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CITY AND COUNTY OF SANTA FE
SOLID WASTE MANAGEMENT AGENCY
REGULAR BOARD MEETING
February 23, 2012

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SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
Legal Conference Room
Santa Fe County Courthouse
February 23, 2012

I. CALL TO ORDER

A meeting of the City and County of the Santa Fe Solid Waste Management Agency Joint Powers Board (SWMA) was called to order by Councilor Rosemary Romero, Chair, on Thursday, February 23, 2012, at approximately 12:00 noon, in the Legal Conference Room Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico.

II. ROLL CALL

MEMBERS PRESENT:
Councilor Rosemary Romero, Chair
Commissioner Kathy Holian
Commissioner Daniel Mayfield – telephonically
Councilor Ronald S. Trujillo
[Vacancy]

MEMBERS EXCUSED:
Commissioner Virginia Vigil

STAFF PRESENT:
Randall Kippenbrock, Executive Director – SWMA
Jodie Gonzales, SWMA
Angelica Salazar, SWMA
Justin Miller, Legal Counsel
Melessia Helberg, Stenographer

OTHERS ATTENDING
Tom Parker, CDM Smith

There was a quorum of the membership in attendance..

III. APPROVAL OF THE AGENDA

MOTION: Commissioner Holian moved, seconded by Councilor Trujillo, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote.

IV. APPROVAL OF THE MINUTES – JANUARY 26, 2012

MOTION: Commissioner Holian moved, seconded by Councilor Trujillo, to approve the minutes of the regular meeting of January 26, 2012, as presented.

VOTE: The motion was approved unanimously on a voice vote.

V. MATTERS FROM THE PUBLIC

There were no matters from the public.

VI. MATTERS FROM THE EXECUTIVE DIRECTOR

(A) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH PLANIT COMPUTER SERVICES OF ALBUQUERQUE, NM, FOR COMPUTER SUPPORT SERVICES FOR THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $21,400 (RFP NO. 12/13/P).

Mr. Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum of February 17, 2012, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

Commissioner Mayfield asked if the consultant from Albuquerque has been on board for several years, and Mr. Kippenbrock said this is correct.

Commissioner Mayfield said then price is the 3rd component and asked the price.

Mr. Kippenbrock noted Jodie Gonzales was on the evaluation committee. He said of the 3 firms, one firm was not qualified because they didn't submit everything in accordance with the RFP, the second firm was $180 per hour while it is $65 per hour with Planit for time and material

Commissioner Mayfield asked if Planit will charge for travel time from Albuquerque.

Mr. Kippenbrock said he generally has travel time, but he usually charges just for the time on-site. He said he can charge for travel time, but he usually doesn't charge for travel time.

Commissioner Mayfield asked, "Does he or does he not charge travel time."

Mr. Kippenbrock said no, he does not.

Commissioner Mayfield said then the Santa Fe vendor submitted an incomplete application or was too high in price.

Mr. Kippenbrock said no, he submitted an incomplete proposal.

MOTION: Councilor Trujillo moved, seconded by Commissioner Holian, to approve the Professional Services Agreement with Planit computer support services for the Caja del Rio Landfill and Buckman Road Recycling and Transfer Station in the amount of $21,400, as presented in Item VI(A).

DISCUSSION: Chair Romero noted one of the things Mr. Kippenbrock has done which is quite effective is the use of evaluation committees for these proposals. She said she feels good that these proposals have been fully vetted before coming to this Committee, commenting she presumes Robert Rodarte has been involved with this proposal as well. She said she is glad they have a fully staffed evaluation committee.

VOTE: The motion was approved unanimously on a voice vote.

(B) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT WITH J.R. MILLER & ASSOCIATES, OF BREA, CA, FOR THE PLAN, DESIGN, CONSTRUCTION MANAGEMENT AND DEVELOPMENT OF AN OPERATIONS PLAN FOR A PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $8,525.

(1) APPROVAL OF BUDGET INCREASE FROM 5500-100700 (CASH) TO 52504.572960 (WIP DESIGN) IN THE AMOUNT OF $8,525

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated February 17, 2012, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "2. Please see Exhibit "2" for specifics of this presentation.

Mr. Kippenbrock noted at the January meeting he did advise the members that additional work would be required which was unrelated to the original design, including culvert design to accommodate the stone border from the green waste area near the HHW building, and a change order for additional telephone and computer lines, etc.

Commissioner Trujillo asked how many additional culverts are needed.

Mr. Kippenbrock said there is an existing 24-inch culvert, and we are going to accommodate the runoff from the greenwaste area which was never included, so two additional 24-inch culverts are needed plus extra headwall to put in front of it. He said the Agency will install the culverts but the contractor will complete the headwall construction.

Councilor Trujillo said then these are just revisions to the plan, and Mr. Kippenbrock said yes.

Commissioner Mayfield asked, regarding the initial plan and design, if this is an oversight – how did this come about.

