

City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 5/31/12 TIME 9:45

STEW BY Stephanie Lopez

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FILED CLERK RECORDED 5/31/12

AMENDED AGENDA

**THE CITY OF SANTA FE
And
SANTA FE COUNTY**

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, JUNE 7, 2012

4:00 PM

CITY HALL

CITY COUNCIL CHAMBERS

200 Lincoln Avenue

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES FOR THE APRIL 5, 2012 BUCKMAN
DIRECT DIVERSION BOARD MEETING**
5. **APPROVAL OF CONSENT AGENDA**
6. **MATTERS FROM STAFF**

CONSENT AGENDA

None

DISCUSSION AND ACTION ITEMS

7. Request for consideration and possible action to change the date of the July Buckman Direct Diversion Board Meeting from July 5, 2012 to July 12, 2012. (Stephanie Lopez)

8. Request for Approval to Procure Laboratory Services from Seven (7) Vendors in the Amount Not to Exceed \$280,000 Inclusive of NMGRT Under the State Price Agreement 10-805-00-06789. (Erika Schwender)
9. Request for approval of Amendment No. 1 to the Legal Services Agreement With Long, Pound & Komer for one additional year in an amount not to exceed \$100,000 Exclusive of NMGRT. (Bob Mulvey)
10. Request for approval of Amendment No. 1 to the Professional Services Agreement with Chavez Security for security services for one additional year in an amount not to exceed \$159,000 Exclusive of NMGRT. (Bob Mulvey)
11. Request for approval of contract for insurance with Travelers Insurance for BDD policies including Real Property in an amount not to exceed \$151,690 Exclusive of NMGRT. (Bob Mulvey)
12. Discussion and request for direction on an amendment to the BDD Project FOPA following the sale of Las Campanas, LP assets. (Bob Mulvey)

INFORMATIONAL ITEMS:

None

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, JULY 5, 2012 @ 4:00 P.M.

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

2012 JUL 5 PM 4:00
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City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 5/30/12 TIME 2:00

PREPARED BY Stephanie Lopez

RECEIVED BY R. Lopez



REC'D CLERK RECORDED 05/06/2012

AGENDA

THE CITY OF SANTA FE

And

SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, JUNE 7, 2012

4:00 PM

CITY HALL

CITY COUNCIL CHAMBERS

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CONSENT AGENDA

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9. Request for approval of Amendment No. 1 to the Legal Services Agreement With Long, Pound & Komer for one additional year in an amount not to exceed \$100,000 Exclusive of NMGRT. (Bob Mulvey)
10. Request for approval to purchase Water Treatment Chemicals from various vendors. (Bob Mulvey) (MEMO WITH FINAL NUMBERS TO BE E-MAILED TO BDD PRIOR TO MEETING)
11. Request for approval of Amendment No. 1 to the Professional Services Agreement with Chavez Security for security services for one additional year in an amount not to exceed \$159,000 Exclusive of NMGRT. (Bob Mulvey)
12. Request for approval of contract for insurance with Travelers Insurance for BDD policies including Real Property in an amount not to exceed \$151,690 Exclusive of NMGRT. (Bob Mulvey)
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MATTERS FROM THE BOARD

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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 11

I Hereby Certify That This Instrument Was Filed for
Record On The 6TH Day Of September, 2012 at 09:07:58 AM
And Was Duly Recorded as Instrument # 1680605
Of The Records Of Santa Fe County

Deputy Marcella [Signature] Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

MINUTES OF THE
THE CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD MEETING

June 7, 2012

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Chris Calvert, Chair, at 4:05 p.m. in the Santa Fe County Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Councilor Chris Calvert, Chair
Ms. Consuelo Bokum
Commissioner Kathy Holian
Councilor Carmichael Dominguez

Member(s) Excused:

Commissioner Liz Stefanics

BDD Support Staff Present:

Robert Mulvey, Facility Manager
Nancy Long, BDD Board Consulting Attorney
Steve Ross, Santa Fe County Attorney
Marcos Martinez, Santa Fe City Attorney
Stephanie Lopez, Staff Liaison
Teresita Garcia, City Finance Department
Mel Morgan, City Finance Department
Erika Schwender, BDD staff
Gary Durrant, BDD staff
Kimberly Block, BDD staff

3. APPROVAL OF AGENDA

[Exhibit 1: Agenda]

ROBERT MULVEY (BDD Manager): Councilor Calvert, we had a couple of changes. For item #10, which is the Chavez Security agreement, I just wanted to make

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a correction there. The number should be \$159,900 instead of \$159,000. So that would read: Request for approval of amendment #1 to the professional services agreement for security services for one additional year in an amount not to exceed \$159,900.

CHAIR CALVERT: Okay.

MR. MULVEY: And the second change is, we've had some recent discussions with the parties and we believe it's premature to put item #12 on the agenda at this time so we wish to pull that item.

CHAIR CALVERT: Okay. So we'll move it to July, tentatively, and see how that works. Okay, any changes from the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the agenda with the suggested amendments.

CHAIR CALVERT: Okay.

MEMBER BOKUM: Second.

CHAIR CALVERT: Any further discussion?

The motion passed by unanimous [3-0] voice vote.

4. APPROVAL OF MINUTES: April 5, 2012

Commissioner Holian moved approval of the minutes and her motion was seconded by Member Bokum. The minutes were unanimously [3-0] approved as published.

5. APPROVAL OF CONSENT AGENDA

There were no matters under the Consent Agenda.

6. MATTERS FROM STAFF

MR. MULVEY: Mr. Chair, I have one matter. Erika Schwender is in the audience. Erika, would you please stand up? Erika is our environmental compliance officer at the BDD and she recently received her certificate as a certified environmental professional from the Academy of Certified Environmental Professionals. The academy is the lead organization for certifying environmental professionals in the United States and applies a certification process approved by the Council of Engineering and the Scientific Specialty Board. The CRP certification exceeds the requirements of the US EPA's definition of environmental professionals and conforms to ASTN's requirements for conducting phase 1 environmental site evaluations. This is a very stringent requirement that she has met and we're very proud of her accomplishment here so we'd just like to recognize her at this meeting.

CHAIR CALVERT: Congratulations.

DISCUSSION AND ACTION ITEMS

7. Request for consideration and possible action to change the date of the July Buckman Direct Diversion Board meeting from July 5, 2012 to July 12, 2012

STEPHANIE LOPEZ (Staff Liaison): Staff had asked that I put this on the agenda just I guess to see what Board members may or may not be here on July 5th. Fourth of July lands on Wednesday so we weren't sure whether people would be in town or out of town so we thought we'd just bring it, put it on the agenda here and kind of think ahead in case we need to reschedule it.

CHAIR CALVERT: Is it going to be a problem for anybody? I don't want to change it because if you change it it ends up conflicting with the Energy Task Force if we have it.

COMMISSIONER HOLIAN: Yes, I would prefer not to change it either.

MS. LOPEZ: Okay.

CHAIR CALVERT: So we'll stick with the 5th.

MS. LOPEZ: Thank you.

CHAIR CALVERT: Welcome, Councilor Dominguez.

8. Request for approval to procure laboratory services from seven vendors in an amount not to exceed \$280,000, inclusive of NMGR under the State price agreement 10-805-00-06789

MR. MULVEY: Mr. Chair, Erika is here to answer questions if necessary, but I'll just start this off. We have an ongoing need at the BDD for laboratory testing services. We researched the State price agreement and found out that they had recently awarded a contract to seven firms. Hall Environmental Analysis Laboratories is one of those firms who we use extensively. By attaching onto this agreement we are going to realize a five percent savings over our current testing costs for a minimum savings of about \$13,000 a year, so we felt it was good business to just go ahead and take advantage of this contract and just get our testing done that way.

CHAIR CALVERT: Okay. Any questions from the committee?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER HOLIAN: So these are the same companies that you were using before, it's just that you're going through a different price agreement with them?

MR. MULVEY: Commissioner Holian, yes, that's correct. We use Hall environmental for the lion's share of our testing and we would continue to do that under this agreement. If there were any workload conflicts or if there was any specialty analysis that Hall couldn't use then we would use the remaining companies as overflow.

COMMISSIONER HOLIAN: Thank you.

CHAIR CALVERT: Okay.

COUNCILOR DOMINGUEZ: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIR CALVERT: Any further discussion?

The motion passed by unanimous [4-0] voice vote.

9. Request for approval of amendment #1 to the legal services agreement with Long, Pound and Komer for one additional year in the amount not to exceed \$100,000 exclusive of NMGRT

MR. MULVEY: Mr. Chair, yes. Last year, as you'll recall, we issued an RFP for legal services. Long, Pound and Komer ranked highest in that evaluation and so we've shown here some of the scope items that Long, Pound and Komer provides for the Board and we would like to extend this contract for another year. We looked at the current number of hours that are being spent under this contract and we're right in line this year with what we expected to spend, so we expect next year another \$100,000 will cover the Board's needs.

CHAIR CALVERT: Okay. So we've got this aligned with the fiscal year now? Is that correct?

MR. MULVEY: That's exactly correct.

CHAIR CALVERT: Okay. Any questions?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

MEMBER BOKUM: Second.

COUNCILOR DOMINGUEZ: Mr. Chair, I have a question.

CHAIR CALVERT: Sure. Under discussion.

MEMBER BOKUM: Is this the second yea?

MR. MULVEY: That's correct. This is the second year of a four-year.

CHAIR CALVERT: Okay. Any further discussion?

The motion passed by unanimous [4-0] voice vote.

10. Request for approval of amendment #1 to the professional services agreement for security services for one additional year in an amount not to exceed \$159,900

CHAIR CALVERT: Okay.

MR. MULVEY: Chavez is currently providing security services at the BDD. We've worked with them very closely over the last year to sort of define the needs. The security services that we require are somewhat unique in that the firm is operating in a very remote, rugged area of the state and there are certain encounters with the public that they routinely deal with. We work closely with them on how to deal with those types of encounters, how to communicate with us after hours over issues, how to escort our staff to the facilities after dark, so they're doing a very good job and we'd like to extend the contract.

We've also just for comparison done a brief market analysis whereby we obtained some contracts from the State of New Mexico for security services and compared our

level of services and prices to some of the current contracts that are out there for security and we feel that their rate is in line with the service that they are providing.

CHAIR CALVERT: It's kind of hard to compare some of these, like patrols performed by golf cart. Doesn't really –

MR. MULVEY: It was the best we could do.

CHAIR CALVERT: Any questions or concerns from the committee, from the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COUNCILOR DOMINGUEZ: Second.

CHAIR CALVERT: Any further discussion?

The motion passed by unanimous [4-0] voice vote.

11. Request for approval of contract for insurance with Travelers Insurance for BCC policies, including real property in an amount not to exceed \$151,690 exclusive of NMGR

MR. MULVEY: Okay. The joint powers agreement requires that the Board carry it's own insurance, separate and apart from the City of Santa Fe. Last year the Board retained Daniels Insurance as the broker of record to go out and procure insurance services for the Board. At that time Daniels placed policies – auto policies, property insurance, commercial general liability and directors/officers liability and an umbrella liability under the Board's name. The second part of their effort was to go out and remarket those existing policies and add the real property coverage to the account as well.

On the second page of the memo we show the comparative bids. Daniels received bids from Travelers and One Beacon Insurance. We show the components of those bids along with the bottom line number, and then I'd just like to briefly take you through some of the differences. In the second table on your sheet the amount of real property coverage was increased from \$150,000,000 to \$154,500,000 in order to accommodate increasing replacement costs.

The premium per million dollars of coverage is going to go up seven percent, from \$816/million dollars of coverage to \$888, but we are going to be getting better coverage under this. The personal property deductible will go from \$75,000 down to \$1,000. For flood and earthquake coverage there's currently a million dollars of shared limits. In other words, the entire City and the BDD had a million dollars of shared limits under the existing policy. By moving to this new policy and separating it out the BDD will realize the benefit of \$1 million of non-shared limits.

The flood deductible decreases from \$75,000 to \$25,000.

COUNCILOR DOMINGUEZ: Mr. Chair, just a question on that point.

CHAIR CALVERT: Sure.

COUNCILOR DOMINGUEZ: Can you explain a little bit about the difference between shared and non-shared?

MR. MULVEY: Yes. And Twig Segura from Daniels is here. I'll give it my best shot and if I can't cover it – essentially, the City and the BDD under the existing

policy share the entire one million dollar amount of coverage. So if there was an earthquake and the City facilities were damaged and the BDD facilities were damaged we would have to share that one million dollars of coverage. So that may leave a smaller portion available to the BDD. Under this new policy the BDD gets the benefit of that entire million, so it's split out from the current coverage.

And then the earthquake deductible goes from \$75,000 to \$25,000 as well, so there's a reduction there, and the business income extra expense coverage – in other words if we had a catastrophic event whereby the City could no longer sell water and get revenue from those water sales this part of the policy would cover that and again, the limit goes from shared limits to non-shared limits.

CHAIR CALVERT: Okay.

MR. MULVEY: So overall, we have a better policy. It's slightly more expensive but we believe that this is a good deal for the Board.

CHAIR CALVERT: And is that extra approximately \$72,000 – is that something that you can handle in the budget?

MR. MULVEY: Mr. Chair, absolutely. Our budget for this is \$205,650, so we're well under budget on this. It's shown at the bottom of your page.

CHAIR CALVERT: Okay. Any questions from the Board?

COUNCILOR DOMINGUEZ: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR CALVERT: Any further discussion?

The motion passed by unanimous [4-0] voice vote.

CHAIR CALVERT: Okay. Item 12 has been moved to the next meeting.

INFORMATIONAL ITEMS

None were scheduled.

MATTERS FROM THE PUBLIC

None were offered.

MATTERS FROM THE BOARD

CHAIR CALVERT: Anybody on the Board have anything? Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Just real quick, Mr. Chair. I apologize for being late. Number 7, did we go ahead and move that to July 12th?

CHAIR CALVERT: No, we're sticking with the July 5th.

COUNCILOR DOMINGUEZ: So we're going to stay July 5th. I'll do my best to be here.

5th.

CHAIR CALVERT: We made sure we have a quorum commitment on the

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair.

NEXT MEETING: July 5, 2012 @4:00 P.M.

ADJOURNMENT

Having completed the agenda, Chair Calvert was declared this meeting adjourned at approximately 4:25 p.m.

Approved by:


Chris Calvert, Board Chair

Respectfully submitted:

Debbie Doyle, Wordswork

FILED BY:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

ATTEST TO:

SEAL


YOLANDA VIGIL
SANTA FE CITY CLERK

REC'D - CIVIL RIGHTS DIVISION
JUL 10 2012