

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
May 14, 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
James Marshall, Assistant Town Manager
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Ben Villegas, Police Captain

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m.
- 2. CHANGES TO AGENDA** – None.
- 3. CEREMONIES** – None.
- 4. PROCLAMATIONS** – “Eve West Bessier as the Silver City Area’s Poet Laureate for 2019-2021” – Mayor Ladner read the proclamation and presented it to Beate Sigriddaughter, past Poet Laureate. On behalf of the Southwest Festival of the Written Word, she presented it to the new Poet Laureate, Eve West Bessier. Ms. Bessier accepted the proclamation and read a poem entitled, “Ode to Silver City and Grant County.”
- 5. COUNCIL COMMENTS** – Councilor Aiman-Smith commented on the recent Give Grandly event at the Farmer’s Market and said she counted 983 people in attendance. She acknowledged Manager Brown for working with the Public Library and the Friends of the Library non-profit organization that does fundraising for the public library. She stated there would be children and youth programs every day that the library would be open during the summer due to the fundraising, and she described the various programs. Councilor Bettison stated that her takeaway from the budget discussion during the April 23 Council meeting was that the Town would not have to do any portion of the Hold Harmless Gross Receipts Tax in the upcoming fiscal year. She said it was critical that Manager Brown, the Finance Department, and the department heads had done such a good job setting up a budget that did not have to raise taxes. She also announced that the Western New Mexico University Museum would be open to the public on weekends from 10:00 a.m. to 4:00 p.m. on Saturdays and Sundays, but not on any holidays. Councilor Cano commented that she attended the Workforce Solutions Conference held in Albuquerque and the focus was on youth engagement and trying to find ways to fund the Department of Vocational Rehabilitation. She said she participated in a flight over the Gila to see where the Wild and Scenic River designation would be taking place on the Gila should it pass in Washington D.C. She said it was free and sponsored by the New Mexico Wilderness Alliance and Echo Flight, and she invited Town officials and staff to let her know if they would like to participate in a future flyover. She commented on a recent *Silver City Daily Press* article about the Silver City Museum and how she had concerns about a quote by the Interim Director of the Museum that reflected a diversity issue at the Museum. She said she would like to see Town staff of the Museum receive diversity training. Councilor Ray said as a private individual he would like to urge people to support the Blues Festival and the Tour of the Gila events. He commented on an issue he had with the *Silver City Daily Press* and how they should print the entire story, not just tidbits of what was said at the Council meetings so people could make up their own minds. He said there was too much hatred in the paper, and he commented on a recent letter to the editor that complained about the city people and how it was unethical. He said they were all trying to do their best, but it was impossible to be liked by everybody. He also mentioned that there would be a Carnitas, Música y Mas Fiesta during the upcoming Labor Day weekend.
- 6. APPROVAL OF MINUTES - Regular Meeting – April 23, 2019** - Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of April 23, 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 – David Crosley from Little Toad Creek LLC, the liquor license holder for the upcoming Blues Festival, commented that New Business Item B for a proposed beer garden adjacent to the already approved beer garden at the Blues Festival was not a good idea, primarily for the safety of the people at the Blues Festival. He said they monitor and measure the amount of alcohol people buy which was already difficult, especially for three days in the hot sun. He said having another purveyor of alcohol in such close proximity to the existing pavilion would create a lot more of an issue than he thought could reasonably be taken care of by any single group; that there was not enough outside force, i.e. police or other groups, to keep an eye on it. He said his secondary concern was that the Blues Festival had come a long way and it may set a precedent that would allow people to take advantage of the facilities that the Blues Festival and Mimbres Region Arts Council (MRAC) paid a great deal of money for. He said it would not necessarily be a good idea for the future of the Blues Festival. Kevin Lenkner, Executive Director of the Blues Festival, said he was speaking in opposition to agenda item 12 B and agreed with Mr. Crosley about the safety concerns. He said the MRAC and the Town of Silver City invested a lot of money to produce the Blues Festival event and vendors paid a substantial amount of money to have the opportunity to earn more money, and that was 30 to 40 percent of their budget. He said having auxiliary beer gardens and vendor spaces would definitely cause Blues Festival vendors not to come back and would set a bad precedent that everyone will have a beer garden and vendors, and the festival would not be able to generate the amount of revenue it needs to break even.

8. REPORTS –

A. Gary Stailey to report on Silver City High School's Shop Class tent project. Manager Brown said Mr. Stailey asked that the item be moved to the next Council meeting since the current agenda was so full.

B. A traffic and safety invention idea by 7th grader Ella Clarissa Donnelly. Mark Cantrell, a teacher at Aldo Leopold Charter School, introduced Miss Donnelly and said she was the most likely kid to end up working for NASA in their school and in all of Silver City. He said she had a great mind for civic engineering. He said she came up with the idea completely on her own, it was not a school assignment, but she saw a problem and came up with a solution. Ms. Donnelly stated she had an idea that would solve a big problem in the community and could save lives; that it would light up when a car is around the corner at the bottom of a hill. She said the device would run on solar, was not expensive, and did not need much maintenance. She said it would use a magnetic strip in the road to send signals to other drivers that a car was coming up or around hills or corners which would prevent accidents and save lives. She said she would like to build a prototype and implement it in the future and hoped Silver City would consider her idea. She approached the Council with her model and explained how it would work. Councilor Cano said it was fantastic and that her prototype had to deal with Little Walnut Road; that she hoped Manager Brown would find a way to make it happen. Councilor Bettison said it was great for different places in town and should also be on Highway 15 and state highways like the Black Range; that it would be a great warning, was very innovative, and an amazing idea. Councilor Aiman-Smith said it would be interesting to know what kind of materials would be needed and she encouraged Ms. Donnelly to explore and work with someone to develop a prototyping procedure, and to work with Manager Brown and staff because it was a great idea. Councilor Bettison said Silver City was historically a town of firsts so it was fabulous to have a young person in the town also to be potentially one of the firsts for something that was a great safety idea. Manager Brown said they would try to test it out and do a pilot project. Mayor Ladner said necessity was the driver for invention and he thanked Miss Donnelly for seeing a problem and coming up with a possible solution.

C. Silver City Tourism Update by Joanie Griffin, CEO and founder of Sunny 505. Ms. Griffin began by giving Miss Donnelly her business card and stated their firm represented Spaceport America and they were beefing up their intern program for the Spaceport. She said Miss Donnelly had a bright future. She said Sunny 505 had been the Town's tourism marketing company since August 2018, that Julie Enos from Silver City was on contract to handle the social media, etc. She showed a video about Silver City followed by a PowerPoint presentation that included the following information: how their objective for 2019 was to increase lodgers tax revenues by three percent, but they were on track to hit 10.78 percent of an increase; described how they were advertising Silver City; how in May the New Mexico Tourism Department would tell them how much they would get in funding; how they were paying 50 cents for every dollar they got so the \$46,000 was worth about \$100,000 in advertising; how they were doing public

relations print ads in Tucson, El Paso and Albuquerque publications and New Mexico Magazine; how they were running a lot of digital and social media ads and Pandora radio; how they did a new visitors guide for the visitor's center; how they were working in conjunction with the Tourism Department and had new video and photo assets for advertising, etc.; how they had ads in the Albuquerque, El Paso, Tucson, and Phoenix airports; and information about the news releases, clicks on social media, etc. There was further discussion with the Council.

D. Staff Reports. None.

9. PUBLIC HEARINGS –

A. Approval / Disapproval of a Restaurant Beer and Wine Liquor License with on premises consumption only with Sunday sales by the drink and patio service. Application # 1118720, Name of Applicant: Leah Allen, LLC, DBA Adobe Springs Café, 4109 N. Silver St., Silver City, NM. Proposed Location: 614 N. Bullard St., Silver City, NM 88061. Mayor Ladner read the public hearing procedures and stated the Councilors would serve on the hearing board and he would serve as the presiding officer. He asked the hearing board if they had any ex parte discussion regarding the subject matter or any communication to any part of the case, and all four Councilors said no. He asked the Town Clerk to swear in any witnesses for the case, and Jennifer Cook, representing the applicant, was sworn in. Mayor Ladner asked her to present her case. Ms. Cook said she and her husband own Adobe Springs Café, and they were in the long process of moving the location and could not transfer their liquor license but had to reapply for a different location. There were no questions from the Council. Mayor Ladner said no other witness was sworn in so there was no opposition to the application. Mr. Scavron commented to the Council that they would make their decision based on the testimony and witnesses that were appearing in front of them. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Restaurant Beer and Wine Liquor License with on premises consumption only with Sunday sales by the drink and patio service. Application # 1118720, Name of Applicant: Leah Allen, LLC, DBA Adobe Springs Café, 4109 N. Silver St., Silver City, NM. Proposed Location: 614 N. Bullard St., Silver City, NM 88061. Councilor Cano seconded. There was no further discussion. Mayor Ladner 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.

10. UNFINISHED BUSINESS –

A. Budget discussion and Council direction for Fiscal Year 2019-2020. Manager Brown presented the budget for Fiscal Year 2019-2020 and provided the following information: how the projected revenues for gross receipts taxes had almost zero growth because it was part of the phase out from the Hold Harmless so there was a zero percent increase in the General Fund; how they were going from \$9.439 million to \$9.472 million which was seven percent above last year due to some construction in town and retail sales were up; how the General Fund provided the majority of the services for the Town and the largest revenue source was from gross receipts tax at \$8.4 million of the \$9.472 million went into the General Fund to provide services; other sources of revenue were property tax, franchise fees, and charges for services for a total projection of \$9.691 million for the General Fund; expenses were close to Fiscal Year 2018-2019 and the biggest cost in the General Fund was personnel costs with 82 percent; how the budget included the increases from the union negotiations; total expenditure increase of \$47,000; how the beginning cash balance for the General Fund was \$865,000, \$9.7 million for revenue, and \$9.6 million in expenditures with an ending cash balance of \$934,000 for the General Fund; how they had to maintain a 1/12th reserve and were above that by \$140,000; how the Water/Sewer Fund would have a 30 cent per 1,000 gallon increase to the consumer which was about a dollar per household; how the Water/Sewer Fund revenues would still be down a little bit because of the consumption decrease since 2011; how the system had to be maintained; how the debt service would go down next year; how the Sanitation Fund was decreased by three percent based on current revenue projections and a decrease in transfers out for debt service; how operations for the Sanitation Fund was at zero percent because he was trying to keep everything close to the current status; how the sales tax for internet sales should give them a big boost so they would not have to increase property taxes; how Lodgers Tax was increased by \$22,000 and they would hit about \$311,000; how Gas Tax got two cents on the sale of every gallon of gas and they committed 1/16th of gross receipts tax to go to that fund for revenues of \$431,000 which was up \$30,000 from the past year; how the Gas Tax was for the maintenance of the 72-75 miles of paved roads in town; and how the beginning and ending cash balances of each of the funds were doing well except for the Water/Sewer Fund which was \$52,000 short of the 1/12th required reserve. Manager Brown said the total budget was about \$32,000,000. There was further discussion.

Councilor Bettison moved for a short break at 7:11 p.m. Councilor Aiman-Smith seconded. There was no discussion. 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 7:19 p.m.

11. APPROVAL OF CONSENT AGENDA - Note: All matters listed under Item 11, Approval of Consent Agenda were considered routine by the Town Council and were enacted by one motion in the form listed below. There was no separate discussion of these items.

A. Approval / Disapproval of 12 Public Celebration Permit Applications and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for the 2nd Annual Silver City Wine Festival to be held at Gough Park on July 13-14, 2019. Sponsor: New Mexico Wine, License Holder Information:

- 1) License #60016, Owner: Tony & Mary Ann Black, DBA Black's Smuggler Winery, 25 Winery Road, Bosque, NM 87006
- 2) License #60026, Owner: Robert C. Jaramillo, DBA Jaramillo Vineyards LLC, 30 Camino Nopales, Belen, NM 87002
- 3) License #6148, Owner: La Esperanza Vineyard LLC, DBA La Esperanza Vineyard LLC, 100 De La O, San Lorenzo, NM 88041
- 4) License #60020, Owner: Samuel Aragon, DBA Las Nueve Ninas Winery LLC, PO Box 26, Mora, NM 87732
- 5) License #6091, Owner: Paolo D'Andrew, DBA Luna Rossa Winery, PO Box 1507, Deming, NM
- 6) License #60021, Owner: Jasper Riddle, DBA Noisy Water Winery, 2342 Sudderth Dr, Ruidoso, NM 88345
- 7) License #60012, Owner: Bradley Shattuck, DBA Shattuck Vineyard LLC, 1511 Ocotillo, Truth or Consequences, NM 87901
- 8) License #60036, Owner: Sean Sheehan, DBA Sheehan Winery, 1544 Cerro Vista Rd SW, Albuquerque, NM 87105
- 9) License #60017, Owner: Sombra Antigua Winery, DBA Sombra Antigua Winery, PO Box 671, Chamberino, NM 88027
- 10) License #6130, Owner: Florent Lescombes, DBA St. Clair Winery, 1325 DeBaca Winery, Deming, NM 88030
- 11) License #60048, Owner: Tim Lopez, DBA Wicked Kreations Winery, 7209 Beck Dr. NE, Albuquerque, NM 87109
- 12) License #6085, Owner: David & Marcia Arnold, DBA Wines of the San Juan, 233 Hwy. 511, Blanco, NM 87412

Mayor Ladner asked the requester to come forward. Christopher Goblet, Executive Director of the New Mexico Wine and Grape Growers Association, said they had applications for all twelve winery license holders. Manager Brown said he had been working with Mr. Goblet and they were going to fence in the entire Gough Park with six-foot metal fencing, fence off part of Main Street and 12th Street for food vendors, and have one access point with a 30 feet by 30 feet tent on 12th Street. He said the wine growers would serve their alcohol in the park and it was the first time to do this. He said if they wanted their events to be sustainable, they would have to do it this way. He commented further on new ideas for events. There was further discussion about security, portable toilets inside the fence, how the fencing would ensure the alcohol was in one place and that people would pay an entrance fee to the event; how the Town might purchase fencing for events; and how these ideas would go along with the expansion of Gough Park at some point. Mayor Ladner asked for a motion. Councilor Cano moved to approve the 12 Public Celebration Permit Applications and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for the 2nd Annual Silver City Wine Festival to be held at Gough Park on July 13-14, 2019. Sponsor: New Mexico Wine, and she read the information for all 12 of the license holders. Councilor Ray seconded. The Mayor 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. NEW BUSINESS -

A. Approval / Disapproval of a Special Dispenser Permit Application for the Kneeling Nun Bike Run and Q's Southern Bistro Anniversary on May 24 - 25, 2019 at 101 W. College Ave, Silver City, NM with alcohol service on May 24 from 7:00 pm to 11:00 pm and on May 25 from 12:30 pm to 11:30 pm. License holder information: Dahl Enterprises LLC, DBA Q's Southern Bistro LLC, License # 28098, 101 W. College Ave., Silver City, NM 88061. Anthony Quintana said he was the Food and Beverage Director of Q's Southern Bistro LLC, and he introduced Ronald Quintana as the owner. He said the dates and times specified on the agenda were correct and Q's Southern