Mr. Kippenbrock said the culvert came much later, and we just learned in late November, early December, that we would need to add culvert to the project area sooner or later. He said he felt that ESA Construction, the contractor, would be appropriate to do the work. However, the cost estimate was too high, and as recently as 2-3 weeks ago, they decided to do the work in-house, but they didn't have the expertise to do the concrete work for the headwall.

Commissioner Mayfield said then this amendment to J.R. Miller & Associates is to do this.

Mr. Kippenbrock said yes, to do the engineering portion of the site plan in that area, and also to have a $4,000 contingency in place to help complete the project.

Commissioner Mayfield said then J.R. Miller didn't do the initial design.

Mr. Kippenbrock said they did they initial design and have been on board since May 2009.

Commissioner Mayfield asked why we didn't catch this.

Mr. Kippenbrock said we did the WIP plan only late in Fall 2011, and it did not include runoff from the green waste area and wasn't part of the scope of services.

Mr. Kippenbrock said, to clarify, we thought we were going to have a third outfall in the green waste area, but it was determined it would be best to bring it into this existing outfall.

MOTION: Commissioner Holian moved, seconded by Councilor Trujillo, to approve Amendment No. 4 to Professional Services Agreement with J.R. Miller & Associates, as set out in Item VI(B).

VOTE: The motion was approved unanimously on a voice vote.

MOTION: Commissioner Holian moved, seconded by Councilor Trujillo, to approved the Budget Increase as set out in Item VI(B)(1)

VOTE: The motion was approved unanimously on a voice vote.

(C) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 TO BID NO. 11/40/B WITH ESA CONSTRUCTION OF ALBUQUERQUE, NM, FOR THE CONSTRUCTION OF A HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $23,889.78**

(1) **APPROVAL OF BUDGET INCREASE FROM 5500.100700 (CASH) TO BE APPORTIONED BETWEEN 52504.570400 (BUILDINGS AND STRUCTURES) AND 52504.570300 (IMPROVEMENT TO LAND OTHER THAN BUILDINGS) IN THE TOTAL AMOUNT OF $23,889.78.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated February 17, 2012, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

MOTION: Councilor Trujillo moved, seconded by Commissioner Holian, to approve Change Order No. 3 to Bid No. 11/40/B with ESA Construction as set out in Item VI(C).

VOTE: The motion was approved unanimously on a voice vote.

MOTION: Commissioner Holian moved, seconded by Councilor Trujillo, to approve the budget increase as set out in Item VI(C)(1).

VOTE: The motion was approved unanimously on a voice vote.

(D) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH OF ALBUQUERQUE, NM, FOR THE ENGINEERING DESIGN AND PERMITTING SERVICES FOR PERMIT RENEWAL, PERMIT MODIFICATION, LANDFILL VERTICAL AND LATERAL EXPANSION AND CELL 5B/6B DESIGN AND CONSTRUCTION QUALITY ASSURANCE FOR THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF $590,455 (RFP NO. 12/06/P)**

(1) **APPROVAL OF BUDGET INCREASE FROM 5500.100700 (CASH) TO BE APPORTIONED BETWEEN 52521.510300 PROFESSIONAL SERVICES FOR LANDFILL PERMITTING) AND 52510.572960 (WIP DESIGN FOR CELL 5B/6B) IN THE TOTAL AMOUNT OF $590,455.**

Randall Kippenbrock, Executive Director , presented information regarding this matter from his Memorandum dated , 2012, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "4." Please see Exhibit "4" for specifics of this presentation

Commissioner Mayfield said residents of the area have called him with concerns, and asked where these new cells will be located in relation to the drinking water supply.

Mr. Kippenbrock said the lateral expansion, also known as BLM, will be between the existing landfill and the power line. The power line will not be moved.

Commissioner Mayfield asked if there are any issues with the easement, noting "that's a major transmission line out there."

Mr. Kippenbrock said, "No. We're planning on designing outside the easement. We currently have a maintenance road, or an existing road that we plan on keeping for the most part. We'll look at that. I don't think that's going to be an issue. We feel like out of 200 acres, approximately 90 acres will be available for lateral expansion. In terms of depth, we may go slightly deeper. That is all determined on how much soil you want to save for future expansion. And just to give you a heads up, currently we are approximately 70 ft. below grade the bottom of the waste. Groundwater is approximately 325 feet below grade and NMED requires at least a 100 foot separation. Plus, all of our cells currently are lined. I feel very comfortable we are meeting all requirements and not impacting the drinking water down there."

Commissioner Mayfield said he knows the Chair will stay on top of this. He asked how far from the proposed cell is the City's well for drinking water.

Mr. Kippenbrock said there is no well, noting they haul water in because there is no potable water on site.

Commissioner Mayfield said he was told there was potable water on site.

Mr. Kippenbrock said there is none, although there are monitoring wells to monitor the groundwater in the area, but "we don't have any water wells *per se*."

Chair Romero when said when the site was chosen and master planned in 1997, it went through a comprehensive Environmental Impact State process, and took into account all aspects for the whole site.

Mr. Kippenbrock said he can't speak to the EIS. However, in 1995 when the permit application was done, they looked at all aspects, including groundwater, geology, everything. He said one reason we don't have a water well there, it would have been a commercial well, and for whatever reason they decided to haul-in the water at the time, which they currently do. Mr. Kippenbrock said they do use graywater for dust control.

Commissioner Mayfield asked if there is a need for a mining permit at the site, and if so, is this contract going to that permitting.

Mr. Kippenbrock said one of the requirements in a NMED Permit Application is that we have to answer the question: "Are we in compliance with any other permit requirements. That's one of the questions we have to answer."

Commissioner Mayfield asked Mr. Kippenbrock to answer that question right now.

Mr. Kippenbrock said there is not a need for it. He said his understanding with Santa Fe County is that we don't need a sand/gravel permit application or anything like that. He said, "They have given me no notice. And according to the NMED Regulations in the Permit Application, they have a statement in there that says, 'Any other permit required, that you are in compliance with those.' An example would be an Air Quality Permit, or petroleum storage permit, or anything that you can think of."

Commissioner Mayfield said, "I most likely won't support this, I'll let you know that right now. With that being said, Mr. Kippenbrock, I would like to ask SWMA to write a letter to Santa Fe County to get something in writing from them as to whether or not we need a mining report." He said it would address his concerns if there's a definitive answer in writing from Santa Fe County saying we do not need a mining permit at this site."

MOTION: Councilor Trujillo moved, seconded by Commissioner Holian, to approve the Professional Services Agreement with CDM Smith of Albuquerque, NM for the Engineering Design and Permitting Services for Permit Renewal, Permit Modification, Landfill Vertical and Lateral Expansion and Cell 5B/6B Design and Construction Quality Assurance for the Caja del Rio Landfill in the amount of $590,455, as set out in Item VI(D).

DISCUSSION: Chair Romero said she believes SWMA has done over-the-top in compliance, notifications and following every permit application as required by State and federal standards and guidelines. She is very pleased with the direction in which we have proceeded. She said there have been previous questions, and Commissioner Mayfield's request is taken into account. She noted that Mr. Roth and Shelley Cobal looked at the other issue carefully, and we continue to operate from the direction they have given SWMA.

Commissioner Mayfield asked if there is anything in writing from the County that a mining permit is not required.

Mr. Kippenbrock said no.

Commissioner Mayfield said this is his issue, and he wants to see something in writing from the County saying there isn't an issue with the mining.

VOTE: The motion was approved on a voice vote, with Commissioner Holian and Councilor Trujillo voting in favor of the motion and Commissioner Mayfield voting against.

MOTION: Commissioner Holian moved, seconded by Councilor Trujillo, to approve the request for a budget increase as set out in Item VI(D)(1).

VOTE: The motion was approved on a voice vote, with Commissioner Holian and Councilor Trujillo voting in favor of the motion and Commissioner Mayfield voting against.

Chair Romero thanked Mr. Kippenbrock for all of his work on this.

VII. MATTERS FROM THE BOARD

Councilor Trujillo asked staff to look into putting in a credit card reader for BuRRT, saying people have talked to him about it and told him they don't have cash, and requested to be able to use a credit card or a debit card.

Chair Romero agreed.

Councilor Holian said she is supportive of our Director, Mr. Kippenbrock, meeting with the Schools with regard to the cleanup of the site, and to see if we can get some kind of a discount for the Schools for bulk discounts, and see if we can work out a plan for the cleanup of this site.

Commissioner Holian said, "I would like to say farewell to the Chair. I really am going to miss you. You've done a great job in laying the groundwork so we understand the issues when we come to the meetings, and that the issues have been thoroughly examined and vetted." She said this is a terrific Board. She also wished Councilor Trujillo the best as he leaves the Committee, saying she has learned a lot from him during her time on the board.

Chair Romero said she hopes Councilor Trujillo stays on the Board for a few months during the transition. She said Councilor Trujillo has served on SWMA since he came on the Council, and he said he is looking for a change of pace and serving on other Committees. She said there will be new Councilors coming on, and she has absolute confidence about the work we've done. She is looking forward to returning to the private sector and making money. She said she is saddened at leaving such great staff, commenting SWMA is in great hands. She said we have held to the highest ethical and quality standards, and she believes she leaves on good ground in terms of accomplishments.

Commissioner Mayfield wished the Chair good luck as well, and said he hopes Councilor Trujillo will stay on for a while.

Councilor Trujillo said he will stay on for a while if needed, agreeing that this is a great staff, and a smooth committee, which does a really great job. He thanked Mr. Kippenbrock and staff for the great work they do.

VIII. NEXT MEETING DATE

The next meeting will be held on the 3rd Thursday in March.

X. ADJOURNMENT

There was no further business to come before the Board, and the meeting was adjourned at approximately 12:40 p.m..

APPROVED BY:

Rosemary Romero, Chair

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

SUBMITTED BY:

Melessia Helberg, Committee Stenographer