

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
December 8, 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:

Alex C. Brown, Town Manager-Finance Director
James Marshall, Assistant Town Manager
Yolanda C. Holguin, Acting Town Clerk
Robert L. Scavron, Town Attorney
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** – Mayor Morones said there was a lengthy agenda and that the Public Input portion of the agenda was limited to 20 minutes. Rik Foxx and Elysia Drew expressed their concerns regarding the Town's decision to install SMART water meters. Ben Keller, Andy Payne and Stephanie Smith expressed their concerns regarding the Town's decision on the PNM rates issue. Mayor Morones encouraged those who were not able to speak to come to the next Council meeting.
- 5. COUNCIL COMMENTS** - The Council commented on the following: congratulations to everyone recognized at the Silver City Grant County Chamber of Commerce Awards, especially Grant County Citizen of the Year, Priscilla Lucero, Executive Director of the Southwest Council of Governments; recently attended events; congratulations to Silver City MainStreet for the fabulous Lighted Christmas Parade and to the Green Chamber of Commerce for a fabulous Tamal Fiesta; Mayor Morones' decision not to run for a second term; Councilor Bettison's formal announcement of her candidacy for Mayor; wishing the public happy holidays; the recent Prospectors' meeting on legislative opportunities; upcoming events; the benefits of buying local and its economic effect; how residents were thankful for the road improvements in the Chihuahua Hill area; how the trails on Cooper Street were almost done; planting trees at Gough Park; having a three-day supply of food and supplies in case of an emergency; how the Jose Barrios School gave a big plaque for the Forgotten Veterans' Memorial; how the Council was not able or available to attend all events due to prior commitments, etc., and the unfair negative comments made by the news media about it; encouraging the public to attend the Council meetings; another request that drivers slow down in the downtown area; and the importance of public input.
- 6. CHANGES TO AGENDA** – None.
- 7. APPROVAL OF MINUTES - Regular Meeting on November 10, 2015** - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of November 10, 2015. Councilor Bettison seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Regular Meeting of November 10, 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. Staff reports.** Manager Brown reported that Robert Scavron, Town Attorney, was the President of the New Mexico Municipal League's Attorneys Association. Mayor Morones thanked him for that reminder because it was huge what the Town of Silver City was doing at the State level; that Mr. Scavron was the President of the Municipal Attorneys, that Ann Mackie, Town Clerk, was the President of the Clerks Association, that Judge Ruiz would be the President of

the Municipal Judges, and that Councilor Bettison was a Director on the New Mexico Municipal League Board of Directors. He said it was huge for a town their size in southwest New Mexico to have such a leadership role at the New Mexico Municipal League at the State level. He congratulated Attorney Scavron.

Councilor Bettison moved for a short recess at 6:40 p.m. Councilor Aiman-Smith 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. Mayor Morones called the meeting back to order at 6:47 p.m.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS - . Approval / Disapproval of Ordinance No. 1244: an ordinance adopting the Little Toad Creek Brewery and Distillery (“hereinafter Qualifying Entity”) establishing a brewery and distillery as an economic development project within and for the Silver City Arts and Cultural District pursuant to Section 5-10-2 B. NMSA 1978 (Local Economic Development Act) and Section 16-21(a) of the Municipal Code of the Town of Silver City, Grant County, New Mexico. Manager Brown commented on the completed economic impact study; working on the Project Participation Agreement; and following the LEDA ordinance. Discussion continued on promoting economic growth; encouraging people to go downtown; work that the Mayor and Council had done with LEDA and opportunities; and complimenting Little Toad on their food and beer. Councilor Ray moved to approve Ordinance No. 1244: an ordinance adopting the Little Toad Creek Brewery and Distillery (“hereinafter Qualifying Entity”) establishing a brewery and distillery as an economic development project within and for the Silver City Arts and Cultural District pursuant to Section 5-10-2 B. NMSA 1978 (Local Economic Development Act) and Section 16-21(a) of the Municipal Code of the Town of Silver City, Grant County, New Mexico. Councilor Cano seconded. Mayor Morones said there was a motion and a second as read into the record. There was no further discussion. Mayor Morones asked for a roll call vote. Councilor Ray voted aye; Councilor Cano voted aye; Councilor Bettison voted aye; and Councilor Aiman-Smith voted aye. Motion carried.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2015-30: a Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement for the construction for drainage improvements including the installation of curb and gutter on Camino de Suenos and Kelly Street in the Vistas de Plata Subdivision. Manager Brown discussed the details and terms of the grant; the areas of the project; starting the project when the weather warmed up; that the project would create jobs and economic development; complimenting staff for being proactive on the project; and how the project would bring tax payers’ monies back to the community. Councilor Cano moved to approve Resolution No. 2015-30: a resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement and an Intercept Agreement by and among the New Mexico Colonias Infrastructure Board (“CIB”) and the New Mexico Finance Authority (“Finance Authority,” and collectively with the CIB, the “Lenders/Grantors”) and the Town of Silver City (the “Borrower/Grantee”), for the benefit of the Colonia of the Town of Silver City, in the total amount of nine hundred sixty-three thousand six hundred forty-nine dollars (\$963,649), evidencing an obligation of the borrower/grantee to utilize the loan/grant amount solely for the purpose of financing the costs of the construction for drainage improvements including installation of curb and gutter on Camino de Suenos and Kelly Street, and solely in the manner described in the loan/grant agreement; providing for acceptance of a grant amount of eight hundred sixty-seven thousand two hundred eighty-four dollars (\$867,284) and payment of the loan amount of ninety-six thousand three hundred sixty-five dollars (\$96,365) solely from the revenues of the second one-sixteenth (1/16) of one-percent (.0625%) increment of the borrower/grantee’s municipal infrastructure gross receipts tax; certifying that the loan/grant amount, together with other funds available to the borrower/grantee, is sufficient to complete the project; approving the form of and other details concerning the loan/grant agreement and the intercept 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 loan/grant agreement and the intercept agreement. Councilor Ray seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2015-30 as read into the record. He asked if there was any further

discussion, and there was none. He asked for a roll call vote. Councilor Cano voted aye; Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; and Councilor Ray voted aye. Motion carried.

B. Approval / Disapproval of Resolution No. 2015-31: a Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement for the construction of a new PISTA grit removal system to improve the wastewater treatment facility for the benefit of the Town and the communities of Rosedale and Tyrone. Manager Brown discussed the details and terms of the grant; the areas of the project; starting the project when the weather warmed up; and how the project would create jobs and economic development. Councilor Bettison moved to approve Resolution No. 2015-31: a resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and among the New Mexico Colonias Infrastructure Board (“CIB”) and the New Mexico Finance Authority (“Finance Authority,” and collectively with the CIB, the “lenders/grantors”) and the town of Silver City (the “borrower/grantee”), for the benefit of the borrower/grantee and the communities of Rosedale and Tyrone, in the total amount of four hundred fifty-seven thousand eight hundred twenty-four dollars (\$457,824), evidencing an obligation of the borrower/grantee to utilize the loan/grant amount solely for the purpose of financing the costs of construction of a new PISTA grit removal system to improve the wastewater treatment facility owned and operated by the borrower/grantee, and solely in the manner described in the loan/grant agreement; providing for acceptance of a grant amount of four hundred twelve thousand forty-two dollars (\$412,042) and payment of the loan amount of forty-five thousand seven hundred eighty-two dollars (\$45,782) solely from the net system revenues of the joint water and wastewater system of the borrower/grantee; certifying that the loan/grant amount, together with other funds available to the borrower/grantee, is sufficient to complete the project; approving the form of and other details concerning the loan/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 loan/grant agreement. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2015-31 as read into the record. He asked if there was any 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.

C. Approval / Disapproval of Resolution No. 2015-32: a Resolution supporting the Town of Silver City's participation in a Capital Outlay Program administered by the New Mexico Department of Transportation for sidewalk improvements in Silver City, Grant County. Manager Brown stated the project area was for sidewalks downtown; that the most needed areas would be identified; and that the project was 100 percent grant funded. There was discussion on the height of the sidewalks; flooding issues and control; adding grates in certain areas; and putting in history signs in the new sections. Councilor Ray made a motion to approve Resolution No. 2015-32: a Resolution supporting the Town of Silver City's participation in a Capital Outlay Program administered by the New Mexico Department of Transportation for sidewalk improvements in Silver City, Grant County. Councilor Cano seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2015-32 as read into the record. He asked if there was any further discussion, and there was none. He asked for a roll call vote. Councilor Ray voted aye; Councilor Cano voted aye; Councilor Bettison voted aye; and Councilor Aiman-Smith voted aye. Motion carried.

D. Approval / Disapproval of Resolution No. 2015-33: a Resolution supporting the Town of Silver City's participation in a Capital Outlay Program administered by the New Mexico Department of Transportation for street and drainage improvements in Silver City, Grant County. Manager Brown commented the project area would be solely for Little Walnut Road; how the project would begin when weather permitted; and on the sealing process. Councilor Aiman-Smith made a motion to approve Resolution No. 2015-33: a Resolution supporting the Town of Silver City's participation in a Capital Outlay Program administered by the New Mexico Department of Transportation for street and drainage improvements in Silver City, Grant County. Councilor Bettison seconded the motion. Mayor Morones said there was a motion and a second for approval of Resolution No. 2015-33 as read into the record. He asked if there was any further discussion, and there was none. He asked for a roll call vote. Councilor Aiman-Smith voted aye; Councilor Ray voted aye; Councilor Cano voted aye; and Councilor Bettison voted aye. Motion carried.

E. Approval / Disapproval of Resolution No. 2015-34: supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for street and drainage improvements in Silver City, Grant

County. Manager Brown talked about the project area of College Street to E Street; discussed the funding and cost of the project; and read the resolution into the record. Councilor Aiman-Smith made a motion to approve Resolution No. 2015-34: supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for street and drainage improvements in Silver City, Grant County. Councilor Bettison seconded the motion. Mayor Morones said there was a motion and a second for approval of Resolution No. 2015-34 as read into the record. He asked if there was any further discussion, and there was none. He asked for a roll call vote. Councilor Aiman-Smith voted aye; Councilor Ray voted aye; Councilor Cano voted aye; and Councilor Bettison voted aye. Motion carried.

F. Approval / Disapproval of Resolution No. 2015-35: supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for water system improvements in Silver City, Grant County. Manager Brown commented on the project area on Highway 15 from Pine Street to McDonald's; that the design was almost complete; on being proactive by applying for as many grant funds as possible; how it had to be approved by the New Mexico Department of Transportation and the New Mexico Environment Department would also review the project. Mayor Morones read the resolution into the record. Councilor Cano made a motion to approve Resolution No. 2015-35: supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for water system improvements in Silver City, Grant County. Councilor Ray seconded the motion. Mayor Morones said there was a motion and a second for approval of Resolution No. 2015-35 as read into the record. He asked if there was any further discussion, and there was none. He asked for a roll call vote. Councilor Cano voted aye; Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; and Councilor Ray voted aye. Motion carried.

G. Approval / Disapproval of Bid #15/16-1: Sale of Town Vehicles. Manager Brown stated it was for some old Town vehicles that were no longer being used by the departments, and that it was staff's recommendation to award the bid to the highest bidders that were listed. Councilor Bettison moved to approve Bid #15/16-1: Sale of Town Vehicles per staff recommendation. Councilor Aiman-Smith seconded the motion. Mayor Morones said there was a motion and a second as read into the record. There was no further discussion. Mayor Morones 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.

H. Appointment to Grant County/Silver City Extraterritorial Subdivision Committee Mayor Morones said he would like to appoint Timothy J. Montes, and he asked the Council if they were okay with that. They said yes. Mayor Morones said he would appoint Timothy J. Montes.

I. Appointment to the Lodgers' Tax Advisory Board. Mayor Morones said that he would like to re-appoint Sandra Hicks, Michelle Carrillo, and Mitchell Hillman. He asked the Council if they had any objections, and they said no. He re-appointed Sandra Hicks, Michelle Carrillo, and Mitchell Hillman.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:45 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