

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
March 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

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 6:03 p.m. The Girl Scouts of the Desert Southwest lead the meeting with the Pledge of Allegiance.

2. CEREMONIES – None.

3. PROCLAMATIONS – “Girl Scout Week” – March 10-16, 2013. Mayor Marshall read the proclamation and presented it to the Girl Scouts of the Desert Southwest.

4. PUBLIC INPUT – George Julian Dworin introduced himself as the new Silver City Arts & Cultural District (ACD) and Tourism Director. He thanked the Town for their support of the ACD and for entrusting them with the lodgers tax money on behalf of tourism. He said that he looked forward to continuing the relationship with the Town; that his first order of business was about assets and obligations in order to build an infrastructure that was sustainable for the district and community; and a recent grant to start developing a clay arts trail to lay the ground work for a long term project to develop a trail from southwest New Mexico through the state to promote tourism. Sherry Logan, Executive Director of the Silver City-Grant County Chamber of Commerce, announced new board members; how they were in the process of deciding on a new logo to re-brand the Chamber of Commerce; social media; an upcoming committee for the 4th of July event and how they were looking for volunteers to help coordinate everything; how they were advertising with the Silver City Sun News with a pilot program that would reach Las Cruces and El Paso; how they were starting up Alive at Five again; an upcoming luncheon and mixer; and community meetings in Grant County, etc. Randy Garcia, Executive Assistant at the Chamber of Commerce, commented on a member program with a cash mob of shoppers at a selected business. Jesse Ochoa, Silver City Sun-News, commented on the pilot program that the Chamber of Commerce would be using to advertise, and that the Las Cruces webpage received from 700,000 to 900,000 hits per month. Faye McCalmont, Executive Director of the Mimbres Region Arts Council, commented that the Chocolate Fantasia event brought 400 people downtown on a cold, snowy and wet day; that all 27 retailers and the restaurants reported good sales; and that the people that were polled said they spent between \$300 to \$400 in Silver City. She commented on the success of the performance by the National Dance Company of Ireland where every seat in the theater was sold; and how they were considering new plans for the Silver City Blues Festival to arrange for more room for people by moving vendors out into the street, etc. Ken Torres, a new board member of the Chamber of Commerce, said he was the Director of Sales and Marketing and that he was looking forward to working with the Chamber, etc.

5. COUNCIL COMMENTS – Councilor Bettison thanked Police Chief Reynolds for communicating with the New Mexico Department of Transportation regarding traffic safety concerns at the intersection of Hudson and Silver Heights Boulevard. Councilor Ray commented that the Western New Mexico University (WNMU) football team gave Christmas presents to all of the students at Jose Barrios Elementary School and the WNMU basketball team read with the kids at Jose Barrios Elementary School. He thanked Faye McCalmont and Mimbres Region Arts Council for the sold out venue, and congratulated Councilor Bettison on her re-election for another two-year term.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – Regular Meeting on February 26, 2013 – Councilor Bettison moved to approve the minutes of the Regular Meeting of February 26, 2013. Councilor Morones seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of February 26, 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. Staff reports. None.

9. ORGANIZATIONAL MEETING

A. Election of President Pro Tempore. Mayor Marshall stated there was a conflict in the Town's Code that stated the election of the Mayor Pro Tem was to be held at the first meeting after the election and it also stated that it be done during the first meeting in April. He said it would be rectified soon, and that it would be done at the first meeting after an election. He asked for nominations for Mayor Pro Tem. Councilor Ray nominated Councilor Bettison. The Mayor asked if there were any other nominations. Councilor Cook nominated Councilor Morones. Councilor Morones stated that he was okay with the status quo. Mayor Marshall asked Councilor Morones if he accepted the nomination. Councilor Bettison stated that she accepted the nomination and seconded the motion for her nomination as Mayor Pro Tem. Mayor Marshall asked Councilor Morones if he accepted his nomination, and Councilor Morones said that he did not accept the nomination. Mayor Marshall stated there was a nomination for Councilor Bettison to be the President Pro Tem for the coming year. He said if there were no other nominations that he would entertain a motion to close nominations and elect Councilor Bettison as President Pro Tem. Councilor Ray made a motion as the Mayor stated. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to close nominations and elect Councilor Bettison as President Pro Tem by acclamation. 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. Appointments of Councilors to committee and board positions. Mayor Marshall welcomed the Town Clerk, the Town Attorney, the Town Manager, and all of the Town's department heads on their return to public service to the Town. He said they were required to state that by law even though none of them were in jeopardy of not being employed by the Town. He said there was quite a list of boards and commissions that they all sat on, and he was not making any changes from the previous year's appointments. He read the list, and commented that he had made a conscious decision that they not appoint to the Chief Elected Officials Region 4 Southwest Area Board because that Board's by-laws had an automatic appointment for the Chief Elected Official of all of the local governments in their jurisdiction. He said that he found it to be very inappropriate and that in the past there had been administrative issues within that organization that he was not comfortable with. He said that he did not want to personally be exposed or to expose the Town to that until he was comfortable that they were performing business in an upstanding manner and managing by their audit standards; until then the Town would not participate in that Board. He said if there were no objections that those were the appointments. There were no objections from the Council.

10. PUBLIC HEARINGS – None.

11. UNFINISHED BUSINESS –

A. Approval / Disapproval of 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 said it was the final reading of the ordinance and he gave the floor to Councilor Morones. Councilor Morones said the animal shelter staff came to him with minor changes regarding inconsistencies in the fees that the Town charged versus the fees that the County charged. He said the animal shelter worked with both entities and it was a way to simplify matters on their end; that it would give the animal shelter some authority in repeat offenders of animals at large and to make sure they were spayed and neutered to help control the populations. He said it was a good little change and a good start to improving the animal ordinance. He said that after the first reading that he had not heard a single comment for or against the ordinance so he would take that as an affirmative that people were satisfied with it. Mayor Marshall asked for comments from the audience, and there were none. He gave the floor to Heidi

Sexton from the High Desert Humane Society. She said the ordinance was primarily for public safety and that their records showed that a fifth impoundment was only the number of times that the animal had been caught running at large which meant there was an uncountable amount when they were not caught; that less than 10 percent of the animals would fall into a third or fourth impoundment, and even less for a fifth impoundment; that the unfortunate and sad reality was that many people did not claim the animals; and that the agreement with the Town would be renewed in April or May and she would come back to discuss the policies of the High Desert Humane Society and the animal shelter, etc. Mayor Marshall asked if there were any other comments from the audience, and there were none. He asked if there were comments, questions, or a motion from the Council. Councilor Morones moved for approval of 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. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve, and he asked if there was any discussion. There was none. He said there was a motion and a second to approve 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. 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.

12. NEW BUSINESS -

A. Approval / Disapproval of Bid #12/13-2: Blackhawk gravity sewer improvements. Manager Brown said the Town received 10 bids, and at the time of the bid opening the lowest bid was for more than the funding that was available through the NRT (Office of Natural Resource Trustee) program under the Environment Department. He said that he and Robert Esqueda, Utilities Department Director, had discussions with the NRT staff and they agreed to increase the funding amount to cover the low bid plus gross receipts and any additional engineering that would be required. He said it was staff's recommendation to award the bid to Renegade Construction, Inc. for \$359,500 plus gross receipts tax with the contingency that they receive the final approval for the funding in writing from NRT. Mayor Marshall asked if there were comments from the audience or from Robert Esqueda, and there were no comments. He asked if there were any comments, questions or a motion from the Council. There was discussion about the motion. Councilor Cook moved to approve per staff recommendation the approval of #12/13-2 Blackhawk gravity sewer improvements, and that it be awarded to Renegade Construction, Inc. in the amount of \$359,500 with the contingency that the Town receive final approval of the additional funding plus the gross receipts tax of 7.3750 percent for a total project of \$386,013.13. Councilor Morones seconded. Mayor Marshall said there was a motion and a second and asked if there was any discussion. There was none. He said there was a motion and a second to award Bid #12/13-2 Blackhawk gravity sewer improvements to Renegade Construction per staff recommendation for a total of \$359,500 plus gross receipts with the contingency on the final approval of the additional funding by NRT. He asked if everybody understood what they were voting on, and the Council members said yes. 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.

