



# Agenda

DATE 7/21/10 TIME 2:35p  
SERVED BY Belli Mossman  
RECEIVED BY [Signature]

**PUBLIC WORKS/CIP & LAND USE  
COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
MONDAY, JULY 26, 2010  
5:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM JULY 12, 2010 PUBLIC WORKS COMMITTEE MEETING

**INFORMATION**

6. UPDATE ON COLLEGE OF SANTA FE (**LEE M. DEPIETRO**)
7. UPDATE ON PURCHASING/PROCUREMENT ISSUES (**ROBERT RODARTE**)
8. UPDATE ON 2010 CIP BOND ISSUE (**ROBERT ROMERO**)

**CONSENT AGENDA**

9. REQUEST FOR APPROVAL AND ADOPTION OF THE EMERGENCY OPERATIONS PLAN (**SEVASTIAN GURULE**)

**Committee Review:**

Finance Committee (Scheduled)	8/02/10
Council (Scheduled)	8/11/10

10. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING RESOLUTION NO. 2010-33 REGARDING THE BICYCLE AND TRAIL ADVISORY COMMITTEE IN ORDER TO AUTHORIZE SUBCOMMITTEES (**COUNCILOR BUSHEE**) (**ROBERT SIQUEIROS**)

**Committee Review:**

Bicycle & Trails Advisory Committee (Scheduled)	7/22/10
Finance Committee (Scheduled)	8/02/10
Council (Scheduled)	8/11/10

11. REQUEST FOR APPROVAL OF AN ORDINANCE RATIFYING A LEASE BETWEEN THE CITY OF SANTA FE AND NVT LICENSES, LLC, FOR APPROXIMATELY 11.463 ACRES OF CITY-OWNED LAND LOCATED AT THE SANTA FE MUNICIPAL AIRPORT TO BE USED FOR THE CONSTRUCTION OF A PHOTOVOLTAIC ELECTRICAL SYSTEM BENEFITING THE WASTEWATER MANAGEMENT DIVISION **(COUNCILOR CALVERT) (JIM MONTMAN)**
- REQUEST FOR APPROVAL OF LEASE AGREEMENT – 11.463 ACRES OF AIRPORT LAND FOR THE PURPOSE OF CONSTRUCTION AND MAINTAINING A PHOTOVOLTAIC SYSTEM FOR SUPPLYING ELECTRICAL ENERGY OUTPUT BENEFITING THE WASTEWATER MANAGEMENT DIVISION **(JIM MONTMAN)**

**Committee Review:**

Finance Committee (Approved)	7/19/10
Council (Request to Publish)	7/28/10
Council (Public Hearing)	8/25/10

12. MATTERS FROM STAFF
13. MATTERS FROM THE COMMITTEE
14. NEXT MEETING: MONDAY, AUGUST 9, 2010
15. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520  
five (5) working days prior to meeting date

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### **PUBLIC WORK, CIP & LAND USE COMMITTEE**

July 26, 2010

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**MINUTES OF THE**  
**CITY OF SANTA FE**  
**PUBLIC WORKS/CIP & LAND USE COMMITTEE**

**MONDAY, JULY 26, 2010**

**1. CALL TO ORDER**

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Chair Carmichael Dominguez at approximately 5:15 p.m. in City Council Chambers, City Hall, 200 Lincoln, Santa Fe, New Mexico

**2. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBER PRESENT:**

Councilor Carmichael Dominguez, Chair  
Councilor Christopher Calvert  
Councilor Miguel Chávez  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

**MEMBERS ABSENT:**

**STAFF PRESENT:**

Mr. Ike Pino, Public Works Director  
Ms. Bobbi Mossman, Public Works Staff

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Public Works Department.**

**3. APPROVAL OF AGENDA**

Councilor Romero moved to approve the agenda as presented. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

#### **4. APPROVAL OF CONSENT AGENDA**

Councilor Calvert requested that item 11 be moved from the Consent Agenda to the Discussion Agenda just to make some corrections as indicated in a document on their desks so it could move on. He also asked that it be considered immediately after #5 and before the Information Items so that staff could be released and not have to remain for those items.

**Councilor Calvert moved to approve the Consent Agenda as amended. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

#### **5. APPROVAL OF MINUTES FROM JULY 12, 2010 PUBLIC WORKS COMMITTEE MEETING.**

**Councilor Calvert moved to approve the minutes of the July 12, 2010 Public Works Committee Meeting as presented. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.**

#### **11. REQUEST FOR APPROVAL OF AN ORDINANCE RATIFYING A LEASE BETWEEN THE CITY OF SANTA FE AND NVT LICENSES, LLC, FOR APPROXIMATELY 11.463 ACRES OF CITY OWNED LAND LOCATED AT THE SANTA FE MUNICIPAL AIRPORT TO BE USED FOR THE CONSTRUCTION OF A PHOTOVOLTAIC ELECTRICAL SYSTEM BENEFITING THE WASTEWATER MANAGEMENT DIVISION (COUNCILOR CALVERT) (JIM MONTMAN)**

- **REQUEST FOR APPROVAL OF LEASE AGREEMENT – 11.463 ACRES OF AIRPORT LAND FOR THE PURPOSE OF CONSTRUCTION AND MAINTAINING A PHOTOVOLTAIC SYSTEM FOR SUPPLYING ELECTRICAL ENERGY OUTPUT BENEFITING THE WASTEWATER MANAGEMENT DIVISION (JIM MONTMAN)**

##### **Committee Review:**

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Mr. Montman explained that there was an administrative change that needed to be made to a number of the documents. There was a late change in the number of acres in the project from 11.463 to 12.555 acres. That would echo through the lease agreement and the proposed ordinance so what was before the Committee were four documents that would make those changes.

Councilor Calvert asked if the map would also change. Mr. Montman agreed. That was the last document.

**Councilor Calvert moved to approve the request with those amendments. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

## **INFORMATION**

### **6. UPDATE ON COLLEGE OF SANTA FE (LEE M. DEPIETRO)**

Ms. Depietro apologized for not being present at the previous meeting. She distributed a packet to the Committee so they would have a point of reference for her presentation at this meeting.

Chair Dominguez clarified that this was actually as a result of the last update they had.

Ms. Depietro agreed and said this was not in their packet but was important as a point of reference. She noted her last presentation to Public Works was on June 7<sup>th</sup> and the focus was financial. She shared what monies had been used for deferred maintenance and what monies had been used for the electrical fund and projections to the end of the first year of the lease with Laureate (September 15). She included a copy of that in the packet she handed out.

As a result of that presentation, she had several questions from the Committee and constructed a letter to Laureate. She sent the letter on June 7<sup>th</sup> after her presentation and the questions raised. She received a response on July 6<sup>th</sup> (from Larry Hines and included in the packet, pages 2-4).

She offered to go through each of the twelve responses from him if the Committee wanted or to answer questions if the Committee members had sufficient time to review the letter regarding the responses or lack of responses she received.

Councilor Calvert commented on number ten where it said "these efforts are being coordinated through the Mayor and Councilor Wurzbarger's office." He felt it would be better if all the Committee members could be apprised of what was going on. He clarified that it was nothing against the Mayor and the Mayor Pro Tem but if they didn't pass that along then none of the other Councilors would get that information. If everyone was kept abreast of what was going on then the Committee would not need as many of these updates.

Councilor Chávez asked her to remind him of what the new name for the College of Santa Fe was.

Ms. Depietro said the proposed new name was the Santa Fe University of Art and Design.

Councilor Chávez asked if that had already been formalized or finalized.

Ms. Depietro referred him to the packet she handed out, page 6, where she emailed Larry Hines regarding the name change that in Section 2.11 of the lease, it outlined the process to request a name change. And to date, the City staff had not received any report or any formal written request for a name change.

Councilor Romero understood it was in the process.

Ms. Depietro said she sent out a reminder and provided information on where this was in the lease and was awaiting a response.

Councilor Chávez asked for clarification - they had to request. The request had to come from them and not from the City.

Ms. Depietro said that was correct.

Councilor Chávez asked if the request was in or not.

Ms. Depietro said the request had not been received. She restated that the email she sent to Larry Hines was on page 6 of the packet. It requested that he make the request and reminded him of the lease clause that set forth the procedure to obtain Council approval for the name change.

Councilor Romero recalled that the Council agreed that any change to the name that it would come through the Council and it needed to have an application submitted to Council for its decision. It was up to the Council to decide if the name would be accepted.

Councilor Trujillo wondered what had happened to the scholarship program. He noted that the fall semester would be starting next month.

Ms. Depietro said that in the packet was a draft of the outline for the City's criteria for the scholarship. When there was no quorum about four weeks ago it was discussed a little. It was in the packet originally. Under the lease agreement there were to be three scholarships. One was a Governor's scholarship, one was a City Council scholarship and one was a Christian Brothers' scholarship. The Brothers decided not to offer a scholarship in their name so the third one would be another City scholarship.

In the packet on page 8 was an outline of what the City criteria would be. She distributed an update to it regarding what it would require to retain the scholarship by the student. It was slightly different. Statements 1 - 3 were the same and had not changed. Number 4 was revised. Number 5 had not changed. Number 6 was expanded; number 7 was new and 1 and 2 were new for retaining the scholarship.

She explained that Kathy McCormick had pulled this together with Laureate and the State. She had looked at what other universities had for their criteria and was incorporated into this document. It was reviewed by the City Business & Quality of Life Committee and the one she just handed out had the changes by that committee in it.

Councilor Romero asked when the scholarship was supposed to start.

Ms. Depietro said it would start in the fall of this year.

Councilor noted that number 7 said it would be referred by the College to the City and asked which

Committee or which Department would receive it.

Ms. Depietro said they were late on it. On Friday she received a package from the College that had applications for the scholarship at the College. There seemed to be a discrepancy in what they thought the criteria were and this was the first time the Committee had seen the criteria. So she just set the applications aside. She was waiting for it to go through the process to decide what the criteria were and then the Council would vet the applications for applicability of the scholarship and then the Governing Body would make the selections. But because they were so late, she thought it might be better to think about having the scholarships start in January at the spring semester. She assumed they were in perpetuity.

Ms. Depietro said they were annual scholarships.

Councilor Romero said they would just be a semester behind but the scholarship could go into the summer also. She thought it was too late to let the kids know they could get a scholarship for the fall when school would start in three weeks.

Ms. Depietro said commencement would be August 30<sup>th</sup> and the University had a completely open enrollment. She said she would need to "circle back with them" because they indicated they had already been advertising those scholarships. It was not clear to her on the website that they were so well defined but that they were offering them and would select recipients of them. She wanted to get their input on where they were and whether or not they would really be impeded by the City taking thirty days to decide on the criteria would be.

Councilor Trujillo asked if they could have the criteria ready before the fall semester began. That was the promise the Council wanted to be able to give the scholarships in September.

Ms. Depietro agreed. Staff was working toward that and the College was advertising the scholarships already. So if this met with the Committee's approval on the criteria, she would then go to Finance and the Governing Body to get it approved.

Councilor Trujillo reminded her that it was not an action item on this agenda.

Chair Dominguez agreed they needed to have it as an action item to approve it.

Councilor Calvert suggested that if time was of the essence, the Committee could just move it forward and give approval at Council or other committees.

His concern was what criteria they were using in their advertising. He wasn't sure people would understand the availability of them. He thought it would end up that the only people who were eligible would be those who were enrolling at the College of Santa Fe anyway. Otherwise it probably was too late.

Chair Dominguez wanted to know what caused the delay. He knew it had been at BQL before.



Ms. Depietro said it was at BQL in January 2010. She admitted it was probably just dropped by her Department.

In response to Councilor Calvert, she said there would be a reduction in tuition for someone living in the City or the County. But that was in addition to the scholarship. She thought Laureate had advertised that pretty clearly and that people were applying for it.

She agreed to get clear on these criteria.

Councilor Calvert asked with what criteria they were advertising it. People might think they qualified and might not.

Ms. Depietro said there were two separate scholarships. In the lease agreement, this was one tuition-free four-year scholarship. But also in the lease agreement was a scholarship for those who lived in the City and students who lived in the county and state. Those were two separate things.

Councilor Calvert asked which one they were advertising.

Ms. Depietro said she would follow up on that. She said she had sent a separate email asking what criteria they had received from the State and had not received a response.

Councilor Trujillo pointed out that for the Governor's scholarship, the present governor would probably like to see that awarded soon because this would be his last opportunity this fall.

He added that if there were two thousand graduating seniors that would mean that only a hundred could even be considered because that would be the top 5% of the graduating population. Then if it was pared down by the ACT score and the income regulation, it would be a really small field from which to pick one. So he felt it would not be as daunting as it might seem.

Ms. Depietro clarified that number 4 was no longer reflective of that piece. It was actually revised at the suggestion of BQL so it was made broader. The original draft in December had it more restrictive.

Councilor Trujillo felt the 20% certainly did broaden it but the honor roll narrowed it back down again.

Councilor Chávez asked what dollar value the scholarship had.

Ms. Depietro said it was somewhere between \$80,000 and \$100,000 for the four years.

Councilor Chávez asked if the two city scholarships would be the City's portion.

Ms. Depietro explained that it was not the City's portion because the scholarships were being awarded by the Governing Body but the college was actually paying for those scholarships.

Councilor Chávez understood that the City was just identifying the criteria so there was no fiscal impact to the City.

Ms. Depietro agreed.

Councilor Chávez referred to number three that said the recipient had to graduate from a Santa Fe County high school and he didn't know that Santa Fe County had any high schools but there were high schools within Santa Fe County.

Ms. Depietro agreed it should say from a high school within Santa Fe County.

Councilor Trujillo asked if a motion was needed to move this onto Finance or if it would just go to Finance directly.

Chair Dominguez said it would just go on to Finance without a motion.

Councilor Romero said it appeared there was only one change and that was to number 3 and they could recommend it to Finance with those changes without voting on it and recommending the final draft which is what she wanted to recommend.

Chair Dominguez wanted to be sensitive to 6, 7, 8 and 9 and explain a little bit more what the goal was. The rest didn't allow itself to the transparency the Governing Body was looking for. They needed to their best to reach out to the City to explain some of this stuff because part of the City's reason for saving the college was for the economic impact it would have on the City. That was why the Committee wanted some of those numbers. If only two teachers were being hired it would answer part of that intent.

He said he didn't need any answers right now but more information was needed, especially with 6, 7, 8 and 9. Members of this Committee had previously asked how much of this learning would be on line. He just asked that the College be more forthcoming with the information.

Councilor Romero commended them on their choice of two local members of their Board. She asked that her opinion be passed along to them.

Ms. Depietro said she would take it to the Finance Committee on Monday.

Councilor Calvert recommended that it be listed as an action item there.

## **7. UPDATE ON PURCHASING/PROCUREMENT ISSUES (ROBERT RODARTE)**

Mr. Rodarte thanked the Committee for inviting him to provide the update. He shared the actual Local Preference Form they would use for bids and RFPs and would propose the changes to the Finance Committee on August 2.

He went to Item #3 that was designed to make a change in the actual structure for requests for their qualifications for local preference. It was that they would have the majority of their business set up in Santa Fe, including doing their payroll in Santa Fe. What had happened was that the City began seeing a lot of larger companies in Albuquerque or other places set up a small office in Santa Fe in order to qualify for the local preference. The City had been tweaking the local preference over the past two to three years, trying to get rid of that local office idea but it seemed to keep coming back. That change necessitated a few other modifications in the policy.

Mr. Rodarte said he inserted a new #4 titled Small Business. He explained that for proposals that would be less than \$100,000 there would be a 2.5% small business preference.

Item #5 would not change. He clarified that they were not allowed to give this preference to a non-local bidder who used local subcontractors.

Item #6 was tied in with #3. They had to have an unrevoked City of Santa Fe Sales and Use Tax Licenses and at least one employee. Those who didn't pay for their licenses would not qualify. Staff verified it for each offering. Those who were delinquent would be afforded some time to catch up but it would force them to see what they owed the City before they could get the preference rates.

Number 4 required that their primary headquarters be located in Santa Fe County. The objective was to have the money be spent locally rather than go to some other community. He set the maximum number of employees at 35 for the small business preference, noting that many small businesses hired family members and relatives for their work.

Councilor Chávez noted on number 3 required the assets and administrative services to be located in Santa Fe County. The offices could be verified by a site visit.

Mr. Rodarte said they were physically visiting the location of the business and that was why the criteria excluded a P.O. Box as an address.

Councilor Chávez asked how staff would verify that 51% of the assets were in Santa Fe County or what kind of documentation would be required.

Mr. Rodarte said the form had to be notarized and by that they were telling the City that they were in good faith meeting all seven of the requirements. For assets, they would have to take their word on it. It didn't matter that they might have an office somewhere else as long as they were headquartered in Santa Fe.

Councilor Chávez noted that #6 defined what local was and asked what the difference was between a business that was active in Santa Fe and a business that had its primary headquarters in Santa Fe.

Mr. Rodarte said there was no difference; they both meant the same thing.

Councilor Romero said that as a local consultant, having bid on numerous projects, having worked for firms that were from San Francisco, some from Dallas or New York or on the Convention Center Team that was out of Denver- this would limit persons like herself who contracted with larger firms. She and Beverly Spears worked with the Denver team who had the main contract but they didn't have 51% of their assets here.

So #6 really limited people like her who paid their gross receipts here and spent their money here. So she felt giving points to those who used local subcontractors would be something to think about.

She suggested the City might be limiting this too much with the subcontract issue. She thought they should consider awarding some points for using local subcontractors. Her suggestion was that Mr. Rodarte look at #5 and also at #3.

Mr. Rodarte thought that might work for an RFP but not with a bid. He spoke to it briefly.

Councilor Calvert followed up on that point that there were some that had to be with a larger company from out of town. And Albuquerque firms were just bringing their employees up the interstate. Then they went home and spent their hard earned money in Albuquerque or Rio Rancho. Local firms would be even more likely to use local subcontractors.

Regarding #3 asked how they would define 51% of assets. He wondered if that would be the number of employees or what it would be on their financial ledger that the City would be looking at. It would be helpful to define what they were after there. If the City was going to take their word for it, it was important for them to know what they had sworn to.

He said one of the reasons that some local companies had trouble meeting the requirements included things like the bonding requirements or liability requirements. So if there was some way the City could work on that as well, it would help. Perhaps there was a pool available for small company bonding like there was with health insurance.

He said he was struggling a little to see the difference between #3 and #6.

Mr. Rodarte said he could tweak that so it would be more understandable. On the bonding he said several of them were brainstorming an idea for those contracts that were under \$50,000. The City Manager and Project Managers had done a good job in distributing those contracts locally. There were no bonding requirements for amounts under \$50,000. He would investigate to see if legally they could waive bonding for those contracts under \$100,000. They had quite a few at \$65,000 recently for things like landscaping and perhaps they could get a waiver on bonding for those.

Councilor Calvert asked if that might affect any City policy to increase their premium. It might be worth it to strengthen the local economy.

He asked if Mr. Rodarte could share a couple of examples to compare the impact of a local contract vs. a non-local contract. He explained that if they gave an extra 2.5%, what that would mean for the local economy as an impact.

Mr. Rodarte said a good example was a bid they opened today for pavement repairs. The company that qualified was an Albuquerque company with an office in Santa Fe on Rufina. The actual local company that should have been awarded the contract lost it by \$2,400 on a contract of \$463,000.

Councilor Calvert said the extra 2.5% would get them the contract but he wanted to know how that would affect the local economy with paychecks being cashed here and that sort of thing. That would help inform the Council whether it was best at 2.5 or 2.0 or what the ramifications were.

Councilor Trujillo said this was good work and though Councilor Romero had a good point.

Chair Dominguez said some local businesses didn't understand how the local preference worked. Secondly, people didn't often hear about these opportunities. He asked how they could educate local businesses more to encourage them to apply. He asked also how the City could do a better job of advertising the opportunities.

Mr. Rodarte said in September the Mayor called a meeting with the public schools and others on how to better work together. There were also some subcommittee that were working on how to business locally.

But right now they were working on how to deal with the web site and registrations plus. The web site would do a lot of things for them. The new web site would have a sign up section for all active vendors. He explained how it would work.

He added that some larger companies were putting ads in the newspaper to seek for local qualified subcontractors. So the City would provide a link for the list of local vendors that they could access.

Chair Dominguez asked when he expected this to be on line.

Mr. Rodarte said the IT staff was working on it and he expected it to be on line in late September.

Councilor Romero knew how it worked and said she always tagged the NACS code for several categories. Mr. Rodarte agreed that was good strategy. He felt the system would work.

Councilor Romero said she didn't qualify for a Dunn and Bradstreet number so she didn't qualify for anything with the Department of Transportation. Ninety percent of her work was as a subcontractor. She would definitely set up to see how it worked.

Mr. Rodarte said larger companies would have a local pool from which to draw for the work.

Chair Dominguez thanked Mr. Rodarte for his presentation and suggested another update in a couple

of months - perhaps in September.

Councilor Romero suggested a live demo at the end of September to see how it worked.

Mr. Rodarte said he would try for the end of September or first in October.

## **8. UPDATE ON 2010 CIP BOND ISSUE (ROBERT ROMERO)**

Mr. Romero referred to his memo. The GRT revenue was not sufficient to issue another bond at present and they were using the GRT for many other things such as GCCC and the South side Library. The City just didn't have the capacity to issue the bond and handle the debt service. So the City would try to figure out how to cover those costs some other way. He agreed to continue to work on building the capacity and would come back in August for another update.

Councilor Calvert asked Mr. Romero if he would bring back alternatives to finance projects not intended for CIP funding or perhaps issuing a bond for lesser value.

Chair Dominguez said it was very important to do whatever they could because if nothing was available, the City would start to see roads falling apart and have no way to fix them.

Councilor Calvert added that if the City didn't do some of these CIP projects, then operational budgets were likely to balloon because there would be more work than anticipated.

## **CONSENT AGENDA LISTING**

### **9. REQUEST FOR APPROVAL AND ADOPTION OF THE EMERGENCY OPERATIONS PLAN (SEVASTIAN GURULÉ)**

#### **Committee Review:**

Finance Committee (Scheduled)	8/02/10
Council (Scheduled)	8/11/10

### **10. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING RESOLUTION NO. 2010-33 REGARDING THE BICYCLE AND TRAIL ADVISORY COMMITTEE IN ORDER TO AUTHORIZE SUBCOMMITTEES (COUNCILOR BUSHEE) (ROBERT SIQUEIROS)**

#### **Committee Review:**

Bicycle & Trail Advisory Committee (Scheduled)	7/22/10
Finance Committee (Scheduled)	8/02/10
Council (Scheduled)	8/11/10

**12. MATTERS FROM STAFF**

There were no matters from Staff.

**13. MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

**14. NEXT MEETING: MONDAY, AUGUST 9, 2010**

**15. ADJOURN**

Having completed the agenda and with no further business to come before the Committee, the meeting was adjourned at 6:30 p.m.

Approved by:

  
Carmichael Dominguez, Chair

Submitted by:

  
Carl Boaz, Stenographer