

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
August 20, 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
Robert L. Scavron, Town Attorney
Ann Mackie, Town Clerk
Robert Esqueda, Utilities Director

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:01 pm.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – Elizabeth Moyer commented that she had been working with the Silver City Neighborhood Alliance in terms of the neighborhood program to encourage more neighborhood organization. She said in her past experience with other organized neighborhoods there were good results such as low crime, higher value for the property, and quick sales and quick rentals in the neighborhoods. Gregory Bond commented on the Town's sign ordinance and how his business and other businesses on Yankie Street and Market Street needed to have signage on Bullard Street so tourists would know they were there, and that it would keep the tax base going for the city. William Joseph commented on the Silver City Report and thanked the Town Council for their collaborative effort to publish it. He said he hoped it would be used correctly so the Town Manager could report back to the citizenry, and the citizens could talk back to the Town Manager and the Town Council.
- 5. COUNCIL COMMENTS** – The Council commented on the following: how the City of Bayard was gracious enough to let the Town of Silver City use their street sweeper while the Town's street sweeper was out of service; how citizens should not park their vehicles on the streets that had gravel in order to avoid damage to their vehicles because further street work needed to be done, including the fog seal; how some citizens overwhelmingly felt that the festivals and events of the Town was what made Silver City a perfect place to live; upcoming events were announced; how the Town and Council were trying to have a theater in Silver City, but they had to stay within the budget and could not spend money they did not have; and thanks were given to Manager Brown and staff for working on a project to make 3 streets downtown accessible to wheelchairs.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting on August 12, 2014** - Councilor Bettison moved to approve the minutes as presented of the Regular Meeting of August 12, 2014. Councilor Ray seconded. Mayor Morones stated there was a motion and a second to approve the minutes as stated for the Regular Meeting of August 12, 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. Announcement of the Silver City Report and the new Silver City Active Neighborhoods Award and Recognition Program by Kathy Anderson, President of the Silver City Neighborhood Alliance.** Ms. Anderson stated the Silver City Neighborhood Alliance was a 501c3 non-profit corporation designed to build community capacity. She said it was an honor and a privilege for volunteers with the Neighborhood Alliance to cooperate with the Town of Silver City to create the Silver City Report. She introduced some of the volunteers and said it was designed to

serve the Town by enhancing communication by the Town and neighborhood business and should have interest to both residents and visitors alike. She described the process of how groups of neighbors who created an eligible project could apply to the Silver City Active Neighbors Program for recognition and for an award of up to \$500. She provided details and examples of eligible projects and said the deadline to apply was March 1, 2015. There was further discussion.

B. Staff reports. None.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS - None.

11. NEW BUSINESS –

A. Approval / Disapproval of Bid #14/15-2: F Street Sewer Improvements. Manager Brown said the Town received 8 responses to the bid for the F Street Sewer Improvement Project and it was staff's recommendation to award the bid to Deming Excavating, Inc. for \$344,833.04 plus gross receipts taxes. He said it was not the lowest bid, but the lowest bid did not meet all of the licensing requirements so it had to be excluded from consideration. There was further discussion about the extreme differences in the bids for Alternate #1 and Alternate #2; how the cost differences could have been from how the contractors built in their profit margins; how the Council would like to get a grid check off list from Engineers, Inc. that evaluated all of the bidders; and the issues caused by the lengthy delays in receiving executed grant agreements and how a project may cost more because of the delays and because of inflation than what the grant was awarded for, etc. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve Bid #14/15-2: F Street Sewer Improvements per staff recommendation to Deming Excavating, Inc. for the amount of \$344,833.04 plus the gross receipts taxes. Councilor Bettison seconded. Mayor Morones said there was a motion and a second and he repeated the motion. 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.

B. Approval / Disapproval of 1 Special Dispenser Permit Application for the Southwest Chicano Music Festival to be held on August 30-31, 2014 from noon to 7:00 pm on both days at 12th Street and Pope Street adjacent to Gough Park. Sponsor: Southwest Chicano Music Association. Liquor License Holder: W&N Enterprises, DBA Snappy Mart #4, 206 N. Hudson, Silver City, NM, Liquor License No. 0151. Silvia Rueda, President of Southwest Chicano Music Association, stated they were a 501c3 organization and she asked for their approval of the permit. Councilor Cano asked Ms. Rueda if she could change the time of the permit from noon to 7:00 pm and Ms. Rueda said absolutely. Attorney Scavron asked if W&N Enterprises' liquor license had the permit to sell or dispense alcohol on Sunday, and Ms. Rueda said yes. He asked that W&N Enterprises provide the Town a copy of their license that showed they had the addendum license permitting sales on Sunday. Ms. Rueda said she would speak to Mr. Nennich the next day to get the information. There was further discussion about Sunday sales, how no dogs were permitted in the park unless they were service animals, etc. Mayor Morones said he would entertain a motion. Councilor Bettison moved to approve 1 Special Dispenser Permit Application for the Southwest Chicano Music Festival to be held on August 30-31, 2014 from noon to 7:00 pm on both days at 12th Street and Pope Street adjacent to Gough Park. Sponsor: Southwest Chicano Music Association. Liquor License Holder: W&N Enterprises, DBA Snappy Mart #4, 206 N. Hudson, Silver City, NM, Liquor License No. 0151. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second and he repeated the motion. 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.

C. Approval / Disapproval of 1 Public Celebration Permit Application for the Southwest Chicano Music Festival to be held on August 30-31, 2014 from noon to 7:00 pm on both days at 101 W. College Ave., Silver City, NM. Sponsor: Southwest Chicano Music Association. Liquor License Holder: Q's Southern Bistro LLC, DBA Branding Iron Brewery, 101 W. College Ave., Silver City, NM, Liquor License No. 67025. Ronald Quintana said Ms. Rueda went over the event, and that they would be blocking off the south end of Pope Street like they did with the Blues Festival in 2013, but they would not be blocking off both sides of Pope Street. He said the whole street on the west side of Pope Street would be open as well as the sidewalk. He asked if he could start the permit at 11:00

am since the music was starting at 11:00 am. Mayor Morones said they would want to have the same time as the prior application which was from noon to 7:00 pm. Mr. Quintana said fine, and that he was excited about the event and having a stage near his restaurant. There was further discussion. Attorney Scavron asked Mr. Quintana if his establishment had paid extra for the Sunday sales, and Mr. Quintana said yes. Councilor Ray moved to approve 1 Public Celebration Permit Application for the Southwest Chicano Music Festival to be held on August 30-31, 2014 from noon to 7:00 pm on both days at 101 W. College Ave., Silver City, NM. Sponsor: Southwest Chicano Music Association. Liquor License Holder: Q's Southern Bistro LLC, DBA Branding Iron Brewery, 101 W. College Ave., Silver City, NM, Liquor License No. 67025. Councilor Bettison 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 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.

D. Approval / Disapproval of 2 Public Celebration Permit Applications for the 6th Annual Pickamania! Festival event scheduled for September 13-14, 2014 from noon both days to 11:00 pm on September 13th and 7:00 pm on September 14th, to be held at Gough Park, 101 E. 12th St., Silver City, NM. Sponsor: Mimbres Region Arts Council. License Holder Owner: Little Toad Creek LLC, 1) DBA Little Toad Creek Distillery, 1122 Hwy. 35, Mimbres, NM 88049, License #63004, and 2) DBA Little Toad Creek Brewery, 1122 Hwy. 35, Mimbres, NM 88049, License #67021. The Council and Attorney Scavron discussed the fact that there was no one there to present from either the sponsor or the liquor license holder. Attorney Scavron said if the Council felt there was enough information in the applications to make a decision, then they could proceed. He said if they had questions, and the applications did not answer those questions, then they would have no choice, but to deny. Mayor Morones asked the Council if they had questions as to whether the applications stood on their own, and they said no. He asked if they had any questions for a representative of Mimbres Region Arts Council, and they said no. He asked staff if the applications were different than any prior applications for the Pickamania event or anything else that Mimbres Region Arts Council had done before. Attorney Scavron said they were legally sufficient, and he named the reasons the State allowed for denying a license. He said if they were satisfied that there was enough information to make a call on it, then to go ahead and make the call. He said if they were not satisfied, then they could deny on the basis of public policy. Mayor Morones asked if the Council had any comments. Councilor Bettison said it was no different than previous applications that had been represented by the Arts Council and that her only concern would be that the permits start at noon, and they did, so it was consistent with what the Council just did for 2 other permits. She also said the Arts Council was good about working with the Town with regard to not having any dogs in the park. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve 2 Public Celebration Permit Applications for the 6th Annual Pickamania! Festival event scheduled for September 12-14, 2014 from noon both days to 11:00 pm on September 13th and also the same thing on September 14th to be held at Gough Park, 101 E. 12th St., Silver City, NM. Sponsor: Mimbres Region Arts Council. License Holder Owner: Little Toad Creek LLC, 1) DBA Little Toad Creek Distillery, 1122 Hwy. 35, Mimbres, NM 88049, License #63004, and 2) DBA Little Toad Creek Brewery, 1122 Hwy. 35, Mimbres, NM 88049, License #67021. Councilor Bettison seconded the motion with the explanation that service would begin at noon on both the 13th and 14th, but went to 11:00 pm on the September 13th and 7:00 pm on September 14th. Councilor Ray agreed with Councilor Bettison's clarification. Mayor Morones said there was a motion and a second for the approval of 2 Public Celebration Permit Applications for the 6th Annual Pickamania! Festival event scheduled for September 13th and 14th, 2014 from noon both days to 11:00 pm on September 13th and 7:00 pm on September 14th, to be held at Gough Park, 101 E. 12th St., Silver City, NM. Sponsor: Mimbres Region Arts Council. License Holder Owner: Little Toad Creek LLC, 1) DBA Little Toad Creek Distillery, 1122 Hwy. 35, Mimbres, NM 88049, License #63004, and 2) DBA Little Toad Creek Brewery, 1122 Hwy. 35, Mimbres, NM 88049, License #67021. He asked if there was any 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.

E. Discuss and vote on whether to change the Town Council meeting scheduled for September 23, 2014 at 6:00 pm to September 17, 2014 at 6:00 pm. Mayor Morones said the date change was due to some Municipal League trainings during the week of September 23rd, and that a couple of the Council members would be attending so they needed to reschedule the meeting date. Councilor Bettison moved to change the Town Council meeting scheduled for September 23, 2014 at 6:00 pm to September 17, 2014 at 6:00 pm in the same chambers. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second and he repeated the motion. 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.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:03 pm, 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