



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 13, 2010
CITY COUNCIL CHAMBERS

AMENDED – #15

CITY CLERK'S OFFICE

DATE 1-11-10 TIME 3:20pm

SERVED BY _____

RECEIVED BY Hydorniquez

STUDY SESSION – 4:15 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. Discussion of PRC Case and PNM's Renewable Energy Portfolio Plan. (Marcos Martinez and Nick Schiavo)
4. ADJOURN

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – December 9, 2009
9. EXECUTIVE SESSION:
 - a) Discuss Limited Personnel Matters Regarding the Appointment of Robert P. Romero as City Manager Pursuant to §10-15-1(H)(2) NMSA 1978.
 - b) Discuss Limited Personnel Matters Regarding the Appointment of Geno Zamora as City Attorney, Pursuant to §10-15-1(H)(2) NMSA 1978.



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10. Request for Approval – Appointment of Robert P. Romero as City Manager.
11. Request for Approval – Appointment of Geno Zamora as City Attorney.
12. PRESENTATIONS
 - a) Employee of the Month for January 2010 – Jerome Mondragon, Maintenance Worker; Parks Division/Maintenance. (5 minutes)
 - b) Muchas Gracias – Diego Bachicha. (5 minutes)
13. CONSENT CALENDAR
 - a) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Mayor Coss)
A Resolution Repealing Resolution No. 2009-1 Relating to the Open Meetings Act; Adopting the State of New Mexico Open Meetings Act by Reference; and Adopting Notice Requirements. (Yolanda Vigil)
 - b) Bid No. 10/14/B – On Call Roadway Construction Services and Agreement Between Owner and Contractor For Engineering Division; Star Paving and TLC Plumbing and Utility; (Sandra Winkelmaier)
 - c) Bid No. 10/15/B – Illuminated Head Signs to Retro-Fit Thunderbird Transit Buses for Transit Division; TwinVision, Inc.; (Jon Bulthuis)
 - d) Request for Approval of Procurement Under Cooperative Price Agreement – Six (6) EZ Rider Heavy Duty Low Floor 30" Transit Buses for Transit Division; Arizona Bus Sales Corporation; (Jon Bulthuis)
 - e) Request for Approval of Amendment No. 1 To Contract – Correction of Amount of Award of Bid No. 10/01/B – FY 09/10 City Wide Water Utility Pavement Restoration; Advantage Asphalt & Seal Coating. (Bill Huey)
 - f) Request for Approval of Professional Services Agreement – Public Defender Services (RFP No. 10/11P); Bea Castellano Lockhart. (Sevastian Gurule)
 - g) Request for Approval of Amendment No. 3 to Professional Services Agreement – Firefighter Physicals for Fire Department; Concentra Medical Centers. (Brian Caldwell)



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- h) Request for Approval of Amendment No. 3 to Professional Services Agreement – Medical Direction Needed Per State Regulation to Function With Paramedics; Northern New Mexico Emergency Medical Services. (Brian Caldwell)
- i) Request for Approval of Procurement Under State Price Agreement – Computer Hardware, Software and Equipment for City Offices; Various Vendors. (Thomas Williams)
- j) Request for Approval of Amendment No. 1 to the Recreational Access Agreement (Downs Infield) Between the City of Santa Fe and Pueblo of Pojoaque Development Corporation to Clarify the Amount the City Charges to PPDC for City Treated Effluent Water. (Marcos Martinez and Bryan Romero)
- k) Request for Approval to Publish Notice of Public Hearing on February 10, 2010:
 - 1) Bill No. 2010-1: An Ordinance Amending Article 24-1 SFCC 1987 Regarding the *City of Santa Fe Uniform Traffic Code*; Amending Sections 12-1-42.1, 12-7-9.2, And 12-7.9.5 of the *City of Santa Fe Uniform Traffic Code* Regarding Off-Highway Motor Vehicle Use; and Amending Exhibit A, of the *City Of Santa Fe Uniform Traffic Code* Regarding Traffic Violation Penalty Assessments. (Councilor Trujillo) (Jeanne Price)
 - 2) Bill No. 2010-2: An Ordinance Repealing Chapter 27 SFCC 1987 and Creating a New Chapter 27 SFCC 1987 Regarding Telecommunication and Cable Services. (Maureen Reed)
 - a) Bill No. 2010-3: An Ordinance Granting a Non Exclusive Franchise to Newpath Networks, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, and Fixing the Terms and Conditions Thereof. (Maureen Reed)
 - b) Bill No. 2010-4: An Ordinance Granting a Non-Exclusive Franchise to Citylink Fiber Holdings of Santa Fe, New Mexico, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, Fixing the Terms and Conditions Thereof. (Maureen Reed)



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- c) CONSIDERATION OF RESOLUTION NO. 2010-_____.
A Resolution Urging the U.S. Congress, the President and Executive Branch Members to Require the Federal Communications Commission to Reassess the Health Impacts of Radio Frequency Emissions; and to Actively Seek and Support Federal Legislation that Would Give Local Governments Greater Flexibility With Regard to the Placement of Wireless Communications Facilities (Councilor Romero, Councilor Bushee and Councilor Calvert) (Maureen Reed)
- l) CANADA Exploratory Monitoring Well Project:
 - 1) Project Summary and Public Input. (Claudia Borchert)
 - 2) Request for Approval of Award of RFB No. 10/08/B – CIP # 3031 for CANADA Exploratory Test Well Project to Henkle Drilling & Supply. (Bill Huey)
 - 3) Request for Approval of Amendment No. 1 to the Professional Services Agreement Between City of Santa Fe and John Shoemaker and Associates for Geohydrologic Oversight of the CANADA Well Drilling Project for the Amount of \$110,000.00 Exclusive of NMGR. (Claudia Borchert)
- m) Request for Approval of Administrative Procedures for the Water Requirements Ordinance No. 2009-28. (Dale Lyons and Wendy Blackwell)
- n) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Calvert)
A Resolution Amending Resolution No. 2009-123, Adopted December 9, 2009; Authorizing the Execution and Delivery of a Loan Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than One Hundred Forty-One Thousand Four Hundred Dollars (\$141,400), Together With Interest, Costs of Issuance and Administrative Fees Thereon, **for the Purpose of Financing The Costs of Modification of the Electrical System at the Buckman Direct Diversion Surface Water Project to Provide for a Planned Photovoltaic System;** Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely From the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of And Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken;



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Repealing All Action Inconsistent With This Resolution; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of The Loan Agreement. (Dale Lyons)

- 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2378-DW]; New Mexico Finance Authority.
(Dale Lyons)
 - a) Request for Approval of Budget Increase – Grant Fund.
- o) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Calvert)
A Resolution Amending Resolution No. 2009-128. Adopted December 9, 2009; Authorizing the Execution and Delivery of a Loan and Subsidy Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of Seventy-Five Thousand Seven Hundred Fifty Dollars (\$75,750), Together With Interest, Costs of Issuance and Administrative Fees Thereon, and to Accept a Subsidy of One Hundred Seventy-Six Thousand Seven Hundred Fifty Dollars (\$176,750), **for the Purpose of Financing the Costs of a Project Consisting of Upgrades to The City's Water Utility System, Including Instrumentation of Pumping Sites to Monitor Energy Usage**; Providing for the Payment of The Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely From the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Resolution; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of The Loan Agreement. (Dale Lyons)
 - 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2393-ADW]; New Mexico Finance Authority.
(Dale Lyons).
 - a) Request for Approval of Budget Increase – Grant Fund.
 - p) Request for Approval of Nominating Petition Verification Report for Candidates in the March 2, 2010 Regular Municipal Election.
(Yolanda Y. Vigil)



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- q) Request for Approval of Appointment of Precinct Officials for the March 2, 2010 Regular Municipal Election. (Yolanda Y. Vigil)
 - 1) Request for Approval to Extend City Clerk's Hours on February 23, 2010 from 5:00 p.m. to 9:00 p.m. to Allow Precinct Officials to Vote Absentee for the March 2, 2010 Regular Municipal Election.
- 14. State of the Municipal Court Semi-Annual Report. (Judge Yalman)
- 15. CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Chavez)
A Resolution Declaring an Emergency and Opposing Legislative Efforts to Balance the State's Budget at the Expense of Local Government Including any Proposal to Repeal the Hold Harmless Provision. (Jeanne Price)
- 16. MATTERS FROM THE CITY MANAGER
- 17. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Agreement to Sell Tracts A, B, C and D at College of Santa Fe to the State; Pursuant to §10-15-1(H) (8) NMSA 1978.
- b) Discussion of Stipulation of PRC Case 260 on PNM's Renewable Energy Portfolio Plan, Pursuant to §10-15-1(H)(7) NMSA 1978.
- c) Discussion of Threatened Litigation, Pursuant to §10-15-1(H)(7) NMSA 1978:
 - 1) Bill No. 2010-2: Ordinance Repealing Chapter 27 SFCC 1987 and Creating a New Chapter 27 SFCC 1987 Regarding Telecommunication and Cable Services. (Maureen Reed)
 - a) Bill No. 2010-3: Ordinance Granting a Non Exclusive Franchise to Newpath Networks, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, and Fixing the Terms and Conditions Thereof. (Maureen Reed)



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- d) Discussion of Proposed Litigation to Compel Execution of a Deed Conveying Land for a Park at Nava Ade, Pursuant to §10-15-1(H)(7) NMSA 1978.
- e) Discussion of Pending Litigation Regarding High Summit Corporation v. City of Santa Fe, D-0101-CV-2009-03914, Pursuant to §10-15-1(H)(7) NMSA 1978.
- 18. Action Regarding the Agreement to Sell Tracts A, B, C and D at College of Santa Fe to the State. (Kelley Brennan)
- 19. Action Regarding Stipulation of PRC Case 260 on PNM's Renewable Energy Portfolio Plan. (Marcos Martinez)
- 20. Action to Compel Execution of a Deed Conveying Land for a Park at Nava Ade. (Kelley Brennan)
- 21. Action Regarding High Summit Corporation v. City of Santa Fe, D-0101-CV-2009-03914. (Marcos Martinez)
- 22. MATTERS FROM THE CITY CLERK
- 23. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR



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G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) Request from Rio Chama Steakhouse, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Soup, 410 Old Santa Fe Trail, Space A. (Yolanda Y. Vigil)
- 2) CONSIDERATION OF BILL NO. 2009-59: ADOPTION OF ORDINANCE NO. 2010-_____. (Councilor Bushee and Councilor Wurzbarger)
An Ordinance Amending Sections 14-9.2(F)(1)(J) and 14-9.2(H) SFCC 1987 Regarding Sidewalks and Curb and Gutters in the City's Historic Districts. (Jeanne Price)
- 3) Request for Approval of Economic Development Professional Services Agreement Amendment #2, for Youthworks (RFP# 09/02/P). (Kate Noble)
- 4) Request for Approval of Leases for Three Tracts of Land Totaling 9.5692 Acres (Santa Fe Civic Housing Authority/Villa Alegre Project) Consisting of: (Kelley Brennan) (Postponed at November 10, 2009 City Council Meeting) **(Postponed to January 27, 2010 City Council Meeting)**
 - a) Tract 1/Phase 1 (3.9587 Acres Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street. (Multifamily)
 - b) Tract 1/Phase 2 (3.7370 Acres) Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street and East of Tract 1/Phase I. (Senior)
 - c) Tract 2/Phase 3 (1.5235 Acres) Located North of West Alameda, West of Camino Del Campo and South of West San Francisco Street; and Tract 3/Phase 3 (0.3500 Acres) Located North of West Alameda, East of Camino Del Campo and South of West San Francisco Street. (Workforce/Commercial)
 - d) Request for Approval of Memorandum of Agreement between the City of Santa Fe and the Santa Fe Civic Housing Authority Setting Forth the Energy Program at the Villa Alegre Project.



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- 5) **CONSIDERATION OF BILL NO. 2009-49: ADOPTION OF ORDINANCE NO. 2010-_____. (Mayor Coss)**
An Ordinance Authorizing Leases for Three Tracts of Land Totaling 9.5692 Acres Consisting of: Tract 1/Phase 1 (3.9587 Acres Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street; Tract 1/Phase 2 (3.7370 Acres) Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street and East of Tract 1/Phase 1; Tract 2 (1.5235 Acres) Located North of West Alameda, West of Camino Del Campo and South of West San Francisco Street; and Tract 3 (0.3500 Acres) Located North of West Alameda, East of Camino Del Campo and South of West San Francisco Street. (Santa Fe Civic Housing Authority/Villa Alegre Project) (Mayor Coss) (Lee DePietro) (Postponed at November 10, 2009 City Council Meeting) **(BILL NO. 2009-49 WITHDRAWN)**
- 6) **Case #A 2009-06. Northwest Quadrant Escarpment Variance Appeal.**
The City of Santa Fe Housing and Community Development Department Appeals to the Governing Body of the City of Santa Fe the Planning Commission Decision Denying Case #M 2009-06, Variance Request From Section 14-5.6 to Allow 15,000 Square Feet of the Alignment of Ridgetop Road to Encroach on the Ridgetop Subdistrict to Provide Sufficient Distance from an Existing PNM Switching Station. The Location of the Requested Variance is Along the Proposed Ridgetop Road Alignment Between Camino de los Montoyas and NM 599. (Tamara Baer) (Postponed at the September 30, 2009 City Council Meeting) **(Withdrawn by Applicant)**
- 7) **Case #A 2009-07. Northwest Quadrant Terrain Management Variance Appeal.** The City of Santa Fe Housing and Community Development Department Appeals to the Governing Body of the City of Santa Fe the Planning Commission Decision Denying Case #M 2009-08, Variance Request from Section 14-8.2 to Allow Disturbance of 28,000 Square Feet of 30 Percent Slopes on Two Sites in Order to Preserve Open Space Areas and to Allow Structures to be Built on the Disturbed 30 Percent Slopes. The Locations of the Requested Variance are Within the Proposed Neighborhood Center Areas North of the Ridge and Northeast of the PNM Switching Station. (Tamara Baer) (Postponed at the September 30, 2009 City Council Meeting) **(Withdrawn by Applicant)**

I. ADJOURN



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Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

SUMMARY INDEX
OF THE
STUDY SESSION OF THE GOVERNING BODY
Santa Fe, New Mexico
JANUARY 13, 2010

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
DISCUSSION OF PRC CASE AND PNM'S RENEWABLE ENERGY PORTFOLIO PLAN	Information	1-5
ADJOURN		5

**MINUTES OF THE
STUDY SESSION
GOVERNING BODY
Santa Fe, New Mexico
JANUARY 13, 2010**

A study session of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on January 13, 2010, at approximately 4:15 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Carmichael A. Dominguez
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Matthew E. Ortiz

Others Attending

Robert Romero, City Manager Designee
Kelley Brennan, Assistant City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

**3. DISCUSSION OF PRC CASE AND PNM'S RENEWABLE ENERGY PORTFOLIO PLAN
(Marcos Martinez and Nick Schiavo)**

A copy of "PNM-PRC 260 Renewable Portfolio Standards Filing," with attachment, is incorporated herewith to these minutes as Exhibit "1."

Marcos Martinez presented information regarding this matter to the Governing Body from Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

Councilor Wurzbarger said this is important to the Diversion project, as well as to the City on a long term basis.

Mayor Coss asked where the Governing Body will look at this legislation and the Stipulation.

Mr. Martinez said that will be a matter for executive session as well as open session this evening.

Councilor Wurzbarger said they are working on a decision at the BDD level, but they didn't want to do that until they came before the Council for its opinion, because of the possible impact on the BDD as well as the City, and they wanted to understand that better.

Mr. Schiavo continued the review of the material in Exhibit "1."

Mayor Coss said then the last two columns in Exhibit "1," are what PNM would agree to in the Stipulation – one of those two programs.

Mr. Schiavo said this is correct.

Mayor Coss said then the loss to the City over 20 years would be \$800,000 if the rate increases were as projected.

Mr. Schiavo said this is correct, noting there are a lot of assumptions, and it is challenging to project PNM's rates for the next two years, noting he made his best effort in making those projections.

Mayor Coss asked if the City's losses would be greater if the rate increases were higher than 2%.

Mr. Schiavo said no, and to be clear, the last two columns reflect the City's savings, so the City would save \$1,089,000 in the utility owned over that 20 year term.

Mayor Coss said the question is if our savings would be less if the rate increases were higher.

Mr. Schiavo said no, and the City would be on a set price. He said the way it works is that they give you up to two cents off per kWh, so what you will save, regardless, is that dollar amount. He said if the electricity prices double, that two cents may seem like "less and less of a deal," but the City would still save \$1 million over that 20 years.

Councilor Wurzbarger said at least this gets our "toe in the door," and we start moving toward the alternative energy continuum, and this is the reason she believes the City should consider it. She asked Mr. Schiavo to address why it is important for BDD, if it does not hurt the City, noting it could hurt the BDD.

Mr. Schiavo said it sounds, from listening to Kyle Harwood, as if they are anxious to get into the queue. He said the City has all of its projects lined out, almost completely designed and in the queue for the existing program, but would have to reapply for the new program. He believes Mr. Harwood is anxious that the BDD won't finish for several months, and wants to make sure this program is there for him at that time.

Councilor Wurzbarger said that's because there are only a certain number of projects by difference size, and we are one of the largest, and asked Mr. Schiavo to elaborate on that.

Mr. Schiavo, referring to Exhibit "1," said on the first sheet, Solar Performance Program, the last is 1,000 kilowatt [kW] so they've allotted 15 megawatts [MWs] to that, and they will be doing 3-4 MWs per year, noting 1 MW is 1,000 kW, so the BDD project is on that scale – it is a 1 MW large project. He said the BDD wants to ensure it is in the queue to be one of the first to get those projects in.

Mr. Schiavo said, as written, there is the system size, the Renewable Energy Credit [REC], how many cents per kWh would be given, the capacity and then the ratchet. He said on the large system, after 6 MWs have been allotted, it ratchets down by two cents, so the program would move from 24¢ per kWh down to 22¢ per kWh.

Responding to Councilor Bushee, Mr. Schiavo said this would be for anyone that would participate in the program. He said the utility owned is for government agencies and non-profits, and the solar performance is for anyone in the PNM service territory that would like to participate. He said there were governments, solar installers, Energy, Minerals & Natural Resources and utilities.

Councilor Bushee asked about the individual customer.

Mr. Schiavo said the solar providers were there speaking out because they knew that if they did not work on a good stipulation, they were going to have a challenge in selling renewable energy to anyone.

Councilor Bushee asked if the net metering hasn't been the big sell.

Mr. Schiavo said definitely the renewable of net metering is a compromise. The way they've done it is that they haven't prohibited you from doing net metering. What they've said is that their program would be a "buy all/sell all" program. What that means is that they buy 100% of what you generate at a fixed price over the 20 year term, and 100% of what you use, you buy at their rates. He said on a monthly bases, you can still net it out so you don't have to have your generation match your usage to the exact minute – that piece is still there. He said, for large systems, it is netted out each month, and for small systems, it's netted out over the year.

Councilor Bushee asked if it is the same financially, or is it just less.

Mr. Schiavo said it's not the same financially, because you lose that hedge. He said, for example, if you put up a system and the cost of wastewater has always been about 6¢ per kWh, fixed for a 20 year term, that's all we would ever pay Sun Edison. So, whatever that generated, that's the price we'd always pay over that term. He said with a "buy all/sell all," the utility will give the City 24¢ per kWh for every kWh generated and charge the City for the current rate. He said it's a great deal in year one, but in year 5-10-20, as the price of electricity increases, it is not as good a deal. He said he has a fairly elaborate spreadsheet with all the calculations over that 20 year term which he can share with the Council.

Councilor Bushee said then there's no changing this.

Mr. Schiavo said he believes at this point, if the City decided it wouldn't go with the stipulation, we probably would tweak PNM, and there probably are enough people already signed onto the Stipulation, that it probably still would go through.

Councilor Bushee said this is a growing clientele, and she feels a little protective and doesn't know how to do anything about it.

Mr. Schiavo said the rationalization he heard from PNM, is that over time, as the price of electricity increases, if you're net metered and your price is fixed, the utility has to make that up from somewhere. Currently, it is making that up from other ratepayers, and they're uncomfortable with that. If they move to this system, where they're offering a fixed price over that term, it's easier for them not to pull from other customers to make up the difference.

Mr. Schiavo said he believes if this doesn't go through or if it is unsuccessful in removing net metering, PNM will try to come up with some sort of a net metering charge – a monthly fee which would be charged to an individual. He said this doesn't affect anyone who currently is in the programs – they're grandfathered-in.

4. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 4:45 p.m.

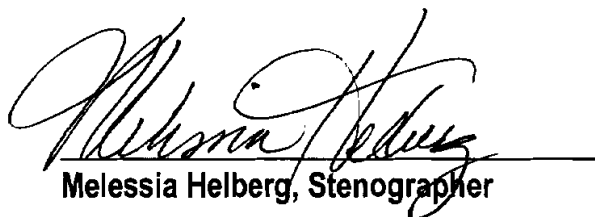
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer