

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
June 14, 2022, 6:00 p.m.

Members Present:

Ken Ladner, Mayor
Lucian Farmer, Councilor, District 1
Nicholas Prince, Councilor, District 2
Jose A. Ray, Jr., Councilor District 3
Guadalupe E. Cano, Councilor, District 4

Others present:

Alex C. Brown, Town Manager
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Jim Reynolds, Town Attorney
James Marshall, Assistant Town Manager
Roger Lance, Grant County Beat
Ben Beltron, Executive Director, CATS
Jordan Archunde, Silver City Daily Press
Patrick Cohn, Silver City Resident
Patricia Cano, Silver City Resident
Andy Payne, Silver City Resident
Sharon Bookwalter, Silver City Resident
George Carr, Silver City Resident

1. CALL TO ORDER - Mayor Ladner called meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE AND SALUTE TO NEW MEXICO STATE FLAG - Mayor Ladner invited the public to recite the Pledge of Allegiance and the Salute to the New Mexico State Flag.

Mayor Ladner welcomed the Chief of Police Freddie Portillo, news media, guests who will be making presentations, staff and the members of the community.

2. CHANGES TO AGENDA – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – Declaring “James William (Bill) Harrison Day” - Mayor Ladner stated the Town would like to recognize Mr. James William Harrison for his many years of service to our country and community and also to recognize he One Hundredth (100) birthday. Mayor Ladner asked Mr. Harrison to meet him at the podium where Mayor Ladner read the Proclamation.

Mr. Harrison stated it is the greatest honor he has ever received especially from his friends in his home town, he was thankful for having served in many National, International, City, County Boards and commissions. Mr. Harrison acknowledged this honor on behalf of all the people who put him where he is and made him who he is.

5. COUNCIL COMMENTS – Councilor Ray wished everyone Happy Birthday who had a birthday in the month of June and Happy Anniversary to those who had an Anniversary in the month of June. Councilor Ray spoke about the shooting in Uvalde, Texas and abortion asking for everyone to pray for the families and for no more abortions. Councilor Ray congratulated all the candidates who won in the primary election, he stated there was a lot of negative campaigning and asked for us to be more civil. Councilor Ray finished his comments with reading a poem titled the Guy In The Glass written in 1934.

Councilor Farmer thanked Mr. Hawkins and School Board from Silver Schools for purchasing school supplies for all students this next school year.

Councilor Cano attended a dedication of a mural and plaque at the Silver City Museum for Bobby Neil. Councilor Cano thanked the Silver City Fire Department for answering her non-emergency calls, they were very kind and professional. Councilor Cano thanked Students from Silver High School and Aldo Leopold that participated in the YCC Garden Crew completing a three (3) week Big Ditch restoration project; along with John Bjornstadt Trail Crew and Parks Department with planting of trees and making the area more accessible for everyone. They were accompanied by the Watershed Summer Youth Campers the last couple of weeks helping to pick up trash in the park. Councilor Cano also attended the Grand Opening of the Silver City Disc Golf Course. Councilor Cano attended the Blues Festival which was by far the most accessible; the handicap parking and wheelchair accessibility were very nice. Councilor Cano did have a concern about the dogs in the park, service dogs were aloud in the park, but none service dogs were not and there were a few non service dogs in the park barking and growling as one large dog jumped on her lap. Councilor Cano was asked why some non-service dogs were aloud in the park and some were not, she spoke to the security about the ordinance, the officer advised her they were not hired by the Town so they do not have to follow the City Ordinance and heard them say they do not work for the Mayor. Councilor Cano would like to see a strict rule in the paperwork for renting public spaces that says Ordinances will be followed by the security team or the security team will not be approved. Councilor Cano's final comment was the concern of the Homeless Shelter on the southside of her district. She has many concerns with the homeless and mental health issues in her neighborhood as she has been affected by it on her own property finding a homeless person asleep in her shed on her property. She is asking for help from Commissioner Chris Ponce, Senator Hemphill and Representative Terrazas for some resources and a plan of action and asking her fellow Councilors to visit with the residents and hear their stories. She does not know the solution, but hopes to find a solution soon. There will be a new Homeless Shelter being opened by SPIN in another location and she will be against the opening until there is control of the one that is now opened.

Councilor Prince state he has been satisfied with the enactment of the abatement process with the Ordinance that was passed and the hiring of two (2) Code Enforcement Officers to address the issues. Councilor Prince encouraged the community to call Central Dispatch with concerns so it is on record and the issues could be addressed. Councilor Prince commended the effort for the new Carbineers product being applied for by Martha Egal and Gordon West. Councilor Prince thanked Romeo Cruz at the Silver City Grant County Chamber of Commerce for providing space for Western New Mexico University meetings as well as other meetings. Councilor Prince was very happy with participation in the Primary Election, it was a very good turnout. He was also excited to talk about the kick off of the Merchant Mingle, meeting to be held on the second Wednesdays of the month at the Q's Bistro. The Downtown Main Street Project is working to provide a support network for other businesses starting in the region. Councilor Prince has been having fantastic conversation with the State of New Mexico Broadband fund where there will be a Billion Dollars plus coming to the State of New Mexico for Broadband infrastructure in the region. The Co-starters meeting hosted at the Sea Boat Gallery is seeing new entrepreneurs and new businesses coming. The Trails and Open Space meeting was a great success; copies of slides are available and participation was wonderful as they work to be able to increase recreation and safe access to all natural resources in the area.

Councilor Ray asked the public to support the Fiesta Latina at Western New Mexico University. Councilor Ray echoed Councilor Cano's concerns with another SPIN project next to Sixth Street school. There are many concerns from the residents in the neighborhood and if comes before the Council for approval, he will also vote against the opening.

Councilor Price reminded the public of the Toss No Mas Cleanup at the Visitors Center on Saturday June 18, 2022 starting at 8:00 am.

6. APPROVAL OF MINUTES – May 24, 2022 Regular Meeting. Councilor Ray moved to approve the May 24, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Farmer seconded. Motion carried.

7. PUBLIC INPUT – Patrick Cohn spoke of his concerns in his neighborhood on Kelly Street in District 4 located near the SPIN Homeless Shelter. There has been break-ins, drugs, violence and domestic violence in the neighborhood and has voiced his concerns to the Director of SPIN, Councilor Cano and Commissioner Chris Ponce. Mr. Cohn and his family do not feel safe in their own neighborhood and want something done to make their neighborhood safe for all residents.

Patricia Cano spoke on the same concern of the SPIN Homeless Shelter, she advised Mayor and Councilors of a letter that will be coming out in the Daily Press with the concerns of the neighborhood. Ms. Cano proposed a Multi-Disciplinary Task Force to include residents of the neighborhood to find solutions of homelessness in the community. Ms. Cano spoke on several ideas the Task Force could address and people that could be contacted for help finding funding for programs and professional help these individuals need. Ms. Cano would like to see a wish list, develop a strategic plan and a time line for ending homelessness.

Andy Payne stated his displeasure of the recent tax hike for the payment of Police misconduct in the 2016 Nikki Bascom case. He felt it could have been prevented if there had been a Citizens Advisory Review Board overseeing complaints from citizens involved in the case to help supervise the investigation. Mr. Payne hopes a Citizens Advisory Review Board will be considered to help prevent Police misconduct in the future and another tragic incident.

Sharon Bookwalter represented Citizens for Safety and Community a group who have proposed a creation of a Citizens Advisory and Review Board to Alex Brown, James Marshall, Chief Portillo and other City Officials. The board is composed of a retired Law Enforcement professional, mental health professional and members appointed by the Council Members which serve along with those changes presented by the Silver City Police Department to support the local Police Department and preventing situations leading to the tragic death of Nikki Bascom. Ms. Bookwalter expressed her concerns about not having an Advisory Board and hopes there will be a consideration of the Advisory Board as other cities do to help the Silver City Police Department and prevent the issuance of bonds for tragic incidents.

George Carr a lawyer who practiced in Florida for 50 years also advocating for an Outside Independent Review Committee to help law enforcement and prevent another tragedy.

8. REPORTS –

- A.** Update on Recreation Center – Alex Brown stated the current phase is in the process of finalizing the Architectural contract with Architectural Services as well as other contracts. A steering Committee meeting will be held in the next couple of weeks to keep talking about the project. Mr. Brown advised the funding for the project from Swan to Fowler has been funded and a good chance of receiving funding from Fowler to Pinos Altos as well.
- B.** Update on New City Hall – Mr. Brown advised that Washington Federal has moved into their building and will be turning in the keys in August when their lease has expired. Stantec has done some preliminary drawings, but will hold off presenting them until the project is closer to getting started.
- C.** Update Gough Park – Mr. Brown stated that the only thing that has been done are drawings from the UNM School of Architecture. There have been some talk about Gough Park being the head of the Trail System.

9. PUBLIC HEARINGS – NONE

10. UNFINISHED BUSINESS – NONE

11. NEW BUSINESS

A. Approval / Disapproval of BID 21/22-4 Indian Hills Sewer Extension - Alex Brown stated only one (1) bid was received, the original bid was for four (4) bid lots. There were not enough funds for all four (4) bid lots, by bidding bid lots one (1) and two (2) will provide sewer to twenty-five (25) residents in lieu of twenty-nine (29) residents. It is staff's recommendation to award bid lots one (1) and two (2) to J & S Plumbing for Bid 21/22-4 Indian Hills Sewer Extension re-bid. Mayor Ladner asked for a motion. Councilor Farmer motioned to approve **BID 21/22-4 Indian Hills Sewer Extension Re-bid to J & S Plumbing and Heating LLC for Bid Lot number one (1) and Bid Lot number two (2) in the amount of One Million one hundred fifty-two thousand two hundred nineteen dollars (\$1,152,219.00) with applicable New Mexico Gross Receipts Tax (8.0000%) for a total construction cost of One Million two hundred forty-four thousand three hundred ninety-six and fifty-two cents. (\$1,244,396.52).** Councilor Prince seconded the motion. Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

B. Approval / Disapproval of Notice of Intent Ordinance 1313: TO ADOPT AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (ELECTIONS), DIVISION 2 (DISTRICTS), SECTION 2-50 (DISTRICTS CREATED), SUBSECTIONS (a) AND (b) (1) THROUGH (4) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO. - Mr. Reynolds stated that every ten (10) years New Mexico law requires towns redistrict its Councils Districts. The Notice of Intent Ordinance 1313 is presented to the Council as Plan A the Least Amount of Change because nothing has been done in districts one (1) and three (3) and the changes to districts two (2) and four (4) have been minimal only a few blocks have been changed to meet the requirements of State Law. Mr. Reynolds stated that only plan A is being presented because at the last meeting there was only support for plan A from Councilor Cano. Mr. Reynolds advised in the last redistricting plan A Least Changed was also chosen stating that historically the district have been the same with very little change. Mayor Ladner asked if there was any questions or comments. Councilor Cano stated she was in support of the plan and hoped the Council would support it as well. Councilor Prince thanked the town and New Mexico Demographic Rod Adair for their diligent efforts and he was in support of it. Mayor Ladner asked for a motion. Councilor Ray motioned to approve **Notice of Intent Ordinance 1313: TO ADOPT AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (ELECTIONS), DIVISION 2 (DISTRICTS), SECTION 2-50 (DISTRICTS CREATED), SUBSECTIONS (a) AND (b) (1) THROUGH (4) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO.** Councilor Prince seconded the motion. Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

C. Approval / Disapproval of Resolution No. 2022-09 PROCLAIMING THAT EXTREME AND SEVERE DROUGHT CONDITIONS EXIST WITHIN THE TOWN AND A LIMITED BAN ON THE SALE AND USE OF CERTAIN FIREWORKS – Assistant Fire Chief Jeff Fell stated he was there to answer any questions on the extension of the Resolution. Councilor Prince asked Mr. Fell if he had noticed any changes in the drought conditions since there has been some rain. Mr. Fell advised that it is going to take a significant amount of moisture to make a significant change in the drought conditions. Mr. Fell stated it is the recommendation of the Fire Department to keep the resolution in place. Mayor Ladner asked for a motion. Councilor Prince motioned to approve **Resolution No. 2022-09 PROCLAIMING THAT EXTREME AND SEVERE DROUGHT CONDITIONS EXIST WITHIN THE TOWN AND A**

LIMITED BAN ON THE SALE AND USE OF CERTAIN FIREWORKS.

Councilor Cano seconded the motion. Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

D. Approval / Disapproval of Resolution No. 2022-10 PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO

DEPARTMENT OF TRANSPORTATION. – Alex Brown stated the application is submitted every year to the Local Government Road Fund for Chip Seal projects for the last 10 years. This application is for Chip Seal projects for next year. Funds were not awarded to the town last year, but he had budgeted one hundred forty thousand dollars (\$140,000.00) out of our own funds this year for a chip seal project. This application total cost is one hundred fifteen thousand seven hundred and ninety-two dollars (\$115,792.00) seventy five percent (75%) eight six thousand eight hundred forty-four (\$86,844.00) grant money and matching funds of twenty five percent (25%) twenty-eight thousand nine hundred forty-eight dollars (\$28,948.00). Mayor Ladner asked for a motion. Councilor Prince motioned to approve

Resolution No. 2022-10 PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION.

Councilor Farmer seconded the motion. Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

E. Closed Executive Session pursuant to NMSA 1978 Section 10-15-1(H)(7) for the Discussion of matters subject to the attorney-client privilege pertaining litigation in

which the public body is or may become a participant. Mayor called for a motion. Councilor Cano made a motion to go into Closed Executive Session pursuant to NMSA 1978 Section 10-15-1(H)(7) for the discussion of matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Councilor Ray seconded the motion. Mayor Ladner asked for a roll call. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

After a short five-minute break, the Council moved into the Red Room for Closed Executive Session at 7:18 pm. Mayor and Council reconvened at 7:59 pm. Mayor Ladner stated the Council was back in session and no matters other than those matters included in the motion to go into Executive Session were discussed. He asked for a roll call to affirm the statement. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye Motion carried.

F. Approval / Disapproval of Resolution 2022-11: A RESOLUTION BY THE TOWN COUNCIL OF SILVER CITY APPROVING THE SETTLEMENT AGREEMENT IN *KARRI DALTON AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF NIKKI BASCOM, DECEASED, ET AL., V. THE TOWN OF SILVER CITY, EX REL.*, CASE NO. 17-cv-1143-WJ-GBW, IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO (The “LAWSUIT”), and AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS ON BEHALF OF THE TOWN NECESSARY TO IMPLEMENT AND CONCLUDE THE SETTLEMENT AGREEMENT.

Alex Brown read a statement giving condolences to the Bascom family and summarized the terms of the Settlement Agreement as followed: The payment of Nine Million Dollars and No Cents (9,000,000.00). One Million Dollars and No Cents (1,000,000.00) from the New Mexico Self Insurer’s fund and at least Seven Million Six Hundred Thousand (7,000,000.00) from the sale of the Municipal Bonds all payable on or before August 1, 2022.

Police Chief Freddie Portillo stated the Police Department has made changes in administration and supervisory personnel. Moving forward they have taken appropriate steps necessary to make sure a tragedy like this will never happen again. Policies have been revamped and revised by Daigle Law Group. Chief Portillo stated it is not only the Silver City Police Department's directive the new policies implemented be adhered to, but also the direction given them by Daigle Law Group. Training was also provided by Daigle Law Group in regards to internal affairs and the investigations captain has been assigned to handle internal affairs investigations. Body cameras have been upgraded and the department will continue to conduct video audits of police interactions with the community and to identify policy violations and to mitigate any future risks that could be detrimental to the Police Department and community. Chief Portillo feels confident that all the changes will continue to keep the department on the right path.

Mayor Ladner asked Council if there were any questions or comments. Councilor Cano commended Police Chief Portillo for turning the Police Department around after entering his position under the rough circumstances. Councilor Prince echoed Councilor Cano's comments. Mayor Ladner asked for a motion. Councilor Ray moved to approve **Resolution 2022-11: A RESOLUTION BY THE TOWN COUNCIL OF SILVER CITY APPROVING THE SETTLEMENT AGREEMENT IN KARRI DALTON AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF NIKKI BASCOM, DECEASED, ET AL., V. THE TOWN OF SILVER CITY, EX REL., CASE NO. 17-cv-1143-WJ-GBW, IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO (The "LAWSUIT"), and AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS ON BEHALF OF THE TOWN NECESSARY TO IMPLEMENT AND CONCLUDE THE SETTLEMENT AGREEMENT.** Councilor Farmer seconded the motion. Mayor Ladner asked for a roll call. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

12. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 8:09 p.m.

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk