

**SANTA FE WASTE MANAGEMENT AGENCY JOINT POWERS BOARD**  
**SANTA FE COUNTY ADMINISTRATION BUILDING, LEGAL CONFERENCE ROOM**  
**102 GRANT AVENUE**  
**THURSDAY, JULY 21, 2016, 5:00 PM**

SFC CLERK RECORDED 08/29/2016

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DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE SANTA FE SOLID WASTE MANAGEMENT AGENCY, INCLUDING, WITHOUT LIMITATION, THE LEASE OF THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION, PURSUANT		

TO NMSA 1978 10-15-1 (H)(8).

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**SANTA FE WASTE MANAGEMENT AGENCY JOINT POWERS BOARD  
SANTA FE COUNTY ADMINISTRATION BUILDING, LEGAL CONFERENCE ROOM  
102 GRANT AVENUE  
THURSDAY, JULY 21, 2016, 5:00 PM**

**I. CALL TO ORDER**

The meeting of the Santa Fe Waste Management Agency Joint Powers Board was called to order by Chair Commissioner Holian at 5:00 pm, on Thursday, July 21, 2016, at the Santa Fe County Administration Building, Legal Conference Room, 102 Grant Avenue, Santa Fe, New Mexico.

**II. ROLL CALL**

**MEMBERS PRESENT**

Commissioner Kathy Holian, Chair  
Councilor Renee Villarreal  
Commissioner Miguel Chavez  
Councilor Joseph Maestas  
Councilor Michael Harris, Vice Chair, Telephonically from the beginning of the meeting until item XI only  
Commissioner Henry Roybal, Telephonically from the Executive Session to the end of the meeting only

**OTHERS PRESENT**

Randall Kippenbrock, Director, SWMA  
Matt O'Rielly, City of Santa Fe  
Joe Eiger, Eldorado 285 Recycling  
Nancy Long, Legal Council  
Danita Boettner, Santa Fe County  
Rosalie Cardenas, Santa Fe SWMA  
Lynette Kennard, Santa Fe County  
Shirlee Sittan, Santa fe Environmental Serives  
Angelica Salazar, Santa Fe SWMA  
Adam Schlachter, Santa Fe SWMA  
Les Francisco, Santa Fe County  
Elizabeth Martin, Stenographer

**III. APPROVAL OF AGENDA**

Chair Holian said she would like to postpone item 7A.

Councilor Villarreal said that we can hear the item but in the future we need to use better titles so that we know what we are voting on.

**MOTION** A motion was made by Councilor Maestas, seconded by Councilor Villarreal, to approve the agenda as presented.

**VOTE** The motion passed unanimously by voice vote.

**IV. APPROVAL OF CONSENT CALENDAR**

Councilor Villarreal said she would like to pull for discussion items 7 A, C and D.

Councilor Harris said he would like to pull for discussion item 7 A.

**MOTION** A motion was made by Commissioner Chavez, seconded by Councilor Maestas, to approve the consent calendar as amended.

**VOTE** The motion was passed unanimously by voice vote.

Chair Holian said consent calendar items other than those pulled are approved.

**V. APPROVAL OF MINUTES  
JUNE 23, 2016**

**MOTION** A motion was made by Councilor Maestas, seconded by Commissioner Chavez to approve the minutes as presented.

**VOTE** The motion passed unanimously by voice vote.

**VI. MATTERS FROM THE PUBLIC**

Mr. Eiger said there was a letter in the New Mexican from someone who was unhappy with the extensive use of Styrofoam products at the July 4<sup>th</sup> pancake breakfast. His organization held an alternate pancake breakfast using ceramic plates. The restaurant was able to compost scraps for us and all the compostable items from the kitchen. Some people brought their own ceramic mugs. Some got compostable mugs. It was the first totally zero waste public event in Santa Fe County.

Chair Holian said that is very impressive.

**VII. CONSENT CALENDAR**

- A. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH BOHANNAN HUSTON, INC. OF ALBUQUERQUE, NM, TO PROVIDE ENGINEERING SERVICES FOR THE WILDLIFE WAY ROAD IMPROVEMENT PROJECT AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$42,634.00 (RFP NO. '16/31/P).**
- (1) APPROVAL OF BUDGET INCREASE TO 52501.510320 (ENGINEERING SERVICES) FROM 5500.100700 (OPERATING FUND CASH BALANCE) IN THE AMOUNT OF \$42,634.00.**
- B. REQUEST FOR APPROVAL OF SERVICES AGREEMENT WITH NATURAL EVOLUTION, INC. OF TULSA, OK, TO PROVIDE FOR ELECTRONIC WASTE (E-WASTE) RECYCLING SERVICES FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$45,000.00 (RFP NO. '16/36/P).**
- (1) APPROVAL OF BUDGET INCREASE TO 52504.510310 (SERVICE CONTRACTS) FROM 5500.100700 (OPERATING FUND CASH BALANCE) IN THE AMOUNT OF \$45,000.00.**
- C. REQUEST FOR APPROVAL OF SERVICES AGREEMENT WITH SPARKLE MAINTENANCE, INC. OF ALBUQUERQUE, NM, TO PROVIDE PROFESSIONAL CLEANING SERVICES FOR THE SANTA FE SOLID WASTE MANAGEMENT AGENCY IN THE AMOUNT OF \$25,000.00 (RFB NO. '16/43/B).**
- D. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO EXTEND THE TERM AND INCREASE THE SERVICES AGREEMENT WITH RUSTY'S WEIGH SCALES AND SERVICE, INC. OF LUBBOCK, TX, FOR INDEFINITE AND ON-CALL TRUCK SCALE CALIBRATION, MAINTENANCE, AND REPAIR SERVICES FOR THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$12,000.00 (RFB NO. '15/16/B).**
- E. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ADVANCED CHEMICAL TRANSPORT, INC. OF ALBUQUERQUE, NM, FOR COLLECTION SERVICES FOR HOUSEHOLD HAZARDOUS WASTE AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$25,000.00 (RFP NO. '13/09/P).**

**CONSENT ITEMS FOR DISCUSSION**

- A. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH BOHANNAN HUSTON, INC. OF ALBUQUERQUE, NM, TO PROVIDE ENGINEERING SERVICES FOR THE WILDLIFE WAY ROAD IMPROVEMENT PROJECT AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$42,634.00 (RFP NO. '16/31/P).**
- (1) APPROVAL OF BUDGET INCREASE TO 52501.510320 (ENGINEERING SERVICES) FROM 5500.100700 (OPERATING FUND CASH BALANCE) IN THE AMOUNT OF \$42,634.00.**

Councilor Villarreal said she brought up this issue because the title is talking about engineering services for road improvements only. However, in the packet there is more information about upgrading the water supply. In the future it would be helpful to have a bit more clear description for the item. She has no issues with the project. Nancy mentioned that this is two different items.

Ms. Long said she did indicate that as the Open Meeting Act requires, the agenda must be specific enough so the public is alerted to what you acting on. It seemed to be specific enough to her. There is some work being done on the affluent line. It is not in the roadway so there could be a question about that.

Councilor Villarreal said in the future please check to see how to clearly state the items. It also says it will be phased.

Mr. Kippenbrock said the roadway and affluent line will be looked at separately. They will give us options

Councilor Villarreal asked does it make sense to roll it into one contract.

Mr. Kippenbrock said yes, the same contractor will do both.

Councilor Villarreal said she just wanted clarity and to understand the scope of work.

Councilor Maestas said he saw in the caption that we referenced the RFP number. That helps. We should be more explicate in the future.

Chair Holian asked on the affluent line is there something wrong with it.

Mr. Kippenbrock said the wastewater provides water to MRC. They take it to the golf course. The golf course takes it to us. We felt it may be a good idea to connect to the loop as opposed to waiting until they are ready to provide us water. It is more for efficiency and convenience. We are at the evaluation phase. Ms. Romero at MRC is very helpful to us. We have not had issues until there has been so much heat and added another user, SWAN park.

Councilor Maestas said on the evaluation criteria do we use this criteria on all evaluations. On page 2 it lists the criteria and the weighting. There is one entitled Proximity To and Familiarity With the Agency. He has never seen proximity to an agency as a criteria. What are the advantages and can that be challenged. If there is a past record of performance then you have familiarity with the Agency. It is the proximity to that concerns me. It is only 10% but could be subjective. Is this criteria we would continue to use Nancy.

Mr. Kippenbrock said all the criteria, with exception of last one, are a requirement of PTAB. We have to list those but we can put any rating we want on those. Those are required.

Councilor Maestas asked is this the County's criteria as well.

Ms. Long said she has seen "familiarity with" in many RFPs.

Councilor Maestas said if you could look into that Nancy he would appreciate it.

Chair Holian said we Commissioners don't usually get involved in the details of RFPs.

Councilor Maestas said he is just concerned about it being defensible.

Commissioner Chavez said this has been standard practice and is based on guidelines the agency is required to use.

Mr. Kippenbrock said yes, that is correct.

Commissioner Chavez asked has this ever been challenged in the past.

Mr. Kippenbrock said no.

Councilor Harris said Exhibit A lists the two scopes of work and the amounts. The amount in the professional services agreement is wrong. It is on page 7 of the packet.

Chair Holian asked is the amount \$40,000 or \$42,000.

Councilor Harris said it is \$42,634. The Professional Services Agreement is incorrect.

Mr. Kippenbrock said you are correct Councilor Harris. We failed to update correctly.

Councilor Harris said he thinks it was just filled in incorrectly in the Professional Services Agreement.

Chair Holian said thank you Councilor Harris.

Commissioner Chavez said the caption is correct.

**MOTION** A motion was made by Councilor Maestas, seconded by Councilor Villarreal, to approve the item with the amendment to the amount included in the Professional Services Agreement and including the budget item

**VOTE** The motion passed unanimously by voice vote.

**C. REQUEST FOR APPROVAL OF SERVICES AGREEMENT WITH SPARKLE MAINTENANCE, INC. OF ALBUQUERQUE, NM, TO PROVIDE PROFESSIONAL CLEANING SERVICES FOR THE SANTA FE SOLID WASTE**

**MANAGEMENT AGENCY IN THE AMOUNT OF \$25,000.00 (RFB NO. '16/43/B).**

Councilor Villarreal said in terms of the cleaning crew why are City and County staff are not utilized.

Mr. Kippenbrock said currently we are using a private company after hours after 5:00 pm. We have been operating that way since last July. Before that we did the work in house but not very well so we contracted it out. This is the first time we have gone for a formal bidding .

Councilor Villarreal asked when it was done in house was it City or County staff.

Mr. Kippenbrock said no we did it through the Agency. It may be any of the blue collars we assign it to.

Councilor Villarreal said she could not find in the contract for this company where it states the time period.

Councilor Maestas said it is on page 5 and is one year at a time.

Councilor Villarreal asked is this a cheaper option than in house.

Mr. Kippenbrock said yes and it is also for health and sanitation purposes.

**MOTION** A motion was made by Councilor Villarreal, seconded by Councilor Maestas, to approve the item.

**VOTE** The motion passed unanimously by voice vote.

**D. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO EXTEND THE TERM AND INCREASE THE SERVICES AGREEMENT WITH RUSTY'S WEIGH SCALES AND SERVICE, INC. OF LUBBOCK, TX, FOR INDEFINITE AND ON-CALL TRUCK SCALE CALIBRATION, MAINTENANCE, AND REPAIR SERVICES FOR THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$12,000.00 (RFB NO. '15/16/B).**

Councilor Villarreal said she is looking at page 5 of the agreement and was curious if you could tell me the background of Amendment 1 and why it is so high this year.

Mr. Kippenbrock said originally we estimated \$87,356 under Amendment 1 for the new inbound waste system we had to replace. Amendment 2 is lower. We figured it will take it to 2017. It is for year 2 of the Agreement.

Councilor Villarreal said Exhibit A is the old agreement, right. This font on pages 10 and 11 is horrible to read. Can we look at making it bigger.

Mr. Kippenbrock said yes.

Councilor Villarreal said on page 4 of the services agreement, wouldn't the contract be 2016.

Ms. Long aid the reference is to the original agreement date. They don't have to change the date when referring to the original for an Amendment.

Councilor Villarreal asked on Exhibit A, any time there is an amendment do they have to rewrite their terms and conditions.

Mr. Kippenbrock said no, we refer to the original terms and conditions. The prices are the same.

**MOTION** A motion was made by Councilor Villarreal, seconded by Councilor Maestas to approve the item.

**VOTE** The motion was passed unanimously by voice vote.

#### **VIII. EXECUTIVE SESSION**

Chair Holian said we will now entertain a motion to enter into Executive Session to discuss solely the items listed below.

**MOTION** A motion was made by Councilor Villarreal, seconded by Chair Holian, to enter into Executive Session.

**VOTE** The motion passed unanimously by roll call vote.

Executive Session began at 5:38 pm.

Councilor Harris left the meeting telephonically.

- A. **DISCUSSION OF LIMITED PERSONNEL MATTERS REGARDING THE EXECUTIVE DIRECTOR, PURSUANT TO NMSA 1978 10-15-1 (H)(2).**
- B. **DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE SANTA FE SOLID WASTE MANAGEMENT AGENCY, INCLUDING, WITHOUT LIMITATION, THE LEASE OF THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION, PURSUANT TO NMSA 1978 10-15-1 (H)(8).**

**MOTION** A motion was made by Commissioner Roybal, seconded by Chair Holian to return from Executive Session.

**VOTE** The motion passed unanimously by voice vote.

The Board returned from Executive Session at 7:12 pm.

#### **IX. POSSIBLE ACTION(S) WITH RESPECT TO THE EMPLOYMENT AGREEMENT BETWEEN EXECUTIVE DIRECTOR RANDALL KIPPENBROCK**

**AND THE SANTA FE SOLID WASTE MANAGEMENT AGENCY.**

No action was taken.

**X. POSSIBLE ACTION(S) WITH RESPECT TO THE LEASE OF THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.**

No action was taken.

**XI. MATTERS FROM THE EXECUTIVE DIRECTOR**

None.

**XII. MATTERS FROM THE BOARD**

Councilor Villarreal asked is there a reason for us to continuously get the same forms every time in our packets. Do we need them.

Ms. Long said they are all attachments to RFPs. They are standard. They could be deleted from the packet. You don't need those.

**XIII. MATTERS FROM STAFF-AGENCY, CITY, COUNTY**

Mr. Schlachter said he would like to invite anyone who wants to be on our radio show to let him know.

Councilor Maestas said he wanted to thank everyone for waiting through the Executive Session.

**XIV. NEXT MEETING DATE: AUGUST 18, 2016**

**XV. ADJOURNMENT**

**MOTION** A motion was made by Commissioner Roybal, seconded by Chair Holian to adjourn.

**VOTE** The motion passed unanimously by voice vote.

