

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, August 9, 2016. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

Upon roll call, the following were found to be present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Youth Administrator Laura Womack of Crossroads Community Church.

Former City Councilor Dan Darnell led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda marked with an asterisk (\*) have been placed on the Consent Agenda and will be voted on without discussion by one motion. He stated that if any item did not meet with approval of all Councilors or if a citizen so requested, that item would be removed from the Consent Agenda and heard under Business from the Floor.

\*MINUTES: The minutes of the Regular Meeting of the City Council held July 26, 2016 and the minutes of the Regular Work Session of the City Council held July 19, 2016.

\*BID: The Chief Procurement Officer recommended that the bid for purchase of uniforms (Police) be awarded to Neve's Uniform & Equipment on its low bid meeting specifications after application of the five percent in-state and Veterans preferences of \$64,365. Bids opened July 19, 2016 with two bidders participating.

\*ADOPTION OF RESOLUTION NO. 2016-1596 establishing a policy for the release of official personnel records and superseding Resolution No. 99-967.

\*WARRANTS PAYABLE for the time period of July 24, 2016 through August 6, 2016, for current and prior years, in the amount of \$6,468,734.80.

There being no requests to remove any items, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to approve the Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Development Director Mary Holton requested that the Planning and Zoning Commission recommendations marked with an asterisk (\*) be placed on the Planning and Zoning Commission Consent Agenda and voted on without discussion by one motion. She asked that if the items proposed did not meet with approval of all Councilors or if a citizen so requested, the item would be removed from the Consent Agenda and heard in regular order.

- \* (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. SUP 16-57 from Vera Matthews requesting a Special Use Permit to allow three horses and a shade structure to be located on 2.50 acres in the RE-1, Residential Estate, District for property located at 7000 Hood Mesa Trail, subject to:
  - (a) the petitioner adhering to the provisions of Chapter 6 of the City Code relating to animals; and
  - (b) a review of the Special Use Permit being required if the lot size is reduced.
- \* (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 16-58 from Brandt Thrower, represented by Cheney-Walters-Echols, requesting a zone change from the combined SF-7 and SF-10, Single-Family Residential, Districts to the SF-7, Single-Family Residential, District for 0.3199 acres of property located at 1921 Chilton Court.
- \* (3) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 16-59 from Residential Rentals, LLC, represented by Gayle Goeden, requesting a zone change from the IND, Industrial, District to the MU, Mixed-Use, District for Lots 6 and 7 of Block 1 of the Riverside Addition located at 115 East Corcorran Drive.
- \* (4) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. SUP 16-61 from Faraz Sandhu requesting a Special Use Permit to allow the installation of a second stove in an attached family-care unit located on 0.43 acres in the SF-10, Single-Family Residential, District at 4002 San Paula Avenue.
- \* (5) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. SUP 16-62 from Sandy Foxwell requesting a Special Use Permit to allow a nonconforming residential use to be rebuilt to the same size and at the same location if destroyed by more than 50 percent for property located at 113 North Wall Street in the CB, Central Business, District.

There being no requests to remove any items, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to approve the Planning and Zoning Commission Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

#### PRESENTATION/ADVERTISING ON THE EXTERIOR OF THE RED APPLE TRANSIT BUSES AND SHELTERS

Providing opening remarks, General Services Director Eddie Smylie reported that this item was presented to the Council a few months ago and staff was directed to bring forth a proposal for advertising on the exterior of the Red Apple Transit buses and shelters. He introduced Transit Administrator Andrew Montoya.

Utilizing a Powerpoint presentation, Mr. Montoya reported that the Federal Transit Administration authorizes the sale of advertisements on the Red Apple Transit buses and shelters provided that the revenue generated is used towards the transit system. He noted that there are currently 10 bus systems in New Mexico that allow advertising and he reviewed a list of the local businesses that have expressed interest. Furthermore, he explained that the advertising would be managed by a third party marketing agency but assured the Council that he would be responsible for overseeing the contents of the ads. He explained that the marketing agency will be responsible for contracting with the businesses; submitting the ads to the Transit Administrator for review and approval; installing and removing the ads; invoicing the businesses; and then receiving 50 percent of the gross amount of the contracts. Mr. Montoya contended that advertising is a means to supplement income in a tight fiscal climate and noted that he is estimating that \$16,800 in

