

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT
December 8, 2020, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe E. Cano, District 4

Also, present:

Alex C. Brown, Town Manager
James Marshall, Assistant Town Manager
Ann L. Mackie, Town Clerk
Freddie Portillo, Police Chief
Jeff Fell, Assistant Fire Chief
Robert Higgins, Information Technology Director
James Reynolds, Attorney

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m. Clerk Mackie did a roll call of the Mayor, Councilors and staff.

2. CHANGES TO AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Bettison commented on an email that Assistant Fire Chief and Emergency Manager Jeff Fell had sent about the issues occurring at one of the big box stores in town, and she talked about her own experience. She said as the Immediate Past President of the New Mexico Municipal League (NMML), she called the Executive Director of the NMML, A. J. Forte, to discuss her concern about the Governor's orders and the unintended consequences because it was getting colder outside and disabled people were standing in line when they could not stand that long and may not have any assistant devices. She commented on issues regarding the shopping time for seniors, and she said she also spoke to Lieutenant Governor Howie Morales to see if he could speak to the Governor about the issues. She commented further about the difficulties of standing in line for people with health issues; how it affected the other businesses located in the big box stores; issues with online ordering; human waste issues in the forested areas; and COVID-19 statistics and safe practices. Councilor Aiman-Smith had no comments. Councilor Cano extended heartfelt appreciation to the Silver City Fire Department and the Tyrone Volunteer Fire Department for responding to several calls regarding one of her family members and how they had been extremely professional and kind. She thanked Assistant Fire Chief Jeff Fell and Chief Milo Lambert of the Silver City Fire Department. Councilor Ray said the new mural at the La Capilla Park at Theodore and Richard Streets was very nice and was being done by well-known artist Carlos Callejo. He thanked Manager Brown for allowing the mural at the park. He commented on a kid's scavenger hunt at Cobre High School. He talked about COVID-19 and how he agreed with the hospital in not giving out the names of the patients. He commented on a group's idea to give blankets, etc. to the elderly. Mayor Ladner commented on the issues of standing in line at the big box store, how the mayors around the state had been talking about it a lot, and how he contacted the Governor's office about the issues.

6. APPROVAL OF MINUTES - Regular Meeting on November 10, 2020 – Mayor Ladner asked for a motion to approve the minutes and commented that the Council did not have a meeting on November 24. Councilor Aiman-Smith moved to approve the Minutes of the Council of the Regular Council Meeting of the Town of Silver City of November 10, 2020. Councilor Ray seconded. The Mayor asked if there was any discussion, and there was none. He 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.

7. PUBLIC INPUT – Mayor Ladner asked Clerk Mackie if any public input was received. Clerk Mackie said there was no public input received by email.

8. REPORTS –

A. Staff Reports – Manager Brown said James Marshall, Assistant Town Manager, would talk about the Business Retention Grant. He said Mr. Marshall and Vanessa Cardenas, Purchasing Agent, did a ton of work in a short amount of time for the grant. Mr. Marshall reported on the CARES Business Continuity Grant that was administered by the Town. He said the Town was notified in July 2020 and began planning meetings with other entities to develop a review committee that included representatives from the Town, Grant County, Chamber of Commerce, and business representatives in town. He said Bayard and Hurley managed independently from the Town and the County's process. He said the application for the funding was submitted on August 7 to the New Mexico Department of Finance Administration and the extension of the grant was to August 9. He said on August 31 they were notified that the Town was awarded \$359,438 of the \$750,000 that the Town was requested. He said their estimate was appropriate to provide funding to all of the applicants. He said on September 18 the grant application was made public and applications began rolling in. He said rules from the State changed at least twice while they were reviewing the applications. He said next week they would write the final disbursement checks to local businesses. He said they had all the funds allocated to the Town, including a small administration fee to the Chamber of Commerce. He said 39 Silver City businesses received assistance from the program, 19 applicants did not receive funding, and with the exception of one it was no fault of theirs, because they were out of money in the grant. Councilor Bettison thanked Mr. Marshall, Ms. Cardenas, and the Chamber of Commerce for their hard work and for getting the funds disbursed, etc. There was further discussion. Manager Brown commended Mr. Marshall, Ms. Cardenas and the Finance Department staff, and said hopefully they were able to help businesses stay in business.

Manager Brown asked Jeff Fell, Assistant Fire Chief and Emergency Manager, to report. Assistant Chief Fell thanked the Council for reading his report and for their replies. He commented on the senior hour at the various stores and how it is much more difficult for the out-of-town seniors to drive in to town to shop. He commented on the number of people with blankets as they stood in line outside the store, the closing times, how the colors of the counties were changed each week as they counted the COVID-19 numbers; and how the called in orders also had lines at the pickup line. He said he requested from the State why there was a restriction in the store hours and their reply was so the store could do deep cleaning after 10:00 p.m. He said the State restrictions had unintended consequences and maybe there was a better way.

Police Chief Portillo shared some COVID-19 data and stated in the month of November they had 28 calls for service that were COVID related, all for people not wearing masks, and in October they had 24 calls. He said in the month of November they issued two citations and the calls for service were mostly at the larger grocery stores, particularly Wal-Mart. He also reported an increase in criminal activity, specifically aggravated assaults, residential burglaries, and stolen motor vehicles. He said in 2019 they had a total of 33 aggravated assaults, and up to November 2020 they surpassed that with 42. He said in 2019 the total of residential burglaries was 46, and up to November 2020 they were at 64. He said in 2019 they had a total of 19 stolen motor vehicles, and up to November 2020 they had 24 stolen motor vehicles with 14 recoveries. He said in addition to COVID impact operations, they were also conducting impact operations to increase visibility and target specific areas in the town. He said they were using proper officer safety tactics and COVID safe practices so they could remain as healthy as possible and be available to the community, etc. He commended every member of the Silver City Police Department, including the civilian staff, for their outstanding efforts and hard work, especially going above and beyond in this difficult time. There was further discussion and Councilor Bettison commended all of the Silver City Police Department and the Silver City Fire Department for everything they were doing.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1297: to repeal Ordinance No. 1290 and adopt an Ordinance declaring the intention of the Town to continue the existence and operation of its “Local Labor-Management Relations Board” and further, amending Chapter 38, Article II (Collective Bargaining), Sections 38-22 through 38-35 of the Town of Silver City Municipal Code. Manager Brown said it was the exact same ordinance that was passed in May and the intent was to comply with new legislation that was passed during the legislative session in February to continue to maintain their own Labor Relations Board. He said they submitted the original ordinance to the State Department and they agreed everything complied with the legislation except that it had to be passed after July 1, 2020 and before December 31, 2020 so they were changing the adoption date to meet their requirements. Mayor Ladner

asked for a motion. Councilor Bettison moved to approve Ordinance No. 1297: to repeal Ordinance No. 1290 and adopt an Ordinance declaring the intention of the Town to continue the existence and operation of its “Local Labor-Management Relations Board” and further, amending Chapter 38, Article II (Collective Bargaining), Sections 38-22 through 38-35 of the Town of Silver City Municipal Code. Councilor Ray seconded. Mayor Ladner 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.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2020-24: A Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and among the NM Colonias Infrastructure Board (“CIB”) and the NM Finance Authority (“Finance Authority,” and collectively with the CIB, the “Lenders/Grantors”) and the Town of Silver City (The “Borrower/Grantee”), in the total amount of \$901,815 evidencing an obligation of the Borrower/Grantee to utilize the Loan/Grant amount solely for the purpose of financing the costs of renovations to the Chloride Flats Water Storage Tank. Manager Brown said the Town had used the Colonias Infrastructure Grant Program since it came into existence and for the award in Fiscal Year 2020 the Town was awarded two grants. He said Resolution No. 2020-24 was for the Chloride Flats water storage tank renovation. There were no comments. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2020-24: A Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and among the NM Colonias Infrastructure Board (“CIB”) and the NM Finance Authority (“Finance Authority,” and collectively with the CIB, the “Lenders/Grantors”) and the Town of Silver City (The “Borrower/Grantee”), in the total amount of \$901,815 evidencing an obligation of the Borrower/Grantee to utilize the Loan/Grant amount solely for the purpose of financing the costs of renovations to the Chloride Flats Water Storage Tank, and solely in the manner described in the Loan/Grant Agreement; providing for the pledge and payment of the loan amount of \$90,181 solely from one-quarter of one percent of Municipal Gross Receipts Tax distributed to the Borrower/Grantee by the State Taxation and Revenue Department; accepting the grant amount of \$811,634; certifying that the Loan/Grant amount together with other funds available to the Borrower/Grantee is sufficient to complete the project; approving the form of and other details concerning the Loan/Grant Agreement; ratifying actions heretofore taken; repealing all action inconsistent with this Resolution; and authorizing the taking of other actions in connection with the execution and delivery of the Loan/Grant Agreement. Councilor Bettison seconded. Mayor Ladner 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.

B. Approval / Disapproval of Resolution No. 2020-25: A Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and among the NM Colonias Infrastructure Board (“CIB”) and the NM Finance Authority (“Finance Authority,” and collectively with the CIB, the “Lenders/Grantors”) and the Town of Silver City (The “Borrower/Grantee”), in the total amount of \$1,628,600 evidencing an obligation of the Borrower/Grantee to utilize the Loan/Grant amount solely for the purpose of financing the costs of construction of Ridge Road Street and Drainage Improvements Phase II. Manager Brown said it was the second of the two Colonias grants that were awarded to the Town in Fiscal Year 2020. He said for Resolution No. 2020-25 they would be using the 2019 Colonias grant for Ridge Road and also using the 2020 award for the Ridge Road improvements, Phase II. He said they had a little over \$2,600,000 when combined. There were no comments. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2020-25: A Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and among the NM Colonias Infrastructure Board (“CIB”) and the NM Finance Authority (“Finance Authority,” and collectively with the CIB, the “Lenders/Grantors”) and the Town of Silver City (The “Borrower/Grantee”), in the total amount of \$1,628,600 evidencing an obligation of the Borrower/Grantee to utilize the Loan/Grant amount solely for the purpose of financing the costs of construction of Ridge Road Street and Drainage Improvements Phase II, and solely in the manner described in the Loan/Grant Agreement; providing for the pledge and payment of the loan amount of \$325,720 solely from one-eighth of one percent (.125%) of Municipal Gross Receipts Tax distributed to the Borrower/Grantee by the State Taxation and Revenue Department; accepting the grant amount of \$1,302,880; certifying that the Loan/Grant amount, together with other funds available to the Borrower/Grantee, is sufficient to complete the project; approving the form of and other details concerning the Loan/Grant Agreement; ratifying actions heretofore taken; repealing all action inconsistent with this Resolution; and authorizing the taking of other actions in connection with the execution and delivery

of the Loan/Grant Agreement. Councilor Bettison seconded. Mayor Ladner 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.

C. Approval / Disapproval of Resolution No. 2020-26: A Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2020 through June 30, 2021 and for municipal purpose in the Town of Silver City, New Mexico, transferring and appropriating funds thereof. Manager Brown said earlier in the year they passed a Resolution to cancel the negotiated raises with all three unions. He said they were putting the money for the increases back into the budget so they can award those increases to the three unions and for a four percent increase for exempt employees as well. He said it was an increase of \$184,267, and he explained further. Councilor Bettison moved to approve Resolution No. 2020-26: A Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2020 through June 30, 2021 and for municipal purpose in the Town of Silver City, New Mexico, transferring and appropriating funds thereof. Councilor Ray seconded. Mayor Ladner 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. Mayor Ladner thanked Manager Brown for doing this for the employees because they really deserved a raise.

D. Approval / Disapproval of Resolution No. 2020-27: A Resolution supporting a Veteran Service Officer (VSO) to serve Sierra and Grant Counties. Mayor Ladner said Councilor Cano was the sponsor. Councilor Cano said the Resolution came after a year's worth of conversations with Representative Rebecca Dow who co-sponsored a bill providing for four Veteran Service Officers (VSOs) across the state. She said the bill was passed and signed by the Governor, and then COVID hit so they had not done anything with it at this point. She said they were trying to hire the four VSOs and there was a push for them to be in the Albuquerque Metro area which was not good because veterans already had to travel two hours to get to the closest VSO in Doña Ana County. She said a previous administration removed the VSO that used to be in Silver City. She said unfortunately this VSO would still be housed in Truth or Consequences which was still a two-hour drive, but at least the veterans would have an option to go to either Truth or Consequences or Las Cruces. She said they already found a place to house the VSO in Truth or Consequences at no cost and that Truth or Consequences had already passed a Resolution. She said Representative Dow was working with both counties to do the same thing so the Governor would know they were all in support of having this person serve the county and how they would work with Sierra County on the schedule so both counties would be served. Mayor Ladner asked for a motion. Councilor Cano moved to approve Resolution No. 2020-27: A Resolution supporting a Veteran Service Officer (VSO) to serve Sierra and Grant Counties. Councilor Ray seconded. Mayor Ladner 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. Mayor Ladner commended Councilor Cano for the initiative she took on it and for following up on it, and how the veterans really appreciated it.

E. Approval / Disapproval of Resolution No. 2020-28: A Resolution authorizing the Mayor to negotiate and execute an amendment to a Contract for Employment between the Town and Alex C. Brown. Mayor Ladner said he was the sponsor of the Resolution and he asked if there were any questions or comments. There were none. He read the Resolution in its entirety. He asked for a motion from a Council member. Councilor Bettison moved to approve Resolution No. 2020-28: A Resolution authorizing the Mayor to negotiate and execute an amendment to a Contract for Employment between the Town and Alex C. Brown. Councilor Cano seconded. Mayor Ladner 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.

F. Approval / Disapproval of Bid #20/21-1: Ridge Road Drainage and Roadway Improvements. Manager Brown said the Town received two bids for the specified project and the bids were put out in six different bid lots. He said they had problems trying to award the project when they only had the first grant. He said the Town received bids from Deming Excavating and Southwest Concrete and Paving. He said it was staff's recommendation to award Bid Lots 1 through 5 to Deming Excavation in the amount of \$2,103,605.65 plus gross receipts taxes. He said it would get them from Highway 90 to just before Bob White Road. He said the project would start within the next month and go through August 2021. Mayor Ladner said it would be a great project and would improve the safety of the people walking and biking. He asked if there were any questions or comments, and there were none. He asked for a motion. Councilor Ray moved to approve Bid #20/21-1: Ridge Road Drainage and Roadway Improvements per staff recommendation to Deming Excavating Inc, Bid Lot 1 through 5 in the total amount of \$2,103,605.65 plus gross receipts taxes for a total of \$2,271,894.10. Councilor

Bettison seconded. Mayor Ladner 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.

G. Approval / Disapproval of Bid #20/21-2: Colonias Water System Improvements - Chloride Flats, West Tank. Manager Brown said the Town received three bids from D & R Tank Company, Riley Industrial Services Inc, and Lone Mountain Contracting Inc. He said it was staff's recommendation to award the Base Bid and Additive Alternate to D & R Tank Company in the amount of \$548,573.00 plus gross receipts taxes. Mayor Ladner asked for a motion. Councilor Ray moved to approve Bid #20/21-2: Colonias Water System Improvements - Chloride Flats, West Tank per staff recommendation to D & R Tank Company for \$548,573.00 plus the gross receipts tax for a total amount of \$592,458.84. Councilor Cano seconded. There was no discussion. Mayor Ladner 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.

H. Appointment to the Planning and Zoning Commission. Mayor Ladner stated two applications were received and the Community Development Director recommended the appointment of Glenda Rivera. He said if there was no objection from the Council, he would appoint Ms. Rivera. Councilor Ray stated he only received one application in his packet and it was from Glenda Rivera. There was further discussion about the two applications from Glenda Rivera and Gilbert Helton. Clerk Mackie apologized for the error. Councilor Ray said he would like to see Mr. Helton's application. Mayor Ladner said they could postpone action until the next meeting. Councilor Ray moved to postpone the Appointment to the Planning and Zoning Commission to the next Town Council Meeting. Councilor Cano seconded. Mayor Ladner 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.

I. Appointment to the Trails and Open Space Advisory Committee. Mayor Ladner stated an application was received from Marsha Sue Lustig and the Community Development Director recommended her. He said if there was no objection from the Council, he would appoint Ms. Lustig. There was no objection.

12. ADJOURNMENT – Mayor Ladner concluded the meeting. Councilor Ray moved to adjourn at 7:18 p.m., and Councilor Bettison seconded. Mayor Ladner 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.

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk