

City of Santa Fe



New Mexico

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AGENDA

THE CITY OF SANTA FE

And

SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, JUNE 2, 2011

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 MAY 5, 2011 BUCKMAN DIRECT DIVERSION BOARD MEETING**
5. **APPROVAL OF CONSENT AGENDA**
6. **MATTERS FROM STAFF**
7. **FISCAL SERVICES AND AUDIT COMMITTEE REPORT**

CONSENT AGENDA

8. Project Manager's Report on Staffing and Training Program Progress and Update on Staffing & Vacancies. (Bob Mulvey)
9. BDD Public Relations Report. (Lynn Komer) **HANDOUT**
10. BDD Project Manager's Monthly Project Exception Report. (Bob Mulvey)

DISCUSSION AND ACTION ITEMS

11. Request for Approval of Amendment No. 4 to the Professional Services Agreement Between the BDDDB and Parametrix for the Amount of \$84,678.42 Plus \$6,933.04 (NMGR @ 8.1875%) for the Total Amount of \$91,611.46 (Rick Carpenter)
12. Discussion and Request for Approval of Amendment No. 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and San Ildefonso Pueblo for Habitat Restoration Pursuant to NEPA EIS Mitigation Requirements for the Amount of \$20,000.00 Plus \$1,637.50 (NMGR @ 8.1875%) for a Total Amount of \$21,637.50. (Rick Carpenter)

HANDOUT

13. Review and Consideration of Cost Reimbursement Agreement Between the Buckman Direct Diversion Board and the Federal Bureau of Land Management, Pursuant to NEPA EIS Compliance. (Rick Carpenter and Nancy Long)
14. Review and Consideration of Collection Agreement Between the Buckman Direct Diversion Board and the United States Forest Service (USFS), Pursuant to NEPA EIS Compliance. (Rick Carpenter and Nancy Long)
15. Request for Approval of Amendment No. 3 to the Design Build Contract Between the Buckman Direct Diversion Board and CH2MHill/Western Summit Constructors Joint Venture dated March 6, 2008, Amending Sections A & K to Modify Certain Provisions of Substantial Completion. (Mark Ryan and Nancy Long) **HANDOUT**
16. Discussion of Draft Release as Related to Unexpended Contingency Funds in the BDD Capital Budget. **VERBAL** (Marcos Martinez)
17. Request for Approval of RFP No. '11/20/P for a Professional Services Agreement Between the Buckman Direct Diversion Board and Long Pound & Komer for Legal Counsel Services to the BDDDB for the Amount of \$100,000.00 Plus \$8,187.50 (NMGR @ 8.1875%) for a Total Amount of \$108,187.50. (Bob Mulvey)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, JULY 7, 2011 @ 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.

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

June 2, 2011

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Commissioner Virginia Vigil, Chair, at approximately 4:05 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Commissioner Virginia Vigil
Councilor Rebecca Wurzbarger
Councilor Chris Calvert
Commissioner Liz Stefanics
Ms. Consuelo Bokum

Member(s) Excused:

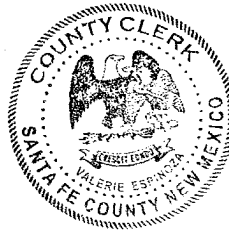
None

Alternate Present:

Commissioner Danny Mayfield

Others Present:

Rick Carpenter, BDD Project Manager
Robert Mulvey, Facility Manager
Nancy Long, BDDDB Consulting Attorney
Steve Ross, County Attorney
Marcos Martinez, Assistant City Attorney
Pego Guerterortiz, County Utilities Director
Teresa Martinez, County Finance Director
Stephanie Lopez, Staff Liaison
Lynn Komer, PR Team
Mark Ryan, CDM
Neva Van Peski, League of Women Voters
Joni Arends, Concerned Citizens for Nuclear Safety



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of July, 2011 at 09:26:09 AM
Of The Records Of Santa Fe County # 1640036

Deputy *Valerie Espinoza*
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

3. APPROVAL OF AGENDA

[Exhibit 1: Agenda]

ROBERT MULVEY (Facility Manager): Madam Chair, we have two changes. At the request of Rick Carpenter, we'd like to pull item number 12, pending further staff analysis and work remaining to be done with the Forest Service, and item number 16.

REC'D CLERK RECORDED 07/14/2011

COUNCILOR WURZBURGER: Move for approval as amended.
CHAIR VIGIL: Is there a second?
COMMISSIONER STEFANICS: I'll second.
CHAIR VIGIL: Any questions?

The motion passed by unanimous [5-0] voice vote.

4. APPROVAL OF MINUTES: May 5, 2011

CHAIR VIGIL: Are there any changes?
NANCY LONG (BDDDB Consulting Attorney): MADAM CHAIR.
CHAIR VIGIL: Yes.
MS. LONG: There is a change that Stephanie asked me to make that came from staff and that is on page 5, second paragraph. Shelley stated raw water lift station, not groundwater lift station. So it should read raw water lift station.
CHAIR VIGIL: So the recorder will make record of that. Okay. Any other changes?
COMMISSIONER STEFANICS: I'll move for approval as amended.
COUNCILOR WURZBURGER: Second.
CHAIR VIGIL: I have a motion and a second.

The motion passed by unanimous [4-0] voice vote with Member Bokum abstaining.

5. APPROVAL OF CONSENT AGENDA

CHAIR VIGIL: There's just three Consent Agenda items.
COUNCILOR WURZBURGER: Move for approval.
CHAIR VIGIL: I have a motion.
COUNCILOR CALVERT: Well.
CHAIR VIGIL: Councilor Calvert, do you have an item you'd like us to discuss?
COUNCILOR CALVERT: Is this the handout for item 9?
CHAIR VIGIL: Yes.
COUNCILOR CALVERT: Okay. That's the item. I didn't know what I was consenting to. It got emailed to us, right, Lynn?
LYNN KOMER (PR Team): It was handed out.
CHAIR VIGIL: It was part of the packet.
COUNCILOR CALVERT: It was part of the presentation. Okay.
CHAIR VIGIL: So the motion is to approve the Consent Agenda. Is there a second?
COUNCILOR CALVERT: Second.

The motion passed by unanimous [5-0] voice vote.

6. MATTERS FROM STAFF

RICK CARPENTER (Project Manager): Madam Chair, there are no matters from staff.

MR. MULVEY: Madam Chair, no matters from staff.

7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

CHAIR VIGIL: Who will be taking this item?

MR. MULVEY: Madam Chair, there is no report. There's no formal report because the meeting on Monday was canceled due to the holiday. You did receive an email with some updates.

CHAIR VIGIL: Do you want to summarize that just for the record?

MR. MULVEY: Yes, Madam Chair. Essentially the capital budget reconciliation is on track. We expect to have that completed by the next Board meeting. I think that was the substantial item that was in the email packet.

COUNCILOR CALVERT: Also, one of the items we took off today's agenda was the balance of the capital budget and the contingency fund and the release and all that discussion.

MR. MULVEY: Rick Carpenter can speak to that issue if you have any questions on it.

CHAIR VIGIL: I don't think there are any questions. I think that was just a point of clarification.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner.

COMMISSIONER STEFANICS: As we move forward on any items related to this I would just make sure that – not that we're not informing the County Commissioners, but that our County Finance staff have the opportunity be involved and review, since they do advise us on our decision making around this.

CHAIR VIGIL: And I'll clarify anything further. I think that's the reason why it was removed from the agenda was number one, it has not had County legal review or fiscal impact or staff review. So I think there is a meeting that's scheduled here next week with all the team players. Is that correct?

MR. CARPENTER: Madam Chair, yes. Senior staff has a meeting scheduled to discuss this.

CHAIR VIGIL: Okay.

COUNCILOR CALVERT: Point of clarification. I think County Financial staff has been in the same fiscal services meetings that I've been at. Now, Legal, County Legal has not, but they're certainly welcome to come to any of those if they would like to.

CHAIR VIGIL: Thank you very much, Councilor Calvert. So that was really the substance of the email, correct?

REC'D CLERK RECORDED 07/14/2011

CONSENT AGENDA

8. **Project Manager's Report on Staffing and Training Program Progress and Update on Staffing & Vacancies. (Bob Mulvey)**
9. **BDD Public Relations Report. (Lynn Komer) HANDOUT [Exhibit 2]**
10. **BDD Project Manager's Monthly Project Exception Report. (Bob Mulvey)**

DISCUSSION AND ACTION ITEMS

11. **Request for Approval of Amendment No. 4 to the Professional Services Agreement Between the BDDDB and Parametrix for the Amount of \$84,678.42 Plus \$6,933.04 (NMGRT @8.1875%) for the Total Amount of \$91,611.46 (Rick Carpenter)**

MR. CARPENTER: Thank you, Madam Chair, members of the Board. Item 11 is closely related also to items 13 and 14 on your agenda. There's a memo in your packet along with the contract amendment. Essentially, it's an amendment to contract with Parametrix to help us with the required mitigation as outlined in the Record of Decision and we have been negotiating with the Forest Service and BLM. This is the beginning of the implementation stage to plan and design the actual mitigation and oversee the implementation of those mitigation measures that will be required by the US Forest Service and Bureau of Land Management.

Madam Chair, I would also add that the funding for this contract amendment as well as the other agenda items that are in your packet are from the approved agenda, the line item that was set aside for environmental mitigation.

CHAIR VIGIL: Questions? Councilor Calvert.

COUNCILOR CALVERT: And so just to be clear, we didn't have the fiscal services and audit committee meeting but they did give us the memo and some reconciliations on expenditures against the contingency budget. Is this one of the items that was included?

MR. CARPENTER: Madam Chair, Councilor Calvert, members of the Board, that packet item in the Fiscal Services Committee was in part to reconcile the contingency in the budget. This particular work effort would be funded out of another line item.

COUNCILOR CALVERT: It's already in there?

MR. CARPENTER: Yes.

COUNCILOR CALVERT: Oh, okay. I thought was an additional fee or something.

MR. CARPENTER: No. This is within that line item.

COUNCILOR CALVERT: Move for approval.

CHAIR VIGIL: I have a motion.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: Are there any questions?

The motion passed by unanimous [5-0] voice vote.

13. Review and Consideration of Cost Reimbursement Agreement Between the Buckman Direct Diversion Board and the Federal Bureau of Land Management, Pursuant to NEPA EIS Compliance (Rick Carpenter and Nancy Long)

MR. CARPENTER: Madam Chair, I'll take this one. This is the second of three related items in your packet. This is essentially the Federal Bureau of Land Management leg of the stool for their efforts to oversee the implementation of the required mitigation. This too would come out of an already approved line item in the capital budget.

CHAIR VIGIL: Okay. Councilor Calvert.

COUNCILOR CALVERT: I'll just read the question that I wrote in my packet when I read this: Will this ever end? In other words, how long are we going to have to be paying these folks for? Until we actually finish the mitigation measures?

MR. CARPENTER: Madam Chair, Councilor Calvert, members of the Board, I share your sentiment. That's a topic of discussion for the federal agencies. This particular agreement goes to 2013 and that's about what the mitigation plan that Parametrix prepared calls for. They may want to stick around in a very limited fashion thereafter. That will be a separate agreement but we will bring it to the Board at that time.

So unfortunately, for the next couple of years the feds want to oversee the implementation to be assured that what we do is successful.

COUNCILOR CALVERT: Okay, and this is already in the budget.

MR. CARPENTER: That's correct.

COUNCILOR CALVERT: Okay. And are the future planned disbursements already in the budget as well?

MR. CARPENTER: Not unless the Board chooses to take it out of the contingency fund. My assumption is and I think Mr. Mulvey's assumption as well is at that time, two years in the future, that will be much less than this because the effort will be much less and that will be covered through the operational budget, if in fact it does occur.

COUNCILOR CALVERT: Okay. So you're saying that future iterations of this if needed into 2013 are probably going to have to come out of the operational budget.

MR. CARPENTER: Correct.

COUNCILOR CALVERT: Okay. I'll move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER STEFANICS: I'll second. Any comments? Questions?

The motion passed by unanimous [5-0] voice vote.

COMMISSIONER STEFANICS: Madam Chair, could we go back to that item? I guess I'm still in approval but I just have another question. There's no way to cost out any of future on this?

MR. CARPENTER: If I understand your question correctly –

COMMISSIONER STEFANICS: Project out the cost?

MR. CARPENTER: Beyond 2013?

COMMISSIONER STEFANICS: Yes.

MR. CARPENTER: Other than I could say it would be a much more limited effort – several thousand instead of \$90,000. I could ask the BLM what their level would be and bring it back to the next Board meeting.

COMMISSIONER STEFANICS: I think there should be a projection, Madam Chair. Usually project managers or the entity that wants to charge us should be able to look at least for three to five years out.

CHAIR VIGIL: Okay. So you can bring that as a future agenda item, Mr. Carpenter, Mr. Mulvey.

MR. CARPENTER: That's correct, Madam Chair.

CHAIR VIGIL: Okay. Any other questions on 13?

14. Review and Consideration of Collection Agreement Between the Buckman Direct Diversion Board and the United States Forest Service (USFS), Pursuant to NEPA EIS Compliance (Rick Carpenter and Nancy Long)

MR. CARPENTER: Thank you, Madam Chair. This is the mirror image of the BLM agreement only this is with the Forest Service. You may also note, however, that it's for a larger sum of money, the bulk of which is to cover the law enforcement ranger that will be patrolling the corridor.

CHAIR VIGIL: Councilor.

COUNCILOR CALVERT: So again, same question only this one – what is our understanding or agreement with them on the law enforcement officer? Is this more long range than the agreement with BLM? In other words is this going to incur costs further into the future? Or is it a limited scope as well?

MR. CARPENTER: In our negotiations with the resource agencies our hope is that over the next two years with the increased law enforcement presence and the improvements that are made out there that the clientele, if you will, that visits the area for recreation will begin to change and so will the culture, and that after two years perhaps law enforcement, at least at this level, will not be required.

