

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
October 14, 2014, 6:00 pm**

Present:

Michael S. Morones, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe Cano, District 4

Also Present:

Peter Russell, Acting Town Manager
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Anita Norero, Deputy Finance Director

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS – "Domestic Violence Awareness Month" - October 2014** - Mayor Morones said he issued the proclamation on October 2nd and delivered it to El Refugio at the Woman's Club. He read the proclamation, and encouraged people to learn what activities were occurring by contacting El Refugio.
- 4. PUBLIC INPUT** – Dr. Emma Bailey, Professor of Sociology at Western New Mexico University commented on a new initiative on campus called the Center for Gender Equity, and said it was a new initiative responding to a lack of unified educational opportunities regarding women, LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Queer) issues, and gender equity social problems in Grant county and the campus of Western New Mexico University. She said the grand opening would be on October 30, 2014. Silvia Rueda from the Southwest Chicano Music Association thanked the Town Council and staff for their assistance during the successful 2014 Southwest Chicano Music Festival. She said she was looking forward to making positive changes in 2015 and would entertain new ideas for the next Labor Day weekend festival. Patricia Cano commented on handicap parking issues and how the Town of Silver City and other municipalities had a serious problem with illegal parking in handicap spaces. She said the Silver City Police Department usually responded within 5 to 7 minutes when a call of a violation was taking place, but the officers were not able to police handicap spaces throughout their work day. She made several suggestions: 1) deputize a group of citizens to report violations and how there was also software available, 2) how citations with a fine of \$250 or \$500 would change social behavior, and 3) how the Town Council should appoint an "Accessibility Board" to launch a campaign to educate people and also continue with accessibility issues. She said they needed to make Silver City handicap friendly and work on the quality of life for their handicap residents.
- 5. COUNCIL COMMENTS** – The Council commented on the following: the subject matter from the previous public input; a display of an acceptable reusable plastic bag and how some local retailers would be providing reusable plastic bags to their customers; how the Town would soon be distributing reusable bags to the public; an upcoming Open Meetings Act workshop on October 30th from 1:00 pm to 5:00 pm in the Seminar Room of Western New Mexico University; an upcoming Toy Run sponsored by the Charity Riders of Southwest New Mexico on November 15th that would benefit the Children, Youth, and Families Division; a display of an AIDS quilt at the Graham Gym of Western New Mexico University on October 15th and 16th, and how 2 of the panels would include members of the community that passed away because of AIDS; and Avelino Maestas was welcomed back to the community as Editor of the Silver City Daily Press.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting on September 17, 2014** - Councilor Bettison moved to approve the minutes of the Regular Town Council Meeting of September 17, 2014. Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to approve the minutes for the Regular Meeting of September

17, 2014. 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 any were opposed, and there were none. Motion carried.

8. REPORTS –

A. Quarterly tourism report by George Julian Dworin, Executive Director of the Silver City Arts and Cultural District. George Julian Dworin, Director of the Silver City Arts and Cultural District (SCACD), reported on the following: that Governor Martinez announced on September 9, 2014 the full funding of Silver City Arts and Cultural District 's cooperative Tourism Grant for \$40,000 in matching funds to promote tourism; how he met with State Tourism to talk to them about their media plan, etc. and was looking forward to a partnership with them and opportunities to leverage off of their \$7,000,000 budget; how the SCACD hosted the Southwest Region Tourism Board during the Clay Festival and he was elected as the Chairman of that Board; how they entered into an agreement with Grant County Tourism; how they just finished their first quarter of managing the Visitor Center and they were serving as the headquarters for many festivals and events; how they were revamping and modernizing the Visitor Center to be more interactive and more interpretive by working with the Silver City Museum and by entering into an agreement with the Forest Service; an invitation for all to volunteer at the Visitor Center; how the media coverage continued to expand on a national and regional level and he named the sources; and how their social media continued to expand. There was further discussion between the Council and Mr. Dworin.

B. Town Clerk's report and recommendation to designate a Voting Convenience Center for the 2015 Municipal Election. Clerk Mackie provided information about Voting Convenience Centers and the Autovote system, and she recommended the Town designate 1 Voting Convenience Center at the Silver City Woman's Club for their next election. She reported the following advantages to the Voting Convenience Center concept: 1) the registered voters of an election for any of the Council districts could go to the Woman's Club to vote and would not have to remember their specific district polling location; how the ballots would be printed from the Autovote system for each voter so money would be saved by not pre-ordering preprinted ballots and time would be saved by not having to destroy unused ballots; how having the voter information on the computer would speed things up for the voter and also for the presiding judge when closing the polls by initiating a computerized report; and how fewer poll workers would be required if 1 polling place was designated. She said she had checked with many other clerks around the state, and the Grant County Clerk, and all of them said it was great to use the Voting Convenience Centers because the voters liked it and the poll workers loved it because it made the election process easier for everybody. She said she would bring the Election Resolution to the Council in November, and her recommendation was to designate 1 polling place, a Voting Convenience Center at the Silver City Woman's Club. She asked for feedback or questions from the Council. There was further discussion by Councilor Bettison and Mayor Morones, and they were in favor of Clerk Mackie's recommendation.

