of manufactured homes and the suggestion that an ordinance could be done to regulate the manufactured housing or a rental inspection program could possibly be set up, but they were very expensive to run; how recommendations for the easement would be in the final plat; how each residential unit would pay the full fee for water and sewer hook ups; and how the lighting met the Town standard by having a light every 300 feet and at the intersection.

Mayor Morones asked Mr. Rigg to present his case. Pamela Weber of Weber Engineering said she would give a presentation on behalf of the Riggs. She displayed a map of the parcel and described the traffic study; utilities; easements; drainage; flood plain requirements; erosion during construction; the layout and size of the homes; parking spaces; open space and set back requirements; sidewalks, curbs and pavement; garbage pickup; landscaping; lot grade

requirements; and how the Riggs would own and maintain the homes. Ms. Weber and Mr. Rigg answered questions from the Council about lighting issues; parking issues so sidewalks would not be obstructed; criteria for tenants; how the homes would be nice with 3 bedrooms and 2 baths for families; and how there would be a site manager. Mayor Morones asked if there were any other witnesses in support of the applicant's case, and there were none. He asked Mr. Rigg if it concluded his case, and he said yes. Mayor Morones asked if there were any witnesses in opposition to the applicant's case, and there were none. He asked Mr. Rigg if there was anything else that he would like reflected in the record, and he said no. Ms. Weber commented that Mr. Rigg's investment in the project was very large, especially since the cost of paving, construction, streets, and concrete had gone up in the past few years, plus with the utility costs, permits, etc. She said it was to their benefit to make it nice in order to have a return; that there would be income generated, but it was a huge investment for the developer. The Mayor asked if the hearing board had any other questions for any of the witnesses. There were no questions for the witnesses, but there was discussion with Attorney Scavron about how the findings did not have to be read back into the record when the motion was made and that the easement issues and other items in their discussions did not have to be part of the motion. Attorney Scavron said the presentation was very transparent, that everybody did their job, and the hearing board should be comfortable with the presentation. The Mayor asked if the hearing board was prepared to consider the application and render its decision, and they said yes. Councilor Ray moved to approve #SD 14-01: a request for a Preliminary Plat Approval to allow a new manufactured home park to be created at 2180 32nd Street By-Pass. The applicant is Duane Rigg of Rigg Properties, LLC, the property owner and adopt the staff's findings. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second for approval of #SD 14-01: a request for a Preliminary Plat Approval to allow a new manufactured home park to be created at 2180 32nd Street By-Pass. The applicant is Duane Rigg of Rigg Properties, LLC, the property owner and adopting all findings by staff. He asked if there was any further discussion, and there was none. He asked for a roll call vote. Councilor Ray voted aye; Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; and Councilor Cano voted aye. Motion carried.

Councilor Bettison moved for short break at 8:01 p.m. Councilor Cano seconded. Mayor Morones said there was a motion and a second for a short break. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. Mayor Morones called the meeting back to order at 8:10 p.m

10. UNFINISHED BUSINESS – Approval / Disapproval of Ordinance No. 1227: an Ordinance permitting the donation and transfer of certain real property, commonly known as the “vacated portion of Chloride Street” to Western New Mexico University, all pursuant to Chapter 48, Section 48-24 of the Town of Silver City Municipal Code. Manager Brown stated that it was the second reading of the ordinance to transfer the vacated property on Chloride Street to Western New Mexico University (WNMU). He reported that it was a government to government transfer that required no payment from WNMU. He stated that there were two specific requirements, that if the purchase of property adjacent to it did not go through that the property would revert back to the Town, and that a master meter would be installed on the property. Discussion continued on the number and location of the current meters and where the master meter would be located. Councilor Aiman-Smith moved to approve Ordinance No. 1227: an Ordinance permitting the donation and transfer of certain real property, commonly known as the “vacated portion of Chloride Street” to Western New Mexico University, all pursuant to Chapter 48, Section 48-24 of the Town of Silver City Municipal Code. Councilor Bettison seconded the motion. Mayor Morones stated there was a motion and a second for the approval of Ordinance No. 1227: an Ordinance permitting the donation and transfer of certain real property, commonly known as the “vacated portion of Chloride Street” to Western New Mexico University, all pursuant to Chapter 48, Section 48-24 of the Town of Silver City Municipal Code. He asked if there was further discussion. Peter Russell, Community Development Director, reminded the Council of the reversion clause. Mayor Morones asked for a roll call vote. Councilor Aiman-Smith voted aye; Councilor Ray voted aye; Councilor Cano voted aye; and Councilor Bettison voted aye. Motion carried.