COUNCILOR CALVERT: Hope springs eternal.

CHAIR VIGIL: Any other questions?

COUNCILOR CALVERT: So how far out does this go?

MR. CARPENTER: Two years.

COUNCILOR CALVERT: To 2013 as well?

MR. CARPENTER: Yes.

COUNCILOR CALVERT: Move for approval.

CHAIR VIGIL: A motion. Is there a second?

MEMBER BOKUM: Second.

CHAIR VIGIL: I have a motion and a second. Any further questions or comments? Is this amount for the entire term?

MR. CARPENTER: Yes.

The motion passed by unanimous [5-0] voice vote.

15. Request for Approval of Amendment No.3 to the Design Build Contract Between the Buckman Direct Diversion Board and CH2MHill Western Summit Constructors Joint Venture dated March 6, 2008, Amending Sections A & K to Modify Certain Provisions of Substantial Completion (Mark Ryan and Nancy Long)

MARK RYAN (CDM): Thank you, Madam Chair, members of the Board. I apologize. My memo explaining the amendment was probably longer than the amendment, so it is somewhat of an interesting amendment to the contract and it probably needs some explanation, and so I'm prepared to do that or I could take questions. Either way.

CHAIR VIGIL: When –

MR. RYAN: It was emailed out Friday. Okay, a brief explanation the?

CHAIR VIGIL: Would be good.

MR. RYAN: Okay. As part of the design-build contract, the design-build contractor needs to meet a number of conditions for what is called substantial completion, and this is a contract term, and this is when they've finished the bulk of their work and at that point they're just working on final punch-list type items. So the intent of substantial completion has been met by the contractor as of May 15th, however, there's a few hold-over items that are preventing us from actually granting them substantial completion and these three hold-over items are a few outstanding spare parts, some water quality testing reports that were being delayed because of just how long it takes for the water quality testing, and then centrifuge testing, and that is largely due to the lack of sediment in the river due to low snow melt, lack of precipitation and those items.

So now I'm prepared to go into a lot more detail under each of those items if you'd like. So under spare parts, we've identified over 690 spare parts that need to be turned over to the project and of those 690, over 90 percent of those have been turned over. So there's a small portion that haven't been turned over. They've been identified and the contractor is working on those and those are expected to be at the plant site and catalogued and inventoried by mid-June, and none of these spare parts are actually critical spare parts so we don't feel like this is an extreme enough condition that we should hold up substantial completion from the contractor. Furthermore, they've made provisions so if we do have a problem due to a spare part that's outstanding they'll be onsite right away to help us out and get through any emergencies. So in the interim on that also we're withholding \$60,000 to give them a little more incentive to get those spare parts in as soon as possible.

So under testing and acceptance standards for virus and color, they were required to do virus testing four times during the 30-day test and that's once a week. Unfortunately those virus tests take a very long time to culture and get through so we were asking to void the need for the fourth sample, because we have actually other parameters that we look at which is called disinfection effectiveness, or CT, as we call it, and this is the concentration of chlorine with the amount of detention time in the finished water storage tank, and that's what actually determines the effectiveness of the virus kill in the system

and in my memo I explained that we actually achieved 15 to 30 times higher disinfection effectiveness than what was required. So we really don't need that fourth virus report, but I did check my phone and sure enough, the virus report just arrived and it was within acceptable standards. But we still need this to be retroactive to May 15th to allow them to meet substantial completion.

The other item there is we had color down in our acceptance standards twice. One was a daily and one was just once a week four times during the testing period and we don't have any concerns with color. The four color samples are meeting all acceptance and testing. They just were not able to sample for all 30 days of May, so I just want to delete that requirement and go with the once per week requirement that we required.

CHAIR VIGIL: Councilor Calvert.

COUNCILOR CALVERT: Thank you. So are we saying that basically they don't have to do as much? Is there any kind of credit? In other words, were we allocating a certain budget amount for this and since they don't have to do as much we don't have to spend as much.

MR. RYAN: Well, Councilor, they have to do as much. They've always had to do as much. Now, as far as the two I've discussed so far, spare parts –

COUNCILOR CALVERT: I'm talking about specifically the color going from doing four weekly samples instead of 30 daily samples.

MR. RYAN: I will get a credit for the one missing daily sample. Sure.

COUNCILOR CALVERT: One?

MR. RYAN: Yes.

COUNCILOR CALVERT: Four weekly? That doesn't meet one a week?

MR. RYAN: No, they were able to get us almost all the 30 day samples.

COUNCILOR CALVERT: Oh. Four weekly samples to me sounds like four samples.

MR. RYAN: It is. It is. But they –

COUNCILOR CALVERT: There's 30 daily samples, versus 30 daily samples, is that not a difference of about 26 or 27 samples?

MR. RYAN: Yes. Let me explain a little bit further. Of the 30 samples that were required under one provision they weren't able to get a few samples so they came up short by about four samples. So they're not able to meet the once a day sample, but they are able to meet the once a week sample criteria.

COUNCILOR CALVERT: Okay. Criteria. Not how many samples they actually did.

MR. RYAN: Right. Right.

COUNCILOR CALVERT: Okay.

CHAIR VIGIL: Please continue.

MR. RYAN: Okay. Then the third item for this is centrifuge testing, and due to the lack of sediment in the river which is an offshoot of lack of precipitation and snow melt, we just haven't had the solids build up in the processes at the treatment plant so through no fault of the contractors or the Board we just haven't had any sediment to test the centrifuges for. What's required is three six-hour runs of each of the centrifuges. We did get a six-hour run on one and just about a three-hour run on another centrifuge, on the second centrifuge and we just ran out of solids. And so we're wanting to change that requirement so they complete the two, these two, prior to substantial completion, and

then complete another set of tests for final completion and work – we do have adequate sludge to do that. So we're going to get another run here by the end of June. And then we have a provision in here that allows the BDD staff to conduct testing out in the future within two years and have the contractor witness that, and if there's any problems they have to come back and remedy the situation. And as an added incentive the contractor is adding the services of the centrifuge supplier to come out and do some maintenance servicing during this period, past the contract, and this is in addition to what was required, so they're adding something to help us through this period, even though we've seen good results. In fact the centrifuges are performing far above the required testing standard that we've set on them.

CHAIR VIGIL: Okay. Are there any questions?

COUNCILOR WURZBURGER: Move for approval.

CHAIR VIGIL: I have a motion for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: And there's a second. Comments or further questions?

The motion passed by unanimous [5-0] voice vote.

[Councilor Wurzburger left the meeting.]

- 17. Request for Approval of RFP No. 11/20/P for a Professional Services Agreement Between the Buckman Direct Diversion Board and Long Pound & Komer for Legal Counsel Services to the BDDDB for the Amount of \$100,000.00 Plus \$8,187.50 (NMGRT @8.1875%) for a Total Amount of \$108,187.50 (Bob Mulvey)**

CHAIR VIGIL: Mr. Mulvey, will you be reporting this to us?

MR. MULVEY: Yes, Madam Chair. At the April Board meeting, the Board directed staff to terminate the existing professional services contract for legal services and do a new procurement. We issued an RFP. We received three proposals. Those proposals were ranked by Legal staff from the County and the City. The rankings showed Long Pound and Komer have the highest score of the three proposers so we're bringing forth a contract now to cover legal services for the fiscal year 2011-2012. There is no hourly cost increase in this contract over the previous contract and with that I'd be happy to answer any questions.

CHAIR VIGIL: Anything further, Mr. Mulvey? I have a question from Councilor Calvert.

COUNCILOR CALVERT: So, yes. You said the hourly rate will stay the same. Do we have – I'm trying to remember, what is the amount we have budgeted for this?

MR. MULVEY: The amount that's budgeted in the operations budget is \$100,000.

COUNCILOR CALVERT: So how many hours does that equate to? Do you know?

MR. MULVEY: I don't have that in front of me. I started to work through that and I've got a meeting scheduled with LPK next week to kind of portion out the

hours. Some of the members of the firm charge different rates, so you just can't divide by the \$168 per hour, but roughly, I think about half this contract is going to be for routine legal services required by the Board during the course of our meetings, contract reviews. There's going to be some hours allocated to tie up some of the previous loose ends that we were dealing with and we just haven't apportioned that all out yet. I can bring that to the Board as soon as that's been determined.

COUNCILOR CALVERT: Well, the one thing that I would ask is, I know in the past and I don't know how much of it was billed but if we have one person from the firm here, we've also had other persons from the firm here to report on something. I would hope that the one person that is here could report and we don't get billed by two separate people at a meeting. I would hope that they could communicate amongst themselves and only have the one person here that we get billed for.

MR. MULVEY: I agree. I understand.

CHAIR VIGIL: Has it been billed otherwise?

COUNCILOR CALVERT: Well, I think sometimes we – I don't want to single out anybody but I think there have been times when, say, Kyle has been here and reporting on something. I don't know if those were billed in addition or not. I just want it understood that we would not like to have that happen. If they already have somebody here that person should be able to report on whatever.

MR. MULVEY: Madam Chair, Councilor Calvert. The purpose of our meeting next week is to lay out a matrix of the actual tasks and the estimated hours for each of those tasks. And then once we've done that we can track the billing rate over time to see if we're matching it. We want to avoid having to come back with amendments. We don't want to give you any surprises.

CHAIR VIGIL: Okay. Any further questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I understand this would also cover litigation or representing us in court. So when could you envision that our City and our County attorneys would do something versus this contract attorney?

MR. MULVEY: Madam Chair, I'd have to give that a little bit of thought. This contract is for routine services and it really wasn't contemplated – although we put some money in there – it wasn't really contemplated to pay for extensive court or legal issues. If those came up we would come before the Board. We would probably bring back a separate plan and strategy to handle something that had the potential to escalate beyond what this contract would pay for.

COMMISSIONER STEFANICS: Okay. So what you're saying, Madam Chair, is that this contract, regardless of who would receive it, would not focus on potential litigation.

MR. MULVEY: That's correct. There's not enough money in there to handle any type of protracted court case. This is primarily routine legal services.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair.

CHAIR VIGIL: Any other comments? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And back when this was brought to us in April, I was here and I asked a couple questions on contracts in general, where we shortened the contract from the full year that you guys were initially asking to get in compliance with the fiscal year. But at that time – am I mistaken? To where it was presented to us that there was x-amount needed to continue

with this current calendar year, through December 2011, and then going into the following fiscal year that the money was somewhere around \$35,000, \$40,000 that was needed. Do you recall that?

MR. MULVEY: Yes, I recall that.

COMMISSIONER MAYFIELD: Can you kind of refresh me on some of that, please?

MR. MULVEY: Yes. As originally brought before the Board, the contract was going to kind of straddle two fiscal years and I don't remember the exact number that I reported to the Board but it was approximately \$35,000 or \$45,000 to finish out the existing fiscal year and the remainder would cover the new fiscal year up until, I believe it was January. So that's why I had broken out those numbers. At the direction of the Board and putting this contract under one fiscal year, that's irrelevant now. The whole contract will be paid for out of the single fiscal year 2011-2012 and there's approximately \$100,000 in there to cover that.

COMMISSIONER MAYFIELD: Thank you. So you're anticipating the \$100,000 will only be for one year of work.

MR. MULVEY: That's correct.

COMMISSIONER MAYFIELD: And it also has three year amendment provisions?

MR. MULVEY: That's correct.

COMMISSIONER MAYFIELD: If those amendments ever come back to us are they going to be capped at \$100,000 apiece or can they be a greater amount?

MR. MULVEY: Based on my understanding and the previous history the number can come back to you at whatever value we anticipate we might need to spend. For example, if an unanticipated event occurs that requires additional legal services we may bring that number back next fiscal year at \$150,000. I don't anticipate that that would happen. I think that we will be spending \$100,000 a year moving forward on a routine basis. But it would be the Board's prerogative to approve whatever value we bring forward on this thing.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR VIGIL: Further questions? Seeing none, what's the pleasure?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we approve the recommendation of the selection committee for the RFP #11/20/P for a professional services agreement between Buckman Direct Diversion Board and Long Pound and Komer.

COUNCILOR CALVERT: Second.

CHAIR VIGIL: Okay, I have a motion and a second. Any further comments? I think Long Pound and Komer has done a wonderful job for us and I'm glad we're continuing with them.

The motion passed by unanimous [5-0] voice vote.

CHAIR VIGIL: Could you ask our counsel to come back in. I have a question that would require her input.

COUNCILOR CALVERT: You wanted to approve the recommendation of the panel, which is to award the contract to these folks, right?

COMMISSIONER STEFANICS: Right.

CHAIR VIGIL: Let the minutes reflect that clarification. Thank you for that clarification and it will be reflected in the minutes.

MATTERS FROM THE PUBLIC

CHAIR VIGIL: Is there anyone who would like to address the Board?

MATTERS FROM THE BOARD

CHAIR VIGIL: Let me just ask the members of the Board if they have any matters. Okay, well, maybe you can assist with this, Mr. Mulvey. The question I had with regard to the operation agreement, because we're now basically doing the operation agreement, the joint powers agreement requires that the County pay what percentage of the operations? If you recall correctly and Rick, you may need to provide some assistance here. My understanding is it's 50-50.

MR. CARPENTER: Madam Chair, operational costs were –

CHAIR VIGIL: Is it per use or –

MR. CARPENTER: It's divided up between what is volumetric, so that would be you pay for what you use, and then the fixed costs are divided on the operational side 75-25, which is based upon the capacity of the project.

CHAIR VIGIL: Okay. And when do those go into effect or have they already started?

MR. CARPENTER: They already have started. The costs that hit against the operational budget are apportioned according.

CHAIR VIGIL: Okay. So maybe the next Fiscal and Audit Committee we can get some real clear understanding on what those distributions are.

MR. CARPENTER: I'd be glad to bring that to the committee, Madam Chair.

CHAIR VIGIL: Okay.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I think for the members of the public and anybody who might be reading our minutes later on we should probably reiterate about our dedication and our celebration.

CHAIR VIGIL: I'm happy to make that announcement and we do have Lynn Komer's printout. Lynn, do you want to address this? Just in case I would miss something that you wouldn't? I know it's Sunday, June 12th from 2:00 to 4:00. You might be able to address parking, security, those kinds of issues.

MS. KOMER: Madam Chair, it's on Sunday, June 12th from 2:00 to 4:00 pm. Parking is going to be – if you've not been there you go down a long road – not a long road, but you go down a road. You go through some gates that will be open and the

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parking will be behind. There's mitigation taking place along the side of the road, so we're going to have that marked off so that people do not pull over and ruin those efforts. We have handicapped parking facilities available. We also have a golf cart that can fit one person to move them back and forth. There's a safety brochure in case something happens, how people can get out. That sort of thing.

There's a band and food and tours. Especially the tours for the public. They'll do those rotating ten people each, and the Buckman Water Treatment Plant staff have volunteered to do that and take people through. They will not be able to go through all of the buildings. There are some safety precautions, but they'll be able to peek in. And we'll have water conservation booths there.

COMMISSIONER STEFANICS: And this will be advertised to the public – via?

CHAIR VIGIL: We have evites.

MS. KOMER: We did evites to our 900+ stakeholder on the 26th. This Sunday, this is something we've been working on for a while. If you, way back in the beginning, we did a newspaper insert that went into the Santa Fe New Mexican and the Journal North. We're doing the same thing and it's this Sunday. This is a mock-up of it and on the very back there is a public invitation to it and it will direct them to the map and what have you on the website. And then we'll do a media alert, a media news release to get the word out about the invitations, not necessarily to have the media to attend, to cover the event, but the media will be invited to attend as guests, and then we'll do a media alert a couple days before as well – radio, that sort of thing.

CHAIR VIGIL: I would just suggest, if they're not already in the evites, there are so many Councilors and Commissioners who preceded us who were strong participants in making this project happen and I hope that they definitely get included and if you RSVP that we'll know who will be there so they can be recognized. Probably most of the really hard work on this between the City and the County was negotiating this project and I think that needs to be highly recognized, those people who were at the table.

How long – does anybody know – have we been working on this? I have a general idea.

MS. KOMER: On the actual dedication?

CHAIR VIGIL: No, on the project itself.

MS. KOMER: On the project? Hold on. I want to say it's almost a decade.

CHAIR VIGIL: Yes, I was going to say ten years. So this is really to be celebrated as much as we can let the public know how important it is to the future of our communities. That word needs to get out. And I would just reiterate, Lynn, if you might be able to get a hold of our public information officer and of course the County's and the City's and they might be able to do some stuff on our websites that would also be promotional. Anything else? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Komer, thank you for this report. It's great. Are you going to do a tour down to the diversion site or that's not going to be possible?

MS. KOMER: That's not going to be possible. There's a lot of safety concerns with that. Also, it's 11 miles down. It takes longer than 11 minutes to get down there because of the road. But we will have visuals for them.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay. Anything else?

MS. KOMER: I would like to request – I've been trying to get in touch with past Commissioners and past Council members, including Mayor Delgado. If you all see any of these people within your dealings, if you could please mention it, that would be greatly appreciated.

CHAIR VIGIL: Sure.

MS. KOMER: Thank you.

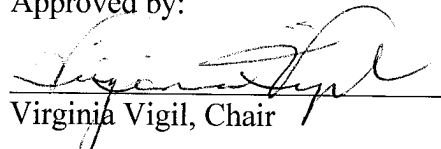
CHAIR VIGIL: Thank you. Thank you, Lynn, for working on this. Any other matters from the Board?

NEXT MEETING: THURSDAY, JULY 7, 2011 @4:00 P.M.

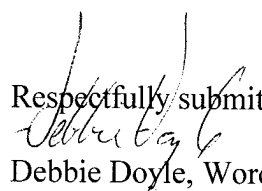
ADJOURN

Having completed the agenda, this meeting was declared adjourned at approximately 4:50 p.m.

Approved by:


Virginia Vigil, Chair

Respectfully submitted:

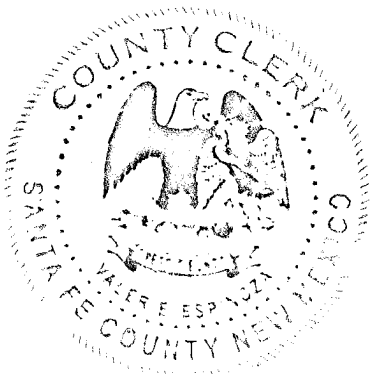

Debbie Doyle, Wordswork

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

ATTEST TO:

YOLANDA VIGIL
SANTA FE CITY CLERK



FILED CLERK RECORDED BY: JUNE 2, 2011

City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 5/25/11 TIME 2:45p

RECEIVED BY [Signature]

FILED BY [Signature]



AGENDA

THE CITY OF SANTA FE

And

SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, JUNE 2, 2011

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 MAY 5, 2011 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF
7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

CONSENT AGENDA

8. Project Manager's Report on Staffing and Training Program Progress and Update on Staffing & Vacancies. (Bob Mulvey)
9. BDD Public Relations Report. (Lynn Komer) **HANDOUT**
10. BDD Project Manager's Monthly Project Exception Report. (Bob Mulvey)

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DISCUSSION AND ACTION ITEMS

11. Request for Approval of Amendment No. 4 to the Professional Services Agreement Between the BDDDB and Parametrix for the Amount of \$84,678.42 Plus \$6,933.04 (NMGRT @ 8.1875%) for the Total Amount of \$91,611.46 (Rick Carpenter)
12. Discussion and Request for Approval of Amendment No. 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and San Ildefonso Pueblo for Habitat Restoration Pursuant to NEPA EIS Mitigation Requirements for the Amount of \$20,000.00 Plus \$1,637.50 (NMGRT @ 8.1875%) for a Total Amount of \$21,637.50. (Rick Carpenter)
HANDOUT
13. Review and Consideration of Cost Reimbursement Agreement Between the Buckman Direct Diversion Board and the Federal Bureau of Land Management, Pursuant to NEPA EIS Compliance. (Rick Carpenter and Nancy Long)
14. Review and Consideration of Collection Agreement Between the Buckman Direct Diversion Board and the United States Forest Service (USFS), Pursuant to NEPA EIS Compliance. (Rick Carpenter and Nancy Long)
15. Request for Approval of Amendment No. 3 to the Design Build Contract Between the Buckman Direct Diversion Board and CH2MHill/Western Summit Constructors Joint Venture dated March 6, 2008, Amending Sections A & K to Modify Certain Provisions of Substantial Completion. (Mark Ryan and Nancy Long) **HANDOUT**
16. Discussion of Draft Release as Related to Unexpended Contingency Funds in the BDD Capital Budget. **VERBAL** (Marcos Martinez)
17. Request for Approval of RFP No. '11/20/P for a Professional Services Agreement Between the Buckman Direct Diversion Board and Long Pound & Komer for Legal Counsel Services to the BDDDB for the Amount of \$100,000.00 Plus \$8,187.50 (NMGRT @ 8.1875%) for a Total Amount of \$108,187.50. (Bob Mulvey)

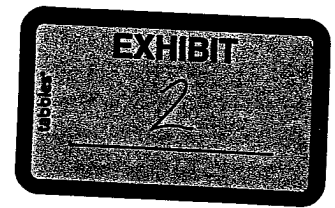
MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, JULY 7, 2011 @ 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.



MEMORANDUM

Date: June 2, 2011
To: Buckman Direct Diversion Board
From: Lynn Pitcher Komer
Subject: Update on BDD Celebration/Dedication Event

BDD Dedication and Community Celebration

Date: Sunday, June 12th
Time: 2-4 pm
Place: Buckman Regional Water Treatment Plant

Parking/Security

Parking will be located at the Buckman Regional Water Treatment Plant. Handicap access will be available. Traffic will be directed by Security.

Catering

Las Campanas will provide catering to include light refreshments. BDD water and lemonade will be served. Note: Santa Fe Community College does not provide external catering services. Tent and chairs will be available.

Music

Band (Rhythm & Blues)

Tours

Rotating tours of groups of 10 will be conducted by BRWTP staff. Safety instruction and emergency exit handout prepared by BRWTP staff. Newspaper Inserts overprints will be available for tour participants.

Presentation

- Remarks by Chair, Vice Chair and Mayor
- Youth speaking about importance of water supply/conservation
- Unveiling of plaque on boulder

Water History Park Tie-In

Santa Fe's water history will be incorporated into remarks regarding first diversion and advance technological water treatment, storage and delivery. A Water History Park historian will be located in the conference room with a large screen for presentation/slides/photos regarding Santa Fe's water history. It will be the last stop on the tour. History timeline handouts are being developed.

Water Conservation Informational Booths

The County and the City Conservation programs have been invited to provide information to the public. City has confirmed.

Invitations/Publicity

- Evites submitted to 900+ stakeholders on May 26th
- Public Invitation on back cover of Newspaper Insert for distribution on Sunday, June 5th. Overruns to be placed in public buildings, including libraries and community centers.
- Media release will be submitted to print and broadcast on June 3rd and media alert on June 9th.
- Media, including editors will be invited to attend as guests.



public relations