C. Staff reports. Anita Norero, Deputy Finance Director, gave an update on the contractor's progress at the fueling center, and said the inspections should be completed that week. She said the shipment of the dispensers was delayed until October 31st, but upon their receipt further installations would be made and personnel would be trained. Councilor Aiman-Smith asked when it would be completed and Dr. Terry Timme from the Office of Sustainability said the completion of the fueling center should be by mid-November. He also followed up Councilor Bettison's comments about the plastic bag ordinance and stated the Town purchased reusable bags that would be handed out to all of the residents and people in the county, and they were in the process of figuring out a scheme to distribute the bags to everybody. He said the Girl Scouts said they would be happy to help in the distribution of the new bags because the Town had been so generous to them in the past so it was an excellent opportunity for them to give back to the Town.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1234: an Ordinance repealing Uniform Traffic Code Sections 12-6-12.18(6) and 12-6-18D, and amending Chapter 50, Section 50-2 (Penalty Assessments) of the Town of Silver City Municipal Code. Councilor Ray read the entire ordinance and then made a motion to approve Ordinance No. 1234: an Ordinance repealing Uniform Traffic Code Sections 12-6-12.18(6) and 12-6-18D, and amending Chapter 50, Section 50-2 (Penalty Assessments) of the Town of Silver City Municipal Code. Councilor Bettison seconded. Mayor

Morones said there was a motion and a second for the approval of Ordinance No. 1234 and he repeated the motion. He said the Town had already adopted the Uniform Traffic Ordinance and led the state by already having a texting while driving ban in affect. He said the state's ordinance generally mirrored the Town's ordinance so they had 2 bodies of law, and to avoid confusion it made sense to repeal the Town's Ordinance No. 1207. Councilor Bettison discussed the penalty assessment and said the Town considered it to be a serious offense so it was set up at \$100 per offense, etc. Mayor Morones repeated the motion and asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

Councilor Bettison moved for short break. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for a short recess. 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. Following the recess Mayor Morones called the meeting back to order.

11. NEW BUSINESS –

A. Approval / Disapproval of 2 Public Celebration Permit Applications for Little Toad Creek Brewery and Distillery's OkToader-fest on Saturday, October 25, 2014 from noon to 11:00 pm on Bullard Street between Broadway and Yankie Streets. Liquor License Holder Information: 1) Little Toad Creek Brewery #67021, HC68 Box 134, Silver City, NM., and 2) Little Toad Creek Distillery #63004, HC68 Box 134, Silver City, NM.

Sam Castello, General Manager of Little Toad Creek LLC, said they would like to celebrate OktoberFest, but they were calling it OkToader-fest, and would include food, music, and dancing. He said they talked to their fellow downtown merchants and got a good response from everybody. He said 2 public celebration permit applications would allow them to serve their licensed premise on the street, that their street closure request had been approved by the Silver City Police Chief, and the privileged use permit to use a Town right-of-way had been approved. He discussed the times of the event and said the reason they asked for a permit for the street and sidewalk was so they would have a safety buffer for such a large event. He said they would have 1 entrance and 1 exit on Bullard Street so they could monitor alcohol service and comply with the appropriate alcohol service laws. He provided further details of the event. He also thanked Police Chief Reynolds for the downtown foot patrol. There was further discussion about the permits. Councilor Bettison moved to approve 2 Public Celebration Permit Applications for Little Toad Creek Brewery and Distillery's OkToader-fest on Saturday, October 25, 2014 from noon to 11:00 pm on Bullard Street between Broadway and Yankie Streets. Liquor License Holder Information: 1) Little Toad Creek Brewery #67021, HC68 Box 134, Silver City, NM., and 2) Little Toad Creek Distillery #63004, HC68 Box 134, Silver City, NM. Councilor Ray seconded. Mayor Morones said there was a motion and a second for approval of the 2 public celebration permit applications, and he repeated the motion. There was no further discussion. 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. 2014-28: 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.

