

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

**Grant County Administration Center, 1400 Hwy 180, Silver City, NM
January 25, 2011, 6:00 PM**

Present:

James R. Marshall, Mayor
Cynthia Ann Bettison, District 1
Jamie K. Thomson, District 2
Simon W. 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
Ed Reynolds, Police Chief
Mike Eley, Planner
Peter Russell, Community Development Director
Peter Pena, Public Works Director

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:03 PM. Councilor Thomson read the Mission Statement.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – Lynn Welch commented on the upcoming Silver City Fiber Arts Festival that would be held on November 11 and 12, 2011, and how the event was related to the Town Council’s Mission Statement.
- 5. COUNCIL COMMENTS** - The Council commented on the following: recently attended events; how the Parks and Recreation Board was trying to coordinate their efforts with the other Town boards; the animal ordinance; how the Town’s Veterans Park Advisory Committee had a great concept plan and vision and how resources were needed to see the Veterans Park materialize; the public was encouraged to pay attention to the proposed legislation in Santa Fe; and how Mayor Marshall’s travel schedule had been horrendous due to issues with PNM hearings, meetings, etc. Mayor Marshall thanked Councilor Bettison, Mayor Pro Tem, for being able to fill in for him at many events.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting, January 25, 2011** - Councilor Bettison made a motion to approve the minutes with a correction on page 2 that was noted by the Town Clerk. Councilor Morones seconded the motion. All were in favor, motion passed.
- 8. REPORTS** – Manager Brown reported that Nancy Gordon, through her volunteer efforts, had submitted an application to Freeport-McMoRan for grant funds to work on the old rock house, and that Freeport-McMoRan had awarded the Town \$39,200. He said the funds would be used to do some studies, maintenance, and to help preserve its historical nature. He thanked Freeport-McMoRan for their assistance and he thanked Nancy Gordon and the volunteers. There was further discussion.

Police Chief Reynolds reported on the crime statistics for 2010 and compared them with the 2009 statistics. There was further discussion on how the statistics were derived; how the crime index was based on population; how burglaries had dropped 22.5%, but there had been an increase in larceny in specific areas; how the STAR unit concentrated on high crash areas and high crime areas; manpower, equipment, and vehicle issues; and training related to the new Noise Control Ordinance. Mayor Marshall stated that the Council wanted to hear back from Police Chief Reynolds if the Police Department needed different policies, resources, etc.

Clerk Mackie reported on the municipal election and stated that absentee voting would take place at City Hall from January 25 – February 25, 2011. She also commented that voters could register with the County Clerk until February 1, 2011. Councilor Bettison made a motion for a short recess at 7:05 PM. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 7:17 PM.

9. PUBLIC HEARINGS - A. Approval / Disapproval of Resolution No. 2011-02: approval of Final Plat of Subdivision, Development Agreement and Protective Covenants and Restrictions for Vistas de Plata, an affordable housing subdivision, consisting of a 27.5 acre tract of land into 56 parcels ranging in size from 2,500 square feet to 5,000 square feet. The tract of land consists of recently vacated portions of Reynolds Street, Newsham Street, Durango Street, Market Street, Kelly Street, 6th Street, 7th Street, 8th Street, College Street, 10th Street, and all of Blocks 114, 115, 116, 117, 118, 119, 150, 151, 152, 153, 154, 155, 188, 189, 190, 191, and 192, including part of Blocks 218 and 219, Section 2 of the Fraser Survey. The applicant was the Town of Silver City. Mayor Marshall stated that 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, or had any communication from any party to the case, and none had. Mayor Marshall asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in 7 witnesses for the hearing. Mayor Marshall read the procedures of how the hearing would be conducted. Mike Eley, Planner, presented the details of the Affordable Housing/Workforce Housing Project named Vistas de Plata, and confirmed that the state law requirements had been met because the housing plan had been approved by the Mortgage Finance Authority (MFA) and the Town Council. He said the Town staff had been working with Dekker/Perich/Sabatini Architects and their sub-contractors to produce plans and specifications for a 56 lot subdivision to be built on Town-owned land situated south of 10th Street and west of Mountain View Road. He said the final plat was being presented at the hearing for the Town Council's approval. He discussed the 2 ordinances that were required: 1) Ordinance No. 1169 that was adopted on January 11, 2011, and allowed Town-owned land to be donated, and 2) Notice of Intent Ordinance No. 1170 that would be presented at the meeting, and would allow the Town to donate specific property to Vistas de Plata. He said that following the adoption of Ordinance No. 1170 that the land would eventually be donated to the home owner. He said the homes would remain affordable because the Town would be donating the lots, and the infrastructure would be built with grant funds. He said it was allowed as a result of the Affordable Housing Act; the homes would be purchased by the home owners and would be available to the general public, and essential workers would have priority. He said the purpose of the project was to assist the Town, the Hospital, the University, Border Area Mental Health, and other agencies and businesses with recruiting and retaining employees. He said the project was also designated to provide the Town and surrounding areas with assistance with economic development by providing homes for future employees. He stated that staff was recommending approval of the final plat.

Mayor Marshall asked for witnesses in support of the application to come forward. Tim Grattan, Architect representing Dekker/Perich/Sabatini, distributed materials to the Town Council and said he was acting as the agent for the applicant, the Town of Silver City. He provided information on the engineering work, the bid process, the timeline of the project, etc. He said the first phase would begin by May and should be completed within 6 months. He said they were working on the final design of the units and a separate bid package would follow. Mayor Marshall asked what phase would be covered by the funding. Mr. Grattan stated they would have plenty of funds to complete Phase 1. Mayor Marshall asked for any other witnesses in support of the application. Peter Russell, Community Development Director, stated that he and staff were satisfied that the application was complete and had met the requirements. There was further discussion about the infrastructure, the covenants and their enforcement, etc. There were no other questions from the Council. Mr. Grattan confirmed that concluded the case as the applicant. There were no witnesses in opposition. Mr. Eley and Mr. Grattan had nothing else to be reflected in the record. Mayor Marshall asked if the hearing board was prepared to render a decision. Councilor Morones made a motion to approve Resolution No. 2011-02 for the approval of the Final Plat of Subdivision, Development Agreement and Protective Covenants and Restrictions for Vistas de Plata, an affordable housing subdivision, and he read the description of the land as described in the agenda item description. Councilor Wheaton-Smith 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.

10. UNFINISHED BUSINESS - None.

11. NEW BUSINESS - A. Approval / Disapproval of Notice of Intent Ordinance No. 1170: an Ordinance allowing the Town of Silver City to grant land and infrastructure improvements to Vistas de Plata, an Affordable / Workforce Housing Project. Mike Eley, Planner, presented the details and said there were 3 steps in an

affordable housing process: 1) to have an affordable housing plan approved by the Mortgage Finance Authority (MFA) and the Town Council, and he said that step was complete, 2) to have an ordinance approved by MFA and the Town to give the Town the authority to make a donation to an affordable housing project as required by the state Affordable Housing Act, and that was accomplished with the adoption of Ordinance No. 1169 on January 11, 2011, and 3) to approve an ordinance that transferred the ownership of the land and infrastructure to Vistas de Plata, the Town's affordable housing project. He said that the ordinance in the 3rd step, NOI Ordinance No. 1170, had been approved by MFA. He stated that the purpose of the project was to assist the Town, the Hospital, the University, Border Area Mental Health, and other agencies and businesses with recruiting and retaining employees, and it was designed to provide the Town and the surrounding area with economic development incentives. He said Vistas de Plata would assist the Town in accomplishing the housing goals that were enumerated in the Brewer Hill Plan, the Comprehensive Plan, and the Housing Plan. He said that staff recommended approval of Ordinance No. 1170.

Councilor Bettison made a motion for a short recess at 6:52 PM. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 7:08 PM.

Mr. Eley continued his presentation by clarifying the issue of when the Town would donate the property by stating that once the house was sold, the Town would donate the property to the land owner so they would own the property and the house. He said the Town would not maintain any ownership. He said Ordinance No. 1170 had to be passed in order to donate the land legally and to deal with the anti-donation law. There was further discussion about the ownership of the common areas, and Mr. Eley confirmed that the common areas, i.e. parking lots, drainage, recreational areas, and green space, would remain Town property. There was no further discussion. Councilor Morones made a motion to approve NOI Ordinance No. 1170: an ordinance allowing the dedication of land and infrastructure improvements to an affordable/workforce housing project for subsequent transfer to a qualified purchaser. His motion included an amendment to the title of the ordinance and there was no objection to the amendment. Councilor Wheaton-Smith seconded the motion. Councilor Morones stated that he would like to make an amendment to page 2 of 6 on the third "Whereas" on that page to change the word "grant" to "transfer" in order to be consistent with the rest of the document. Councilor Wheaton-Smith seconded the amendment and there was no further discussion. All were in favor, motion passed.

Councilor Bettison made a motion for a short recess at 7:14 PM. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 7:25 PM.

B. Approval / Disapproval of Resolution No. 2011-05: a Resolution expressing the willingness of the Town Council to donate six and one half acres to Jonathan Reed and Assoc. to support a tax credit project in the Brewer Hill area. Peter Russell, Community Development Director, introduced Resolution No. 2011-05 and said it was a project to construct 60 townhouses for affordable housing rentals in the Brewer Hill area. He said it was the type of project recommended in the housing plan and was supported by the housing agencies in the area. He said the project was supported by a tax credit scenario that was very complicated and held a lot of partners that would present specifically what they would like to do. He said the Town's role was to support it and an essential element was a transfer of property to make the project possible. He introduced the partners: the developer, Jonathan Reed of Jonathan Reed and Associates; Krishna Reddy of Global Structures, a construction firm; and Jerry Welch, Executive Director of Southwest Regional Housing and Community Development Corporation, and the managing partner of the project. Each of the partners of the project made presentations and answered questions from the Council. There was further discussion. Manager Brown stated the property that would be donated was valued at \$25,000 - \$30,000, and the Town would be bringing in \$240,000 - \$250,000 alone on the one-time construction of the development, and it did not include the infrastructure upgrades, social services, and the ability for other homeowners to upgrade their private investment that went into the other substandard housing in the neighborhood. He said the return on the Town's investment would be at least tenfold from the initial investment and substantially even further. He also stated that the Town would not turn the property over until all of the approvals were in place. There was further discussion. Councilor Morones made a motion to approve Resolution No. 2011-05. Councilor Wheaton-Smith seconded the motion as stated. 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 Resolution No. 2011-04: a Resolution of sponsorship for a Safe Routes to School Phase 2 Infrastructure Award. Peter Pena, Public Works Director, presented the details of Resolution No. 2011-04 and said it would allow the Town to enter into an agreement with the New Mexico Department of Transportation's Safe Routes to School Program. He said the Town had been awarded \$250,000 to replace a bridge that went to the Jose Barrios School. He said they planned to expand the bridge in order to link Little Walnut Road to Virginia Street, link to the school, link to the old Waterworks Building, and link to the Virginia Street Park. He said it was a good project because it was not only a bridge project, but a neighborhood project that would allow people to walk to and from those areas. There was further discussion. Councilor Thomson made a motion to approve Resolution No. 2011-04. Councilor Bettison seconded the motion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Thomson – aye; Councilor Wheaton-Smith – aye; and Councilor Morones – aye. Motion passed.

D. Approval / Disapproval of Resolution No. 2011-06: a Resolution adopting an Emergency Operations Plan for the Town of Silver City, Grant County, NM. Mayor Marshall stated they were continuing to work on the Emergency Operations Plan and that it was still a draft. He said there were no deadlines, and Police Chief Reynolds concurred. Councilor Bettison made a motion to postpone the approval / disapproval of Resolution No. 2011-06. Councilor Wheaton-Smith seconded the motion as stated. There was no further discussion. All were in favor, motion passed.

E. Review and give staff direction on the proposals for the construction of Penny Park. Manager Brown said direction was given to staff at the last Council meeting because the designs were completed for the reconstruction of the section of the park that burned down. He said the Council had asked for public input on alternate ways to do the construction, but he had not received any proposals so it was staff's recommendation to go through a contractor. Mayor Marshall asked the audience if there was anyone present that would like to present a plan, and no one came forward. Mayor Marshall recommended to the Council to authorize the Town Manager to proceed with the standard contracting process to complete a job. Councilor Wheaton-Smith concurred with the Mayor and thanked the volunteers that did work on it. He said he was still in favor of volunteers doing the work, but life had caught up with them. Manager Brown agreed and thanked the volunteers. He said they would continue to utilize volunteers for the maintenance, etc., but wanted to get the project constructed by Spring. There was no objection by the Council so they gave that direction to Manager Brown.

F. Approval / Disapproval of Resolution No. 2011-07: a Resolution supporting a "MainStreet" application for award. Nick Seibel, Manager of Silver City MainStreet Project, introduced Councilor Morones as the sponsor of Resolution No. 2011-07. Councilor Morones stated it was a wonderful award and that Silver City MainStreet was one of 10 communities that were eligible for the award. He said the local MainStreet Project was vying for 5 awards, and it was a huge accomplishment to even get through the first phase. Mr. Seibel stated they were a semi-finalist for the Great American MainStreet Award which was the National MainStreet Award that was given by the National MainStreet Center of the National Trust for Historic Preservation. There was further discussion. Councilor Morones made a motion to approve Resolution No. 2011-07. Councilor Wheaton-Smith seconded the motion. 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.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 8:40 PM. Councilor Bettison seconded the motion as stated. All were in favor. Motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk