

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
March 26, 2019, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe E. Cano, District 4

Also Present:

Alex C. Brown, Town Manager – Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Freddie Portillo, Police Chief
Manny Jaure, Community Resource Officer
Vickie Toney, Animal Control Officer

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m.
- 2. CHANGES TO AGENDA** – Councilor Bettison made a motion to move New Business Item 11 A for the Approval / Disapproval of Resolution No. 2019-10 for the acceptance and approval of the Fiscal Year 2018 Audit Report to be after Council Comments. Councilor Aiman-Smith seconded. Mayor Ladner asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.
- 3. CEREMONIES** – None.
- 4. PROCLAMATIONS** – None.
- 5. COUNCIL COMMENTS** – Councilor Ray commented on people running red lights and reminded people that they were not allowed to walk on streets or highways but had to use the sidewalks. He also thanked Manager Brown, Peter Pena, Public Works Director, Demecio Torrez, Streets Supervisor, and Eric Sanchez from the Streets Department for putting the M42 Duster tank at Bataan Park as a memorial for Fort Bayard. He said it was well received from all of the veterans. He also said he would like to discuss having their Council meetings moved to daytime meetings. Councilor Aiman-Smith thanked Manager Brown, contractor Lisa Jimenez, and the *Silver City Daily Press* for publishing various informative articles about the Town and that the recent Library article was very well written. She thanked the students at Western New Mexico University and other volunteers who worked on a collaborative project on World Water Day to clean out various portions of the Big Ditch. She said they pulled out a lot of plastic bottles. Councilor Bettison commented that she attended the National League of Cities meeting in Washington, D.C. with folks from the New Mexico Municipal League, and they met with each one of their Representatives and Senators to try to get local authority back on a bill regarding the placement of small cells. She explained further and said they wanted to work together with the cell providers. She said they would continue to work on it at the state level through the New Mexico Municipal League. She also commented on the College Avenue celebration that was a joint project between the Town of Silver City and Western New Mexico University. She said College Avenue was beautiful and tied with the entrance of the University, and it would encourage students to walk and participate in town. Councilor Cano commented that she and other leaders in the town met with the new Secretary of the Department of Workforce Solutions, Bill McCamley, and Lieutenant Governor Howie Morales, to discuss the new Workforce Solutions Department and how it could be a little bit more effective in Silver City with job placement, etc. She said Secretary McCamley would be visiting in Silver City again to give a presentation for local business owners about the cliff effect concerning the minimum wage increase and how it will affect employees.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2019-10 for the acceptance and approval of the Fiscal Year 2018 Audit. See Changes to Agenda above. Manager Brown introduced Mike Stone with Stone, McGee and Company. Mr. Stone said it was late to get the June 30, 2018 audit report and he assured everybody that the Town of Silver City was

compliant with the deadline. He explained how busy the State Auditor's office had been with elections, etc. He said the Town of Silver City had an unmodified opinion which was as high of an opinion as they could get. He said there was only one comment in the report; that they would like to see the Utility Billing Division have locks to their doors when they left their station. He said Manager Brown had locking devices installed the following week after learning about the comment. Mr. Stone was clear to say there was no indication that any money was missing or pilfered. He said that was the only comment for the entire operations of the Town. He said there was no problem with the numbers for the June 30, 2018 budget and expenditures and there were good numbers to manage the Town. He reminded the Council that they needed to take action. Councilor Bettison thanked him and the staff in the Finance Department, including Manager Brown for all that he did to ensure they were compliant and got an unmodified report. Manager Brown commended and introduced the staff that were present at the meeting: Amanda Teran, Accounting Technician, Anita Norero, Deputy Finance Director, and Vanessa Cardenas, Purchasing Agent. He said they did an excellent job. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2019-10 for the acceptance and approval of the Fiscal Year 2018 Audit. Councilor Bettison seconded. Mayor Ladner 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.

6. APPROVAL OF MINUTES - Regular Meeting – February 26, 2019 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of February 26, 2019. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He asked those in favor to approve the minutes to say aye, and all four Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

7. PUBLIC INPUT – Kenneth Sexton asked for clarification on Ordinance No. 1277, and Mayor Ladner asked him to wait until that item came up on the agenda. Robert Donnelly thanked Councilor Bettison for her diligence regarding her comments about the placement of small cells and trying to keep local authority. He said he enjoyed being at the meetings and wanted to keep the door open for citizen input. He said he was interested in Ordinance No. 1277 and that he liked that there were seven celebrations listed under New Business; that he liked that Silver City was a party town. Sharon McDonald asked for approval of Ordinance No. 1277 and said she would wait until the Ordinance came up on the agenda before commenting further.

8. REPORTS

A. Staff Reports. – Interim Police Chief Portillo reported on uncovered and unsecured loads. He reminded the public to call Central Dispatch if they saw an uncovered load. He reported that since January they had issued 38 citations for uncovered and unsecured loads and they included nine written warnings. He commented on a program with Magistrate Judge Laney where she wanted to use community resource hours that people could do by helping to pick up trash to impact certain areas of the city that needed a cleanup. He asked Community Resource Officer Manny Jaure to describe the situations he had encountered in the field. Officer Jaure described how citations were given according to statute and if any trash or debris fell out from a load, even it was tied down or netted over, a person would receive a citation. He commented on how he was educating the public with pamphlets and posters, and how the ordinance would be posted in large print at the guard shack at the dump and there would be pamphlets. He said he had talked with Judge Laney to have people pick up trash and that it would tie into the Town's Toss No Mas anti-litter campaign. There was further discussion about the following: how people could be cited for not flagging boards, pipes, etc. that were sticking out from their vehicle; how loads could be covered with a net or tarp, but no debris could fall; how the tarps were almost sold out; how illegal dumping was still an issue; and how people could buy the tarp at the dump for \$10 and show the receipt to Judge Laney to have their \$160 citation dismissed. Mayor Ladner thanked all of the community members that were involved in picking up litter.

Manager Brown described the process of recruiting a new Police Chief with a five-member committee. He said he agreed 100 percent with the committee in their recommendation to hire Freddie Portillo as the Police Chief. He said Freddie Portillo was far above and beyond the best applicant because he knew the community, the laws, had taken leadership programs, worked extremely hard and had proven to be very capable and competent. He said it was his decision, not the Town Council's decision, because it was his responsibility to hire and fire personnel. He said the process used had been proven; that they had gone to federal court with their process in the past. He said he would

make one amendment to the process to do an internet search on the background for supervisors and department heads. He congratulated Chief Portillo on the excellent job he had done and said he looked forward to working with him. Chief Portillo received a standing ovation from the Mayor, Councilors, staff, and many of those present at the Council meeting.

Chief Portillo said thank you and stated he had been afforded the opportunity in June 2018 to be the Interim Police Chief of the Town of Silver City. He said at that time he said he wanted to build on what was already in place and building the department in the right direction. He said he wanted to continue that trend and continue building public trust by establishing good working relationship with everyone in the community. He said he wanted to continue to be a very proactive Police Department in all aspects of the job and give 110 percent every single day. He thanked everyone for giving him the opportunity to be the Police Chief for the Town of Silver City. He thanked the supervisors and mentors that he had throughout the years and he specifically named Retired Chief Ed Reynolds. He thanked all of the staff at the Police Department and stated they truly understood the importance of going above and beyond. He said they were hard working individuals who were very dedicated to the department and to the community. He thanked his family and the Town of Silver City and said he looked forward to working with them.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1277: An Ordinance amending Chapter 6 (Animals), Article I, Section 6-1 (Definitions), Section 6-34(a) Authority of Town Manager and Animal Control Officer), Chapter 6-55 b. (Administrative Enforcement; Citations) and Chapter 32 (Nuisances), a new Section 32-14 (Animals), of the Municipal Code of the Town of Silver City. Councilor Bettison, sponsor of Ordinance No. 1277, said the Ordinance was to enable the Town's Animal Control Officer (ACO) to actually do her duties and not have to do copious amounts of paperwork or request a police officer to assist with citations for public nuisance. She said it would move certain sections out of the Animal Ordinance and into vary specific areas in the Nuisance Ordinance. ACO Vickie Toney said according to Attorney Scavron it was for housekeeping in the Ordinances. Attorney Scavron said there was a difference in interpretation in the court that does the judging for these cases; that the court felt the language was ambiguous regarding the ACO's ability to issue citations for nuisance because it was not specifically stated. He provided further details and there was further discussion. Police Chief Portillo commended ACO Toney for being very proactive and looked for solutions in the community. He said it would make her job easier and the job of the whole department easier. Councilor Bettison said what made it move forward were certain issues with dogs. Mayor Ladner asked if there were any questions from the Council, and there were none. He asked if there were any questions from the public. Kenneth Sexton commented on his concerns that the ordinance could also apply to honey bees and the general public may think it was okay to call the ACO, etc. Attorney Scavron said the Ordinance was drafted without a focus on bees and honey bee keepers, and there was further discussion about bees. Sharon McDonald discussed dog issues in her neighborhood and asked that the Ordinance be revised and clarified to include nuisance dogs owned by renters. Councilor Bettison said the Ordinance did not distinguish between residents renting or permanent residents; that it applied to all residents in the town. Attorney Scavron said the activity that Ms. McDonald described was already covered in the Animal Ordinance; that people can call the ACO to witness the activity so she could take appropriate action. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Ordinance No. 1277: An Ordinance amending Chapter 6 (Animals), Article I, Section 6-1 (Definitions), Section 6-34(a) Authority of Town Manager and Animal Control Officer), Chapter 6-55 b. (Administrative Enforcement; Citations) and Chapter 32 (Nuisances), a new Section 32-14 (Animals), of the Municipal Code of the Town of Silver City. Councilor Ray seconded. There was no further discussion. Mayor Ladner 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 7:02 pm. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried. The Mayor called the meeting back to order at 7:08 pm.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2019-10 for the acceptance and approval of the Fiscal Year 2018 Audit. See Changes to the Agenda above.

B. Approval / Disapproval of a Public Celebration Permit Application and waiver of NMSA 1978 Section 60-6B-10 for alcohol service near a church for the Continental Divide Trail Days event on April 26, 2019 with alcohol service from 5:00 pm to 9:00 pm at the Power and Light Press, 601 N. Bullard St., Unit F, Silver City, NM. Liquor License Holder: La Esperanza Vineyard, LLC, License #6148, 100 De La O, San Lorenzo, NM 88041. Carol Martin from the Continental Divide Trail Coalition said the application was for beer and wine to be served at the Power and Light Press building inside The Hub. She said La Esperanza would provide the security, check identifications, and attach wrist bands. She said no alcohol would be allowed outside the building. There were no questions from the Council. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Public Celebration Permit Application and waiver of NMSA 1978 Section 60-6B-10 for alcohol service near a church for the Continental Divide Trail Days event on April 26, 2019 with alcohol service from 5:00 pm to 9:00 pm at the Power and Light Press, 601 N. Bullard St., Unit F, Silver City, NM. Liquor License Holder: La Esperanza Vineyard, LLC, License #6148, 100 De La O, San Lorenzo, NM 88041. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

C. Approval / Disapproval of two Public Celebration Permits for the Little Toad Creek's ToadFest Tap Take Over on April 27, 2019 with alcohol service from 2:00 pm to 11:00 pm in the alley behind the Little Toad Creek Restaurant at 200 N. Bullard St., Silver City, NM 88061. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. Andy Housely, General Manager of Little Toad Creek Brewery and Distillery, said they were doing the ToadFest Tap Takeover in conjunction with the New Mexico Brewers Guild and it would bring in different beer taps from across the state. He said they would close the alley behind the restaurant, provide fencing and security, and people would have access into their building. He said no sidewalks or streets would be closed for the event. Mayor Ladner asked for a motion. Councilor Ray moved to approve two Public Celebration Permits for the Little Toad Creek's ToadFest Tap Take Over on April 27, 2019 with alcohol service from 2:00 pm to 11:00 pm in the alley behind the Little Toad Creek Restaurant at 200 N. Bullard St., Silver City, NM 88061. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

D. Approval / Disapproval of two Public Celebration Permits and waiver of NMSA 1978 Section 60-6B-10 for alcohol service near a church for the Tour of the Gila VIP Beer Garden on May 4, 2019 with alcohol service from noon to 5:30 p.m. at The Hub at 601 N. Bullard, Silver City, NM. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. Jack Brennan, Race Director of the Tour of the Gila, said the Tour of the Gila bicycle race would be from May 1 – 5, 2019. He said they were doing a VIP beer and distillery garden for their title sponsors and major sponsors. He said Little Toad Creek would provide the fencing and security for the event, and he asked for their support. Councilor Ray moved to approve two Public Celebration Permits and waiver of NMSA 1978 Section 60-6B-10 for alcohol service near a church for the Tour of the Gila VIP Beer Garden on May 4, 2019 with alcohol service from noon to 5:30 p.m. at The Hub at 601 N. Bullard, Silver City, NM. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

E. Approval / Disapproval of two Public Celebration Permits for the Tour of the Gila Beer Garden on May 4, 2019 with alcohol service from noon to 7:00 p.m. at 820 N. Bullard, Silver City, NM. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, and 2) Little Toad Creek LLC,

DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. Jack Brennan, Race Director of the Tour of the Gila, said they were having a beer garden in conjunction with the Tour of the Gila. He said Little Toad Creek would supply the fencing, security, and service at the beer garden. He requested the Council's approval of the permits. There was no discussion. Councilor Ray moved to approve two Public Celebration Permits for the Tour of the Gila Beer Garden on May 4, 2019 with alcohol service from noon to 7:00 p.m. at 820 N. Bullard, Silver City, NM. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

12. Adjournment – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 7:20 p.m., and Councilor Ray seconded. Mayor Ladner stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all four Councilors said aye. Motion carried.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Ann L. Mackie, Town Clerk