

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
July 27, 2021, 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 Cano, District 4

Also, present:

Alex C. Brown, Town Managers by phone
James Reynolds, Town Attorney
Freddie Portillo, Police Chief
Milo Lambert, Fire Chief
Geoffrey Plant, Silver City Daily Press
James Marshall, Asst. Town Manager
Anita Norero, Finance Director
Robert Esqueda, Utilities Director
Ronald Quintana, Owner of Q's Southern Bistro
Roger Lanse, Grant County Beat
Mrs. Jose Ray and Sonja Ray
Olivia Britton, Utility Billing Supervisor
Maria C. Sublasky, Admin Asst. to Exec Dept
Katherine Kunnert, Town Clerk

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE -- Mayor Ladner called the meeting to order at 6:00 p.m. Mayor Ladner stated first he wanted to recognized Police Chief Portillo, everyone presenting tonight and the press.

2. CHANGES TO AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Cano wanted to announce the on July 29, 2021 at 6:00 p.m. the Lieutenant Governor and the Grant County Prospectors will be hosting a meet and greet reception for William Hawkins, the new Superintendent for the Silver City School District. She hopes everyone attends to find out what his plans are for the Silver City Consolidated Schools. Councilor Cano also said she plans to run for another term. Councilor Ray stated to please bear with the construction by Walmart. Councilor Bettison stated she would really like the public to pay more attention to stop lights for public safety. Councilor Aiman-Smith said that school is starting soon and to please pay attention to the speed limit signs when school is in session. She also said Covid cases are doubling over the last few weeks and encourages the public to social distance, use hand sanitizer and get vaccinated. She also stated she is not running again for District Two and encourages anyone who is interested in running to contact her about the details of being a Councilor in Silver City. Mayor stated that it has been a pleasure serve as Mayor of Silver City and he plans to run for another term because there are many projects he would like to see through including the Recreation Center.

6. APPROVAL OF MINUTES

Regular Meeting on July 13, 2021. -- Mayor Ladner asked for a motion to approve the minutes. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of July 13, 2021. Councilor Ray Seconded. The Mayor asked if there was any discussion, and there was none. Mayor said those in favor say aye. All four Councilors said aye. Mayor said opposed say nye, and there were none. Motion carried.

7. PUBLIC INPUT -- Mayor Ladner asked Ms. Kunnert if any public input was received by email, telephone or any other means. Ms. Kunnert stated there was none.

8. REPORTS

- A. Staff Reports. – Chief Lambert stated the drought conditions have improved and he would like to lift the Stage One Fire Restrictions. Mayor thanked Chief Lambert for being proactive and protecting the citizens of Silver City.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS

A. Approval / Disapproval of a Special Dispenser Permit Application for-

a. August 7, 2021, Knights of Columbus Car Show. – Anthony Quintana the owner of Q's Southern Bistro, requested approval of the permit for the Knight's of Columbus Car Show. He said he is aware of the deficiency with the letter from the church not being provided, but he did speak with the church and they have no objections to the event. Mr. Quintana stated he can provide the letter tomorrow. Councilor Bettison asked him to explain the setup of the event. Mr. Quintana said the event will be held at Gough Park on the left side of the basketball court with a four foot fence around the tent. He stated they will have security that will be carding everyone at the entrance. Mayor Ladner asked for a motion. Councilor Cano moved to approve Public Celebration Permit Application and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church or school for the Knights of Columbus Car Show to be held at Gough Park, 1201 N. Pope St., Silver City, NM, on August 7, 2021 with alcohol service from 11:00 p.m. to 6:00 p.m. Liquor License Holder: Dahl Enterprises, LLC, DBA Q's Southern Bistro, Liquor License # 28098, 101 W. College Ave., Silver City, NM 88061, and it is contingent on getting the waiver from the church before August 7, 2021. Councilor Ray Seconded. The Mayor asked if there was any discussion, and there was none. Mayor said those in favor say aye. All four Councilors said aye. Mayor said opposed say nay, and there were none. Motion carried.

b. September 3-5, 2021, Carnitas, Musica y Mas Festival 2021. -- Anthony Quintana the owner of Q's Southern Bistro, requested approval of the permit for the Carnitas, Musica y Mas Festival 2021. He explained that it would also be held at Gough Park and there will be fencing around the entire park and security will be carding the public at the entrance. Mr. Quintana said the bar will be located on the left side of the canopy. He stated they are going to allow people to walk around the park and security will be making sure anyone drinking beer will be wearing a wristband. Councilor Cano stated she was concerned that people under 21 will be attending this event with alcohol. Mr. Quintana said security and the police will be screening everyone in the park. Councilor Bettison confirmed they will have a six-foot fence around the entire park. Mr. Quintana stated they will have security watching the fence and inspecting purses and backpacks to ensure the public does not try to smuggle beer into the event. Councilor Bettison reminded Chief Portillo about the Ordinance they passed about no smoking in the park as well as no pets. Chief Portillo stated they have additional Covid funding to pay for overtime for the officers assigned to the event for the entire weekend. Councilor Bettison said that she appreciated their help. Councilor Ray said he spoke with the Sheriff's Department and they will have some of their officers assisting and will have an officer not in uniform as well. Councilor Aiman-Smith requested that he put up signs stating no minors, no smoking and no pets. Mr. Quintana said he would do his best. Mayor Ladner asked for a motion. Councilor Cano moved to approve Public Celebration Permit Application and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church or school for the Carnitas, Musica y Mas Festival to be held at Gough Park, 1201 N. Pope St., Silver City, NM, on September 3, 2021 with alcohol service from 12:00 p.m. to 11:00 p.m., on September 4, 2021 with alcohol service from 12:00 p.m. to 11:00 p.m. and on September 5, 2021 with alcohol service from 12:00 p.m. to 9:00 p.m. Liquor License Holder: Dahl Enterprises, LLC, DBA Q's Southern Bistro, Liquor License # 28098, 101 W. College Ave., Silver City, NM 88061, also contingent on proving the waiver in writing from the church before September 3, 2021. Councilor Aiman-Smith Seconded. The Mayor asked if there was any discussion, and there was none. Mayor said those in favor say aye. All four Councilors said aye. Mayor said opposed say nye, and there were none. Motion carried.

B. Approval / Disapproval of Resolution 2021-15 -- Approving of FY 21 Budget Adjustments. – Anita Norero, the Finance Director for the Town of Silver City, stated she will be presenting and also has Alex Brown, the town Manager, will be appearing by phone as well. She stated Resolution 2021-15 reflects the actual revenue expenditures and transfers. Ms. Norero said overall, they had \$3.2 million in increased

revenues and \$2.3 million in increased expenditures so they need the approval for DFA. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution 2021-15 approving of FY 2021 Budget Adjustments. Councilor Cano seconded. The Mayor asked if there was any 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 2021-16 -- Approving FY 2021 4th Quarter Report. – Anita Norero stated the Fiscal Year 2021 Fourth Quarter Report reflects the final actual numbers for revenues, expenditures and unaudited ending balances which will be our beginning balances for Fiscal Year 2022. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution 2021-16 approving the Final Quarter Financial Report ending June 30, 2021. Councilor Ray seconded. The Mayor asked if there was any discussion, and there was none. Mayor 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 2021-17-- Approving of FY 2022 Budget. – Anita Norero read through a PowerPoint presentation reflecting the projections and expenditures for Fiscal Year 2022. She said overall, they did project their revenues conservatively and they did project 7% less than their three year average. Ms. Norero stated the projections did not include Hold Harmless and Internet sales because they are unknown at this time. She said they didn't want to over project so they went conservatively just in case the revenues didn't come in as expected. Ms. Norero said they budgeted for just the necessities and basic operating expenses. She said any excess revenues they plan on using towards the Recreation Center and the Gough Park projects. She showed a breakdown of the general fund revenues and the biggest increase will be the fees for service. Ms. Norero said the biggest increase they added was the fees coming in from the facilities that are now reopening including the Library, the Pool, the Museum and the Municipal Courts, that were closed last year due to Covid. She displayed the general fund expenditures by department and said most of the increases from Fiscal Year 2021 to 2022 includes the salaries, benefits and filling the positions that were frozen in 2021. She said last year all employees received a 3.9% salary decrease so this year they budgeted those increases back in the pre-Covid budget. She stated they also increased operating expenses back to pre-Covid so that will be the increases on the expenditures. Ms. Norero said they project the Water and Sewer Fund will increase by 6% revenue and that was based on Fiscal Year 2021 and the increases will be salaries and benefits to cover the 3.9% decrease from 2021. She stated the water rates will not increase but the Sanitation Fund was previously approved to increase by 3%. The 3% increase is to cover salaries, benefits costs. She said they conservatively budgeted the Lodgers Tax to 2017 levels and as far as promotional, they are staying with the existing marketing firm which they are contracted with for one more year. She stated the Town will go out for requests for proposals next year. Ms. Norero said Alex Brown will be awarding \$50,000 for marketing local events. She displayed the Street Fund that was based on actuals from 2021. Ms. Norero then displayed the estimated fund balances for the end of 2022 which showed \$180,000.00 in the General Fund and \$377,000.00 ending balances in the Water and Sewer Fund. She stated they also have 1/12th Reserve budgeted in the general fund. Councilor Bettison confirmed with Ms. Norero that they are over the 1/12th Reserve Fund by \$180,000.00 and \$377,000.00 in Water and Sewer fund and Ms. Norero agreed. Mayor Ladner asked for a motion. Councilor Bettison moved to approve and adopt the Budget for Fiscal Year commencing July 1, 2021 through June 30th 2022 Resolution 2021-17. Councilor Cano seconded. The Mayor asked if there was any discussion, and there was none. Mayor 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.

E. Approval/Disapproval of Notice of Intent Ordinance 1304 -- An Ordinance Amending Chapter 4 (Alcoholic Beverages), Article I (In General), Sections 4-1 through 4-31, and Article II (Licenses), Sections 4-32 through 4-36 of the Municipal Code of the Town of Silver City, Grant County, New Mexico. – Councilor Bettison said she was the sponsor of this and would like James Reynolds, the Town Attorney, to explain why this change has been made. Mr. Reynolds stated in the Legislative session in the spring, the Legislature passed HB255 and the Governor signed that into law. He stated it was a rather extensive amendment of the Statues of the Liquor Control Act. Mr. Reynolds said because of that amendment that the Legislature made to the State

Statutes, it necessitated that we make amendments to our Town Ordinances. He said we had to bring it up to date with the language the State Statute used and the biggest change was in the area of Liquor Licenses given to restaurants. He said in the past, restaurants were only permitted to sell beer and wine and now there are three different levels of restaurant licenses. He explained the first one is a Restaurant A License, which is a beer and wine license, a Restaurant A License with a New Mexico Spiritus Liquor Permit and a Restaurant B License which allows restaurants to sell not only beer and wine but all liquor and that was the major different provision. Mr. Reynolds stated he talked to the Chief of Police and he said if they see any licensees' violations we call the appropriate State authorities. Councilor Bettison added it also provides for a alcoholic beverage delivery permit and third-party delivery. Mr. Reynolds said it was passed by the State Statute and approved by the Legislature, it is law. He stated the Licensing Department does not have rules and regulations concerning delivery and until those come out, delivery will not be permitted so they have to establish their own rules and regulation at the State level. Councilor Bettison said they are trying to ensure that if restaurants decide to do one of these other licenses that they will have the option to do so under our Ordinance. She said even though they have it at State level, there's also fees associated with that at the Municipal level and that is what this outlines. Councilor Ray asked Councilor Bettison about page six Section 4-2 where it says "Unlawful to drink in public places" specifically what (b) means for the general public. Councilor Bettison said a public place would be defined as any Municipal Street, grocery store, park, cemetery, alley, sidewalk, school yard, sports field or open space. She stated basically you can't drink at any public space that we define as municipal owned property public property because you have to have a license to serve it. Mr. Reynolds explained there is a "however" on paragraph (a) stating alcoholic beverages may be dispensed and consumed during public celebrations. Councilor Ray asked about the cemetery being a public place because he understood it was under the Catholic Church. Mr. Reynolds stated Walmart is a private business but is a public space where you can't drink and the same with the cemetery. He said any place that is open to the public that's not licensed to serve alcohol is a public space. Councilor Ray said its tradition for people to go to the cemetery and have a beer so that is his concern. Councilor Ray asked if that was illegal and Mr. Reynolds said it's in the local Ordinance so if it's enforced, then, yes. Mr. Reynolds stated it has been in the Ordinance in the past, it's been in other City Ordinances throughout New Mexico and it's a common definition. Mayor Ladner asked for a motion. Councilor Bettison moved to approve of Notice of Intent Ordinance 1304 An Ordinance Amending Chapter 4 (Alcoholic Beverages), Article I (In General), Sections 4-1 through 4-31, and Article II (Licenses), Sections 4-32 through 4-36 of the Municipal Code of the Town of Silver City, Grant County, New Mexico. Councilor Cano seconded. The Mayor asked if there was any discussion. Councilor Bettison stated this will go forward and then there will be a discussion period for several weeks where people can provide comments. She said the real pertinent part of this particular Ordinance is making sure our businesses have access to those licenses within our Town Ordinance that have now been developed. Mayor 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.

F. Approval / Disapproval of Bid 2020 CDBG Water System Improvements – Chihuahua Hill East Water System Improvements. – Robert Esqueda stated the Town of Silver City received bids on July 20, 2021 for the Water System Improvements to the Chihuahua Hill east area, which includes Dorothy, Daniel, Victoria, Bard and Elias Streets. He said the Town received four bids with the lowest bid received was from J & S Plumbing and Heating, LLC., in the amount of \$458,931.00 plus applicable gross receipts tax for a total construction cost of \$495,645.48. Mr. Esqueda stated the bid did meet all contract requirements and J & S Plumbing and Heating is qualified to perform the work. He stated it is staffs recommendation that we award the following Base Bid in the amount of \$401,121.00 added alternate #1 in the amount of \$31,590.00 additive alternate #2 in the amount of \$26,220.00 for a total bid amount of

\$458,931.00 plus applicable gross receipts tax for a total bid amount of \$495,645.48. Mr. Esqueda said the total amount of funding they did get awarded from CDBG was \$652,596.00 so we do have a considerable amount of contingency for this project and he didn't anticipate utilizing all the funds and so it's staffs recommendation to award. Mayor Ladner asked for a motion. Councilor Bettison moved to approve of Bid Number 2021-7 2020 CDBG Water System Improvements, Chihuahua Hill East Water System Improvements per staffs recommendation to J & S Plumbing and Heating LLC for a Base Bid of \$401,121 added alternate #1 in the amount of \$31,590.00 additive alternate #2 in the amount of \$26,220.00 for a total bid amount of \$458,931.00 plus applicable gross receipts tax of (8.0000%) for a total construction cost of \$495,645.48. Councilor ray seconded. The Mayor asked if there was any discussion, and there was none. Mayor asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

G. Appointment of Labor – Management Relations Board. – James Marshall stated the Mayor and the Council, are well aware of the always returning Ordinance on the Labor Management Board and it is their duty to appoint that Board officially. He said included in the packet is the list of current members as well as three rerecommended members to the Board with the new addition being Tony Garcia which is the recommendation from the Town. Mr. Marshall said the recommended members are Eugene Rodriguez, recommendation of individuals representing Labor, Tony Garcia, recommendation of Town Manager and AJ Tow, recommendation of the two members. Mayor Ladner asked for a motion. Councilor Cano moved to approve of the appointment of Eugene Rodriguez, Tony Garcia, and AJ Tow to the Labor Management Relations Board. Councilor Ray seconded. The Mayor asked if there was any discussion, and there was none. Mayor 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.

12. ADJOURNMENT -- Mayor Ladner asked for a motion to adjourn. Councilor Ray made a motion to adjourn at 6:55 p.m. Council Aiman-Smith seconded. Mayor Ladner asked if there was any discussion, there was none. Mayor said those in favor say aye. All four Councilors said aye. Motion carried.

Ken Ladner, Mayor

Attest:

Katherine Kunnert, Town Clerk