

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
July 14, 2015, 6:00 p.m.**

Present:

Michael S. 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:

James Marshall, Assistant Town Manager
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Ed Reynolds, Police Chief

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – William Joseph commented on how the Police Department, Animal Control, and Code Enforcement were responsive and cooperative regarding enforcement, but he was told that 4 out of 5 citations were thrown out by Municipal Court because people could not afford the fines. He expressed his concern and discussed the negative ways it would affect the town if the statistics were true. Raul Turrieta, Grant County Assessor, commented on the Town's recent approval of a Downtown Tax Increment Financing (TIF) District and that he wanted the public to know that he would reevaluate and review every parcel in the downtown district to determine the base value by September. He also commented on the upcoming Walk for the Heroes event on September 26th. Cissy McAndrew commented that the speeding issues on Bullard Street needed to be addressed and she offered some solutions such as calling Central Dispatch, improving signage, adding speed bumps, and forming a task force to look at resource allocation of officers.
- 5. COUNCIL COMMENTS** – The Council commented on the following: a recently attended event concerning homelessness; the hazardous traffic and pedestrian issues on Cooper Street, Broadway Avenue and Bullard Street; a proposed pathway adjacent to Cooper Street; an upcoming bike run to raise money for the Gospel Mission; an upcoming report by Central Dispatch on how many 911 calls were actually legitimate; incidents of vehicular bullying when drivers of big diesel trucks were intentionally "rolling coal" or ejecting thick black smoke on people; how with the Hudson Street Bridge down there was an opportunity to look at the San Vicente Trail differently for trail building and to make it accessible for all; that the Town Council had passed one of the most restrictive ordinances regarding fireworks (Ordinance No. 1157 adopted September 22, 2009) and any fireworks complaints should be reported to Central Dispatch; how people should drive safely in neighborhoods because children were out; and that Councilor Ray's new phone number was 575-313-4944.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES** –
Special Meeting on June 18, 2015 - Councilor Bettison moved to approve the minutes of the Special Town Council Meeting of June 18, 2015. Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Town of Silver City's Special Council Meeting of June 18, 2015. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.
Regular Meeting on June 23, 2015 - Councilor Aiman-Smith moved to approve the minutes of the Regular Town Council Meeting of June 23, 2015. Councilor Bettison seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Town of Silver City's Regular Council Meeting of June 23, 2015. He asked for a

vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

8. REPORTS –

A. Final Fiscal Year 2014-2015 Quarter Report from Lucy Whitmarsh, Silver City MainStreet. Ms. Whitmarsh reported on their activities as follows: how their most important economic development project was the Silco Theater renovation and that the schedule indicates they should have occupancy by mid-November in time for their 30th Anniversary celebration for Silver City MainStreet; how the Council's approval of the Tax Increment Financing District would be a long term benefit to downtown by having a financial resource dedicated to improvements to the downtown area; their recent activities and partnerships with the Continental Divide Trail Coalition, the Tour of the Gila, Western New Mexico University, etc.; how the New Mexico MainStreet sign had been installed and small improvements had been made around the Visitor Center area; how they participated in the Community Foundations National Day of Giving on May 5th where all of the non-profits in the community came together; how in June as part of their economic positioning initiative they provided recognition to the Daily Press for their 80th year of business and that the Daily Press would be returning to their building downtown; that the combination of economic initiative and improvements to properties in the downtown district that were characteristic to their heritage was what MainStreet was about and it was important; how MainStreet coordinated the "Adopt a Median" program; and information about the upcoming Taste of Downtown event. There was further discussion about the Taste of Downtown event; how MainStreet also partnered with the Green Chamber of Commerce, the Silver City Grant County Chamber of Commerce, etc.; and how indigenous and Hispanic members of the community should be included and involved in MainStreet.

B. Final Tourism Report for Fiscal Year 2014-2015 from George Julian Dworin, Silver City Arts and Cultural District. Mr. Dworin reported it was a banner year and provided the following information: there were 19,034 visitors to the Murray Ryan Visitor Center through May 2015 which was a 20% increase over the same period the previous year; that 7,162 requests for information had been fulfilled to date; that over 4,000 copies of the 16-page reprints of the New Mexico Magazine feature had been distributed; that 11,515 copies of the "101 Things to Do in Silver City" postcards had been handed out; that the 2 museums, the Cliff Dwellings, and the City of Rocks had seen collectively an 18% increase over traffic from the previous year; that their website www.sctourism.org consistently saw 4,000 and up to 5,000 visitors a month and that 75% of those were new visitors; that they saw 1,303% increase in Facebook likes and that social media was alive and well; how their philosophy was working to go with larger and bigger placements to make for a larger and bigger impact; and their other partnerships. There was further discussion about their recent Town Hall event about tourism.

C. Staff Reports. Manager Brown acknowledged that there were a lot of speeders downtown and they would get more police officers down there.

Councilor Bettison moved for a short recess at 7:00 p.m. Councilor Cano seconded. Mayor Morones said there was a motion and a second for a short recess. He asked for a vote of all those in favor, 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 7:18 p.m.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of a Special Dispenser Permit Application for the CLAY Gala Fundraiser, sponsored by the Silver City Arts and Cultural District, to be held on July 30, 2015 from 5:00 p.m. to 11:00 p.m. at the Seedboat Gallery, 214 W. Yankie St., Silver City, NM. License Holder: W & N Enterprises, Inc., DBA Snappy Mart #4, Liquor License # 0151, 206 N. Hudson St., Silver City, NM. Lee Gruber, Executive Director of the Silver City CLAY Festival, said she was there on behalf of the Gala at the Seedboat Gallery on July 30th and that she was seeking approval of the Special Dispenser Permit Application. She said it was a fundraiser and there would be 2

exhibitions with a cash bar, etc. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve the Special Dispenser Permit Application for the CLAY Gala Fundraiser, sponsored by the Silver City Arts and Cultural District, to be held on July 30, 2015 from 5:00 p.m. to 11:00 p.m. at the Seedboat Gallery, 214 W. Yankee St., Silver City, NM. License Holder: W & N Enterprises, Inc., DBA Snappy Mart #4, Liquor License # 0151, 206 N. Hudson St., Silver City, NM. Councilor Cano seconded. The Mayor 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 for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. Ms. Gruber thanked the Council for their tremendous support of the event.

B. Approval / Disapproval of 2 Public Celebration Permit Applications for the CLAY Festival, sponsored by the Silver City Arts and Cultural District, to be held on August 1, 2015 from 7:00 p.m. to 10:00 p.m. on the 400 block of Bullard Street and the 100 block of Kelly Street, Silver City, NM. License Holder: 1) Little Toad Creek Brewery & Distillery, DBA Little Toad Creek Distillery, Liquor License #63004, 1122 Hwy. 35, Mimbres, NM 88049, and 2) Little Toad Creek Brewery, DBA Little Toad Creek Brewery, Liquor License #67021, 1122 Hwy. 35, Mimbres, NM 88049. Sam Costello, General Manager of Little Toad Creek Brewery and Distillery, said he was there to answer any questions regarding the event. Councilor Bettison asked Mr. Costello if the event would have a beer garden and distilled spirits, and he said yes. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve the 2 Public Celebration Permit Applications for the CLAY Festival, sponsored by the Silver City Arts and Cultural District, to be held on August 1, 2015 from 7:00 p.m. to 10:00 p.m. on the 400 block of Bullard Street and the 100 block of Kelly Street, Silver City, NM. License Holder: 1) Little Toad Creek Brewery & Distillery, DBA Little Toad Creek Distillery, Liquor License #63004, 1122 Hwy. 35, Mimbres, NM 88049, and 2) Little Toad Creek Brewery, DBA Little Toad Creek Brewery, Liquor License #67021, 1122 Hwy. 35, Mimbres, NM 88049. Councilor Cano seconded. The Mayor said there was a motion and a second and he repeated the motion. He asked if there was any further discussion, and there was none. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

C. Approval / Disapproval of Public Celebration Permit Application for a Summer Music Festival to be held on College Avenue between Bullard and Pope Streets on July 31, 2015 from 5:00 p.m. to 11:00 p.m. and August 1, 2015 from 12:00 p.m. to 11:00 p.m. License Holder: Q's Southern Bistro, LLC, DBA Branding Iron Brewery, License #67025, 101 W. College Ave., Silver City, NM 88061. Event sponsors include: Thunder One Rod Designs, All Glass MD, 2 Brothers Cooking, Kurious Kumquat, and Q's Southern Bistro, LLC. Anthony Quintana said he was requesting approval of the event on the College side of Q's because people from the community and other businesses wanted to bring it to that side to bring more business to their businesses in that area. He said that weekend was chosen because of the artists availability. He asked if there were any questions. There was further discussion between the Council, Town staff, the Town Attorney, and Mr. Quintana about issues with the proposed location of the event and how it would block traffic flow from Bullard Street to College Avenue for people that needed to travel to the Silver City Public Library and Western New Mexico University for events related to the CLAY Festival, etc. Councilor Bettison and Councilor Aiman-Smith explained why they were both opposed to the proposed location on College Avenue and they requested it be moved to Pope Street. Police Chief Reynolds advised the Council that the proposed location on College Avenue would not be a public safety issue; that both the CLAY Festival and the Summer Music Festival could exist at the same time without any issues because they would do pre-planning with the Fire Department. Mayor Morones said he appreciated the comments and the response from Chief Reynolds. He said as a long-term resident and longtime business owner he truly did not see closing College Avenue to be as pervasive as closing Bullard Street and it could be comparable to closing Pope Street. He said it would offer an opportunity to learn what closing College Avenue would do and to think about signage and temporary way finding to help people get around a new event location; that it could be an experiment and could indicate a certain business friendliness. He said he would like to see if it was a viable area and he hoped they would consider passing it as is. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Cano moved to approve the Public Celebration Permit Application for a Summer Music Festival to be held on College Avenue between Bullard and Pope Streets on July 31, 2015 from 5:00 p.m. to 11:00 p.m. and August 1, 2015 from 12:00 p.m. to 11:00 p.m. License Holder: Q's Southern Bistro, LLC, DBA Branding Iron Brewery, License #67025, 101 W. College Ave., Silver City, NM 88061. Event sponsors include: Thunder One Rod Designs, All Glass MD, 2 Brothers Cooking, Kurious Kumquat, and Q's Southern Bistro, LLC. Councilor Ray seconded. Mayor Morones said there was a motion and a

second and he repeated the motion. He asked if there was any further discussion, and there was none. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

D. Approval / Disapproval of Notice of Intent Ordinance No. 1240: concerning the Municipal Joint Utility System of the Town of Silver City, New Mexico; providing for the Improvement Revenue Bonds (Qualified Energy Conservation Bonds - Direct Subsidy), Taxable Series 2015A in the Aggregate Principal Amount up to \$4,285,000 to (a) extend, enlarge, better, repair and otherwise improve such Joint Utility System, (b) fund of a Debt Service Reserve Fund, and (c) pay costs of issuance of the Series 2015A Bonds, and (II) Joint Utility System Refunding Revenue Bonds, Tax-Exempt Series 2015B in the Aggregate Principal amount up to \$1,200,000 to (a) refund, redeem and pay the Town's outstanding loan agreement, as amended, with the New Mexico Environment Department and (b) pay costs of issuance of the Series 2015B Bonds; providing that the Series 2015 Bonds shall be payable solely out of the net revenues to be derived from the operation of such Joint Utility System; providing for the disposition of the revenues to be derived from the operation of such Joint Utility System; providing the form, terms and conditions of the Series 2015 Bonds, the method of paying such and the security therefor; prescribing other details concerning the Joint Utility Revenues and the Joint Utility System, including but not limited to covenants and agreements in connection therewith and with future financing therefor; ratifying action previously taken in connection therewith; and repealing all ordinances in conflict herewith. Manager Brown said the Notice of Intent Ordinance had to do with the radio read water meter system, and it was to issue the debt so they could finance the radio reads. He said they did their bond rating presentation and it would be based on the net system revenues of the Water and Sewer Fund and not on gross receipts taxes so they had to do a separate rating. He said the rating agencies realized that they had to base it on water, sewer, and wastewater revenues, and not just water revenues, so they had to bring in the Little Walnut sewer loan which was based on sewer revenues. He said they would refinance the Little Walnut sewer loan which had 5 years worth of payments due, with 1 payment due in August, so they would only be refinancing 4 years worth of payments which would decrease the loan payments by approximately \$65,000 a year. He asked the Council to amend the dollar amount from \$4,000,000 to \$4,285,000 in the title paragraph of the Ordinance. He said after the Bond Ordinance was adopted in August then they would adopt a Sales Resolution in September with actual final numbers. He said they were still shopping around for the best rate and he provided details. He said they were going to purchase the radio read meters through an ESCO (an energy service company) named YESCO (Yearout Energy Services Company) which was guaranteeing the revenue which would make the debt service payment for the 2000A bonds and the 2000B bonds would continue to be paid from the sewer revenues. There was further discussion. The Mayor said he would entertain a motion. Councilor Aiman-Smith moved to approve Notice of Intent Ordinance No. 1240: concerning the Municipal Joint Utility System of the Town of Silver City, New Mexico; providing for the Improvement Revenue Bonds (Qualified Energy Conservation Bonds - Direct Subsidy), Taxable Series 2015A in the Aggregate Principal Amount up to \$4,285,000 to (a) extend, enlarge, better, repair and otherwise improve such Joint Utility System, (b) fund of a Debt Service Reserve Fund, and (c) pay costs of issuance of the Series 2015A Bonds, and (II) Joint Utility System Refunding Revenue Bonds, Tax-Exempt Series 2015B in the Aggregate Principal amount up to \$1,200,000 to (a) refund, redeem and pay the Town's outstanding loan agreement, as amended, with the New Mexico Environment Department and (b) pay costs of issuance of the Series 2015B Bonds; providing that the Series 2015 Bonds shall be payable solely out of the net revenues to be derived from the operation of such Joint Utility System; providing for the disposition of the revenues to be derived from the operation of such Joint Utility System; providing the form, terms and conditions of the Series 2015 Bonds, the method of paying such and the security therefor; prescribing other details concerning the Joint Utility Revenues and the Joint Utility System, including but not limited to covenants and agreements in connection therewith and with future financing therefor; ratifying action previously taken in connection therewith; and repealing all ordinances in conflict herewith. Councilor Bettison seconded. Mayor Morones said there was a motion and a second as read into the record. There was further discussion. The Mayor asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

E. Approval / Disapproval of Resolution No. 2015-19: a Resolution declaring as "Non-Essential" a parcel of improved real estate located at 914 Pope Street, Silver City, NM (site of the former Golden Dragon Restaurant). Mayor Morones said the Town ended up with the property, but not because they wanted it, needed it or desired it; that it was an eyesore that needed to be taken care of. He said the Town Attorney, Robert Scavron, got them a great deal on

the property and they could maybe do something with it or put it out to the public. He said they had no Town uses for it that they could come up with so they wanted to put it out to the community so they could get the property back into production and become a useful, active, and productive asset within the Town and the community. Attorney Scavron discussed the Town's Code, Chapter 48 Town Property, and said the purpose of Resolution No. 2015-19 was to make a statement that the Town found the property to be non-essential for municipal purposes. He discussed changing the fourth Whereas paragraph in the Resolution that cited Chapter 48, Section 22(a)(5) that said the Town did not need it because of its size, shape or location. He said after speaking with the Mayor and the Town Manager, that Section 22(a)(3) would be a better fit, and he read it as follows, " The subject property is to be used exclusively for an economic development project that will benefit the town by increasing the opportunity for jobs, business, and the general wellbeing of the town." He explained further and said by selling it to private industry and private investment that it was an economic development project. There was further discussion and Attorney Scavron explained the process of selling non-essential property. Manager Brown suggested they put some requirements on the sale that the property be put to beneficial use as soon as possible because the property had been left as blight for years. Councilor Cano moved to approve Resolution No. 2015-19: a Resolution declaring as "Non-Essential" a parcel of improved real estate located at 914 Pope Street, Silver City, NM (site of the former Golden Dragon Restaurant) and to include the amendment proposed by Mr. Scavron. Councilor Ray seconded. Mayor Morones said there was a motion and a second as read into the record. There was no further discussion. 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.

F. Approval / Disapproval of Resolution No. 2015-20: a Resolution of the Town of Silver City ratifying a certain agreement between the Town of Silver City and the Southwest New Mexico Council of Governments, dated July 14, 2015, and authorizing the execution of same by the proper official of the Town of Silver City. Manager Brown said it was to the Town's benefit that they continue their relationship with the Council of Governments (COG); that they helped the Town with grants, lobbying, etc. He said the dues went up a little bit, but the Board approved the dues and that he was the Vice-President and supported it. He said they were getting a lot more than what they were paying for and he recommended the approval of Resolution No. 2015-20 and to continue working with COG. Mayor Morones said COG had been invaluable and Priscilla Lucero, Executive Director, was invaluable. He said increasing their membership dues was well worth it and that he could not imagine doing half of what they did without COG. Councilor Bettison agreed and moved to approve Resolution No. 2015-20: a Resolution of the Town of Silver City ratifying a certain agreement between the Town of Silver City and the Southwest New Mexico Council of Governments, dated July 14, 2015, and authorizing the execution of same by the proper official of the Town of Silver City, and to designate Alex Brown as the Public Official, Peter Pena as Alternate 1, and Cynthia Ann Bettison as Alternate 2. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second as read into the record. There was no 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.

G. Appointments to Incentive Review Committee. Mayor Morones said they had 2 members that reapplied: Sherry Clements and Robert Donnelly. He said they were more than qualified and willing to participate, and unless there was any disagreement he would like to reappoint them. There was no disagreement from the Council so they were reappointed.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:28 p.m., and Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

/s/ _____
Michael S. Morones, Mayor
Attest:

/s/ _____
Ann L. Mackie, Town Clerk