additional revenue could be collected. He pointed out that the businesses will be responsible for paying a \$750 production charge that includes printing, installing and removing the ad and noted that they will also pay a rental fee of \$200 to \$550 per month depending on the size and location of the advertisement. Furthermore, Mr. Montoya reported that it costs approximately \$1.163 million per year to operate the Red Apple Transit bus system, with \$577,000 being paid by the Federal Transit Authority; \$438,000 being paid by the City of Farmington; \$58,000 being paid by the Cities of Aztec and Bloomfield, the Town of Kirtland and San Juan County; and \$92,000 being collected in fares. Mr. Montoya asked the Council for approval to proceed with developing an advertising policy that will 1) adhere to federal, state and local laws; 2) provide the City with a right of refusal if the advertisement is deemed to be controversial; and 3) allow participating governmental agencies to advertise on the buses free of charge provided that they pay the construction costs for the sign and that they utilize the designated location which is located on the front right panel of the bus. He explained that if a governmental agency wants to display their ad in another location, the regular rental rates will apply.

Mayor Roberts announced that he is not opposed to the proposed advertising program provided that it generates revenue and the City has the ability to effectively regulate the content of the advertisements. He also stated that he believes that the program should be governed by established policies.

Following brief discussion, it was the consensus of the Council to direct staff to proceed with developing a policy regulating advertising on the Red Apple Transit buses and shelters.

PUBLIC HEARING/RESOLUTION NO. 2016-1597/COMMUNITY DEVELOPMENT BLOCK GRANT 2016 ANNUAL ACTION PLAN

Associate Planner Teri Clashin announced that the purpose for tonight's hearing is to afford the public an opportunity to comment on the proposed projects being planned for the Community Development Block Grant ("CDBG") 2016 Annual Action Plan. She announced that the total allocation for Federal Fiscal Year 2016 is \$368,653 with the public service projects totaling \$55,297 and the capital project totaling \$239,625. She noted that the Council selected the eight public service projects and the single capital project (downtown revitalization/Complete Streets) on June 21, 2016 and reported that the Draft 2016 Annual Action Plan has been available for public comment since July 5, 2016. She requested adoption of Resolution No. 2016-1597 approving the CDBG 2016 Annual Action Plan.

There being no response to the Mayor's call for public comments, the public hearing was closed.

In response to inquiry from Mayor Roberts, City Manager Rob Mayes stated that staff is not recommending that the Council pursue the Section 108 Loan to leverage funding for the Complete Streets program at this time because it requires a pledge of City funds in the event that the Federal Government does not authorize subsequent CDBG funding. He contended that this is a viable strategy for the future, but explained that it is premature at this point since the first phase of the project can be completed without incurring debt.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor McCulloch that Resolution No. 2016-1597 be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1597 was duly passed and adopted.

PUBLIC HEARING/RESOLUTION NO. 2016-1598/SUBSTANTIAL AMENDMENT TO  
THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT 2014 ANNUAL ACTION PLAN

Associate Planner Teri Clashin reported that staff is proposing substantial amendments to the 2014 CDBG Action Plan for the purpose of revising the allocation of funds for the public service projects. She noted that the proposed amendments have been open for public review and comment since July 11, 2016 and she requested adoption of Resolution No. 2016-1598 approving the proposed amendments.

There being no response to the Mayor's call for public comments, the public hearing was closed.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that Resolution No. 2016-1598 be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1598 was duly passed and adopted.

APPOINTMENT TO THE CITIZENS POLICE ADVISORY COMMITTEE

Mayor Roberts asked the Council's consideration of the appointment of Julie Blair (term to June, 2019) as a member of the Citizens Police Advisory Committee.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to confirm the appointment of Julie Blair as a member of the Citizens Police Advisory Committee, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE COMMUNITY RELATIONS COMMISSION

Mayor Roberts asked the Council's consideration of the appointment of Michelle Bates (term to April, 2017) as a member of the Community Relations Commission.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to confirm the appointment of Michelle Bates as a member of the Community Relations Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE LIBRARY BOARD

Mayor Roberts asked the Council's consideration of the appointment of William Diers (term to May, 2020) as a member of the Library Board.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to confirm the appointment of William Diers as a member of the Library Board, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT AND REAPPOINTMENTS TO THE NORTHWEST NEW MEXICO COUNCIL  
OF GOVERNMENTS

Mayor Roberts asked the Council's consideration of the appointment of City Manager Rob Mayes as the 2<sup>nd</sup> alternate and the reappointments of Dr. William Hall as the representative and William Standley as the alternate representative to the Northwest New Mexico Council of Governments (terms to August, 2017).

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to confirm the appointment of Rob Mayes as the 2<sup>nd</sup> alternate and the reappointments of Dr. William Hall as the representative and William Standley as the alternate representative to the Northwest New Mexico Council of Governments, and upon voice vote the motion carried unanimously.

FISCAL YEAR 2017 TOP FIVE CAPITAL PROJECTS/INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

City Manager Rob Mayes directed the Council's attention to pages 11.0 through 11.5 of the agenda materials and explained that the purpose for tonight's discussion is to provide staff with direction on the Fiscal Year 2017-2021 Infrastructure Capital Improvement Plan ("ICIP"). He reiterated that staff is recommending that the same projects that were submitted last year be listed as the top capital improvement projects on the 2017 ICIP and that 20<sup>th</sup> Street Project Phase III be added as the seventh top priority for grant funding purposes. He noted that staff has provided the Council with an updated ICIP Potential Project Listing that includes the 20<sup>th</sup> Street Project.

Following brief discussion and consideration, it was the consensus of the Council to establish the following as the top seven ICIP projects for Fiscal Year 2017-2021: 1) Villa View Detention Pond; 2) Zone 2P Waterline; 3) Foothills Drive Enhancements (Rinconada to Lakewood); 4) Downtown Farmington Revitalization-Complete Streets Phase I; 5) Piñon Hills Boulevard Bridge and Extension; 6) River Trail and Walking Bridges; and 7) 20<sup>th</sup> Street Project Phase III.

In closing, Mr. Mayes announced that a resolution adopting these projects will be scheduled for consideration at the August 16, 2016 regular City Council Work Session.

PUBLIC SERVICE COMPANY OF NEW MEXICO/POLLUTION CONTROL REVENUE REFUNDING BONDS 2003 SERIES A AND B

Michael Rico, Assistant Treasurer for PNM Resources, the parent company of Public Service Company of New Mexico ("PNM"), introduced fellow colleagues Gregory Theobald, PNM Financial Analyst, and Craig Scully of Katten Muchin Rosenman LLP, bond counsel for PNM. Mr. Rico reported that PNM has an opportunity to refinance two series of pollution control bonds that were issued in 2003 for the San Juan and Four Corners Projects, noting that the bonds total \$146 million and are scheduled to mature in the year 2033. He pointed out that interest rates are at a historical low and stated that the bonds currently carry an interest rate of 4.875 percent. Mr. Rico reported that if the bonds are refinanced, \$1.5 to \$3.5 million in interest expense will be saved annually, thereby reducing the costs of service for PNM customers. In closing, he stated that all of the proceeds associated with the refinancing will be used to repay the old bonds, similar to refinancing the mortgage on a house. He assured the Council that the City simply serves as a conduit to facilitate the transaction and has no liability associated with it. He respectfully asked the Council to consider approving PNM's request to refinance the subject bonds.

In response to inquiry from Mayor Roberts, City Attorney Jennifer Breakell assured the Council that the City is fully and completely insulated from any and all claims of liability from the bond holders and reported that the City will receive ~~\$1,460,000~~ in General Fund revenue for processing the transactions if the bonds are successfully closed.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented and read by title Resolution No. 2016-1599 pertaining to the issuance of Pollution Control Revenue Refunding Bonds. The title of the resolution being:

A RESOLUTION AUTHORIZING CONSIDERATION OF THE CITY COUNCIL OF PROPOSED ORDINANCES PERTAINING TO THE ISSUANCE OF THE CITY'S POLLUTION CONTROL REVENUE REFUNDING BONDS, 2016 SERIES A (PUBLIC SERVICE COMPANY OF NEW MEXICO SAN JUAN AND FOUR CORNERS PROJECTS) AND THE CITY'S POLLUTION CONTROL REVENUE REFUNDING BONDS, 2016 SERIES B (PUBLIC SERVICE COMPANY OF NEW MEXICO SAN JUAN AND FOUR CORNERS PROJECTS) IN ONE OR MORE SERIES; APPOINTING COUNSEL IN CONNECTION THEREWITH; AUTHORIZING PUBLICATION OF NOTICE OF THE PROPOSED ORDINANCES; AND SPECIFYING CERTAIN CONDITIONS CONCERNING THE PARTICIPATION OF THE CITY IN THE TRANSACTIONS CONTEMPLATED BY THE PROPOSED ORDINANCES.

It was noted that the Council has been provided an amended Resolution for consideration and Ms. Breakell assured the Council that Mike Groshek, the City's bond counsel, has reviewed the subject documents and is in concurrence with them.

There being no discussion of Resolution No. 2016-1599, a motion was made by Councilor McCulloch, seconded by Councilor Duckett that said resolution be passed and adopted as amended. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1599 was duly passed and adopted.

Ms. Breakell requested permission to publish a notice of intent to consider a proposed ordinance pertaining to pollution control revenue refunding revenue bonds 2016 Series A. The title of such proposed ordinance being:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE CITY OF FARMINGTON, NEW MEXICO OF ITS REVENUE BONDS DESIGNATED "POLLUTION CONTROL REVENUE REFUNDING BONDS, 2016 SERIES A (PUBLIC SERVICE COMPANY OF NEW MEXICO SAN JUAN AND FOUR CORNERS PROJECT)" TO BE ISSUED IN AN AGGREGATE PRINCIPAL AMOUNT OF \$46,000,000 TO BE ISSUED PURSUANT TO THE PROVISIONS OF THE POLLUTION CONTROL REVENUE BOND ACT, CHAPTER 397, LAWS OF 1973 OF THE STATE OF NEW MEXICO, 31ST LEGISLATURE, 1ST SESSION, AS AMENDED FOR THE PURPOSE OF REFUNDING OUTSTANDING REVENUE BONDS ISSUED UNDER SUCH ACT TO REFUND PREVIOUSLY ISSUED REVENUE BONDS UNDER SUCH ACT TO REFUND PREVIOUSLY ISSUED REVENUE BONDS UNDER SUCH ACT TO FINANCE A PORTION OF THE COSTS TO PUBLIC SERVICE COMPANY OF NEW MEXICO PUBLIC SERVICE COMPANY OF NEW MEXICO (THE "COMPANY"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF NEW MEXICO (THE "STATE") OF (I) ACQUIRING, CONSTRUCTING, AND INSTALLING CERTAIN AIR AND WATER POLLUTION CONTROL SYSTEMS AND FACILITIES (THE "SAN JUAN FACILITIES") RELATING TO UNIT 3 AT THE SAN JUAN GENERATING STATION (THE "SAN JUAN PLANT") LOCATED IN SAN JUAN COUNTY, NEW MEXICO, INTERESTS IN WHICH ARE OWNED BY THE COMPANY AND (II) ACQUIRING, CONSTRUCTING, RECONSTRUCTING, IMPROVING, MAINTAINING, EQUIPPING OR FURNISHING CERTAIN AIR AND WATER POLLUTION CONTROL FACILITIES (THE "FOUR CORNERS FACILITIES", AND TOGETHER WITH THE SAN JUAN FACILITIES, THE "FACILITIES") RELATING TO UNITS 4 AND 5 AT THE FOUR CORNERS GENERATING STATION (THE "FOUR CORNERS PLANT", AND TOGETHER WITH THE SAN JUAN PLANT, THE "PLANTS") AN ELECTRIC POWER GENERATING PLANT LOCATED IN SAN JUAN COUNTY, NEW MEXICO, INTERESTS IN WHICH ARE OWNED BY THE COMPANY, SAID REVENUE BONDS TO BE PAYABLE BY THE CITY SOLELY FROM THE REVENUES PAYABLE TO THE CITY BY PUBLIC SERVICE COMPANY OF NEW MEXICO PURSUANT TO CERTAIN INSTALLMENT SALE AGREEMENTS DATED AS OF APRIL 1, 2003 BETWEEN THE CITY, AS VENDOR, AND PUBLIC SERVICE COMPANY OF NEW MEXICO, AS VENDEE, AND CERTAIN OTHER MONEYS PLEDGED THEREFOR HEREUNDER, SAID REVENUE BONDS NEVER TO CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION, AND NEVER TO CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE CITY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS AND DECLARING THAT EMERGENCY CIRCUMSTANCES EXIST WITH RESPECT THERETO.

There being no discussion, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes, and upon voice vote the motion carried unanimously.

Furthermore, Ms. Breakell requested permission to publish a notice of intent to consider a proposed ordinance pertaining to pollution control revenue refunding revenue bonds 2016 Series B. The title of such proposed ordinance being:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE CITY OF FARMINGTON, NEW MEXICO OF ITS REVENUE BONDS DESIGNATED "POLLUTION CONTROL REVENUE REFUNDING BONDS, 2016 SERIES B (PUBLIC SERVICE COMPANY OF NEW MEXICO SAN JUAN AND FOUR CORNERS PROJECTS)" TO BE ISSUED IN AN AGGREGATE PRINCIPAL AMOUNT OF \$100,000,000 TO BE

ISSUED PURSUANT TO THE PROVISIONS OF THE POLLUTION CONTROL REVENUE BOND ACT, CHAPTER 397, LAWS OF 1973 OF THE STATE OF NEW MEXICO, 31ST LEGISLATURE, 1ST SESSION, AS AMENDED FOR THE PURPOSE OF REFUNDING OUTSTANDING REVENUE BONDS ISSUED UNDER SUCH ACT TO REFUND PREVIOUSLY ISSUED REVENUE BONDS UNDER SUCH ACT TO REFUND PREVIOUSLY ISSUED REVENUE BONDS UNDER SUCH ACT TO FINANCE THE COST TO PUBLIC SERVICE COMPANY OF NEW MEXICO (THE "COMPANY") A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF NEW MEXICO (THE "STATE") OF (I) CERTAIN FACILITIES (THE "SAN JUAN FACILITIES") FOR THE ABATEMENT, CONTROL, REDUCTION OR PREVENTION OF AIR AND WATER POLLUTION CAUSED BY THE OPERATION OF UNITS 1, 2, 3 AND 4 ("UNITS 1, 2, 3 AND 4") AT THE SAN JUAN GENERATING STATION (THE "SAN JUAN PLANT") LOCATED IN SAN JUAN COUNTY, NEW MEXICO, INTERESTS IN WHICH ARE OWNED BY THE COMPANY AND (II) CERTAIN FACILITIES (THE "FOUR CORNERS FACILITIES" AND TOGETHER WITH THE SAN JUAN FACILITIES, THE "FACILITIES") FOR THE ABATEMENT, CONTROL, REDUCTION OR PREVENTION OF AIR AND WATER POLLUTION CAUSED BY THE OPERATION OF UNITS 4 AND 5 ("UNITS 4 AND 5") AT THE FOUR CORNERS GENERATING STATION, (THE "FOUR CORNERS PLANT", AND TOGETHER WITH THE SAN JUAN PLANT, THE "PLANTS"), AN ELECTRIC POWER GENERATING PLANT LOCATED IN SAN JUAN COUNTY, NEW MEXICO, INTERESTS IN WHICH ARE OWNED BY THE COMPANY, SAID REVENUE BONDS TO BE PAYABLE BY THE CITY SOLELY FROM THE REVENUES PAYABLE TO THE CITY BY THE COMPANY PURSUANT TO A CERTAIN INSTALLMENT SALE AGREEMENT BETWEEN THE CITY, AS VENDOR, AND THE COMPANY, AS VENDEE, AND CERTAIN OTHER MONEYS PLEDGED THEREFOR HEREUNDER, SAID REVENUE BONDS NEVER TO CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION, AND NEVER TO CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE CITY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS AND DECLARING THAT EMERGENCY CIRCUMSTANCES EXIST WITH RESPECT THERETO.

There being no discussion, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes, and upon voice vote the motion carried unanimously.

Lastly, Ms. Breakell presented a proposed ordinance dealing with sanitation fees and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978 Compilation. She recommended the ordinance, if adopted, be given the number 2016-1290. The title of the ordinance being:

AN ORDINANCE AMENDING SECTION 23-2-7 OF THE CITY CODE ESTABLISHING RESIDENTIAL AND COMMERCIAL CHARGES FOR SANITATION SERVICE.

After consideration of Ordinance No. 2016-1290, a motion was made by Councilor McCulloch, seconded by Councilor Duckett that said ordinance be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2016-1290 was duly passed and adopted.

CLOSED MEETING

A motion was made by Councilor Duckett, seconded by Councilor McCulloch to close the meeting to discuss request for proposals for solid waste collection services, pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
 Sean E. Sharer  
 Gayla A. McCulloch  
 Nate Duckett

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 6:48 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:49 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS/SOLID WASTE COLLECTION SERVICES

Chief Procurement Officer Kristi Benson reported that proposals for solid waste collection services (Public Works) opened on February 3, 2016 with one offeror participating. She recommended that the proposal be awarded to Waste Management of New Mexico, Inc. as the sole proposal is deemed to be advantageous and in the best interest of the City.

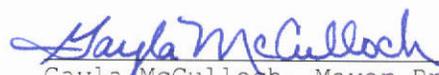
Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to award the proposal for solid waste collection services to Waste Management of New Mexico, Inc., as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 6:52 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

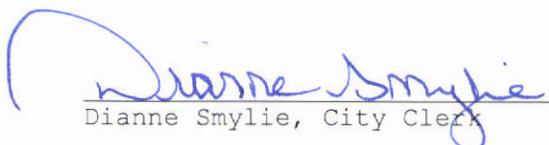
Approved this 23<sup>rd</sup> day of August, 2016.

Entered in the permanent record book this 24<sup>th</sup> day of August, 2016.

  
 Gayla McCulloch, Mayor Pro Tem

SEAL

ATTEST:

  
 Dianne Smylie, City Clerk