

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
November 10, 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
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Javier Hernandez, Police Captain

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m.
 - 2. CEREMONIES** – Mayor Morones invited the Town of Silver City's Poet Laureate, Elise Stewart, to read a poem. Ms. Stewart read a poem about when she first came to New Mexico and climbed a mountain without knowing what it entailed.
 - 3. PROCLAMATIONS** - None.
 - 4. PUBLIC INPUT** – Mayor Morones expressed how important it was to have public input and how much the Town Council really did listen to it. He encouraged everybody to give public input and apologized for not engaging in debate and discussion, but he said it was because of state laws. Louise Hummingbird, Elysia Drew, and Bevely Fox expressed their concerns regarding the Town's decision to install SMART water meters.
 - 5. COUNCIL COMMENTS** - The Council commented on the following: the importance of public input; reasons why some of the Council did not support a resolution regarding the PNM San Juan case and that it was not appropriate for the Council to sponsor a resolution or even to create a show and have it voted down because bringing it to a vote would actually illustrate to the Public Regulation Commission (PRC) and the Attorney General that they did not trust their process; thanks were given to veterans, including Councilor Ray's service; how the winner of the Futuro Award was Councilor Cano's nominee, Miguel Narvaez, Jr., and that he was a senior and senator at Western New Mexico University, etc.; how Police Chief Reynolds reported to Councilor Ray that it was not feasible to have 2 police officers in a car because the Town did not have the resources and money to do it; how Councilor Ray would bring up the cell phone ban next year because somebody may sue the Town, and he asked for public feedback; thanks were given to the people that voted for the Continental Divide Trail because they won \$25,000 for the entire trail system; thanks to the Town for striping the streets; and how sometimes public input gave erroneous information and that the people pushing for a resolution regarding the PRC had not fully done their homework because some of their statements were not true, and some of their information was taken out of context, etc.
- Mayor Morones said an election was coming up in March and after a lot of thought and consideration, and basing a decision to what he believed was right for his family and his business, that he would not seek re-election in the upcoming election. Councilor Aiman-Smith said she would run again for Councilor in District 2, and Councilor Cano stated she would seek re-election for Councilor in District 4.
- 6. CHANGES TO AGENDA** – None.
 - 7. APPROVAL OF MINUTES - Regular Meeting on October 27, 2015** - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of October 27, 2015. Councilor Bettison seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Regular Meeting of October 27, 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. James Marshall, Assistant Town Manager, reported staff's opinion regarding the upcoming Public Regulation Commission (PRC) hearings on the PNM rate case. He explained how the PRC would process the PNM rate case application. He stated Municipal Resolutions that reiterated the pre-existing obligations of the PRC and staff, the Attorney General, and the hearing officer to conduct a fair, open and transparent process, was redundant and pointless. He said Municipal Resolutions were viewed as political, and had little weight in the final determination, which must be based on numbers and evidential findings. He recommended the Town of Silver City should not be a party to the PNM rate case and that the most important reason was that the Town did not have the financial resources to provide expert witnesses and attorneys, etc., but other entities did have the resources to champion those issues that were important to the Town. He said it was his recommendation that the Town requested to be put on a mailing list of the docket to keep itself apprised of the developments in the case. He suggested using the Town's political influence to ensure that the PRC and the Attorney General's office have the necessary resources to guarantee an open, transparent, and fair process in determining the fair rates that PNM can impose on its customers. He also recommended that the Town continue to follow a course of conservation and innovative approach toward gaining a greater degree of energy independence.

Manager Brown said they received the grant agreements for both of their Colonias projects for Vistas de Plata and for the grit chamber for the Wastewater Treatment Plant, and they also received both of their legislative allocation agreements. He said all of the Resolutions would be presented at the next regular meeting in December because they were not on any time constraints.

Police Captain Javier Hernandez reported there had been no gang activity reported during the past 2 years. He said Police Chief Reynolds also met with the other Police Departments and the Sheriff 's Department in the area and they all reported there were no gang issues.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS -

A. Approval / Disapproval of Ordinance No. 1243: an Ordinance amending Chapter 16, Article II (Economic Development Plan), Sections 16-47, 16-67 and 16-69 of the Town of Silver City Code of Ordinances. Councilor Aiman-Smith said economic development, especially local economic development, was for all of their concern and a way for them to prosper. She commented on what the Local Economic Development Act (LEDA) intended to do and that the proposed amendment would make them able to receive funding from the State Economic Development Administration to be directed toward local projects, and she described the amendments in detail. Mayor Morones explained that it was really to help fix some of the anti-donation criteria that they had by state statute, and when the state amended their LEDA then the Town usually tried to have its ordinances as comparable as possible so they could fully qualify. Councilor Aiman-Smith said the state had \$50,000,000 in the LEDA fund, and she moved to approve Ordinance No. 1243: an Ordinance amending Chapter 16, Article II (Economic Development Plan), Sections 16-47, 16-67 and 16-69 of the Town of Silver City Code of Ordinances. Councilor Bettison seconded. Mayor Morones said there was a motion and a second for the approval of Ordinance No. 1243: an Ordinance amending Chapter 16, Article II (Economic Development Plan), Sections 16-47, 16-67 and 16-69 of the Town of Silver City Code of Ordinances. There was further discussion. Mayor Morones 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 recess at 6:50 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 6:59 p.m.

11. NEW BUSINESS -

A. Approval / Disapproval of Bid #15/16-2: Janitorial Services. Manager Brown said the Town received 2 bids for Bid #15/16-2: Janitorial Services, and that one bid was from Complete Care Cleaning Services in the amount of

\$73,380.00 per year and one bid was from Mom's Cleaning Habits for \$121,211.04 per year who were above the 5 percent local preference. He said it was staff's recommendation to award the bid to Complete Care Cleaning Services of Albuquerque, New Mexico for \$73,380.000 per year. Manager Brown answered questions from Councilor Aiman-Smith and Councilor Ray regarding the municipal buildings that would be receiving cleaning services and how the Albuquerque business would employ local people to do the work with a 4 year contract. Councilor Bettison moved to approve Bid #15/16-2: Janitorial Services per staff recommendation to Complete Care Cleaning Services for \$6,115.00 per month which equals \$73,380.00 per year. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second as read into the record, and there was no further discussion. 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.

B. Approval / Disapproval of Bid #15/16-3: Pest Control Services. Manager Brown said the Town received bids from Bughunter Pest Control for \$3,981.84 per year and Grant County Pest Control for \$4,560.00 per year. He said they were both Grant County businesses so it was staff's recommendation to award the bid to Bughunter Pest Control for \$3,981.84 per year. Councilor Ray asked if it was for a 4 year contract and Manager Brown said yes. Councilor Bettison moved to approve Bid #15/16-3: Pest Control Services per staff's recommendation to Bughunter Pest Control for \$3,981.84 per year. Councilor Aiman-Smith seconded. Mayor Morones said they had a motion and a second as read into the record, and there was no further discussion. 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 Resolution No. 2015-28 for the Regular Municipal Election to be held on March 1, 2016. Clerk Mackie asked for the Council's approval to call the election on March 1, 2016 for the offices of Mayor for a 2 year term, one Councilor in District 2 for a 2 year term, and one Councilor in District 4 for a 2 year term. She said all 4 districts would be consolidated with 1 polling place, a Voting Convenience Center at the Silver City Woman's Club. She provided further details about the election process. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Bettison moved to approve Resolution No. 2015-28 for the Regular Municipal Election to be held on March 1, 2015. Councilor Aiman-Smith seconded. Mayor Morones said they had a motion and a second for approval of Resolution No. 2015-28 for the Regular Municipal Election to be held on March 1, 2015. 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.

D. Approval / Disapproval of Resolution No. 2015-29: approving the submittal of a re-certification application to the Mortgage Finance Authority for the 2015-2016 House by House Homeowner Rehabilitation Program. James Marshall, Assistant Town Manager, said many years ago a study was done on the housing in Silver City and found significant deficiencies in quality. He described the condition of many homes and how there were serious concerns for the safety of some families. He said the Town had participated in the House by House Rehabilitation Program since 2002 to either rehabilitate or replace homes through the program. He said Silver City still had the need for the program and the resolution that approved the application was needed. Councilor Bettison moved to approve Resolution No. 2015-29: approving the submittal of a re-certification application to the Mortgage Finance Authority for the 2015-2016 House by House Homeowner Rehabilitation Program. Councilor Ray seconded. Mayor Morones said there was a motion and a second as read into the record. There was no further discussion. The Mayor 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.

E. Approval / Disapproval of a Special Dispensers Permit Application for the Mimbres Region Arts Council Black Tie Ball to be held on December 12, 2015, at Lawley Toyota, 2750 Hwy. 180, Silver City, NM from 6:00 pm to 12:30 am. License holder: W&N Enterprises, Inc. DBA Snappy Mart #4, Liquor License #0151, 206 N. Hudson St./PO Box 559, Silver City, NM 88061. Kevin Lenkner, Executive Director of Mimbres Region Arts Council, said it was a fundraising event to help cover their costs for providing lots of great programming for the city, county, and the larger region. He said they were hoping to have 300 people and he invited the Council to attend. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve a Special Dispensers Permit Application for the Mimbres Region Arts Council Black Tie Ball to be held on December 12, 2015, at Lawley Toyota, 2750 Hwy. 180, Silver City, NM from 6:00 pm to 12:30 am. License holder: W&N Enterprises, Inc. DBA Snappy Mart #4, Liquor License #0151, 206 N. Hudson St./PO Box 559, Silver City, NM 88061. 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 vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

F. Approval / Disapproval of Notice of Intent 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. James Marshall, Assistant Town Manager, said one of the requirements under the Local Economic Development Act (LEDA) was to declare a project an economic development qualified entity, like they did with the Silco project. He said they were going through the application process and the ordinance would authorize the Town Manager to do what was necessary to execute the agreement. He said there was criteria for claw back in the agreement so the qualified entity had to meet those standards in order to keep the entire amount of funding. He provided further details and said the Town was acting as the fiscal agent for the state and would have to foreclose for the state if that situation arose. There was further discussion about whether the proposed property was in the tax incremental district; how the Arts and Cultural District was a geographical boundary; how past LEDA changes were to add cultural facilities as helping aid and qualify entities; and how it was an economic development project they could do and sustain, and it would bring in real jobs. Mayor Morones asked the public to give the Council their input over the next month, and that the final reading of the ordinance would be at the first meeting in December . He said he would entertain a motion. Councilor Ray moved to approve Notice of Intent 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 Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

G. Appointment to Museum Board. Mayor Morones said he would like to appoint Pauline Gomez, and he asked the Council if they were okay with that. They said yes. Mayor Morones said he would appoint Pauline Gomez.

H. Appointment to the Historic Design Review Committee. Mayor Morones said they had a re-application of a long time committee member and Chair, Becky Smith. He said she had given her time and energy to a number of things within their community. He asked the Council if they had any objections, and they said no. He said Rebecca Smith was appointed.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Aiman-Smith moved to adjourn at 7:27 p.m., and Councilor Bettison 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.

Michael S. Morones, Mayor

Attest:

Ann L. Mackie, Town Clerk