Bistro LLC was the sponsor of the event. Attorney Scavron asked Mr. Quintana to describe the nature of the bike run. Anthony Quintana said they had been doing the bike run for the past nine years and they take part of the ticket sales and donate it. He said they give away prizes; that anybody could get a prize and they viewed it as a community event and as a way to give back to anybody that comes through their doors. He said it was their 10th Blues Festival and he described how their liquor licenses were used for the event. Attorney Scavron asked where the participants came from. Mr. Quintana described how they came from Hatch, Tucson, Albuquerque, etc. He said they always planned it with Mimbres Region Arts Council (MRAC) and the Blues Festival liquor license holder to learn what type of wrist band they were using, security they were using, etc. so there would be a cross communication between the two license holders for safety. Attorney Scavron said the issue came down to alcohol being an accessory to an event, not the other way around. Mr. Quintana agreed. Attorney Scavron asked if it was an opportunity to sell more liquor and create an event to justify the selling of more liquor, and said the Council should consider whether it was truly a public celebration, if not then it ends the case because there is no alcohol if there is no public celebration. Mr. Quintana said a Special Dispenser Permit allowed them to do private or public events. Attorney Scavron said it was a two-part consideration for the Council: 1) was it a public celebration as contemplated within the law, and 2) did the license holder have the proper servers, license and security. He said the Council would not even consider the second part until they made a decision on whether it was a valid public celebration. Mr. Quintana said he did the event because it was a way to give back to the community that had given so much to them. He said they were not doing it to make any type of money and they did it for the community, so it was a public event, and they worked hand in hand with MRAC for the last nine years. He said it was their biggest event of the year. There was further discussion. Mayor Ladner asked for a motion. Councilor Cano moved to approve a Special Dispenser Permit Application for the Kneeling Nun Bike Run and Q's Southern Bistro Anniversary on May 24 - 25, 2019 at 101 W. College Ave, Silver City, NM with alcohol service on May 24 from 7:00 pm to 11:00 pm and on May 25 from 12:30 pm to 11:30 pm. License holder information: Dahl Enterprises LLC, DBA Q's Southern Bistro LLC, License # 28098, 101 W. College Ave., Silver City, NM 88061. Councilor Ray seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried.

B. Approval / Disapproval of a Special Dispenser Permit Application for the Iron Door BBQ & Beers Memorial Weekend Event on May 24 – 26, 2019 at 1123 N. Pope Street, Silver City, NM with alcohol service on May 24, 2019 from 5:00 p.m. to 11:30 p.m., alcohol service on May 25 from 12:00 p.m. to 11:30 p.m., and alcohol service on May 26 from 12:00 p.m. to 5:30 p.m. License Holder Information: W&N Enterprises, Inc., DBA Snappy Mart #204, Liquor License #0151, PO Box 559, Silver City NM 88062. Alan Townsend said he owned the Allstate Agency across from Gough Park and every year he had a customer appreciation event around the first of May, but this year it was postponed until the end of May. He said this was why he requested the event permit, so guests could come by and it would also be the opening of their Iron Door BBQ. He said he would like to do more special events and the barbecue business on the weekends. He said it was a way to bring more business into Silver City. He said it was coinciding with the Blues Fest at Gough Park and he did not anticipate doing anything to hurt that event. He said he had about 15-20 people coming to his event from Albuquerque and El Paso. He mentioned the concerns about safety that were mentioned under Public Input, and said his event had all the proper procedures in place, including fencing, wrist bands, identification check, security, etc. He commented that the 12 vendors were coming in for a Wine Festival so he did not see why it was a situation that people did not like because there would be more than one beer garden in the neighborhood. He said he bought the property at 12th and Pope Street for two reasons: 1) to do his business with Allstate Insurance Agency, and 2) to do his barbecue business. Mayor Ladner said several people were with him. Mr. Townsend said they were from W&N Enterprises and would be the ones doing the liquor license. Mayor Ladner welcomed Jim Nennich from W&N Enterprises.

Mayor Ladner asked the Council if they had comments or questions. Councilor Cano asked where 250 people would park, how his disc jockey would affect the musicians playing at Gough Park, and if he collaborated with MRAC and Little Toad Creek for the Blues Fest or Mr. Quintana for his annual event. Mr. Townsend responded that he had parking at his business and there was the street parking. Mr. Nennich commented that people parked at the Food Basket and he saw no problem with parking. Mr. Townsend said the disc jockey would have no effect on the musicians at the Blues Fest because it would be after hours when the music had shut down at the park. He said it was a private gathering that he was having so he did not talk to the Arts Council. He commented on his volunteerism in the community as a way to put back into the community. Councilor Cano said that was appreciated, just as Mr. Lenkner at

MRAC and his staff, Ms. Dahl-Bredine and her staff at Little Toad Creek, and Mr. Quintana at Q's Southern Bistro and his staff, gave back to the community. Councilor Bettison commented that Mr. Townsend had stated twice that it was a private event, but he was requesting a public event per his application. She asked Police Captain Villegas to comment on behalf of the Silver City Police Department on how it would impact the Police Department's ability to manage the number of people coming in to town and the work already being done between the existing beer gardens. Captain Villegas said he talked to Chief Portillo and they were low on manpower so having officers go all over the place could create an issue since the Blues Festival was one of the busiest events they had in town. Councilor Bettison said one of the things the Council had to be concerned with was the health, safety, and welfare of the Town and that was how they made decisions and why questions were asked. She asked Attorney Scavron to speak.

Attorney Scavron asked Mr. Townsend when he bought the building. Mr. Townsend said last year. Attorney Scavron commented that it would be the first year. Mr. Townsend said it would be the first year and for the annual barbecue as well. Attorney Scavron said he had told them in different ways that it was private gathering, a food trailer and customer appreciation event, yet the application said it was a public event. He asked which it was. Mr. Townsend said it was open to the public. He said as a business owner he definitely wanted to attract more new business to his agency. He said he had been here for almost 13 years and there was still a lot of people he did not know in town and he was trying to get the word out about his agency and his barbecue business. Attorney Scavron said it was a business promotion. Mr. Townsend said it goes hand in hand with customer appreciation; that his customers would bring new customers. Attorney Scavron said it was a business-oriented operation primarily, and according to the law a public celebration was any state fair, county fair, community fiesta, cultural or artistic performance or professional athletic competition of a seasonal nature or activities held on an intermittent basis. He asked Mr. Townsend how his customer appreciation and a business model, that was trying to attract more people, a community fiesta because that was the only category he could fit in to. Mr. Townsend said they would have a community dance and a disc jockey. Attorney Scavron said the reason he was questioning Mr. Townsend the same way he questioned the previous applicant was because alcohol was not the primary driver, but the event was, and events were limited to state fair, county fair, community fiesta, etc. He said how a business promotion could be a community fiesta was open to argument and conjecture. He pointed out to the Council that it was a two-part process: 1) decide whether it was in fact a public celebration, and if it was not a public celebration then they did not need to talk about the alcohol, and 2) if it was a public celebration, then they move on to if security was there, if they had a proper license, and if it was safe for the town, etc. He said it was one of the few areas where the state tells the applicant and sponsor that the local government had priority; that if the local government believed it was not a community public celebration it could make that decision. He said they needed to be satisfied and do their own questioning about the following: 1) whether it was a business promotion benefiting, not the community, but the businessman, and 2) the concerns of the Captain from the Police Department about extra people, etc. He discussed the staff report's commentary and said the three reasons for denial only applied to the issuance of new licenses so the criteria they used to make the decision had to be based on evidence plus their reasonable cognitive processes. He said he was asking these questions because it was a new entity, to obtain affirmation of their testimony, and it was being challenged as a public celebration. He said the presentation was of a private celebration.

Mayor Ladner asked for any other comments from the Council. Councilor Ray said his concern was that having too many liquor licenses or permits may cause the city to get sued somewhere along the line. Mr. Nennich, owner of W&N Enterprises, Inc. said he appreciated their concerns, but some of them were petty, not valid, and there were a lot of misconceptions. He said it was a public event and open to everybody. He said they had a right as a license holder to do the permit and he did not see why they were concerned for safety because W&N had over 20 years in safety and doing public events, more years than anybody combined in the room. He said they had their own security staff and they did not have to depend on the Police Department; that their servers were trained and experienced for over serving and had never had an issue with that. He commented on how they were concerned about safety when the Wine Festival would have 12 vendors and they were only talking about having three vendors. He said it would be capricious for them to even deny them the permit because they just approved 12 vendors for the Wine Festival and the Q's event. Attorney Scavron said none of those applications were for private business enhancement; that was the major difference. Mr. Nennich said it was a public event and no different than what the Q's was doing, that it was zoned, etc. Attorney Scavron told Mr. Nennich that he was arguing as the licensee and not as the sponsor, and that he seemed to be very passionate about the opportunity to sell liquor. Mr. Nennich responded, and Mayor Ladner hit the gavel and asked

them to be civil to each other. Attorney Scavron addressed Mr. Townsend and stated that he just bought the property and wanted to expand his business and called it a public celebration. He said the timing was impeccable because he would get all of the flow from the Blues Festival. He said there was a very strong suspicion in the community that he was not the driver of the event, but the liquor seller was the driver of the event; that he could have chosen to have his appreciation any time. Mayor Ladner hit the gavel and said suspicion should not be part of the facts they were trying to get at. Attorney Scavron said the purpose of the questioning was for the Council to find out if it was truly a public celebration or not, and that decision was primary because it was the celebration that was the celebration, not the opportunity to sell liquor with the celebration being accessory to the sale of liquor, and besides that concern was also the public safety issue that the Police Chief talked about. He commented further and said the Council was paying attention to his questions and their answers; that they were worthy considerations of the Council and none of it was petty.

Councilor Bettison said the primary goal of whatever the Council did was for the health, safety, and welfare of the town. She said if the Chief of Police through his Captain stated they had an issue, it was her prerogative to consider that as a Council member. She said it was not if they had enough security, but whether or not the Town had enough officers to deal with all of it. She said there was a bigger picture and to please not presume it was petty or inappropriate for her as a Council member to consider it. Mr. Nennich said he was sorry for the term he had used, but it was hard to comprehend that it was going to be a problem for the Town as far as security. He said if it was the case, they may want to review the Wine Festival that was coming up. Councilor Bettison responded with the facts of the Wine Festival event and said in her perspective this application was completely different because it was not all enclosed within Gough Park. She said she was a little offended by the thought that he thought she should not consider what her Police Department said. Mr. Nennich apologized to the Council for his language about pettiness. He said they did have a six-foot fence around the whole event, had an entrance and exit, porta potties, and their own security. He asked the Council to consider what they were trying to do, and they were not there to interfere with the Blues Festival. He said they were committed to supporting the Blues Festival and would make a considerable contribution to the Blues Festival because it was a community event along with their event. He said he would appreciate it if they would consider that. Mayor Ladner called for a motion. Councilor Cano commented on how motions were usually made by the person whose district the property was in and they did their motion in the affirmative. Councilor Cano moved to approve a Special Dispenser Permit Application for the Iron Door BBQ & Beers Memorial Weekend Event on May 24 – 26, 2019 at 1123 N. Pope Street, Silver City, NM with alcohol service on May 24, 2019 from 5:00 p.m. to 11:30 p.m., alcohol service on May 25 from 12:00 p.m. to 11:30 p.m., and alcohol service on May 26 from 12:00 p.m. to 5:30 p.m. License Holder Information: W&N Enterprises, Inc., DBA Snappy Mart #204, Liquor License #0151, PO Box 559, Silver City NM 88062. Councilor Bettison seconded. There was no further discussion. Mayor Ladner asked for a roll call vote. Councilor Cano voted nay, Councilor Ray voted nay, Councilor Aiman-Smith voted nay, and Councilor Bettison voted nay. Motion did not carry.

C. Approval / Disapproval of Resolution No. 2019-14: A Resolution authorizing the Mayor to execute a PNM Solar Direct Service Agreement. Bruce Ashburn from PNM said there was an opportunity that PNM put together for the city to participate in, and he discussed the goals of PNM. He gave an overview of the voluntary program and said the city was eligible for a one-megawatt subscription service. He provided details of the solar facility in northern New Mexico in Rio Arriba County and how PNM would be signing a Purchase Power Agreement with the facility developer for a 15-year period. He said if Silver City signed the Notice of Intent it would allow Silver City to demonstrate a commitment to renewables and move Silver City toward its sustainability goals. He said it would allow Silver City to take advantage of the economies of scale by taking advantage of a 50-megawatt system. He said it would put Silver City in the forefront in New Mexico and nationally as a renewable leader. He said the financial benefits the program would provide included: stability in the fluctuations of fuel costs, investment tax credits used to build the facility, and the product was not asking for any upfront capital at all so there was no cost to joining the subscription program. He reviewed the steps they had taken in the process and said it would be much easier to get the New Mexico Public Regulation Commission's approval of the program if they could tell them it was fully subscribed. He said the operation target date was March 2021 to go online. He discussed how the program would work. Manager Brown said the Resolution was to give the Mayor permission to sign it, and he said PNM was doing what the Town had already done by using a Power Purchase Agreement for 15 years. He explained how the Town's one-megawatt facility at the Wastewater Treatment Plant had stabilized the cost of electricity for the Town. He said he felt it was a positive

direction that would give them more stability in the long term for electricity costs. Mayor Ladner said the State of New Mexico had made significant decisions that would lead them into the future by using more renewable resources. He said he thought it was a win-win situation for Silver City and he encouraged the Council to authorize him to sign the agreement. There was further discussion. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2019-14: A Resolution authorizing the Mayor to execute a PNM Solar Direct Service Agreement. Councilor Aiman-Smith 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.

D. Approval / Disapproval of Notice of Intent Ordinance No. 1278: An Ordinance amending Chapter 2 (Administration), Article II (Elections), Sections 2-21 through 2-29, and Appendix D of the Municipal Code of the Town of Silver City, Grant County, NM. Attorney Scavron said the Territorial Charter of the Town of Silver City authorized the Town Council to, by ordinance, adopt a method of conducting its elections. He said the Notice of Intent Ordinance followed through with that. He said if they adopted the ordinance eventually, it would be acting pursuant to those powers and they would be adopting the Local Election Act as passed by the State in its complete form. He provided further details and said they could make the state law their law. He said the law also allowed for the abbreviation or the extension of terms so compliance with the law would be done. He said the Town had an early commitment provided for in their Territorial Charter to have staggered terms, and it would be preserved. He said the elections would continue to be in March every two years, they were not opting in for November elections, and the staggered terms would continue. He asked Clerk Mackie to talk about the extension of terms and who would be up for election in 2020. Clerk Mackie said the Notice of Intent extended everybody's term beginning in March 2020. She said in March 2020 everyone would go to four-year terms, that in March 2020 the Councilors from District 1 and 3 would be elected for four-year terms. She said their current term that ended in March 2019 was extended to March 2020. She said the Municipal Officer Elections would be in March of even-numbered years and the ordinance extended the terms of the Mayor position and Councilor positions in Districts 2 and 4 to March 2022, and at that time those positions would be elected for four-year terms. She said the current terms of Mayor and Councilors in District 2 and 4 would be extended from March 2020 to March 2022. She said the Notice of Intent also discussed the process for vacancies. There was further discussion about officials being sworn in on April 1 after the elections and how that was originally in the Territorial Charter, how the Secretary of State would certify the elections; how they would still have March elections, but only in even-numbered years; how future Council's could change to have elections in November or March after two election cycles; and how the Municipal Judge elective position had a four-year term that would end in March 2022 so it was not affected by the Local Election Act. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Notice of Intent Ordinance No. 1278: An Ordinance amending Chapter 2 (Administration), Article II (Elections), Sections 2-21 through 2-29, and Appendix D of the Municipal Code of the Town of Silver City, Grant County, NM. Councilor Ray seconded. 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. Appointment to the Municipal Museum Community Advisory Group. Mayor Ladner said the Town received an application from Judy Billings to continue her service, and the Chair and the Museum Director both recommended her reappointment. He said if there was no objection, he would appoint Ms. Billings. There was no objection.

F. Appointments to the Cemetery Board. Mayor Ladner said the Town received applications from Jeff Fell and Paul Baca to continue their service, and the Chair and Peter Pena, Public Works Director, recommended their reappointment. He said if there was no objection, he would reappoint Mr. Fell and Mr. Baca. There was no objection.

13. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 8:47 p.m., and Councilor Bettison 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.

Ken Ladner, Mayor
Attest:

Ann L. Mackie, Town Clerk