11. NEW BUSINESS –

A. Approval / Disapproval of Public Celebration Permit Applications for an event and bike run during the Blues Festival on Pope Street at College Avenue near Q’s Southern Bistro on May 23, 24, 25, 2014 from 12:00 noon to 11:00 pm. Sponsor: Jose A. Ray Jr., Liquor License Holder: Q’s Southern Bistro LLC, DBA Branding Iron Brewing Co., License #67025, 101 E. College Ave., Silver City, NM 88061. Councilor Ray stated he would recuse himself from any discussion or vote because he was sponsoring the event. Anthony Quintana provided details

and said they would be using their brewers license and would be serving their beer as well as other New Mexico micro-brewed beers for the Memorial Day weekend celebration. Councilor Bettison commented on her concerns for the other businesses on Pope Street if they were closing Pope Street at noon, and if they would begin serving at noon on May 23rd. Mr. Quintana stated that set-up would begin at noon on May 23rd; that no alcohol would be served on the street on the 23rd; that they would not be serving until 12:00 p.m. on Saturday, May 24th; and that the bike run registration would begin on May 23rd at 5:00 p.m. After further discussion, Mr. Quintana amended his request on the permit application to begin serving on May 23rd from 5:00 p.m. to 10:00 p.m., May 24th from 12:00 p.m. to 10:00 p.m., and on May 25th from 12:00 p.m. to 10:00 p.m. Councilor Bettison stated that she was pleased that the sidewalk by Life Quest would be opened for the public. Mr. Quintana thanked the Council for their support; addressed Councilor Cano's question on the legal age for a server at a restaurant and bar setting; and that they would be working and talking with the neighboring businesses about the event. Mayor Morones said he would entertain a motion. Councilor Cano moved to approve the Public Celebration Permit Application for an event and bike run during the Blues Festival on Pope Street at College Avenue near Q's Southern Bistro on May 23, 24, 25, 2014 as amended to begin from 5:00 p.m. to 11:00 p.m. on May 23rd, from 12:00 p.m. to 11:00 p.m. on May 24th and from 12:00 p.m. to 10:00 p.m. on May 25th Sponsor: Jose A. Ray Jr., Liquor License Holder: Q's Southern Bistro LLC, DBA Branding Iron Brewing Co., License #67025, 101 E. College Ave., Silver City, NM 88061. Councilor Bettison seconded the motion. Mayor Morones stated there was a motion and a second to approve the Public Celebration Permit Application for an event and bike run during the Blues Festival on Pope Street at College Avenue near Q's Southern Bistro on May 23, 24, 25, 2014 as amended from 5:00 p.m. to 11:00 p.m. on May 23rd, from 12:00 p.m. to 11:00 p.m. on May 24th and from 12:00 p.m. to 10:00 p.m. on May 25th Sponsor: Jose A. Ray Jr., Liquor License Holder: Q's Southern Bistro LLC, DBA Branding Iron Brewing Co., License #67025, 101 E. College Ave., Silver City, NM 88061. There was no further discussion. He asked all those in favor to say aye. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; and Councilor Cano voted aye. Councilor Ray had recused himself so he did not vote. Mayor Morones asked if any were opposed, and there were none. Motion carried.

B. Approval / Disapproval of Resolution No. 2014-17: a Resolution of the Town Council of Silver City, NM, authorizing the submission of a NM Community Development Block Grant Program Application to the Department of Finance and Administration / Local Government Division; and authorizing the Town Manager as the Town of Silver City's authorized representative to act in all matters pertaining to the Town of Silver City's participation in the Community Development Block Grant Program. Peter Pena, Public Works Director, stated the resolution would authorize the submission of an application to the CDBG Program for 2014-2015 funding; that four public meetings were held with little public response; that the project would continue the work in the Chihuahua Hill area; that the project area would include Senora Street, Gila Street, Arizona Street, and Chihuahua Street to include paving, ADA, sidewalks, curbs and gutters. Manager Brown recommended changing the authorized representative on the title and item #2 to the Mayor. He stated the application needed to be reviewed by the State under the merits and not other technicalities and that it should read as the template. Discussion continued on the matching funds for the project in next year's budget and that once the application was awarded the funds would be designated. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve Resolution No. 2014-17 and he read the agenda item description. Councilor Bettison, before she seconded the motion, stated that the reading should say "authorizing the Mayor" in the title and item #2. Councilor Ray amended his motion to read "authorizing the Mayor" in the title and item #2. Mayor Morones said there was a motion and a second for approval of Resolution No. 2014-17: a Resolution of the Town of Silver City, NM, authorizing the submission of a NM Community Development Block Grant Program Application to the Department of Finance and Administration / Local Government Division; and authorizing the Mayor as the Town of Silver City's authorized representative to act in all matters pertaining to the Town of Silver City's participation in the Community Development Block Grant Program amending item # 2 under the Now, Therefore to read, "The Town Council directs and designates the Mayor as the Town of Silver City's authorized representative to act in all matters in connection with this application and the Town of Silver City's participation in the NM Community Development Block Grant Program." He said also to amend the title to amend it to the Mayor. He asked if there was any discussion, and there was none. He asked for a roll call vote. Councilor Ray voted aye; Councilor Cano voted aye; Councilor Bettison voted aye; and Councilor Aiman-Smith voted aye. Motion carried.

C. Discussion and vote on whether to change the date of the Council meeting scheduled for April 22, 2014 to April 21, 2014. Councilor Bettison made a motion to change the date of the regular Town Council meeting scheduled for April 22, 2014 to April 21, 2014 in the same chambers at 6:00 p.m.. Councilor Cano seconded. Mayor Morones stated there was a motion and a second to change their regularly scheduled meeting for April 22, 2014 at 6:00 p.m. in the same chambers to April 21, 2014 to be in the same chambers at 6:00 p.m.. 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.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:42 p.m., and Councilor Aiman-Smith seconded. Mayor Morones 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.

Michael S. Morones, Mayor

Attest:

Yolanda C. Holguin, Acting Town Clerk