

AGENDA
SPECIAL MEETING
SANTA FE SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD

CITY CLERK'S OFFICE

DATE 8/25/14 TIME 11:57a

SERVED BY Rosalie Cardenas

RECEIVED BY [Signature]

AUGUST 28, 2014

2:00 P.M.

LEGAL CONFERENCE ROOM

SANTA FE COUNTY ADMINISTRATION BUILDING

102 GRANT AVENUE

SANTA FE, NM

I. Call to Order

II. Roll Call

III. Approval of Agenda

IV. Presentation

(A) Caja del Rio Landfill Presentation.

V. Consent Calendar

(A) Request for Approval to Award Bid '14/43/B to Enviroworks, LLC, of Edgewood, NM, Low Bidder, for the Cell 5B Liner Construction Project at the Caja del Rio Landfill in the Amount of \$997,532.78.

(1) Approval of Budget Increase to 52510.572970 (WIP - Cell 5B Construction) from 5500.100700 (Operating Fund Cash) in the Amount of \$997,532.78.

(B) Request for Approval to Purchase Aggregate for the Cell 5B Liner Construction Project Under the Construction Agreement with Del Hur Industries of Port Angeles, WA, in the Amount of \$200,000.00. (RFP No. '14/29/P)

(1) Approval of Budget Increase to 52510.572970 (WIP - Cell 5B Construction) from 5507.100700 (Cell Development Reserve Fund Cash) in the Amount of \$200,000.00.

(C) Request for Approval of Amendment No. 4 to the Professional Services Agreement with CDM Smith Inc. of Albuquerque, NM, to Provide Construction Quality Assurance Services for the Cell 5B Liner Construction Project in the Amount of \$125,602.00. (RFP No. '12/06/P)

(1) Approval of Budget Increase to 52510.572960 (WIP - Design) from 5507.100700 (Cell Development Reserve Fund Cash) in the Amount of \$125,602.00.

(D) Request for Approval to Purchase a Caterpillar 836K Landfill Compactor from Wagner Equipment Company of Albuquerque, NM, Under GSA Contract No. GS-30F-0018U for the Caja del Rio Landfill in the Amount of \$836,837.00.

- (1) Approval of Budget Increase to 52501.570500 (Capital Outlay - Machinery and Equipment) from 5502.100700 (Equipment Replacement Reserve Fund Cash Balance) in the Amount of \$836,837.00.

VI. Next Regular Meeting Date: Thursday, September 18, 2014

VII. Adjournment

Anyone needing further information or requiring special needs for the disabled should contact Rosalie Cardenas at (505) 424-1850, extension 150.

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JOINT POWERS BOARD MEETING
August 28, 2014

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**SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD SPECIAL MEETING
Legal Conference Room
Santa Fe County Courthouse
August 28, 2014**

I. CALL TO ORDER

A special meeting of the City and County of Santa Fe Solid Waste Management Agency Joint Powers Board (SWMA) was called to order by Commissioner Miguel Chavez, Chair, on Thursday, August 28, 2014, at approximately 2:20 p.m., in the Legal Conference Room, Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico.

II. ROLL CALL

MEMBERS PRESENT:

Commissioner Miguel Chavez, Chair
Commissioner Robert Anaya
Commissioner Kathy Holian

MEMBERS EXCUSED:

Councilor Joseph M. Maestas, Vice-Chair
Councilor Patti J. Bushee
Councilor Signe I. Lindell

STAFF PRESENT:

Randall Kippenbrock, Executive Director – SWMA
Angelica Salazar, SWMA
Justin Miller, Legal Counsel
Elizabeth Martin for Melessia Helberg, Stenographer

There was not a quorum of the membership in attendance, and the Chair opened the meeting for presentations and receiving reports.

Chair Chavez asked if the absent members are excused, and if there was a response from the request to attend this meeting today.

Mr. Kippenbrock said Councilor Lindell said she was unable to attend because she was out of town. He said Councilor Maestas called and said he was attending the Municipal League meeting. He said they did not hear from Councilor Bushee.

Chair Chavez asked if Councilor Maestas was available telephonically at the League meeting.

Mr. Kippenbrock said no.

III. APPROVAL OF THE AGENDA

No action was taken.

IV. PRESENTATION

A copy of an email dated August 27, 2014, to Randall Kippenbrock to Councilor Signe I. Lindell, is incorporated herewith to these minutes as Exhibit "1."

Chair Chavez said we have correspondence from one of our Board members [Exhibit "1"]. He asked Mr. Kippenbrock to "share that correspondence with us." He said, "If Legal wants to review it, he can. I would like to have some brief discussion about that correspondence from a Board member to the Executive Director."

Mr. Miller said he is unsure what the correspondence is.

Chair Chavez provided him with a copy of the correspondence, which he said is regarding this Board meeting, "and why it was scheduled and other issues."

Chair Chavez said, "And Randall, these were related to the items we have on the agenda today. Right."

Mr. Kippenbrock said, yes, the four of them, 5(A) through (D) yes.

Chair Chavez asked, "Did she question in any way the appropriateness of the meeting. Why it was scheduled and by who."

Mr. Kippenbrock said, "The initial thought, we identified at the last Board meeting was what was a sense of urgency. And, based on the extenuating circumstances, I was able to identify x number of items that should be approved immediately. I felt at the time these items that are on the Consent Calendar today, could be higher. The next day I reviewed the postponed items and determined that basically the liner construction is what we approved with the contractor, by delaying it, could ultimately see an increase in price. For the liner, typically, I'm not sure how they bid it. I've been working with our third party consultant, CDM Smith to help us with the bidder a little bit, and I'm not sure he can or if he is willing to go past 50 days. He did mention that because they locked in a price for the liner material in the bid, with the assumption that the bid would have been awarded last week on the twenty-first, it would give them plenty of time to get the contract executed and then go ahead and place the Order with them. [Inaudible] is dependent on oil prices, so that it is about a penny a pound more, and that's where the possible \$20,000 comes in. On the landfill compactor, it is similar. The price is increased because every year, usually in January sometime mid-year, Caterpillar will often adjust the price, and since the delivery will be deferred into 2015, it was estimated at about a 1% increase, and at the time he would guarantee if he can lock in the prices we had, if we waited until September 18, 2014, the next Board meeting."

Chair Chavez said he wants to focus on one paragraph of this letter, as follows. "In retrospect, I have should identified the above mentioned items as items needed for approval at the last meeting. And finally, as Executive Director, I do communicate with the Chairperson if I see there is a need for a special meeting. The last special meeting held by the Board was in December 2012."

Chair Chavez asked Mr. Kippenbrock if we have clearly identified policy and procedure for calling special meetings, and so did you follow that.

Mr. Kippenbrock said, "We do have our Resolution for the Open Meeting Act. And basically, the Chairperson has the ability to call for a special meeting."

Chair Chavez said, based on Mr. Kippenbrock's request, and he isn't going to second guess every step, and so I did that in this case, and Mr. Kippenbrock properly noticed the meeting as we would normally, so all of that was done.

Mr. Kippenbrock said, "Yes sir."

Chair Chavez said, "Okay, because I feel that neither you nor I have really been respected in this process, and it is hindering your ability to do your job, and I see that as very unfortunate. And that's just me talking. I don't know how the others feel, and I guess I'll leave it at that. I don't know what else to do or say."

Commissioner Holian said, "Just one possibility that I thought of, in looking at the agenda and realizing that these items are time sensitive, especially with regard to price, I'm wondering if we should, on the agenda, consider all the time sensitive items first, and maybe even put a time limit on discussion for each of them, 20 minutes or so, so if we run over 20 minutes we agree, okay we're going to postpone that for now, but we can go on to the other time sensitive items and get as many of them done in a specific meeting as possible."

Chair Chavez said, "I think we could add that, because we have changed the format of the agenda to include now a consent calendar. And so, Randall would put the time sensitive things on the top of the consent agenda, right, and we would hold to it."

Mr. Kippenbrock said, "Normally I do all that. I call them action items."

Chair Chavez said then those are on the top, and Mr. Kippenbrock said, "Generally, yes."

Chair Chavez said, "So now, they just want a consent calendar in the consent agenda form, for what's that's worth. And that was the request of Councilor Maestas. And I appreciate you accommodating him, because I thought maybe that would help, but we will see."

Chair Chavez continued, "So the other thing we need to do is to put a time limit on. At the last meeting I did do a time check, because we had spent an hour talking about these 3 items that we're here to discuss today, and not getting anywhere. So I had to point-blank ask the other members of the Board is there anything they are willing to approve on this agenda today. It kind of woke up Councilor Maestas a little bit. And he asked Randall at that point, if there is anything that is time sensitive. And it's a moving target, so he had to go through the agenda, and at that moment try to identify items that were time sensitive and overlooked these, because he's trying to deal with this dynamic that is getting in the way of him doing his job."

Chair Holian said, "Mr. Chair, I have another question. Do we have the ability on this Board to call the question."

Chair Chavez said, "I would think so, because, if you follow Robert's Rules of Order and there's a motion and a second, and discussion goes on indefinitely, one ought to be able to call the question. Right. I think we should be able to do that from time to time, but I guess it would depend on the group, but I guess some people don't like that. Please know we're all trying to do our best."

Commissioner Anaya said, "I apologize that I was not physically here in the meeting, but I was in an area where Chris and I had to go and deal with constituent issues. But I was in an area where I had cell service, and I don't know what happened."

Chair Chavez said, "We tried, but we couldn't get that to work."

Commissioner said, "I didn't get a voice message or anything. But is what I want to say is, if that happens again, I have email, text, phone on here. If you leave a message and send a text, we're at this number, take care of this, be here, I'll do what I have to. I apologize that I had to leave, but I spoke with you on the way out, and you said Commissioner Holian would be joining by phone. I don't know if you ever made it or not."

Mr. Kippenbrock said she had to go out of town and she said she was available if we didn't have a quorum.

Commissioner Anaya said, "I got you, so you didn't call in either, I guess."

Commissioner Holian said, "Well, I was waiting to see whether Randall called me."

Mr. Kippenbrock said we had a quorum.

Commissioner Anaya said, "That's fine we had a quorum, but I would have participated and maybe provided some feedback over the phone. If that happens again, even if there's a quorum, I'm going to do everything to be here physically. I will be happy to call back in, pull over to the side of the road, do whatever I have to do to get in touch with the meeting."

Chair Chavez said, "So if I could jump in, just on that point, then Randall, we may have to for the future lean on Chris a little bit more so that we can connect those dots. Because we're sitting here scrambling so it's a little dicey, but we can tighten that up just a little bit. Okay."

Commissioner Anaya said, "I guess, relative to the items, we did have a quorum, there was discussion, but I guess what I'm hearing is no votes were taken at all."

Chair Chavez said, "Only on the easy stuff. How many items did we approve on that agenda Randall, three or four."

Mr. Kippenbrock said "Five."

Commissioner Anaya said, "Then this is the balance of items in agenda."

Chair Chavez said, "No."

Mr. Kippenbrock said, "There were 16 items, and they approved five and the others were tabled."

Commissioner Anaya said, "Relative to what Commissioner Holian and Commissioner Holian are saying relative to timelines, are we just going to try to push up another special meeting that might be affected by [inaudible]."

Mr. Kippenbrock said correct.

Chair Chavez said, "In defense of one of the other board members who seems to be concerned about being fiscally conservative, you would think that this would get her attention. And I think being fiscally conservative applies to your time, to her time, to everybody's time in this room. Right. Even at that level, we're all trying to manage our time, but if we're spinning our wheels and wasting staffs' time and costing the City and the County money, then we are really derelict in our duties. Right."

Commissioner Anaya said, "I can't speak to or for any of the individual members of the board. Like I said, I want to participate, and couldn't physically be here. But going forward, I think if you let us know additionally in similar correspondence to what you did with the Councilor, and keep us in the fold as you have and emphasize, as the Chairman has said, the fiscal impacts or other impacts that non-decision making would have. Like I said, I don't speak to or for them. So I guess, we don't have a quorum."

Chair Chavez said the only thing we can do is schedule another meeting. He asked, "Can we turn these packets in."

Mr. Kippenbrock asked the members in attendance to check their calendars for availability for a future meeting.

Chair Chavez said, "Schedule it around everyone else's schedule. I'll be here. I'm 10 to 15 minutes away."

Commissioner Holian said, "My schedule is pretty clear. Any day except Tuesday of next week."

Mr. Kippenbrock said "Well we are probably be looking at next Thursday, to give 72 hour notice."

Commissioner Holian said she will be here.

Mr. Kippenbrock said he will check with the City Councilors.

Commissioner Holian asked about September 4th.

Mr. Kippenbrock said, "We have the evaluation on the fourth, so it will have to be 4:00 p.m. We have to see if the room is available."

Chair Chavez asked what evaluation he is talking about.

Mr. Kippenbrock said it is the RFP for the Transfer Station we are permitting, noting "we are going to have to get that lined up."

A. CAJA DEL RIO LANDFILL PRESENTATION

V. CONSENT CALENDAR

(A) REQUEST FOR APPROVAL TO AWARD BID 14/43/B TO ENVIROWORKS, LLC, OF EDGEWOOD, NM, LOW BIDDER, FOR THE CELL 5B LINER CONSTRUCTION PROJECT AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$997,532.78.

(1) APPROVAL OF BUDGET INCREASE TO 52510.572970 (WIP – CELL 5B CONSTRUCTION) FROM 5500.100700 (OPERATING FUND CASH) IN THE AMOUNT OF \$997,532.78.

No action was taken.

(B) REQUEST FOR APPROVAL TO PURCHASE AGGREGATE FOR THE CELL 5B LINER CONSTRUCTION PROJECT UNDER THE CONSTRUCTION AGREEMENT WITH DEL HUR INDUSTRIES OF PORT ANGELES, WA, IN THE AMOUNT OF \$200,000. (RFP NO. 14/29/0

(1) APPROVAL OF BUDGET INCREASE TO 52510.572960 (WIP – CELL 5B CONSTRUCTION) FROM 5500.100700 (CELL DEVELOPMENT RESERVE FUND CASH) IN THE AMOUNT OF \$200,000.00.

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- (D) REQUEST FOR APPROVAL TO PURCHASE A CATERPILLAR 836K LANDFILL COMPACTOR FROM WAGNER EQUIPMENT COMPANY OF ALBUQUERQUE, NM, UNDER GSA CONTRACT NO. GS-30F-0018U FOR THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$836,837.00.
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No action was taken.


VI. NEXT REGULAR MEETING DATE – THURSDAY, SEPTEMBER 18, 2014

VII. ADJOURNMENT

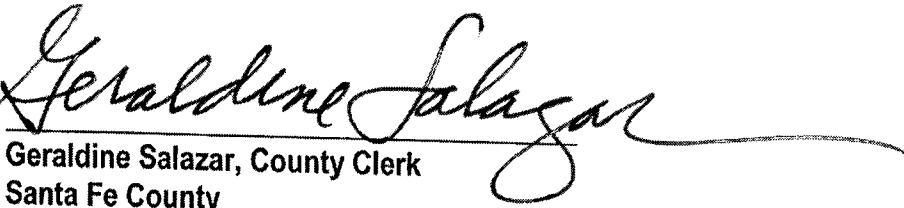
Commissioner Holian thanked everybody for coming to the meeting and for wasting their valuable time.

The meeting was adjourned at approximately 2:40 p.m., with no votes being taken or official business being transacted.

APPROVED BY:


Miguel Chavez, Chair


ATTESTED TO:


Geraldine Salazar, County Clerk
Santa Fe County

1-20-2015



SUBMITTED BY:


Melessia Helberg, Board Stenographer



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SOLID WASTE MINUTES
PAGES: 11

I Hereby Certify That This Instrument Was Filed for
Record On The 20TH Day Of January, 2015 at 02:55:28 PM
And Was Duly Recorded as Instrument # 1755359
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy  Geraldine Salazar
County Clerk, Santa Fe, NM

RECEIVED
JAN 22 2015

Randall Kippenbrock

From: LINDELL, SIGNE I. <silindell@ci.santa-fe.nm.us>
Sent: Wednesday, August 27, 2014 4:19 PM
To: Randall Kippenbrock
Subject: RE: Special Joint Powers Board Meeting

I would like to schedule a tour of the facility. I will be in touch with you next week. I am traveling for a few days starting tomorrow.

Signe

From: Randall Kippenbrock [mailto:RKippenbrock@sfswwa.org]
Sent: Tuesday, August 26, 2014 4:24 PM
To: LINDELL, SIGNE I.
Subject: RE: Special Joint Powers Board Meeting

Dear Signe,

Hope things are going well for you. Yes at the last Board meeting I identified all items that clearly needed approval. However, the next day I reviewed the postponed items and determined the items related to the Cell 5B construction and the purchase of the landfill compactor should not wait until the next regular meeting on September 18th. Bids for RFB 15/04/B were received on July 11th and are good for 60 days. Also, the low bidder indicated that they have locked in prices for the geo synthetic materials until September 5th with the assumption that the bid would be awarded at the August 21st as per bid schedule. Based on the liner subcontractor for the low bidder our consultant calculated that the potential increase in cost could be approximately \$20,000. However, we could hold them to honor their bid until September 11th. After September 11th we may be forced to rebid the project particularly if the low bidder decided to withdraw its bid since the second low bid is \$137,934 higher. Both bidders have the same liner subcontractor. At the time of the meeting my thought was that we have 90 days not 60 days to hold the bids. By approving the bid we will also need to approve the two related items – purchasing of aggregate for the liner project and 3rd party CQA. All three items go hand in hand. I learned that the liner subcontractor has other landfill liner jobs in New Mexico that it needs to coordinate. Finally, it is best to install the liner when the weather is still decent up until mid-November.

In regard to the purchasing of the landfill compactor, the vendor's quote is valid for 30 days until August 29th even though I don't think that should not be an issue. Instead with the 5-month lead time to build the machine it could lead to a 1% increase in price or about \$11,000 due to a later delivery in 2015.

In retrospect, I should have identified the above mentioned items as items needed for approval at the last meeting. And finally, as executive director I do communicate with the chairperson if I see there is a need for a special meeting. The last special meeting held by the Board was December 2012.

I am available on a short notice to give you a tour of the landfill and BuRRT to give you a better understanding on how the facilities operate. Typically, tours for past board members have lasted about 2 hours. It is best to tour during the week so that you can see the full dynamic of the landfill and BuRRT.

Hope this helps.

Sincerely,

Randall