

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
February 12, 2013, 6:00 p.m.**

Present:

James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Pauline N. Hassler-Cook, District 2
Jose A. Ray, Jr., District 3
Michael S. Morones, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Ed Reynolds, Police Chief
Nick Sussillo, Office of Sustainability
Peter Russell, Community Development Director
Jim Coates, Town Planner

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:06 p.m.
2. **CEREMONIES** – None.
3. **PROCLAMATIONS** - Mayor Marshall proclaimed February 2013 as "Apartment Careers Month."
4. **PUBLIC INPUT** – None.
5. **COUNCIL COMMENTS** – Councilor Bettison commented on the Grant County Day at the state legislature and how the Grant County Prospectors and others did an exceptional job advocating Grant County projects; the upcoming Municipal Day at the legislature; how she was a board member of the New Mexico Municipal League and how they would be discussing legislation that affected municipalities; how she appreciated that the Mayor kept a watchful eye on legislation that affected municipalities; and how the Aguirre family appreciated that the Town would place a plaque to honor Carlos C. Aguirre at the Big Ditch Bridge and the importance of that bridge to the family. Mayor Marshall said he was spending nearly every day in Santa Fe at the legislature. He discussed the bills that had been introduced and that he was tracking the legislation that they dealt with; how he appreciated the Council and staff for their interpretations and input on legislation; meetings that he had attended on various issues and that he was trying to be proficient and stay on top of all of the issues; how they had a good team working with them; and that he would be going back to Santa Fe soon.
6. **CHANGES TO THE AGENDA** – None.
7. **APPROVAL OF THE MINUTES – Regular Meeting on January 22, 2013** – Councilor Bettison moved to approve the minutes of the Regular Meeting of January 22, 2013. Councilor Ray seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of January 22, 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. **Grant County Disabilities Advisory Council update.** Susie Trujillo introduced the executive committee team of the Grant County Disabilities Advisory Council and they provided an update on the disability resource center; an upcoming disability awareness event at Western New Mexico University; Lifequest's concerns and a request for help to fight for funding in the legislature; a legislative update for disabilities; and that April was Autism Month and they would request a proclamation in the future. The Advisory Council thanked Mayor Marshall and the Council, Manager Brown, and Town staff for their support. There was further discussion.

B. Silver City deer management update by Ray Aaltonen, NM Department of Game and Fish. Mr. Aaltonen provided an update on deer management and discussed the success rate of the approved actions in Silver City and Grant County since February 28, 2012 that included trap and transplant; lethal removal on private property at the request of the property owner; and an archery hunt outside of city limits. Mayor Marshall asked that various statistics be provided in the future. Mr. Aaltonen said it was a 3 to 5 year plan and their goal was not to eliminate deer but to decrease them so the damages that they caused were not as big.

C. San Vicente Trail user survey results by Nancy Cliff, Grant County Trails Group. Ms. Cliff reported on the survey results taken from August to November 2012. She said the comments were wide-ranging and she provided details. She said her first request was that the Town Council find funding to remove weeds from the trailhead under the Highway 90 Bridge because the weeds and litter presented a fire hazard. Her second request was that the Town Council begin a conversation to begin a trail management system; to re-fill the Trails and Open Space Coordinator position that had been vacant for 6 years; how they might designate the trail as a park so it would fall under the jurisdiction of the Public Works Department; and how the Silver City Open Space map that was online was under Public Works. She read the Town's mission statement and asked if the San Vicente Trail and Boston Hill were part of that mission. She said that she thought the survey would be helpful to see the scope of people's concerns and their appreciation for the trail. There was no further discussion.

D. Silver City Police Department's annual statistics by Police Chief Ed Reynolds. Police Chief Reynolds stated that he asked District Attorney Francesca Estevez to come to the meeting so she could explain her goals and answer any questions that the Council may have. District Attorney Estevez said it took the District Attorney, the prosecutors, and the investigators to successfully prosecute cases so one of her goals in the district was to increase efforts to include the citizens in public safety awareness. She said the Police Department had established a task force to look at violent crimes and a drug tax force that she intended to be very involved with. She said it had been proven that with a multi-disciplinary team, other jurisdictions, police and law enforcement, District Attorney's Office, Juvenile Probation and Parole Office, and the Court that they could reach their community members and try to resolve the crimes. She said that she promised to work hand in glove with all law enforcement agencies. She said that one of the promises that she made to the public was to consider public safety a priority and to work with trained police officers, and to aggressively prosecute and try to convince a jury or judge that the criminals needed to pay the piper. She said her third promise given, which she rested her reputation on, was her passion for victim rights and that included victims of property crimes. She said that she planned to live up to her promises and had been busy every single day since she took office. She asked if the Council had any questions or concerns. Mayor Marshall said that he knew she was hard working, tenacious, fair, and aggressive, but when he got calls from the Chief about some horrible event that he always asked the Chief if it was a usual suspect, and that the answer was yes 90 percent of the time or greater. He said that he did not blame her, but he heard continuously in the community that it was the same people and that it was like a catch and release program. He said the community was begging for that to end; begging to feel safe walking downtown; and the businesses downtown were begging that they could lock their doors at night and come back the next day to find their windows and inventory intact. He said they were putting a lot of faith in her and a lot of trust that she would protect them as well. District Attorney Estevez gave her pledge that she would try, and she acknowledged his concerns and the Chief's concerns. She said she was probably on a first name basis with some of the usual suspects, and she could not give an excuse, but the criminal justice system did not always work the way they wanted. She agreed there were too many suspects or defendants still committing crimes and she intended to hold her prosecutors' feet to the fire. She said it was a team effort and she intended to be a leader in that team. Mayor Marshall thanked her for coming to the meeting.

Police Chief Reynolds said they had a very good exchange earlier that day and the Police Department looked forward to working with District Attorney Estevez. He said they laid out some plans to try to alleviate some of the issues and concerns and were looking forward to it, and that they wanted to be aggressive. Chief Reynolds' report included a comparison between the 2012 and 2011 statistics; a comparison from 2007 to 2012; crime versus population from 2009-2012; comparison between the Police Department and the Grant County Sheriff's Office; 2012 quarter comparisons; 2004-2012 arrests; traffic crashes and the worst locations and times for crashes; 2012 Uniform Traffic Ordinance citations issued; and 2012 crashes, domestic violence and drug violations. There was further discussion.

Mayor Marshall asked Chief Reynolds if he had any recommendations for the governing body that would facilitate success in his position that they had not done. Chief Reynolds said that a long term plan was to pick up 4 more officers and 1 more detective. He said that pay was the biggest issue for officers coming in. He said they had great benefits, an excellent retirement plan, a vehicle take-home program, and that they allowed comp time for physical fitness. He said they would never match New Mexico State Police, Las Cruces Police Department, Albuquerque Police Department, and Santa Fe Police Department monetarily. He said the Grant County Sheriff's Office did not pay into social security so that provided extra money in their paycheck. He said the Town coffers could not currently support incentives or additional personnel without having to pull the money from someplace else. He said their manpower was right at the national average based on a 10,000 population, but the service population was actually 15,000 per day so they were 5 or 6 officers short according to the national average. He said his biggest issue was losing people to other departments and other places. He said it costs the Town \$107,000 to process, hire, train, and equip a police officer, but it was reduced if they were able to hire a certified police officer. He said that he could come back with a plan, but the plan would be in the area of more pay. Mayor Marshall commented about how the statistics were comparable to some of the other towns that he had looked at; how communities across the country were eating themselves and would never be productive or successful; how communities and citizens were hurting and disrespecting each other so they would not be able to create or fill high tech jobs with the high crime numbers; that they had to make sure they had drug treatment facilities; how there were aggressive organizers working hard to improve their neighborhoods and fire was the initiative that kept the interest level up; committing resources to working with those doing positive things and to do some strength based community outreach; that it was very frustrating and they could not just blame the Police Department; that it was a community issue and they had to stand up and say it was not acceptable in order to change the community; how he wanted to make sure the Chief had necessary resources; how it just did not involve money, but people needed to respect each other; how he hoped that those committing crimes and violating others' rights would get to visit the new jail; and that he hoped they would be able to provide the resources to put people where they belonged when they misbehaved. Chief Reynolds said he appreciated their support. He said the key was for the citizens to be involved, to be engaged, to use Crime Stoppers, or to contact him so they could make an impact.

E. Staff reports. Nick Sussillo from the Office of Sustainability provided an update on the 4,000 panel solar array that was under construction at the Wastewater Treatment Plant. He said there would be a celebration event and open house on February 26th. He discussed the Sustainability Task Force; the Climate Action Plan and their adaptation work; and a future Sustainability Plan that would parallel the new Comprehensive Plan that Peter Russell, Community Development Director, would start next year. He also commented on future community meetings and an upcoming event with the New Mexico State Climatologist, David Dubois, PhD.

Mayor Marshall said he would entertain a motion for a short recess at 7:48 p.m. Councilor Bettison moved for a short recess. Councilor Morones seconded. Mayor Marshall said there was a motion and a second for a short recess, and asked all those in favor to say aye. All 4 Councilors said aye. Motion carried. He called the meeting back to order at 8:07 p.m. Clerk Mackie reported on the upcoming Municipal Election to be held on March 5, 2013 for Councilor in District 1 and Councilor in District 3. She said absentee and early voting would be held at City Hall until March 1st.

9. PUBLIC HEARINGS –

A. Approval / Disapproval Ordinance No. 1214: an Ordinance making certain findings and determinations pursuant to the NM Metropolitan Redevelopment Code and approving the Silver City Metropolitan Redevelopment Area Plan. Mayor Marshall read the procedures for conducting the public hearing. He said those wishing to testify or present evidence would need to be sworn in by the Town Clerk. Clerk Mackie swore in 5 witnesses. Mayor Marshall gave Councilor Morones the floor. Councilor Morones said he was the sponsor of Ordinance No. 1214 and that the plan did conform substantially with the Comprehensive Plan. He said that it also provided the Town the maximum opportunity for benefiting the downtown area and the town as a whole with very little risks associated to it, and it would give them a tremendous amount of tools that they could use to further their goals for the downtown area. Mayor Marshall asked that any witnesses in support of the Ordinance come forward. Charlie Deans with CommunitybyDesign said he was speaking on behalf of the Town of Silver City and what they were doing was adopting the Downtown Action Plan that was approved by Resolution 2 years before and adopting it as a Metropolitan Redevelopment Area (MRA) Plan. He said it would give the Town additional tools, funding sources, financing sources, and public private partnership tools to implement the Plan. He said the Council had about 15

revisions to the Plan during the January 8, 2013 Council Meeting, and that those revisions were included in the document. He requested that they approve Ordinance No. 1214. Mayor Marshall asked if there were any other witnesses in support of the Ordinance. Mr. James Harrison came forward and said he was representing the American Legion Post 18. He said they were concerned and read a legal definition pertaining to blighted areas. He said that it did not fit their use and their property and he respectfully requested that the term be dropped as much as possible in the documentation and in the description of the area. He commented further. Mayor Marshall asked if there were other witnesses in support of the Ordinance. Nick Seibel, Manager of Silver City MainStreet Project, said he had a low comfort level with the word blight and was not enthusiastic with the requirement of using it. He said that he hoped the Council would pass the Ordinance and move forward with working with the downtown community to make downtown a better place, and Silver City a better place to live and do business. Mayor Marshall asked if there were any other witnesses in support of the Ordinance, and there were none. He asked if there were any witnesses in opposition to the Ordinance, and there were none. He asked Councilor Morones if he had closing comments. Councilor Morones said the comments made on blighted areas had been talked about extensively and it was a big concern. He asked Mr. Deans if they did not use the word blight if it was dead in the water. Mr. Deans said the State Statute Redevelopment Code used the word blight and Mr. Harrison's definition was not the same as the State Statute definition. Councilor Morones said they were following the State definition and it did not have the negative connotation so lenders could not discount loans. Mr. Deans said that was correct, and that blighted was used for that designation for the Statute, and did not have to be used again. He said that in the 30 Metropolitan Redevelopment Areas that had been established in the state that there were no issues with lending and financing or people's values when using the word blight. Councilor Morones asked if any realtors had raised concerns, and Mr. Deans said not with him. Mayor Marshall asked if there were any other questions. Councilor Bettison asked Mr. Russell to come forward with Mr. Deans, and she asked them to recount the previous discussions regarding perception versus reality and how in fact the MRA would provide opportunities for individuals to upgrade their properties. Mr. Russell commented that the MRA would make Community Development Block Grant funds available on a much more accessible basis; that it made the Downtown Action Plan much more of a guiding document for redevelopment of downtown so there were many positive benefits that would come from creating an MRA. He said the hard part was getting through the issues of economic hardship and past some of the semantics required by State law, but it would have a beneficial effect. Mr. Deans agreed and said another tool to private property owners what that it gave them the ability to do public private partnerships with the Town to make improvements to their private property in working in concert with the Town. There was further discussion. Jim Coates, Town Planner, commented on a professional appraiser's remarks of being in favor of any tools that could be used to increase the value of all properties in the area, and that the appraiser never mentioned a concern for the word blight. There was further discussion.

Attorney Scavron suggested a change in the Ordinance under Item 1 on page 1 to make reference to the current revision. There was further discussion. Councilor Morones moved to approve Ordinance No. 1214 and he read the agenda item description with the addition to No. 1 ". . . , as recently revised subsequent to Resolution No. 2012-27 as attached hereto as Exhibit A and incorporated herein." Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve Ordinance No. 1214 as amended, and he asked if there was any other discussion. There was none. He said there was a motion and a second and no further discussion to approve Ordinance No. 1214 as amended, an Ordinance making certain findings and determinations pursuant to the New Mexico Metropolitan Redevelopment Code and approving the Silver City Metropolitan Redevelopment Area Plan with the addition under Now, Therefore, be it Ordained by the Council, that: No. 1 shall read, "The Town Council, pursuant to its Resolution No. 2012-27, and after having conducted a public hearing pursuant to the Metropolitan Redevelopment Code, adopts as its Metropolitan Redevelopment Area Plan, the Silver City Metropolitan Redevelopment Area Plan, as recently revised subsequent to Resolution No. 2012-27, and as attached hereto as Exhibit A and incorporated herein." He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

10. UNFINISHED BUSINESS – None.

11. APPROVAL OF CONSENT AGENDA

A. Approval / Disapproval of Resolution No. 2013-06: Adopting a Fair Housing Policy.

B. Approval / Disapproval of Resolution No. 2013-07: Citizen Participation Plan CDBG Program.

C. Approval / Disapproval of Resolution No. 2013-08: Residential Anti-Displacement and Relocation Plan and Certification.

D. Approval / Disapproval of Resolution No. 2013-09: Section 3 Plan.

E. Approval / Disapproval of Resolution No. 2013-10: CDBG Procurement Policy.

Mayor Marshall said they had to pass the Resolutions every year and there were no changes except the Resolution number. He read each Resolution description listed on the agenda. He asked if the Council wished to pull any from the consent agenda, and they said no. He said he would entertain a motion to approve the Consent Agenda. Councilor Bettison moved to approve the Consent Agenda for all items A through E. Councilor Morones seconded. Mayor Marshall said there was a motion and a second and he asked if there was any discussion. There was none. He said there was a motion and a second and no discussion, and 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.

12. NEW BUSINESS -

A. Approval / Disapproval of Notice of Intent Ordinance No. 1216: an Ordinance amending Chapter 6 (Animals), Sections 6-78, 6-80, and 6-83 of the Code of Ordinances of the Town of Silver City dealing with fees and deposits. Mayor Marshall asked Councilor Morones to introduce Notice of Intent Ordinance No. 1216. Councilor Morones said it was relatively simple NOI and was a cleanup that was brought to his attention by the animal shelter representatives. He said they wanted to get some consistency between the Town's Ordinance and the County's Ordinance so when they were administering the contract with the Town that they were applying the same fees to everybody and would not have to look at the map. He said the County had slightly immaterial increases from the Town's; that it was simpler to move up to their level; that it had a much cleaner feel; that it would make the shelter's administration easier; and that it would help raise the Town's fees to help offset costs. He said that it had been noted that the NOI listed High Desert Humane Society directly, and they may want to change those words to something broader like "humane society" or "entity under contract."

Mayor asked for comments from the audience. Heidi Sexton from the High Desert Humane Society agreed with Councilor Morones and said it would help them better address irresponsible pet owners that had un-spayed or un-neutered animals running at large. There was further discussion about the number of impoundments in a 12 month period; impoundment fees; pet owner responsibilities; when the animal would become the property of the shelter; euthanasia; an appeal process; adoption opportunities; that the NOI should not address the shelter's policy; how they were trying to abate a public nuisance; changing some of the wording of the NOI, etc. Mayor Marshall gave the floor to Councilor Morones. Councilor Morones moved for approval of Notice of Intent No. 1216 and he read the agenda item description with one change under Section 6-80 (c) the last word "HSDS" to be changed to "the contracted animal shelter." Councilor Bettison seconded. Mayor Marshall said there was a motion and a second and asked if there was any other discussion. There was none. He said there was a motion and a second and no discussion to approve Notice of Intent No. 1216: an Ordinance amending Chapter 6 (Animals), Sections 6-78, 6-80, and 6-83 of the Code of Ordinances of the Town of Silver City dealing with fees and deposits with the amendment in Section 6-80 (c) the last word "HSDS" is removed and replaced with "the contracted animal shelter." 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.

13. ADJOURNMENT – Mayor Marshall asked for a motion to adjourn. Councilor Morones moved to adjourn at 9:15 p.m., and Councilor Ray 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