B. Approval / Disapproval of Resolution No. 2013-14: a Resolution authorizing the purchase of a certain parcel of improved property commonly known as the Silco Theater, 311 N. Bullard St., Silver City, NM.

Mayor Marshall gave the floor to Councilor Morones. Councilor Morones said it was a resolution that would have the Town purchase the Silco Theater from the Silver City MainStreet Project with several contingencies. He said they were looking to close on the property at the end of May for the lesser of \$390,000 or the appraised value. He discussed the contingencies; a grant that the Silver City MainStreet Project secured from the State MainStreet in the amount of \$175,000 that could only be used for the purchase of the theater; how the Town would be seeking financing for it that would be secured by a lease agreement that Silver City MainStreet Project would enter into in which case its management and board would be subletting to others, including a theater business; how it was extremely important to Silver City because they were without a theater; and how he was strongly in favor of it and that it was good for the community. He asked the Silver City MainStreet Board members that were in the audience to stand up. He said there were a lot of very successful and important community leaders in the group and that he strongly believed that they would see it through. Mayor Marshall asked if anyone from the audience would like to speak. Lucy Whitmarsh, President of the Silver City MainStreet Project, thanked the Council for considering the opportunity to bring a movie theater to downtown Silver City. She said it would bring renewed economic vitality to the entire downtown district. She commented further. Mayor Marshall asked her if a large modern multi-plex theater were to come if it would harm MainStreet's ability to refund the loan. She said the Silco Theater could be equipped to be a functional movie theater,

and if there were competition that made it not economically viable, that it was also the one theater in the downtown that was originally designed to be for productions so there were other uses that the building could be put to other than the movie theater. There was further discussion. Isaac Brundage, Vice-President of Student Affairs and Enrollment Management at Western New Mexico University, said that on behalf of Dr. Joseph Shepard, President, they wanted to show support of the project. He said the University was in growth mode and that there was a 13 percent increase in their enrollment in the Fall of 2012, an 8 percent increase of enrollment in the current semester, and that over 3,500 students were currently attending. He said the project was very important to them for the recruitment and retention of their students because they were in walking distance of downtown. Mayor Marshall asked the Council if they had comments. Councilor Bettison asked Manager Brown if there would be any cost to the Town over the long term. Manager Brown said no; that the loan was worked on so that the annual debt service payment would be less than what MainStreet was currently paying for rent. He said it was feasible for them to repay the loan, and nothing would be coming out of the Town's pocket other than the Town having to get the loan from the New Mexico Finance Authority for the amount that was over the \$175,000 grant funding by the State MainStreet. He said they would go through the process to get the funds so they could close by the end of May. Councilor Morones said that if the project went through and built steam that a free standing multi-plex on the highway sprawl would not be able to compete with downtown. He moved for approval of Resolution No. 2013-14: a Resolution authorizing the purchase of a certain parcel of improved property commonly known as the Silco Theater, 311 N. Bullard St., Silver City, NM. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve, and he asked if there was any other discussion from the Council. There was none. He said there was a motion and a second to approve, and no further discussion, on Resolution No. 2013-14: a Resolution authorizing the purchase of a certain parcel of improved property commonly known as the Silco Theater, at 311 N. Bullard St., Silver City, NM. 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. There was applause from the audience.

13. ADJOURNMENT – Mayor Marshall asked for a motion to adjourn. Councilor Morones moved to adjourn at 6:57 p.m., and Councilor Cook 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