Anita Norero, Deputy Finance Director, said the amendment to the Procurement Code would allow the Town to obtain 3 quotes and also utilize the state contract for bulk fuel in order to get the best possible price. She reported the following: the Town would have more control over their costs for fuel when purchasing it for their fueling station; they would save money on the fuel, but would also be exempt from state and federal taxes; the new system would enable them to monitor fuel usage better by tracking who is fueling, how often they were fueling, the mileage per gallon, etc.; and the savings realized for fuel would be kept in each department and they would be able to utilize those savings on additional projects and services to the community. She said the fueling station would be set up as an Enterprise Fund like the Water and Sewer and Sanitation Funds, and they would charge each department for what they were using plus an administrative fee that would cover the operating and maintenance cost of the facility. She commented that Manager Brown was also looking into making the fueling station available to other entities and would pass those savings on to them. She stated that with their current vendor they paid 13 cents above rack for diesel and 31 cents above rack for unleaded, and their average costs for fuel was \$5,000 to \$7,500 per week and that \$500 to \$700 of that was for taxes. There was further discussion. Councilor Cano moved to approve Resolution No. 2014-28: 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. Councilor Bettison seconded. Mayor Morones repeated the motion and asked if there was further discussion. There was none. He asked for a roll call vote. Councilor

Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

C. Approval / Disapproval of Resolution No. 2014-29: a Resolution authorizing the Mayor of the Town of Silver City to serve notice of termination of the Town's participation in the Joint Powers Agreement dated December 20, 2007 which established the Grant County Public Transportation System. Councilor Aiman-Smith provided the history of the Joint Powers Agreement and about Corre Caminos and explained how it was funded in part from an award from the New Mexico Department of Transportation; how there was a required cash match from each entity; how the cash match grew as the transit system grew and the expenses grew; how the expenses had grown beyond their ability to pay and grants for public transportation had diminished; and how the ridership and mileage of the different routes affected performance. She asked Attorney Scavron if he had further comments. Attorney Scavron said she expressed the issues very well, but there should be a recognition that public transportation was subsidized worldwide; that there was no public transportation system that could be affordable to people without federal subsidy. He said they could not expect federal subsidies passing to the state and then to counties and municipalities to continue. He said the main issues were measuring the benefits for Silver City versus the costs, and he posed several questions. He discussed the Joint Powers Agreement and stated all of the assets of Corre Caminos were the assets of Grant County and they administered Corre Caminos. He said Grant County could no longer absorb the losses so a decision needed to be made whether there was an alternate public transportation model with really identifiable costs. He said that it would be premature to terminate now, but the Town should engage in a dialog and discussions with the county and the other entities to find a workable solution to public transportation, but to keep in mind that when Silver City is represented at that table it would be looking at the best interest of Silver City.

Councilor Aiman-Smith thanked him for his comments. She said in a nutshell over time the routes had expanded, the fuel costs went up, various labor and benefit costs went up, and there had been a whole lot of additional financial burden generated in the past 7 years so they had a painful solution to address. She respectfully asked Mayor Morones to ask the Town Manager, Alex Brown, to enter into discussions with the other entities in the 2007 Joint Powers Agreement regarding the Grant County Public Transportation System. She said the purpose of the discussion would be to develop a workable transportation model that would be in the best interest of their town, and the outcomes of those discussions should include: proposed routes; options for frequencies on routes; actual operation and overhead cost models for each of those options based upon real data; and efficiency options such as subcontracting to a local small van service or courier service from either a non-profit or for profit entity. She said upon reflection of the history and after reading a very thick file, and from the initial signal from the county that they were seeking collaboration on developing a workable transit model, that she felt that withdrawing from the 2007 Joint Powers Agreement was premature. She moved to postpone indefinitely Resolution No. 2014-29: a Resolution authorizing the Mayor of the Town of Silver City to serve notice of termination of the Town's participation in the Joint Powers Agreement dated December 20, 2007 which established the Grant County Public Transportation System. Councilor Bettison seconded. Mayor Morones said there was a motion and a second and he repeated the motion. There was further discussion. He repeated the motion and asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

D. Discuss and vote on whether to change the Town Council meetings scheduled for November 11th and 25th at 6:00 pm to only November 18, 2014 at 6:00 pm. Mayor Morones said the last 2 meetings in November and December fell in line with holidays and he explained the suggested solution. He said he would entertain a motion. Councilor Bettison moved to change the Town Council meetings scheduled for November 11th and 25th at 6:00 pm to only November 18, 2014 at 6:00 pm in the same chambers. Councilor Aiman-Smith seconded. Mayor Morones repeated the motion and asked if there was further discussion. There was none. 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.

E. Discuss and vote on whether to cancel the Regular Council Meeting scheduled for December 23, 2014 at 6:00 pm. Mayor Morones said they could follow suit with the first discussion. Councilor Bettison noted that the December 9th meeting was the last day to do the Election Resolution so they wanted to retain the first meeting date and just cancel the second meeting date. Mayor Morones said that was correct. Councilor Bettison moved to cancel the Regular Council Meeting scheduled for December 23, 2014 at 6:00 pm. Councilor Aiman-Smith seconded. Mayor Morones

repeated the motion and asked if there was further discussion. There was none. 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.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:03 p.m., and Councilor Aiman-Smith seconded. Mayor Morones 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/

Michael S. Morones, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk