

**MINUTES
VILLAGE OF LOS LUNAS
THURSDAY, MARCH 11, 2021**

The Board of Trustees of the Village of Los Lunas, County of Valencia, and State of New Mexico met Thursday, March 11, 2021 in regular session at 6:00 PM at the Council Chambers. Roll call was taken and the following were present: Mayor Charles Griego, Councilman Christopher Ortiz, Councilman Phillip Jaramillo, Councilman Cruz Munoz, and Councilman Gino Romero. Meeting was conducted and recorded through Webex.com.

Mayor:	Charles Griego
Mayor Pro Tem:	Christopher Ortiz
Council:	Gino Romero Phillip Jaramillo Cruz Munoz

Also present were: Gregory D. Martin, Debra Sanchez and Martin Callahan.

In accordance with Ordinance 114A, the following agenda was prepared and circulated as required:

1. **CONSIDERATION OF ORDINANCE 455 AUTHORIZING THE ISSUANCE AND SALE OF INDUSTRIAL REVENUE BONDS FOR THE BENEFIT OF GREATER KUDU LLC (THE "COMPANY") TO BE ENTITLED VILLAGE OF LOS LUNAS, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BONDS (GREATER KUDU LLC PROJECT), SERIES 2021 (THE "BONDS") IN UP TO SIX SERIES IN A PRINCIPAL AMOUNT NOT TO EXCEED SIX BILLION, SIX HUNDRED SIXTY-SIX MILLION, SIX HUNDRED SIXTY-SIX THOUSAND, SIX HUNDRED SIXTY-SEVEN DOLLARS (\$6,666,666,667) EACH, PROVIDING THAT THE BONDS WILL BE USED FOR THE PURPOSE OF INDUCING THE COMPANY TO EXPAND ITS DATA CENTER CAMPUS AND RELATED AND SIMILAR FACILITIES WITHIN THE VILLAGE LIMITS. THE ORDINANCE PROVIDES FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS FROM LEASE PAYMENTS TO BE PAID BY THE COMPANY TO THE VILLAGE AND PROVIDES FOR THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED INDENTURE, AND AMENDED AND RESTATED LEASE AGREEMENT AND A BOND PURCHASE AGREEMENT.**
2. **BID AWARD - JANITORIAL SERVICES.**
3. **EXECUTIVE SESSION:**
 - a) Hire FT Solid Waste Laborer - Solid Waste Division / Public Works Department.
 - b) Hire PT Recreation Aide - Recreation Division / Parks and Recreation Department.
 - c) Hire FT Police Clerk - Police Department.
4. **APPROVAL OF MINUTES:**
 - a) February 25,, 2021 Council Meeting.
5. **ADJOURNMENT.**

● **CALL MEETING TO ORDER.**

At 6:00 PM, Mayor Griego brought the meeting to order and welcomed the audience.

● **PLEDGE OF ALLEGIANCE.**

Mayor Griego asked Councilman Gino Romero to lead the Council and WebEx participants in the Pledge of Allegiance.

● **APPROVAL OF AGENDA.**

Mayor Griego asked if there were any changes to the agenda - there were none. Mayor Griego asked for a motion from Council.

APPROVAL: Motion to approve council agenda.

MOVED: Councilman Romero

SECONDED: Councilman Munoz

CARRIED: Motion passed on a vote of **4 (Councilman Romero - yes; Councilman Ortiz - yes; Councilman Jaramillo - yes; Councilman Munoz - yes) FOR AND 0 AGAINST.**

Mayor Griego wanted to lay down the ground rules for Item 1/Ordinance 455 - everyone is muted and will be unmuted by staff when comment is going to be made. There will be a presentation. The first half hour is for individuals speaking in "favor" and the second half hour will be for "against" the item. Comments will be made to the point. Please put your name in the chat box if you would like to be heard on this item.

1. **CONSIDERATION OF ORDINANCE 455 AUTHORIZING THE ISSUANCE AND SALE OF INDUSTRIAL REVENUE BONDS FOR THE BENEFIT OF GREATER KUDU LLC (THE "COMPANY") TO BE ENTITLED VILLAGE OF LOS LUNAS, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BONDS (GREATER KUDU LLC PROJECT), SERIES 2021 (THE "BONDS") IN UP TO SIX SERIES IN A PRINCIPAL AMOUNT NOT TO EXCEED SIX BILLION, SIX HUNDRED SIXTY-SIX MILLION, SIX HUNDRED SIXTY-SIX THOUSAND, SIX HUNDRED SIXTY-SEVEN DOLLARS (\$6,666,666,667) EACH, PROVIDING THAT THE BONDS WILL BE USED FOR THE PURPOSE OF INDUCING THE COMPANY TO EXPAND ITS DATA CENTER CAMPUS AND RELATED AND SIMILAR FACILITIES WITHIN THE VILLAGE LIMITS. THE ORDINANCE**

PROVIDES FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS FROM LEASE PAYMENTS TO BE PAID BY THE COMPANY TO THE VILLAGE AND PROVIDES FOR THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED INDENTURE, AND AMENDED AND RESTATED LEASE AGREEMENT AND A BOND PURCHASE AGREEMENT.

Mayor Griego asked for a motion from Council to adjourn and open in a public meeting.

APPROVAL: Motion to approve.
MOVED: Councilman Romero
SECONDED: Councilman Ortiz
CARRIED: Motion passed on a vote of **4 (Councilman Romero – yes; Councilman Ortiz – yes; Councilman Jaramillo – yes; Councilman Munoz – yes) FOR AND 0 AGAINST.** Adjourn at 6:05PM

Mayor Griego asked for a motion from Council regarding Ordinance 455.

APPROVAL: Motion to approve Ordinance 455.
MOVED: Councilman Romero
SECONDED: Councilman Jaramillo
CARRIED: Motion passed on a vote of **4 (Councilman Romero – yes; Councilman Ortiz – yes; Councilman Jaramillo – yes; Councilman Munoz – yes) FOR AND 0 AGAINST.** Minutes on last page.

2. BID AWARD – JANITORIAL SERVICES.

Mr. Jason Duran presented item two. Parks and Recreation Department went out to bid to provide janitorial services for the entire Village buildings. We received five bids, which were opened on February 25, 2021. Notice that Jani-King of New Mexico did not notarize document which was considered an incomplete bid. Went to next bidder, Service Master Clean for a bid of \$97,776.00. Will hire local residents as employees. Mayor Griego wanted to confirm that company was required notarization. Jason replied yes. Mayor Griego asked for a motion from Council on item two.

APPROVAL: Motion to approve Service Master Clean for \$97,776.00.
MOVED: Councilman Munoz
SECONDED: Councilman Ortiz
CARRIED: Motion passed on a vote of **4 (Councilman Romero – yes; Councilman Ortiz – yes; Councilman Jaramillo – yes; Councilman Munoz – yes) FOR AND 0 AGAINST.** Minutes on last page.

3. EXECUTIVE SESSION – pursuant to NMSA 1978 Section 10-15-1(H), the following matters may be discussed in closed session.

Mayor Griego announced that the Council would be going into executive session pursuant to NMSA 1978 Section 10-15-1(H), the following matters may be discussed in closed session: hire FT Solid Waste Laborer, hire PT Recreation Aide, and hire FT Police Clerk.

APPROVAL: Motion to approve
MOVED: Councilman Jaramillo
SECONDED: Councilman Ortiz
CARRIED: Motion passed on a vote of **4 (Councilman Romero – yes; Councilman Ortiz – yes; Councilman Munoz – yes; Councilman Jaramillo – yes) FOR AND 0 AGAINST.** 6:30PM

At 7:00PM, Mayor Griego asked for a motion from Council indicating that they discussed a request to hire FT Solid Waste Laborer, PT Recreation Aide, and a FT Police Clerk.

APPROVAL: Motion to approve
MOVED: Councilman Jaramillo
SECONDED: Councilman Ortiz
CARRIED: Motion passed on a vote of **4 (Councilman Romero – yes; Councilman Ortiz – yes; Councilman Munoz – yes; Councilman Jaramillo – yes) FOR AND 0 AGAINST.**

Regarding the FT Solid Waste Laborer, Mayor Griego recommended Mr. George Gomez.

APPROVAL: Motion to approve
MOVED: Councilman Romero
SECONDED: Councilman Ortiz
CARRIED: Motion passed on a vote of **4 (Councilman Romero – yes; Councilman Ortiz – yes; Councilman Munoz – yes; Councilman Jaramillo – yes) FOR AND 0 AGAINST.** 7:26PM

Regarding the PT Recreation Aide, Mayor Griego recommended Mr. Corbin Demmon.

APPROVAL: Motion to approve
MOVED: Councilman Munoz
SECONDED: Councilman Jaramillo
CARRIED: Motion passed on a vote of 4 (**Councilman Romero – yes; Councilman Ortiz – yes; Councilman Munoz – yes; Councilman Jaramillo – yes**) **FOR AND 0 AGAINST.**

Regarding the FT Police Clerk, Mayor Griego recommended Ms. Suzette Rudolph.

APPROVAL: Motion to approve
MOVED: Councilman Jaramillo
SECONDED: Councilman Romero
CARRIED: Motion passed on a vote of 4 (**Councilman Romero – yes; Councilman Ortiz – yes; Councilman Munoz – yes; Councilman Jaramillo – yes**) **FOR AND 0 AGAINST.**

4. MINUTES.

Mayor Griego asked if there were corrections to the council minutes of February 25, 2021 – there were none.

MOTION: Motion to approve.
MOVED: Councilman Ortiz
SECONDED: Councilman Munoz
CARRIED: Motion passed on a vote of 4 (**Councilman Romero – yes; Councilman Ortiz – yes; Councilman Munoz – yes; Councilman Jaramillo – yes**) **FOR AND 0 AGAINST.**

5. ADJOURNMENT.

Council meeting adjourned at 7:33PM.

Gregory D. Martin, Village Administrator

Charles Griego, Mayo

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Ms. Jill Sweeney presented item one. Before you is Ordinance 455 authorizing the issuance and sale of Industrial Revenue Bonds for the benefit of Greater Kudu LLC. The bonds issued will be in six series in a principal amount of \$6,666,666,667.00. The bonds will be used for the purpose of inducing the Greater KUDU LLC to expand its data center campus and related and similar facilities within the Village. The bonds will provide real property, personal property, gross receipts and compensating tax abatement to defray part of the cost of the project and to encourage economic development to the area. If fully built out, the project will include six additional data centers. The current data center facilities are supported by 100% renewable energy. Project currently employs 100 employees and 200 contract employees. Additionally, there is 800 to 1,000 construction workers on site. The water capacity will be serviced as outlined in the existing water and wastewater services agreement between the Village and Greater KUDU entered in to on October of 2016. Specifically, the Water/Wastewater Agreement grants Greater KUDU LLC access to 500-acre feet of consumptive water rights. Currently, the maximum one-day demand of availability is 1.5 million gallons. Greater KUDU LLC uses 80% less water than any other data center. The bonds will be issued under the Industrial Revenue Act. Bonds will provide funds necessary to expand the data center. The project will be leased to Greater KUDU LLC. Under the terms of the amended restated lease agreement, Greater KUDU will be obligated to pay rent for the project and principal and interest on the bonds. The ordinance before you approves the form of amended restated lease agreement and authorizes the team including the village staff, council and advisors to proceed to closing. Jill closed her presentation – asked if there were any questions. Mayor Griego asked if the KUDU representative wanted to say anything – there was no comment. Mayor Griego asked Council if they had any questions. Councilman Ortiz commented that his question had been answered – the current agreement mirrors the original agreement. He asked Jill to repeat water usage. Jill replied – under water agreement of 2016, the company can access up to 500-acre feet of consumptive water rights. The maximum one-day demand availability is 1.5 million gallons but the typical demand for 2020 was only 152,000. The water agreement is not changing; it stays the same the agreement of 2016. Larry Guggino (Village attorney) commented – the 1.5 million gallons of water a day is extenuating circumstances, like a peak demand – this is not going to be a typical demand, it is only in very rare instances. They only have access to 500-acre feet on site. Councilman Munoz commented that he spoke with engineers at the site and asked with they use the water for and they replied they use it for their chillers – air conditioning to keep their equipment cool. They also commented that they would never hit the 500-acre feet. Councilman Jaramillo also commented that it is not a huge amount of water for our system (5%).

Comments from Public:

(Support)

Melinda Allen, President of NM Partnership – creation of jobs
Raymond Mondragon – retired City Manager in Clovis – in favor of IRB
Danielle Casey, President and CEO of ABQ Economic Development Inc. – in support of Ordinance 455
Augusta Meyers, Economic Development – great fit for community, in support
Tony Williams – resident and works in Los Lunas – in support
Joe Farr – in support
Paul Tashjian – in support of Ordinance 455
Ryan Centerwall – in support of Greater KUDU
Elisha Saavedra-Torres – in support

(Against)

KA McCord – resident of Valencia County, concerns of water use and IRB
Pam McKenzie – member of Water Watcher, opposed and wants item tabled
Susan Schuurman - opposed
Deirdre Valesquez – opposed
Elaine Hebard – asked to postpone vote
Gary Plapp – opposed
Amber Jeansonne – opposed
Alejandra Lyons – interned with CD in past – opposed
Geri Rhodes – opposed, concerned with climate change
Linda Guenley – opposed
Dave Tynan – opposed
Jean Baker - opposed

Mayor Griego asked Council if there were any questions – there were none. Mayor Griego asked for a motion from Council to close public hearing and reconvene in regular council meeting.

MOTION: Motion to approve.
MOVED: Councilman Romero
SECONDED: Councilman Jaramillo
CARRIED: Motion passed on a vote of **4 (Councilman Romero – yes; Councilman Ortiz – yes; Councilman Munoz – yes; Councilman Jaramillo – yes) FOR AND 0 AGAINST.** Closed at 7:14PM