

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
May 10, 2016, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
James Marshall, Assistant Town Manager
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney

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

2. CEREMONIES – None.

3. PROCLAMATIONS – "Give Grandly! Give Local Day" - May 14, 2016. Mayor Ladner read the proclamation and presented it to Carol Fugagi and Susie Trujillo from the Grant County Community Foundation. Ms. Trujillo and Ms. Fugagi expressed their thanks to the Council and stated it was their third year to participate in the nationwide event that focused on donations to local nonprofits during a 24 hour period. They provided further details about the local event that would be held on May 14th.

4. PUBLIC INPUT – Angie Curran, Municipal Court clerk, expressed her concerns about the possibility of not having a job as of July 1st because of budget cuts for the Municipal Court. She said she was an exceptional and competent employee, and that she hoped Manager Brown would keep his word about repositioning the Municipal Court clerks. Hueteotl Lopez said the Town Council and the previous Mayor had a movement toward corporate management in the community and imposed services on the community without discussion or research. He said he hoped they would consider any decisions by putting the interest of the community first, etc. Cissy McAndrew commented on how they promoted the town as small town America, and she expressed her concern about the speeding issues downtown as follows: how the posted speed limit of 15 miles per hour was not being enforced so it was more dangerous for pedestrians; how the crosswalks were already fading after being recently painted; how they needed to do something more progressive to limit the speed; how she researched and found heavy duty rubber speed bumps made out of recycled tires that were very affordable; how she was willing to do anything to help; and how there were low cost solutions that would keep the quality of the community, etc.

5. COUNCIL COMMENTS - The Council commented on the following: thanks to Michelle Geels and Jack Brennan for the 30 years of work they did on the Tour of the Gila event; how early voting for the New Mexico Primary Election began that date; how the Council needed to hear from the community before decisions were made so their input could be used to make their decisions; how Councilor Cano would have surgery, but it would not hinder her Councilor duties in District 4; Councilor Ray's upcoming public forum on May 16th concerning the possibility of 4 wheelers on the Silver City streets; Councilor Aiman-Smith's upcoming community meeting in June to talk about infrastructure issues; how the Farmer's Market would be opening on May 14th at the same location as the Give Grandly event; how an update to the Comprehensive Plan could include traffic calming strategies and how when people walk and bike it helped in the traffic calming effort; thanks to the Western New Mexico University's Polynesian students for sharing their culture with the community with the Polynesian Night event; Councilor Bettison's upcoming public meeting in District 1 on June 2nd to discuss all things ICIP (Infrastructure Capital Improvement Plan); timing issues with pedestrian crosswalk signals at several intersections; how May 12th was National Fibromyalgia Day; and how the Town was trying to do some things downtown to provide additional safety for pedestrians.

6. CHANGES TO AGENDA – None.

7. APPROVAL OF MINUTES - Regular Meeting on April 26, 2016 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of April 26, 2016. Councilor Bettison seconded. Mayor Ladner asked if there was any other discussion, and there was none. He said there was a motion and a second, and he asked all those in favor to say aye. All 4 Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

8. REPORTS -

A. Third Quarter Tourism Report by Callie Kennington, Silver City Arts and Cultural District. Callie Kennington, Executive Director of the Silver City Arts and Cultural District, reported the following: how they had spent two-thirds of their lodgers tax budget for the current fiscal year; the success of using digital and social media for events; a reprint of 10,000 copies of the revised *101 Things to do in Silver City* postcards; their second Tourism Town Hall event on March 15th; how the Gila National Forest, downtown, and the Gila Cliff Dwellings National Monument were the top 3 attractions; how their Visit Silver City Facebook page had an 18.6 percent increase in the third quarter due to their joint partnership with Grant County Tourism to market Silver City; and how they would continue working the drive markets in Albuquerque, Las Cruces, Tucson, Phoenix, El Paso, etc. There was further discussion with the Council.

B. Quarterly Report by Lucy Whitmarsh, Silver City MainStreet Project. Lucy Whitmarsh, Executive Director of the Silver City MainStreet Project, stated Silver City MainStreet was involved with the New Mexico MainStreet and they were in the Economic Development Department so they reported on a quarterly basis. She reported the following on the last quarter: how it was one of the most exciting quarters because the Silco Theater opened to the public on February 26th with the "Star Wars: The Force Awakens" movie; how they would receive the 2016 Heritage Preservation Organization Award for the work done on the Silco Theater renovation on May 13th, and how they could not have done it without the Town, the community, the New Mexico MainStreet, and the Historic Preservation Division of the New Mexico Department of Cultural Affairs, and all the people that supported the project; how the month of May was Heritage Preservation Month and on May 21st they would have their local Heritage Preservation event at the old El Sol Theater; how 3 new businesses opened in the district with 12 full time equivalent employees; how 1 sole-proprietorship business closed; how private building projects totaled \$123,000; how they received a grant of \$15,000 from Freeport McMoRan Community Foundation to be used to obtain construction documents for improvements to MainStreet Plaza, including restrooms; other funding opportunities for various projects; how they were partnering with the Town for downtown beautification and news on the recent volunteer event; and how Aldo Leopold School had a YCC (Youth Conservation Corps) grant for students to work on plantings at the Visitor Center and on the Big Ditch Park. There was further discussion with the Council.

C. Staff reports. Manager Brown discussed the traffic and pedestrian issues downtown and how they were going to start targeted enforcement and use police bicycle patrol. Assistant Manager Marshall said the Council had the Pavement Management Plan and a map prepared by the Street Division in the Public Works Department that showed the different kinds of projects and where they were located in the town; that the map showed that streets were being worked on all over town and not just focused on one area or certain small areas. He said the Pavement Management Plan was one of the tools that Peter Pena, Public Works Director, utilized to develop the next project. He said there were a lot of other projects that came up that were citizen, neighborhood, meter can repair or crisis driven, and also the routine pothole repairs. He mentioned a document from the Street Division called "Sidewalk/Curb & Gutter Project, 2013 to present" that included 125 projects that had been completed in-house by the street crew that consisted of 5 employees. He said the projects were funded by the gas tax plus it was subsidized by gross receipts taxes and property taxes. He reviewed another document from the Street Division that listed Maintenance Projects, Completed Infrastructure Projects, Funded Projects, and New Mexico Department of Transportation Funded Projects in Silver City from 2013 to the present. He said under the Maintenance projects the list of streets for chip and fog seal projects totaled \$407,000 invested in the 18.7 miles of streets. He reviewed the Completed Infrastructure Projects which were funded by a Colonias Infrastructure Grant and Community Development Block Grants for a total of \$1,400,000. He reviewed the currently Funded Projects for a total of \$2,800,000 invested in the streets. He said the New Mexico Department of Transportation Funded Project in Silver City on Highway 15 had a construction estimate of \$6,000,000 with anticipated start of construction in 2017. He said that gave them approximately \$9,000,000 being invested in the

streets in Silver City over the next 2 years, and it did not include the in-house projects listed on the Sidewalk/Curb & Gutter Project list. There was further discussion with the Council.

Councilor Bettison moved for a short break at 7:17 p.m. Councilor Aiman-Smith seconded. Mayor Ladner asked for a vote of all those in favor, and all 4 Councilors said aye. Motion carried. The Mayor called the meeting back to order at 7:23 p.m.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS -

A. Approval / Disapproval of Notice of Intent Ordinance No. 1246: An Ordinance amending Section 12-6-18 (Prohibited Activities While Driving) of the NM Uniform Traffic Code adopted as the Silver City Traffic Ordinance in Chapter 50, Section 50-1 of the Municipal Code of the Town of Silver City, NM and amending the Penalty Assessment Schedule found in Chapter 50, Section 50-2 of the Town of Silver City Municipal Code.

Mayor Ladner stated Councilor Ray was the sponsor of the legislation, and he asked Councilor Ray to explain the legislation, why it was needed, and what the consequences would be. Councilor Ray said it was needed because there were too many people talking and not paying attention which caused distracted driving, and that distracted driving came in many forms such as, eating, talking, playing with the radio, and texting. He said he would like to see it passed because there may be a time when somebody would get hurt or hurt somebody and they could sue the Town of Silver City. He said they did not need statistics or need to become a statistic. He discussed how talking on the cell phone caused accidents, and that unless it was a dire need in an emergency, even the police, fire, and ambulance personnel should hold off using a cell phone. He said he did not want the Town of Silver City to be sued. Mayor Ladner gave the floor to the Councilors and they discussed how the fine would be \$200, and how it should include police, fire, and ambulance personnel because they also did distracted driving and they all had radios to communicate with dispatch. Councilor Ray asked Attorney Scavron to elaborate. Attorney Scavron said a potential forfeiture of cell phones as mentioned by Councilor Ray was not applicable to the ordinance, and he stated the language in the ordinance allowed police and fire to use their cell phones, but only in an emergency. There was further discussion between Councilor Cano and Attorney Scavron about emergency personnel using cell phones. Attorney Scavron also asked Councilor Ray if he wanted the ordinance to be expanded to bicycles as well, and Councilor Ray said yes. Attorney Scavron suggested the motion include the change to include bicycles, and there was further discussion. Mayor Ladner asked Councilor Ray to make his motion. Councilor Ray made a motion to adopt Notice of Intent Ordinance No. 1246: An Ordinance amending Section 12-6-18 (Prohibited Activities While Driving) of the NM Uniform Traffic Code adopted as the Silver City Traffic Ordinance in Chapter 50, Section 50-1 of the Municipal Code of the Town of Silver City, NM and amending the Penalty Assessment Schedule found in Chapter 50, Section 50-2 of the Town of Silver City Municipal Code, and to include bicycles. Councilor Bettison seconded. Mayor Ladner said there was a motion and a second. There was further discussion about the ordinance title, how there needed to be clarification of Section 12-6-18 (C) regarding immediate proximity, and how 12-6-18 (A) should have "or not" removed at the end of the paragraph. Mayor Ladner said if they were after public safety then they needed to do more investigation and research to look at cell phone use without a hand-held device because according to the National Safety Council the risk of an accident was not decreased by using a non hand-held device over using the console. He said after doing more investigation and research they could address the issue or not, but it was an issue in his mind. Mayor Ladner said there was a motion and a second. He asked for a vote of all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed to say nay, and there were none. Motion carried.

B. Approval / Disapproval of Bid #15/16-10: Cooper Street sidewalk improvements. Manager Brown said it was a federal grant that the Town received from the New Mexico Department of Transportation in the amount of \$240,000. He said they received funding for engineering last year and this year they received funding for construction. He said they received 1 bid for a total of \$288,103.34 which included gross receipts taxes, and that it was for the base bid plus an additive alternate for sidewalk work and a retaining wall on Cooper Street next to El Grito School. He said the difference between the total cost and the grant would be made up by the gas tax and would be spent out of next year's Gas Tax budget. Mayor Ladner asked the Councilors if they had any questions, and there were none. He said he would

entertain a motion. Councilor Ray moved to approve Bid #15/16-10: Cooper Street sidewalk improvements for a total amount of \$288,103.34 with gross receipts taxes. Councilor Cano seconded. Mayor Ladner said there was a motion and a second, and he asked if there was any discussion. There was none. The Mayor asked for a vote of all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed to say nay, and there were none. Motion carried.

C. Official presentation of Fiscal Year 2016-2017 Municipal Court Budget by Judge Sonya Ruiz. Judge Ruiz asked Mayor Ladner if her presentation was the official final presentation of her budget or was it a presentation where she would receive feedback from the Council and recommendations. Mayor Ladner said it was the presentation of her budget proposal and from there it would go to Manager Brown who would use it in his budget making process, and then he would come back to the Council with a budget proposal for the Town of Silver City which would include the Municipal Court. Manager Brown discussed the budget process and when it would be on the agenda. Mayor Ladner stated to the Councilors that it was not their role to discuss the numbers; that they were just receiving them and it would go to Manager Brown. Judge Ruiz requested to be included in the budget presentations on the agenda so she could answer any questions on the budget because it would not be appropriate for Manager Brown to do that for the Municipal Court. Manager Brown said that was fine as long as the questions pertained solely to the department of Municipal Court, and not to the overall budget because there were 10 different departments within the General Fund that had to reconcile to one final number. Judge Ruiz said she was only interested in the Municipal Court's budget. She said the budget showed the Court's response to issues they heard from the Town Manager and it showed how they were willing to cut their budget by 1 person in order to better fit into the fiscal plan of the municipality. She reminded the Council that she was working very hard to try to be fiscally responsible for the Court and to operate the Court within the parameters of law. She said that she certainly would love to be fully staffed and to have operations returned to the Court at full operations, but the Court was willing to cut 1 clerk and she explained further how there was some savings to the city. She reminded them that Municipal Court was there by statute and they had to have staff to exist so the cut was not popular, but it was a position that was not currently filled and it did not hurt a person as deeply as releasing someone that had years of service with the Court. She asked the Council that they consider that when making their decision, and she stated that cuts any deeper than that proposed by the Court would cause severe issues related to security. She said it was important to remember they were a free standing Court and needed adequate staff to be the eyes and ears because that was their line of security in Municipal Courts. She said that the filings and operations had been reduced in the Court, but that did not minimize the issues with security that impacted the Court, and she asked the Council to look at that closely. She extended an invitation for them to go into the Court and really look at how their operations were and how many hands were necessary to keep the doors open, and most importantly to see how many eyes and ears were needed to assure that they were imposing justice and working on being a fair and efficient Court. She asked if there were any questions, and there were none.

D. Appointment to Planning and Zoning Commission. Mayor Ladner said the Town received an application from Nickolas Seibel to serve a second term on the Planning and Zoning Commission. He said the Chair of the Planning and Zoning Commission, Sherry Clements, and the Community Development Director, Jaime Embick, had both recommended Mr. Seibel's reappointment. He said if there was no objection from the Council, he would reappoint Mr. Seibel. There was no objection from the Council, and Mr. Seibel was reappointed to the Planning and Zoning Commission.

12. ADJOURNMENT – Mayor Ladner asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:02 p.m., and Councilor Aiman-Smith seconded. Mayor Ladner stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk