

wished to speak. Ms. Toomajian reported that no comments were received at City Hall regarding this license. Councilor Clauss made a motion to approve the liquor license, which was seconded by Councilor Nupp. The motion passed unanimously.

APPROVAL OF MINUTES—AUGUST 9, 2005

Councilor May requested two amendments under Council Comments then made a motion to approve the minutes as amended. Councilor Nupp seconded the motion, which passed unanimously.

UNFINISHED BUSINESS—Bid 05/06-1, REBID POPE STREET IMPROVEMENTS

Mr. Brown said that this bid came in about \$258,000 over budget. Staff recommendation is to reject the one bid received from Southwest Concrete and Paving. Mr. Brown said that the project will be scaled back and put out to bid. It will be brought to the September 13 meeting. Councilor May made a motion to reject Bid 05/06-1, which was seconded by Councilor Nupp and passed unanimously.

NEW BUSINESS—INCENTIVE REVIEW COMMITTEE RECOMMENDATION REGARDING PROPOSAL PRESENTED BY TRANS-LUX THEATERS

David Gershenson, Chair of the Incentive Review Committee, made the formal recommendation of the Committee's findings to the Council. Trans-Lux Theaters requested that all usual customary or extraordinary fees and permits charged or enacted by the Town for development and construction, be waived. This amounted to \$19,870. The Committee recommended that the Council deny the request for the following reasons: (1) The proposed business does not provide base jobs; (2) Granting incentives to retail business would not set a good precedent; (3) No significant job opportunities or diversified job opportunities would be provided; (4) It would not offer existing businesses the opportunity to expand; and (5) It would not offer local citizens the opportunity to start new businesses. Donald Meyer, Consultant for Trans-Lux and Richard Brandt, Chairman of the Board for Trans-Lux were on hand to give their views regarding the Committee's decision and persuade the Council to reverse their recommendation and vote in favor of the incentives requested. Councilor Clauss made a motion to uphold the recommendation of the Incentive Review Committee and deny their request for incentives from the Town. Councilor May seconded the motion, which passed unanimously.

NOTICE OF INTENT, ORDINANCE 1106, AMENDING THE MUNICIPAL CODE OF THE TOWN, CHAPTER 29 (TRAFFIC; ADOPTION OF THE NEW MEXICO UNIFORM TRAFFIC CODE [UTO])

Police Chief Ed Reynolds said that this ordinance would adopt the 2004 UTO Compilation as well as add a Court Facilities Fee of \$10.00 and a Traffic Safety Fee of \$3.00 to be assessed in addition to the current penalty assessments in effect from Ordinance 1048, which was passed March 27, 2001. During discussion, Councilor May said that he was opposed to the two new fees. The Court Facilities Fee of \$10.00 came under scrutiny because there was not a clear explanation of what it was for and why it was being assessed. Councilor Nupp made a motion to postpone this Notice of Intent, Ordinance 1106, until the next meeting for clarification. Councilor May seconded the motion, which passed unanimously.

PROPOSED PROPERTY AND EASEMENT ACQUISITION, POPE MILL SITE AREA

Joseph Gendron explained where the property was and the purpose of the Town acquiring this land and easement. It is an undeveloped 5.69-acre tract east and southeast of the Pope Mill Site. It would provide a connection between the Pope Mill Site and the property donated by 1st New Mexico Bank. The Town would also acquire an easement to access the Pope Mill Site from the west. A survey was completed, along with an appraisal and cultural resource survey. Mr. Gendron asked the Council if they wished to proceed in preparing a Real Estate Agreement. Mr. Brown said that the Town Attorney had reviewed the appraisal and the Phase I assessment. Discussion followed concerning the value of the property. The Council directed Staff to negotiate the price with the owner and have a title report done and bring it back to the next Council meeting.

RESOLUTION 2005-22, ENCOURAGING INTRODUCTION OF RECYCLING LEGISLATION AND ASKING LOCAL LEGISLATORS TO INTRODUCE THE LEGISLATION

Councilor Clauss introduced this resolution which would ask the Governor, State Legislature and our local legislators to introduce legislation for recycling. Mayor Fortenberry requested one change to be made, which was agreed upon by the Council. Councilor May made a motion to adopt Resolution 2005-22 as amended. Councilor Ward seconded the motion, which passed unanimously.

DISCUSSION ON REINSTATING THE RECYCLING COMMITTEE

Mayor Fortenberry requested that Mr. Brown open discussion up with the Southwest Solid Waste Authority (SWSWA) regarding recycling issues. This Committee was originally in the agreement between the Town and SWSWA back in 2001, but was dropped in subsequent agreements. Mr. Brown will report back on this issue at the next meeting.

ADJOURNMENT—The Council adjourned the meeting at 8:15 p.m.

Attest:

Terry Fortenberry, Mayor

Jane Toomajianian, Town Clerk