

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
January 22, 2013, 6:00 p.m.**

Present:

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

Also Present:

Alex C. Brown, Town Manager-Finance Director
Yolanda C. Holguin, Acting Town Clerk
Robert L. Scavron, Town Attorney
Ed Reynolds, Police Chief
Julie Salaiz, Code Enforcement Officer

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:05 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** - None.
- 4. PUBLIC INPUT** – Mayor Marshall stated that the subject matter listed were agenda items and that those who signed-up could speak at that time.
- 5. COUNCIL COMMENTS** – There were no Council comments.
- 6. CHANGES TO THE AGENDA** – There was no objection from the Council to Mayor Marshall’s request to move New Business Item D to the first item under New Business.
- 7. APPROVAL OF THE MINUTES – Regular Meeting on January 8, 2013** – Councilor Ray made a correction to the minutes under Council Comments to read “ Silver High Coach Luis Alvarado and the wrestling team and the Cobre team and staff.” Councilor Bettison moved to approve the minutes as amended. Councilor Ray seconded. Mayor Marshall stated there was a motion and a second to approve the minutes as amended of the Regular Meeting of January 8, 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. High Desert Humane Society’s Animal Intake Report for 2012 by Heidi Sexton.** Ms. Sexton reported on the 2012 animal intake under the agreement and that it had been consistently going down; the break-down numbers on impounded, strays, running at large and returned to owners; and that the euthanized rate was high. She reported that the Society took in \$3,000 for license sales and \$5,060 for impound fees which averaged to \$60 per animal. She stated that the Society did the record-keeping for licenses; sale of licenses and provided city licenses to veterinarians to be sold; and that the agreement was up for renewal in June. She stated that there was a 60 percent euthanized rate combining Grant County and Silver City, a 30 percent adoption rate, and a 10 percent rate for return to owner or placement.
 - B. Southwest New Mexico Green Chamber’s Quarterly Report of Visitor Center and tourism by Cissy McAndrew, Executive Director.** Ms. McAndrew reported on 1.5 years of data on visitation for 2011 versus 2012; that there was no increase on tourism; the effect on tourism due to the fire season and weather patterns; events that fluctuated tourism; where tourists were coming from and events they attended in New Mexico; that the number one reason that visitors heard about Silver City and Grant County was through friends; that locals were getting information to forward to their families; the quality of events and returning visitors; tourism and internet traffic; and the recent Tamal Festival event and judges that participated. She commented on the recent economic forum; on the water value of public lands; growth of jobs and economy in the west; sharing of information between the two Chambers; the increased number of hits on their website; the new "Visitor’s Guide" and signage at the Visitor Center; working with

the Arts and Cultural District; and the community working as a team to increase visitation. Discussion continued on summer oriented events; ways to build growth in the off season; and regional marketing.

Mayor Marshall commented on the recent freezing cold weather and caring for pets by taking them inside.

C. Staff reports. Julie Salaiz, Code Enforcement Officer with the Community Development Department, reported on statistics comparing 341 cases in 2011 which had a majority of complaint-based cases and 658 cases in 2012, and that Jacqueline McNeese was a new Code Enforcement Officer. She reported that 627 cases closed because of volunteered compliance and 31 were still pending; that 2012 had 60 percent of weed-abatement cases and that the remaining 40 percent were Land Use Code, Utility Code, and Public Nuisance Code violation cases. She said that 11 citations were filed in court; two business registrations were revoked; that nine tear downs were completed; and that 107 business registrations, eight business licenses, 17 special event permits, 17 peddler permits, 8 site permits for transient merchants, and 10 transient merchant permits were issued in 2012. She stated that there was a 282 percent increase in cases since 2010 and that the majority of 85 percent of the cases were complaint-based and 15 percent were self-issued. She thanked the Council; Peter Russell, Community Development Director; Police Chief Reynolds and his department; and Manager Brown for their support and assistance in working on the cases. Mayor Marshall stated that the Council appreciated their work and the effort that they put into this difficult and trying work.

Police Chief Reynolds reported that the 2012 Statistical Report would be ready by the end of the week and would be presented at the next Council meeting. Mayor Marshall said that he hoped there would be a comparison over the last few years to 2012 because there was community opinion that crime had really escalated. He said that he would like to see the numbers and make sure the facts were there. Manager Brown commented on his presentation to the Governor on the Town's Colonias project; that she was impressed with the regional work that Grant County was doing and had done in the past; that all of southern New Mexico presented their Colonias projects; that the Governor used the Town's project as an example to be used for other entities working together to move the Colonias funding forward; and that he was proud of how they were working together and that the Governor actually recognized it. Mayor Marshall commented on the exceptional working relationships that they had with Dr. Shepard at Western New Mexico University (WNMU), Grant County, the other Tri-City municipalities, and the Southwest New Mexico Council of Governments. He said that it would pay off in the long run by working together and supporting each other for the better good of the entire county. Ms. Holguin, Acting Town Clerk, reported on the list of election workers and the upcoming Election School. Mayor Marshall commented on possible legislation so uncontested elections could have one polling place and how it would save the organization a lot of money and effort. He said that he would support that legislation if it came up again.

9. PUBLIC HEARINGS – None

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS -

D. Approval / Disapproval of Resolution No. 2013-04: honoring Carlos C. Aguirre and directing the Town Manager to affix a bronze plaque to be located at the Big Ditch Bridge on Broadway. Councilor Ray presented the details of Resolution No. 2013-04 and gave a brief history of Mr. Aguirre's military service; his death and surviving siblings; how it was a beginning for honoring veterans; his personal relationship with Mr. Aguirre; and on Mr. Aguirre's stature and how he got the nickname of "Killer" during baseball. He requested the Council's support on the resolution. Councilor Ray said that he had suggested putting the name "Killer Aguirre" on the plaque, but he understood that it could be offensive to others. Willie Andazola commented on his cousin, Mr. Aguirre; that he was in Vietnam when he died; that a lot of veterans were lost; he introduced Mr. Aguirre's family in attendance; that it had been 45 years since his loss and that the pain was still there; that veterans were still losing their lives; and he thanked the Council for consideration of the resolution. Frank Donahue, former Marine and Vietnam veteran, stated that he had a very close tie to the resolution; that once a Marine always a Marine, and that they were his brothers; and he asked for the Council's approval in Mr. Aguirre's memory. Armando Amador, Vietnam veteran, stated that not one day passed by that they did not think of their brothers that have passed away; that they were gone, but were in their hearts forever; that the resolution had a lot of energy and healing for families; that it was a beginning to a step in the right direction for

all veterans; that Vietnam was a bad name and that it had to be changed; that it happened years ago, but seemed like yesterday to those who lost loved ones; and he thanked the Council. Councilor Morones and Councilor Bettison gave their full support. Councilor Bettison brought to remembrance when the helicopter was brought into the Bataan Park at Fort Bayard to recognize the veterans. Mayor Marshall commented on hearing the difference when a room full of veterans joined in the Pledge of Allegiance to honor the flag that represented our freedoms that they fought and died for and that we enjoyed today; that the structure of government from a municipality's level to the federal level represented freedoms that no other country in the world enjoyed; that the resolution was a small token of appreciation and recognition for all veterans that have served and still serve; that they recognize the value and loss of family; wounds that were visible or not that veterans carried; that there was nothing the Council or citizens could do to signify the loss and service that veterans provided to this country; that it was a beginning and he hoped that they would all be present when the plaque would be installed. Councilor Ray moved to approve Resolution No. 2013-04: honoring Carlos C. Aguirre and directing the Town Manager to affix a bronze plaque to be located at the Big Ditch Bridge on Broadway. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve Resolution No. 2013-04 and he asked if there was any discussion. There was none. He said there was a motion and a second to approve Resolution No. 2013-04: honoring Carlos C. Aguirre and directing the Town Manager to affix a bronze plaque to be located at the Big Ditch Bridge on Broadway, and 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.

Councilor Bettison moved for a short break at 6:55 p.m. Councilor Morones seconded. Mayor Marshall 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 Marshall called the meeting back to order at 7:10 p.m.

A. Approval / Disapproval of Notice of Intent Ordinance No. 1215: an ordinance amending Chapter 16, Section 16-44 of the Town of Silver City Municipal code, relating to the terms of office of the Incentive Review Committee. Mayor Marshall explained that in 2011 the Council made an amendment to the Incentive Review Committee (IRC) to change the number of members from seven to five members in one section of the Code, but did not make the change in all of the sections that listed the number of members; that it was to reconcile the five member consistently in the Code in all of the sections; and that there would be no limitation of the number of consecutive terms that a member may serve on the IRC. He asked if there was any discussion from the audience and Council, and there was none. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1215: an ordinance amending Chapter 16, Section 16-44 of the Town of Silver City Municipal Code, relating to the terms of office of the Incentive Review Committee. Councilor Morones seconded. Mayor Marshall said there was a motion and second and no discussion to approve Notice of Intent Ordinance No. 1215: an ordinance amending Chapter 16, Section 16-44 of the Town of Silver City Municipal Code, relating to the terms of office of the Incentive Review Committee. He asked all those in favor to say aye, and all 4 Councilor said aye. He asked if any were opposed, and there were none. Motion carried.

B. Approval / Disapproval of Resolution No 2013-02: supporting a Public-Private Cultural Economic Development Arts and Cultural District Project. Councilor Morones stated that this type of activity was very important; that the Arts and Cultural District had done a great job; that the first five "Whereas" paragraphs listed the economic benefits and the need to develop from that; that the State Economic Department deemed it to be very important to the state and local economy to affirm support of using available tools. He said that because of comments that had been made it was giving the impression that the Town was obligated to move on the tools listed. He suggested changing the last "Whereas" paragraph to read ". . . financial support through activities such as . . ." Nick Seibel, Silver City MainStreet Project Manager, stated the Arts and Cultural District had made a tremendous impact in the community; that arts and culture was important to the economy; and he thanked the Council for their support. Cissy McAndrew commented on how Silver City had been selected one of the first Arts and Cultural Districts; the team approach and passion that the Arts and Cultural District had; and she encouraged the Council to approve the resolution. Councilor Bettison commented on studies that showed how arts and cultural events drew visitors to stay in the community longer; how having Silver City as one of the first Arts and Cultural Districts in the state showcased the rich cultural and artistic heritage of the community and that it was critical to the economy, and she supported the resolution. Mayor Marshall noted that the Arts and Cultural District did receive a significant amount of Lodgers' Tax money awarded to them and not approving the resolution could have a catastrophic effect in the marketing of Silver City.

Discussion continued on changing the language in the last Whereas paragraph to read “. . . financial support through activities such as . . .” Councilor Morones moved to approve Resolution No 2013-02: supporting a Public-Private Cultural Economic Development Arts and Cultural District Project with an amendment in the final Whereas to read “Whereas, the Town agrees to work with the New Mexico Economic Development Department’s New Mexico MainStreet program, the New Mexico Arts Division and the New Mexico historic Preservation Division of the Department of Cultural Affairs, dedicating local resources and financial support through activities such as the Local Economic Development Act (LEDA) and/or a Tax Increment Finance district (TIF) to create a successful Arts and Cultural District.” Councilor Ray seconded as amended. Mayor Marshall said there was a motion and second with no further discussion to approve Resolution No 2013-02: supporting a Public-Private Cultural Economic Development Arts and Cultural District Project as amended, and 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 No. 2013-03: authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. Mayor Marshall gave a brief history of the Silco Theater. He commented on whether the Town would buy it or not and that MainStreet was occupying and leasing it. He commented on how the only theater in town, Real West Theater, closed and that there was no other theater in town; that purchasing the Silco Theater would initially be a stop-gap to find an operator to provide for a single screen theater service; on the work MainStreet had done to the building and that acquiring other financial sources for equipment would facilitate increased building usage and a better asset for downtown in the long run; how it could possibly become a permanent theater plan, or if another option was accomplished then it would be set-up and established with equipment and ownership to be an asset for the Town for bringing in meetings and tourism; and that the resolution was needed to pursue financing with New Mexico Finance Authority (NMFA) to see what their true options were. Manager Brown stated that the first step would be to submit the application to NMFA for their February meeting for approval; that the Town would have to move forward to adopt an ordinance to approve the loan; that the Town would have to move forward in the acquisition of the property, a purchase agreement, and that the Town had already started the appraisal process; how the Town would concurrently be going through the loan process and the purchasing agreement process; and that hopefully at the same meeting the approval of the loan and purchasing agreement could be done at the same time. Mayor Marshall said the inspection of the building was done by the Town’s Building Inspector. Manager Brown stated that the current plan was to use the state funding that went to MainStreet through the Town and the NMFA loan financing; that the property would be leased to MainStreet for a value that would at least equal the amount of debt services required to pay off the loan; and that nothing should come out of the Town’s pocket. Mr. Seibel commented on how pleased he was with the resolution; how the Silco Theater was a long-time project with MainStreet; on events and activities that were hosted at the Silco Theater; bringing back first-run films to Silver City; on a town not having a movie theater; a brief history of the changes that had been done to the building; MainStreet’s plan to bring the building back to its use as a functional and modern digital cinema by a private operator by May; the process of bringing multiple screens of movies and a really exciting arts, entertainment and cultural district downtown. Mr. Seibel explained that they would sub-lease the theater to a private operator to run it as a business for movies; that there was an apartment upstairs and two retail store fronts; and that there were two operators that were interested in operating the space. Councilor Ray stated that he was in support of the resolution. Councilor Morones commented on the entity of the MainStreet Project partnering with the Town for economic services for three decades; how several business leaders put a lot of money into the project because it was vital to the town’s economy; that the State’s Economic Development Department had been very public about how important it was; how a lot of people in the town and in the state said it had to happen and were putting energy into it; how very important economic people had said it was extremely important and had put their time and money into the project; and how it was time that the Town moved forward as well. Mayor Marshall commented on his discussions with theater operators, County Commissioner Brett Kasten, County Manager Jon Saari, Dr. Joseph Shepard, President of Western New Mexico University, and Mr. Seibel with MainStreet to come up with a plan that served the theater needs of the community. He said they were working towards a definitive plan; that one screen would not cut it; that it was optimum to have five screens and a minimum of four screens to make a viable business model for a theater operator; that they were meeting again to move forward; about a college town not having a moving theater; and aggressively working on the project to get a good full-service theater back in Silver City. Councilor Ray moved to approve Resolution No. 2013-03: authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. Councilor Morones seconded. Mayor Marshall asked if there was

further discussion, and there was none. He said that there was a motion and second with no further discussion to approve Resolution No. 2013-03: authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority, and 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.

E. Approval / Disapproval of March 5, 2013 Election Workers. Manager Brown presented the list of election workers and said they had worked elections before and had attended the election school. Councilor Bettison moved to approve the list of election workers for the Regular Municipal Election on March 5, 2013. Councilor Cook seconded. Mayor Marshall said there was a motion and a second to approve the March 5, 2013 Election Workers as presented. He asked if there was any discussion, and there was none. 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.

F. Appointment to the Library Board. Mayor Marshall stated they had an application from Elizabeth Foster and that he had reviewed it. He said the Chair of the Library Board had reviewed and approved her application, and recommended her appointment. Mayor Marshall said that he found her to be qualified, and he appointed Ms. Foster to the Library Board with no objections from the Council.

G. Appointments to the Lodgers Tax Advisory Board. Mayor Marshall stated the exact same group that had been on the Board for numerous years had reapplied. He duly appointed Nancy E. Johnson, Michelle Carrillo, Kathryn Gorthy, Sandra Hicks, and Mitchell Hellman with no objections from the Council. Mayor Marshall stated that the terms of the members would be indicated in their letters with staggered terms in accordance with the ordinance.

12. ADJOURNMENT – Mayor Marshall asked for a motion to adjourn. Councilor Ray moved to adjourn at 7:43 p.m., and Councilor Morones 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.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk