

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
October 25, 2011, 6:00 P.M.**

Present:

James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Jamie K. Thomson, District 2
Jose A. Ray, Jr., District 3
Michael S. Morones, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 6:00 p.m. and he asked the local Boy Scout Troop that was present in the audience to lead them with the Pledge of Allegiance. Councilor Ray read the Town’s Mission Statement.

2. CEREMONIES – None.

3. PROCLAMATIONS – None.

4. PUBLIC INPUT – Maria Izquierdo, Family Coordinator for the New Mexico Systems of Care Family Support Group, commented that their next meeting on October 27th would include discussions with the Income Support Division. She said meetings were held twice per month.

5. COUNCIL COMMENTS – Councilor Bettison thanked everyone that sent comments regarding the amendments to the animal ordinance and said a decision would not be made until the November 8th Council meeting. She said that she and Councilor Morones were striving for a balanced approach to set standards regarding the animal ordinance for those that desired to have chickens and for those individuals that may counter a violation so they would have recourse in the ordinance. Councilor Thomson and Councilor Ray had no comments. Councilor Morones reiterated what Councilor Bettison said regarding the amendments to the animal ordinance. Mayor Marshall had no comments.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES –Regular Meeting, October 11, 2011 - Councilor Bettison made a motion to approve the minutes as presented. Councilor Thomson seconded the motion as stated. All were in favor, motion passed.

8. REPORTS – None.

9. PUBLIC HEARINGS –

A. Approval/Disapproval of Restaurant Liquor License for On Premise Consumption Only. Application/License #A-772114, Applicant: Tyler, LLC DBA Silver Bowling Center, 2020 Memory Lane, Silver City, NM. Mayor Marshall stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He asked if any member of the hearing board had ex-parte discussions with any person regarding the subject, or had any communication from any party to the case, and none had. Mayor Marshall asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in 1 witness for the hearing. Mayor Marshall read the procedures of how the hearing would be conducted and asked the applicant to present her case. Tammy Cole requested approval of the liquor license and stated that her family had owned the bowling alley for 20 years and her parents were ready to retire. She said that for her parents to retire she had to have the liquor license in her name, Tyler LLC, in order to be in compliance with various rules, regulations, and laws. Councilor Bettison asked Ms. Cole if it was just a restaurant liquor license, and Ms. Cole stated

it was for a beer and wine liquor license which was the same as they had always had. She confirmed that it was not for any other types of liquor. Mayor Marshall asked if there were any witnesses in opposition to the application, and there were none. He asked the applicant if she had anything else to reflect in the record, and she said no. Councilor Ray made a motion to approve the application for the Restaurant Liquor License for On Premise Consumption Only. Councilor Bettison seconded the motion as stated. All were in favor, motion passed.

10. UNFINISHED BUSINESS - None.

Councilor Bettison made a motion to take a short break at 7:11 p.m. Councilor Ray seconded the motion. All were in favor. Motion passed. Mayor Marshall called the meeting back to order at 7:27 p.m.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2011-35: a Resolution to establish pricing, terms of the Series 2011 Bonds, and sale thereof. Mark Valenzuela, Vice President of George K. Baum & Company, said they were in the market that day with the Town of Silver City bonds. He made a presentation of the pricing book and provided the details of how the investors reacted to the sale of the Town's bonds. He said the Town was in the market to sell \$5,000,000 of capital improvement bonds (Series 2011A) that were secured by gross receipts tax. He said the pricing came in at 3.69 percent on a 20 year final maturity which was very strong. He said one of the positive things that came out of the transaction was that Standard and Poor's gave the Town an A+ bond rating which was absolutely outstanding. He said it allowed them to sell the bonds without having any sort of credit enhancement attached. He said the Town of Silver City went out on its own and stood on its own two feet which was very unlike other bonds that were in the single A category in the country. He said there was also a smaller piece, Series 2011B refunding bonds which refinanced 4 loans that the Town had with the New Mexico Finance Authority. He said they sold \$933,000 of bonds and when it closed the Town would pay off the 4 loans with the New Mexico Finance Authority. He said that overall investors were glad to see the Town of Silver City issuing debt in the public market. He provided further details, compared the Town's transaction with other communities' transactions around the country, and advised who bought the bonds. He said it was a good day for Silver City and that they got historically low interest rates for a great credit. There was further discussion. Manager Brown said another important thing was that many of the bonds were purchased within New Mexico which showed that banks and investors in the state saw how strong the Town of Silver City was, even though so many communities were struggling in the current economy. There was further discussion. Mr. Valenzuela said the sale of the Town's bonds opened at 8:30 a.m. and closed at 10:00 a.m. because they were sold out. He said Resolution No. 2011-35 had the details and that it included the bond purchase agreement which was a contract between the Town and George K. Baum and Company to formalize all of the commitments that were made to the bond holders who said they would buy at those prices. He recommended that the Council approve the transaction. Mayor Marshall asked if the bond purchase agreement was a part of Resolution No. 2011-35. Manager Brown and Attorney Scavron said yes. Councilor Morones made a motion to approve Resolution No. 2011-35. Councilor Bettison seconded the motion as stated. A roll call vote was taken with the following results: Councilor Morones - aye; Councilor Ray - aye; Councilor Thomson - aye; and Councilor Bettison - aye. Motion passed.

B. Approval / Disapproval of Bid #11/12-6: polyethylene trash bags. Manager Brown said it was requested by Councilor Ray to go back to selling trash bags at City Hall, and that they had received numerous requests for many years. He said it was put out to bid 32 gallon bags and 60 gallon bags for Town use only. He said they received 8 bids, and it was staff's recommendation to award the bid for 32 gallon 2.0 mil bags to Jadacore, Inc. for a total cost of \$20,160.00, and the 60 gallon 1.6 mil bags to Central Poly Corp. for \$870.00. He said the 32 gallon bags would be sold at City Hall. There was further discussion. Councilor Bettison made a motion to approve Bid 11/12-6 per staff's recommendation. Councilor Ray seconded the motion. All were in favor, motion passed.

Councilor Morones made motion to go into **Executive Session pursuant to NMSA 1978 Section 10-15-1(H)(8)** for the discussion of the purchase, acquisition or disposal of real property or water rights. Councilor Bettison seconded motion as stated. A roll call vote was taken with the following results: Councilor Morones – aye; Councilor Ray – aye; Councilor Thomson – aye; and Councilor Bettison – aye. Motion passed. At 6:36 p.m. Mayor Marshall stated that the Council would recess and then go into Executive Session. Upon returning to the regular meeting, Mayor

Marshall stated the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

12. ADJOURNMENT – Councilor Bettison made a motion to adjourn at 8:04 pm. Councilor Ray seconded the motion. All were in favor. Motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk