

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**Grant County Administration Center, 1400 Hwy 180, Silver City, NM**  
**June 8, 2010 – 7:00 P.M.**

**Present:** James R. Marshall, Mayor  
Cynthia A. Bettison, District 1  
Jamie K. Thomson, District 2  
Simon Wheaton-Smith, 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  
Milo Lambert, Fire Marshal  
Ed Reynolds, Police Chief

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE, AND READING OF MISSION STATEMENT** – Mayor Marshall called the meeting to order at 7:00 p.m. Councilor Wheaton-Smith read the Town’s Mission Statement.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – None.

**4. PUBLIC INPUT** – George Saylor thanked the Mayor, Council, Chief of Police and others for their input and the passing of the recent ordinance regarding the safety in the city on the corners with people standing around. Carmen Brahm commented on how vehicles going east to west at the corner of 32<sup>nd</sup> Street and Mann were running stop signs while children played nearby, and she asked that something be done about it.

**5. COUNCIL COMMENTS** - The Council commented on the following: stop sign violations; noise and fireworks issues; how deer should not be fed; the increase in noise citations; dog complaints; Open Meetings Act concerns; the upcoming Strategic Planning Session on June 28<sup>th</sup> and using a systems approach, i.e. changing public space by democratizing the transportation network; police patrols in the area of 32<sup>nd</sup> Street and Mann; the Blues Festival; the process for citizens to file complaints; how input from a broader representation from around town was needed for the upcoming Strategic Planning Session; how valuable of an opportunity it was for the public to provide input to the Council; the increase of fire danger and to be aware of fire use; how the Tour of the Gila decided to go UCI (Union Cycliste Internationale) and it would potentially bring in big cycling races year round to Silver City and Grant County; how a true economic analysis would be done to determine the impact of the bike race on Silver City and Grant County’s economy; and how a work session was needed to begin the process of reviewing the revised Land Use Code.

Mayor Marshall clarified Councilor Thomson’s concern about the Open Meetings Act and said it was handled properly. He stated that there was no violation of the Open Meetings Act by the governing body, and that clear lines would be implemented before going into Executive Session.

**6. CHANGES TO THE AGENDA** – None.

**7. APPROVAL OF THE MINUTES – Strategic Planning Session and Budget Hearing – May 18, 2010** - Councilor Bettison made a motion to approve the minutes. Councilor Morones seconded the motion as stated. All were in favor, motion passed. **Regular Meeting – May 25, 2010** - Councilor Bettison made a motion to approve the minutes. Councilor Morones seconded the motion as stated. All were in favor, motion passed.

**8. REPORTS** – Manager Brown reported that more people were using the pool than in other years. Fire Marshal Lambert reported on the upcoming fire season and provided the details of the ordinance on the sale and use of fireworks. He said the fireworks vendors would be handing out safety flyers and copies of the fireworks ordinance; the Fire Department would patrol to educate the public; and public service announcements would be published in both newspapers and on the Town’s website. Police Chief Reynolds reported on the process to file a complaint; how the Police Department would have a pre-enforcement briefing on the new fireworks ordinance; and he commented on how enforcement was handled regarding fireworks. Manager Brown commented on how complaints were processed and

that they should begin at the department level, then to contact his office if the issue was not addressed. He also said complaints could be posted from the Town's website for pot holes, etc.

**A. The Mayor's Climate Protection Agreement Citizens Advisory Committee's report on outcomes and actions related to the Town's Climate Action Plan, and introduction of the Town's new Director of Sustainability.** Mary Stoecker, Chair of the Committee, provided an update on what happened in 2009; provided 2009 data and the 13 recommendations of the 2009 Climate Action Plan; and provided an update on the indicators. She said the 2009 graphs would become the baseline for electricity, petroleum and natural gas uses. She answered questions from the Council, and introduced Nick Sussillo as the Director of the Joint Office of Sustainability. Mr. Sussillo commented that there were tremendous opportunities and grant money available, and that 2 major issues would be energy efficiency for homes and public facilities. There was further discussion about ways to conserve energy, and how the Committee would interact with the Joint Office of Sustainability and support the interest of the Town.

Councilor Wheaton-Smith made a motion for a short recess at 8:17 p.m. Councilor Bettison seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 8:32 p.m.

**9. PUBLIC HEARINGS** – None.

**10. UNFINISHED BUSINESS** – None.

**11. NEW BUSINESS** –

**A. Appointment of 6 members to the Mayor's Climate Protection Agreement Citizens Advisory Committee.** Mayor Marshall received the Council's consensus to re-appoint Mary Stoecker, Sharman Apt Russell, Allyson Siwik, and to appoint John Song, Linda Thompson, and Alex Corondoni to the Committee.

**B. Approval / Disapproval of Resolution No. 2010-16: amending Resolution No. 99-32 regarding the Town's Procurement Code, Public Works contracts, and Accounts Payable process; pursuant to the requirements of the Town Charter.** Manager Brown presented the details and said the amendment to the procurement code was to provide a preference for local bidders that had bids within 5% of the lowest bid. There was further discussion about how it would benefit the local economy and local businesses. Manager Brown stated the bids would be sealed so the local businesses would not know if they were bidding 5% from outside businesses. He asked that the appendix be changed in the definition of "resident business" to add "or Grant County" at the end of the sentence of the first paragraph. Attorney Scavron stated there were ways that businesses could find a way to get around local preference so it may need refinement later, but he said they should not delay the amendment. There was further discussion and Mayor Marshall asked Attorney Scavron to work with Manager Brown to see if other refinements were needed. Councilor Wheaton-Smith made a motion to approve Resolution No. 2010-16 as titled and with the amendment as specified by the Town Manager. Councilor Bettison seconded the motion as stated. There was no further discussion. A roll call vote was taken with the following results: Councilor Morones – aye; Councilor Wheaton-Smith – aye; Councilor Thomson – aye; and Councilor Bettison – aye. Motion passed.

**C. Approval / Disapproval of an Agreement between the Town and American Federation of State, County and Municipal Employees (AFSCME), Council No. 18, Local No. 3370, July 1, 2010 to June 30, 2012.** Manager Brown presented the details and said the current contract would end June 30, 2010, and the new contract had negotiations outcome changes that were tentatively agreed upon. Councilor Bettison asked for clarification on Article 9, Section 3 Work Clothing, Section C regarding "worn uniforms" and Manager Brown agreed that it should be "worn-out uniforms". The correction was noted by the Town Clerk. Councilor Bettison moved to approve the Agreement, and Councilor Morones seconded the motion as stated. There was further discussion. All were in favor, motion passed.

**D. Approval / Disapproval of an Agreement between the Town and Fraternal Order of Police, Silver City Police Officers Association, July 1, 2010 to June 30, 2012.** Manager Brown presented the details and said the current contract with the Silver City Police Officers Association would end June 30, 2010. He said the Agreement was an extension for an additional 2 years with changes tentatively agreed upon. There was further discussion. Councilor

Wheaton-Smith made a motion to approve the Agreement, and Councilor Bettison seconded the motion as stated. There was further discussion. All were in favor, motion passed.

**E. Approval / Disapproval of Notice of Intent Ordinance No. 1166: an Ordinance amending Municipal Code Chapter 70, §70.07(B) (Schedule of Penalty Assessments).** Police Chief Reynolds presented the details of the proposed ordinance and said it was to change penalty amounts for parking citations, riding a bicycle on the sidewalk, and issues with the current ordinance, Section 70. He said it was determined that a reduction from \$60 down to \$15 was an appropriate amount for the first offense because the Municipal Court also collected court fees that amounted to \$32. He said a second offense would have a penalty of \$60. He said some specific violations would not have penalty reductions, and he described the different sections in the ordinance. There was further discussion. Councilor Wheaton-Smith made a motion to approve Notice of Intent Ordinance No. 1166. Councilor Bettison seconded the motion as stated. There was no further discussion. All were in favor, motion passed.

**F. Approval / Disapproval of Notice of Intent Ordinance No. 1167: an Ordinance amending Municipal Code Chapter 30, §30.02 (A) (Town Council, Meetings; Regular), and Resolution No. 2010-01 (Open Meetings).** Councilor Bettison presented the details of the proposed ordinance to change the Council meetings to begin at 6:00 p.m. rather than 7:00 p.m. to contribute to the efficiency of government. She said she thought it would be more convenient to the public in attendance, to the staff, and to the members of the Council. She said it also addressed meetings that would be cancelled or postponed, and it provided more flexibility on setting a date for a postponement, but it would still be held at 6:00 p.m. There was further discussion and the Mayor said he supported it, but would like an amendment to change “postponement” to “re-schedule” in paragraph A under “Now, Therefore, ...” Councilor Bettison asked if he also wanted to change “postponed” to “re-scheduled” in the last “Whereas, ...”, and he said to change it in both places. Councilor Bettison made a motion to approve Notice of Intent No. 1167 as titled with the amendment to change “postponed and postponement” to “re-scheduled”. Councilor Wheaton-Smith seconded the motion as stated. Mayor Marshall asked Attorney Scavron if they should vote separately on the ordinance and the resolution. Attorney Scavron said to do a roll call to vote on the NOI because the resolution would be a ministerial act after adopting the ordinance. There was further discussion to remove the resolution references on the NOI. Councilor Bettison made a friendly amendment to her motion to delete any reference to Resolution No. 2010-01. Councilor Wheaton-Smith accepted the friendly amendment. There was further discussion about when a resolution for Open Meetings would be on the agenda if the ordinance was adopted. All were in favor, motion passed.

**12. ADJOURNMENT** – Councilor Wheaton-Smith made a motion to adjourn at 9:14 p.m. Councilor Bettison seconded the motion. All were in favor, motion passed.

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Cynthia Ann Bettison, Mayor Pro Tem

Attest:

/s/

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Ann L. Mackie, Town Clerk