

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
June 9, 2014, 6:00 pm**

**Present:**

Michael Shawn 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:**

Alex C. Brown, Town Manager-Finance Director  
Ann Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
Jaime Embick, Town Planner  
Tim Heidrich, Acting Fire Chief

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 pm. He said Councilor Cano was currently present by telephone, but would join them in person later in the meeting.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – None.

**4. PUBLIC INPUT** – Alan Mong commented about the bullying and harassment that occurred at the July 4<sup>th</sup> Parade in 2013, and reminded the parade sponsor to have monitors and marshals present so that group would not be allowed to sneak in to the parade and intimidate people again. Larry McCloud commented on the loud annoying vehicles that continued to make residents suffer in the town; the number of citations written; and he strongly urged the Town Council to continue to address the problem to help increase the quality of life in Silver City for everybody. Nancy Gordon provided an update on the restoration of the Waterworks Building and said she needed direction from the Town Council on what its end use would be, such as a nature center, a living museum, a workspace for Town Departments, etc. She discussed the EPA (Environmental Protection Agency) Cleanup Grant project and said the EPA rejected their analysis of Brownfields Cleanup Alternatives application because it did not clearly specify the end use of whether it would be residential or commercial. Susie Seidentop commented that they should not have to escape to the wilderness to have quiet and that they had the right to the healthy and peaceable enjoyment of their own properties. She encouraged the Town Council and the Police Department to work towards quiet zones so that all of Silver City was a quiet zone, and then they would not have to hear remarks from visitors that Silver City was the noisiest town that they had ever been to.

**5. COUNCIL COMMENTS** – The Council commented on the following: recently attended events by Councilor Bettison with the New Mexico Municipal League; the upcoming ordinance for the reduction of single-use plastic bags; how a study of the water rate structure would be done by the Town Manager to make sure they were not penalizing low income individuals and to ensure that the Enterprise Fund would remain revenue neutral; how Councilor Aiman-Smith planned to meet with District 2 constituents because she wanted to be engaged and work together, but she said she did not do well being bullied; how the Town Council would have a Special Meeting on July 15<sup>th</sup> at 6:00 pm in the same chambers for the Lodgers Tax awards; and how enforcing speed limits might reduce noise, but people should use self-enforcement to keep the speed down.

Councilor Bettison moved for a short break at 6:23 pm. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for a short break to hopefully allow Councilor Cano to join them. He asked all those in favor to say aye, and Councilor Bettison, Councilor Aiman-Smith, and Councilor Ray said aye. He asked if any were opposed, and there were none. Motion carried. Mayor Morones called the meeting back to order at 6:31 pm. Councilor Cano was present. Mayor Morones announced that the next Council meeting would be June 17<sup>th</sup> at 6:00 pm in the same chambers. He asked Councilor Cano if she had any comments. She thanked everybody for their patience and explained that she had a doctor appointment in Albuquerque that afternoon.

## 6. CHANGES TO THE AGENDA – None.

**7. APPROVAL OF THE MINUTES – Regular Meeting on May 27, 2014** - Councilor Bettison moved to approve the minutes of the Regular Meeting of May 27, 2014 as presented. Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Regular Meeting of May 27, 2014. 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** – During the Council Comments segment of the meeting Manager Brown was asked by Councilor Bettison to comment on the water rate increase. He said June was one of the hottest months and they pumped and sold the most water during June. He said he wanted to compare the low users during that time of year and use the historical data to see if any changes should be brought forward to the Council. He said he would bring additional data over the next month so they could look to make any changes. Tim Heidrich, Acting Fire Chief, said the notice for Drought and Local Fire Restrictions was amended to take the wording out that gave examples of fireworks and sparklers because it was against state statute. He read restriction number 6 that was changed to omit the examples, and stated, "Any open burning that will produce any ash or smoldering material, and that is not specifically covered previously is prohibited." There was further discussion.

## 9. PUBLIC HEARINGS -

**A. Approval / Disapproval of a Request for a Final Plat Approval #SD 14-01 to allow a manufactured home park to be created at 2180 32nd Street By-Pass. The applicant and property owner is Duane Rigg of Rigg Properties, LLC.** Mayor Morones 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 matter, or had any communication from any party to the case, and all 4 Councilors said no. He qualified all of them to be on the hearing board. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. Mayor Morones stated that anyone not sworn in would not be able to testify or participate in the hearing. The Town Clerk swore in 5 witnesses. Mayor Morones read the procedures of how the hearing would be conducted. He gave the floor to Town staff. Jaime Embick, Town Planner, said the meeting was to finalize the plat and no changes had been made, and no community members or community owners had contacted their office. She showed them the approval criteria for the final plat which stated, "The Town Council shall approve the final plat if it determines that the final plat is in substantial conformance to the approved preliminary plat and any conditions of approval attached to the preliminary plat." She said their packet also included the Notice of Decision from their previous meeting and the Planning and Zoning Commission's Notice of Decision. There was discussion about the stop sign. Mayor Morones asked Mr. Rigg to present his case. Pamela Weber with Weber Engineering said she was nominated to speak. She presented the same drawing and said nothing with the design had been changed, but they did include the items that were discussed last time which included 2 signs in the park that would say, "No parking on street or sidewalk," a provision for 2 additional lights in the park if needed, and an easement had been included on the final plat. There were no questions from the hearing board. Mayor Morones asked if there were any witnesses in support of the applicant's case, and there were none. He asked Mr. Rigg if it concluded his case in chief. He asked if there were any witnesses in opposition to the case, and there were none. He asked Mr. Rigg if there was anything else that he wished to be reflected in the record. Mr. Rigg said no. The Mayor asked if any member of the hearing board had any questions for any witness, and they said no. He asked if they were ready to render their decision. Councilor Ray moved to approve a Request for a Final Plat Approval #SD 14-01 to allow a manufactured home park to be created at 2180 32nd Street By-Pass. The applicant and property owner is Duane Rigg of Rigg Properties, LLC. Mayor Morones asked Councilor Ray if it met the approval criteria. Councilor Ray added the following statement to the motion, "The Town Council shall approve the final plat if it determines that the final plat is in substantial conformance to the approved preliminary plat and any conditions of approval attached to the preliminary plat." He said he did believe it was in conformance. Councilor Bettison seconded the motion with the conclusion that it was in substantial conformance to the approved preliminary plat and any conditions of approval attached to the preliminary plat. Mayor Morones said there was a motion and a second for approval of a Request for a Final Plat Approval #SD 14-01 to allow a manufactured home park to be created at 2180 32nd Street By-Pass. The applicant and property owner is Duane Rigg of Rigg Properties, LLC, and that it was in substantial conformance to the approved preliminary plat and any

conditions of approval attached to the preliminary plat. He asked if there was further discussion, and 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.

## **10. UNFINISHED BUSINESS -**

**A. Approval / Disapproval of Ordinance No. 1228: authorizing the issuance of the Town of Silver City, NM Gross Receipts Tax Improvement Revenue Notes, Series 2014 in two series in an aggregate principal amount not to exceed \$1,500,000 for the purpose to (1) finance acquisition and construction of certain capital improvements for the benefit of the Town and its residents, including but not limited to, public safety equipment and public recreation facilities, and (2) pay costs of issuance of the Series 2014 Notes.** Chris Muirhead, bond attorney with Modrall Sperling in Albuquerque, NM, said it was the second reading of the ordinance. He said in the process of issuing debt the Town needed to authorize debt through an ordinance, and that it set the maximum amount of the bonds at \$1,500,000, but the projects would be closer to \$1,000,000. He said the final terms of the financing would be with a Sales Resolution during a Council meeting in July. He said Ordinance No. 1228 would authorize the issuance of bonds subject to the final Sale Resolution and would start a 30 day comment period if anyone in the community had concerns. He said the pledge was that it would not add any new taxes, would not increase any taxes, but would pledge the state's share of gross receipts taxes which the Town received and he provided further details. There was further discussion. Mayor Morones asked Manager Brown to name the projects. Manager Brown said it was for the concession stand and bathrooms at the Scott Park Sports Complex, the club house at the golf course, the ambulances, police vehicles, and the liner at the swimming pool. Councilor Bettison moved to approve Ordinance No. 1228 authorizing the issuance of the Town of Silver City, New Mexico Gross Receipts Tax Improvement Revenue Notes, Series 2014 in two series in an aggregate principal amount not to exceed \$1,500,000 for the purpose to (1) finance acquisition and construction of certain capital improvements for the benefit of the Town and its residents, including but not limited to, public safety equipment and public recreation facilities, and (2) pay costs of issuance of the Series 2014 Notes; providing that the Series 2014 Notes will be payable and collectible from and secured by a pledge of (1) the gross receipts tax distributed to the Town pursuant to Section 7-1-6.4 NMSA 1978, as amended (The "State-Shared Gross Receipts Tax"); providing for the disposition of the receipts derived from said tax proceeds; providing that certain terms of the notes will be provided in a subsequent resolution; prescribing other details concerning the notes and tax proceeds, including but not limited to covenants and agreements in connection therewith and the form, terms, conditions and manner of execution of the notes; ratifying all action previously taken in connection therewith; and repealing ordinances in conflict herewith. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second as read into the record. He asked if there was any further discussion from the Council, and there was none. He asked if there was any comments from the public, and there were none. He said there was a motion and a second with no further discussion as read into the record. 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.

**B. Approval / Disapproval of Ordinance No. 1229: an Ordinance amending Town Ordinance No. 722 that was passed, adopted and approved by the governing body of the Town of Silver City, NM on August 30, 1984, relating to the imposition of fourth increment of Municipal Gross Receipts Tax.** Manager Brown said Ordinance No. 1229 was to rededicate 1/8th of the 1/4 percent that was imposed in 1984. He said originally the 1/4 percent was dedicated to the Water and Sewer Fund, then in 2011 they moved 1/8th of it out to pay the 2011 bonds, and now they were proposing to move the remaining 1/8th that was subsidizing water rates out so 1/16th would go to the General Fund and 1/16th would go to the Street Maintenance Fund as proposed for the budget. Mayor Morones asked if there were any questions from the Council, and there were none. He asked for a motion. Councilor Bettison moved to approve Ordinance No. 1229: an Ordinance amending Town Ordinance No. 722 that was passed, adopted and approved by the governing body of the Town of Silver City, NM on August 30, 1984, relating to the imposition of fourth increment of Municipal Gross Receipts Tax. Councilor Ray seconded. Mayor Morones said there was a motion and a second to approve Ordinance No. 1229: an Ordinance amending Town Ordinance No. 722 that was passed, adopted and approved by the governing body of the Town of Silver City, NM on August 30, 1984, relating to the imposition of fourth increment of Municipal Gross Receipts Tax. There was further discussion. 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.

**C. Approval / Disapproval of Ordinance No. 1230: an Ordinance amending Chapter 16, Article II (Economic Development Plan), Sections 16-21, 16-68, 16-69 and 16-72 of the Town of Silver City Code of Ordinances.** Mayor Morones said they were updating the Economic Development Plan to match the state statute, and in recent years the state had adopted Arts and Cultural District items into their Local Economic Development Act ordinance. He said they were trying to match that and open their tool box for more vehicles to allow for better development. He provided further details. He asked if there were any questions or comments, and there were none. Councilor Bettison moved to approve Ordinance No. 1230: an Ordinance amending Chapter 16, Article II (Economic Development Plan), Sections 16-21, 16-68, 16-69 and 16-72 of the Town of Silver City Code of Ordinances. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second to approve Ordinance No. 1230: an Ordinance amending Chapter 16, Article II (Economic Development Plan), Sections 16-21, 16-68, 16-69 and 16-72 of the Town of Silver City Code of Ordinances. He asked if there were any comments from the Council or the audience, and there were 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.

Councilor Bettison moved for a short break at 7:05 pm. Councilor Ray seconded. Mayor Morones said there was a motion and a second for a short break. 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. The Mayor called the meeting back to order at 7:15 pm.

## **11. NEW BUSINESS –**

**A. Approval / Disapproval of a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 of the prohibition of dispensing of alcoholic beverages within 300 feet of a church or school. Event information: Clay Poker Tournament Fundraiser at 315 N. Texas St. on July 26, 2014, from 3:00 pm to 10:00 pm. Sponsor of Event: Silver City Arts and Cultural District, License Holder: Snappy Mart #4, Owner name: W&N Enterprises, Inc., 206 N. Hudson St., Silver City, NM. License #0151.** Lee Gruber, Executive Director of the Silver City Clay Festival, said she was seeking approval of a Special Dispenser Permit Application for the Poker Tournament Fundraiser. She said nothing had changed from last year when they were approved. There were no questions from the Council. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve the Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 of the prohibition of dispensing of alcoholic beverages within 300 feet of a church or school. Event information: Clay Poker Tournament Fundraiser at 315 N. Texas St. on July 26, 2014, from 3:00 pm to 10:00 pm. Sponsor of Event: Silver City Arts and Cultural District, License Holder: Snappy Mart #4, Owner name: W&N Enterprises, Inc., 206 N. Hudson St., Silver City, NM. License #0151. Councilor Bettison seconded. Mayor Morones said there was a motion and a second to approve the Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 of the prohibition of dispensing of alcoholic beverages within 300 feet of a church or school. Event information: Clay Poker Tournament Fundraiser at 315 N. Texas St. on July 26, 2014, from 3:00 pm to 10:00 pm. Sponsor of Event: Silver City Arts and Cultural District, License Holder: Snappy Mart #4, Owner name: W&N Enterprises, Inc., 206 N. Hudson St., Silver City, NM. License #0151. He gave Attorney Scavron the floor. Mr. Scavron said they should indicate that there is a waiver letter in the packet. Mayor Morones said for the record there was a letter received from St. Vincent de Paul Church that granted the waiver. 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 a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 of the prohibition of dispensing of alcoholic beverages within 300 feet of a church or school. Event information: Clay Gala Fundraiser at 101 N. Cooper St. on July 31, 2014, from 6:00 pm to 9:00 pm. Sponsor of Event: Silver City Arts and Cultural District. License Holder: Snappy Mart #4, Owner name: W&N Enterprises, Inc., 206 N. Hudson St., Silver City, NM. License #0151.** Lee Gruber, Executive Director of the Silver City CLAY Festival, said it was the Gala Event Fundraiser as part of the Clay festival, and she requested approval of the Special Dispenser Permit with a waiver letter from El Grito Headstart School. Mayor Morones asked if there were any questions, and there were none. He said he would entertain a motion. Councilor Ray moved to approve a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 of the prohibition of dispensing of alcoholic beverages within 300 feet of a church or school. Event information: Clay Gala Fundraiser at 101 N. Cooper St. on July 31, 2014, from 6:00 pm to 9:00 pm. Sponsor of Event: Silver City Arts and Cultural District. License Holder: Snappy Mart #4, Owner name: W&N Enterprises, Inc., 206 N. Hudson St., Silver City, NM. License #0151. Councilor Bettison seconded.

Mayor Morones said there was a motion and a second for approval of a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 of the prohibition of dispensing of alcoholic beverages within 300 feet of a church or school. Event information: Clay Gala Fundraiser at 101 N. Cooper St. on July 31, 2014, from 6:00 pm to 9:00 pm. Sponsor of Event: Silver City Arts and Cultural District. License Holder: Snappy Mart #4, Owner name: W&N Enterprises, Inc., 206 N. Hudson St., Silver City, NM. License #0151. 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.

**C. Approval / Disapproval of Resolution No. 2014-20: a Resolution adopting the 2016-2020 Infrastructure Capital Improvement Plan (ICIP).** Jaime Embick, Town Planner, presented the process for developing the ICIP, and said the turnout by the public was low at the public meetings. She said the list included the remaining projects that were not completed and were still relevant, new projects from the Town Departments, and new projects as the public saw fit. She said it was still a living document and had to be submitted to the state by September 4th. There was further discussion. Mayor Morones asked if the public had any comments, and there were none. He said he would entertain a motion. Councilor Aiman-Smith moved to approve Resolution No. 2014-20: a Resolution adopting the 2016-2020 Infrastructure Capital Improvement Plan (ICIP). Councilor Bettison seconded. Mayor Morones said there was a motion and a second to approve Resolution No. 2014-20: a Resolution adopting the 2016-2020 Infrastructure Capital Improvement Plan (ICIP). He asked if there was further 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. Manager Brown thanked Ms. Embick for doing an excellent job of coordinating it between all of the departments, the public, and himself.

**D. Approval / Disapproval of Resolution No. 2014-21: authorizing the execution and delivery of a Local Government Planning Grant Agreement by and between the NM Finance Authority (the "Finance Authority") and the Town of Silver City (the "Grantee") in the amount of Fifty Thousand Dollars (\$50,000) evidencing an obligation of the Grantee to utilize the grant amount solely for the purpose of financing the costs of a Water Conservation Plan.** Manager Brown said Resolution No. 2014-21 was actually a grant that was authorized by the NM Finance Authority to develop a Water Conservation Plan that was completed a year ago. He said when they applied for it they were given permission to move forward with the project without a grant agreement, but now they were requiring them to go through the whole process so they could get reimbursed. Councilor Bettison remarked that the Town had been carrying a \$50,000 hole in the budget because the Finance Authority said they did not need a grant agreement, and then decided they needed one. There was further discussion. Councilor Bettison moved to approve Resolution No. 2014-21 authorizing the execution and delivery of a Local Government Planning Grant Agreement by and between the New Mexico Finance Authority (the "Finance Authority"), and the Town of Silver City (the "Grantee"), in the amount of fifty thousand dollars (\$50,000) evidencing an obligation of the Grantee to utilize the grant amount solely for the purpose of financing the costs of a Water Conservation Plan, and solely in the manner described in the grant agreement; certifying that the grant amount, together with other funds available to the Grantee is sufficient to complete the project; approving the form of and other details concerning the 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 grant agreement. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second as read into the record. He asked if there was further 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.

**E. Approval / Disapproval of Resolution No. 2014-22: participation in the Local Government Road Fund Program administered by the NM Department of Transportation.** Manager Brown said it was a Resolution to authorize the Town to enter into an agreement with the NM Department of Transportation for the CO-OP Grant Funds. He said the Town was awarded \$80,943.00 and 75 percent of it was grant and 25 percent of it was match. He said they would be getting \$60,707.00 in grant funds, and they would have to match \$20,236.00. He said the project was for chip seal and fog seal on Blackhawk Road, Cain Drive, Halfmoon Circle, Little Walnut Road, Swan Street, and Trail Ridge Road. He said it would be constructed in the summer of 2015 so the match would come out of the Fiscal Year 2015-2016 budget so they had a long time to come up with the match, and to come up with additional funds for a complete project. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Aiman-Smith moved to approve Resolution No. 2014-22: participation in the Local Government Road Fund Program administered

by the NM Department of Transportation. Councilor Bettison seconded. Mayor Morones said there was a motion and a second to approve Resolution No. 2014-22: participation in the Local Government Road Fund Program administered by the NM Department of Transportation. He asked if there was further 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.

**F. Approval / Disapproval of Notice of Intent Ordinance No. 1232: an Ordinance approving the execution of a Memorandum of Understanding, the effect of which creates a long-term lease of the Silco Theater to the Corporation for Downtown Development, d/b/a Silver City MainStreet.** Manager Brown said it was the first reading of Notice of Intent Ordinance No. 1232 to authorize them to enter into a long term lease agreement with MainStreet for the Silco Theater. He said the final lease agreement would be brought to them at the same time as the loan agreement. There was further discussion that the long term lease shall supersede the short term lease, that the lease was put in place so the local MainStreet Project would actually meet the debt obligation of the Town; that the Town would not be paying the debt with gross receipts taxes, but through the lease agreement; that the lease also reinforced MainStreet's requirement to finish the upgrades of the theater; and how the newly adopted Ordinance No. 1230 would allow the Town to apply for grants through the State MainStreet Program without anti-donation issues. Mayor Morones said they were trying to meet some of their cultural shortcomings, like not having a theater, in a very fiscally responsible and conservative manner, and still trying to meet the needs of the citizens in the long run. He said he would entertain a motion. Councilor Ray moved to approve Notice of Intent Ordinance No. 1232: an Ordinance approving the execution of a Memorandum of Understanding, the effect of which creates a long-term lease of the Silco Theater to the Corporation for Downtown Development, d/b/a Silver City MainStreet. Councilor Cano seconded. Mayor Morones said there was a motion and a second for approval of Notice of Intent Ordinance No. 1232: an Ordinance approving the execution of a Memorandum of Understanding, the effect of which creates a long-term lease of the Silco Theater to the Corporation for Downtown Development, d/b/a Silver City MainStreet. He asked if there was further 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.

**G. Approval / Disapproval of Notice of Intent Ordinance No. 1233: an Ordinance amending Chapter 52 (Utilities), Article III (Water and Sewer Rates and Charges . . .), Section 52-94 (a) (Water deposit) and Section 52-100 (Bill for Illegally Used Services) of the Town of Silver City Municipal Code.** Manager Brown said at the last Council meeting he explained the need to raise the deposit, and he explained how the deposit worked. He said the \$100 deposit had been in place for a long time. He discussed the reasons for raising it to \$200 and said it was so the Town could recover the lost revenue due to outstanding and unpaid bills by renters, and how it would allow them to not place the burden of the lost revenue on the remaining users of the system to cover the bad debt. He asked Attorney Scavron to talk about the changes to Section 52-100. Attorney Scavron described the current remedy and penalty when people deliberately bypassed the meter and stole water, and that the proposed change would provide a disincentive for people to steal water because the charges would be 300 percent of their bill. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Cano moved to approve Notice of Intent Ordinance No. 1233: an Ordinance amending Chapter 52 (Utilities), Article III (Water and Sewer Rates and Charges . . .), Section 52-94 (a) (Water deposit) and Section 52-100 (Bill for Illegally Used Services) of the Town of Silver City Municipal Code. Councilor Ray seconded. The Mayor said there was a motion and a second for the approval of Notice of Intent Ordinance No. 1233: an Ordinance amending Chapter 52 (Utilities), Article III (Water and Sewer Rates and Charges . . .), Section 52-94 (a) (Water deposit) and Section 52-100 (Bill for Illegally Used Services) of the Town of Silver City Municipal Code. 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.

**H. Approval / Disapproval of Bid #13/14-7: Vista de Plata Subdivision Phase 1B and sewer and water extensions.** Manager Brown said they received 2 bids for the project, one was from Southwest Concrete & Paving and the other one was from Century Club Construction out of Albuquerque. He said it was staff's recommendation to award the bid and additive alternate to Southwest Concrete & Paving for a total amount of \$358,291.60 plus gross receipts taxes. He said the funding for the project was coming from a Colonias Grant and remaining NM Finance Authority funds, and the Town would be paying for some of the pipe for the water line and those were budgeted for. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Cano moved to approve

Bid 13/14-7: Vista de Plata Subdivision Phase 1B and sewer and water extensions to Southwest Concrete & Paving for a total without gross receipts taxes of \$358,291.60 plus gross receipts taxes. Councilor Ray seconded. Mayor Morones said there was a motion and a second for approval of Bid 13/14-7: Vista de Plata Subdivision Phase 1B and sewer and water extensions per staff's recommendation to Southwest Concrete & Paving in the amount of \$358,291.60 plus the related gross receipts taxes. 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.

**I. Approval / Disapproval of Request for Proposal #13/14-2P: Municipal Refueling Station.** Manager Brown said they had a recommendation from the evaluation committee to make the award of the refueling station to Kear Civil Corporation. He said per procurement you can go back and ask clarifying questions to the companies. He said there were a lot of assumptions made and because the score was so close that it was his recommendation that they remand it back to the evaluation committee so they could call the companies to get further clarification and to call their references. He said he would much rather make a recommendation on factual information rather than assumptions. Councilor Bettison moved to remand back to the evaluation committee for further clarification for Request for Proposal #13/14-2P: Municipal Refueling Station. Manager Brown said it should be ready for the next Council meeting. Councilor Aiman-Smith seconded. Mayor Morones said they had a motion and a second to remand back to the evaluation committee Request for Proposal #13/14-2P: Municipal Refueling Station. 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.

**J. Approval / Disapproval of Endorsing Councilor Bettison's Candidacy for the Position of Treasurer of the New Mexico Municipal League Board of Directors.** Councilor Bettison said she was currently serving her second term as the Director-at-Large of the New Mexico Municipal League and this year she hoped to be a candidate for the position of Treasurer on the Executive Committee. She said she thought it was important for them to ensure that the Executive Committee broadly covered the state. Manager Brown said he had previously served on the board, and there was a great benefit of being on the Executive Committee because they made a lot of decisions independently of the entire board. He said it would give the Town a much bigger voice in the decision making at the board level. Councilor Bettison said it was critical because of the hold harmless issue. She said she was seeking their endorsement. Mayor Morones said the southwest had historically been under represented in so many facets of state governance and the north dominated which was not necessarily good for the southwest. He said he was very happy and proud that Councilor Bettison put herself in the position of running for Treasurer and that she was in a good position to get it. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve endorsing Councilor Bettison's Candidacy for the Position of Treasurer of the New Mexico Municipal League Board of Directors. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for approval of endorsing Councilor Bettison's Candidacy for the Position of Treasurer of the New Mexico Municipal League Board of Directors. Councilor Bettison asked Attorney Scavron if she had to abstain from voting, and he said she could vote for herself. The Mayor 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** – Councilor Bettison moved to adjourn at 8:09 pm, and Councilor Ray 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