

PUBLIC WORKS/CIP & LAND USE COMMITTEE MEETING CITY COUNCIL CHAMBERS MONDAY, JANUARY 9, 2012 5:15 P.M.

- 1. CALL TO OLDER
- 2. ROLL CALL
- 3. APPROVAL OF AGENDA
- 4. APPROVAL OF CONSENT AGENDA
- 5. APPROVAL OF MINUTES FROM DECEMBER 12, 2011 PUBLIC WORKS COMMITTEE MEETING

## CONSENT AGENDA

6. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT, WITH WILDEARTH GUARDIANS FOR RIPARIAN PLANTINGS FOR SANTA FE RIVER REHABILITATION, IN THE OF AMOUNT OF \$115,930 (BRIAN DRYPOLCHER)

#### **Committee Review:**

Finance Committee (Scheduled)

01/17/12

Council (Scheduled)

01/25/12

7. REQUEST FOR APPROVAL OF GRANT AWARD NO. NM-04-0009-00 (SECTION 5309) GRANT AMOUNT \$588,000, LOCAL MATCH \$147,000, SANTA FE PLACE TRANSIIT CENTER (DAVID CHAPMAN)

#### Committee Review:

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8. REQUEST FOR APPROVAL OF BID NUMBER '12/13/B RECOMMENDATION OF AWARD AND APPROVAL OF A CONSTRUCTION AGREEMENT FOR ON CALL ROADWAY LIGHTING INFRASTRUCTURE MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$800,000 EXCLUSIVE OF NEW MEXICO GROSS RECEIPTS TAX WITH M.W.E. INC (RICK DIVINE)

## Committee Review:

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9. REQUEST FOR APPROVAL OF THE ATTACHED FY2012 SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND CHRISTUS ST. VINCENT HOSPITAL, PARATRANSIT SERVICES AGREEMENT (JON BULTHUIS)

# **Committee Review:**

Finance Committee (Scheduled)	01/17/12
Council (Scheduled)	01/25/12

- 10. SANTA FE RIVER TARGET FLOW
  - REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW ARTICLE 23-13 SFCC 1987 REGARDING THE SANTA FE RIVER TARGET FLOW FOR A LIVING RIVER INITIATIVE.
  - REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RIVER TARGET FLOW ORDINANCE, ARTICLE 23-13 SFCC 1987 (MAYOR COSS) (BRIAN DRYPOLCHER AND CLAUDIA BORCHERT)

## Committee Review:

Public Utilitie; (Scheduled)	01/04/12
Finance Comruittee (Scheduled)	01/17/12
Council (Request to publish)	01/25/12
Council (Public Hearing)	02/29/12

11. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY CLERK TO LIMIT THE NUMBER OF SPECIAL DISPENSER PERMITS THAT ARE ADMINISTRATIVELY APPROVED AND ISSUEL AT THE SAME LOCATION, TO THREE PERMITS, PER CALENDAR YEAR; AND REQUIRING THAT ANY REQUEST FOR A SPECIAL DISPENSER PERMIT ABOVE THREE, AT THE SAME LOCATION, BE CONSIDERED BY THE GOVERNING BODY (COUNCILOR DOMINGUEZ) (YOLANDA VIGIL)

#### Committee Review:

Finance Comruittee (Approved)	01/03/12
Council (Sche luled)	01/11/12

#### **DISCUSSION AGENDA**

12. REQUEST FOR APPROVAL OF RESOLUTION GRANTING CITY STAFF THE AUTHORITY, IF FEASIBLE, TO PREPARE ONE OR MORE AGREEMENTS BETWEEN THE CITY OF SANTA FE ("CITY"), THE SANTA FE RAILYARD COMMUNITY CORPORATION ("SFRCC") AND SANTA FE TEEN ARTS CENTER, WAREHOUSE 21 ("W21") TO PERMIT W21 TO APPLY THE EXCESS INKIND SERVICES IT PROVIDES, IN LIEU OF CASH, AS RENT TO OFFSET GROUND SUBLEASE PAYMENTS TO SFRCC THAT ARE IN ARREARS AND FOR FUTURE GROUND LEASE PAYMENTS AND TO FORGIVE AMOUNTS DUE TO THE CITY FROM SFRCC ON ACCOUNT OF SUCH OFFSETS (COUNCILOR CHAVEZ) (ROBERT SIQUEIROS)

# Committee Review:

Public Works (Postponed)	12/12/11
Finance Committee (Scheduled)	01/17/12
Council (Sche luled)	01/25/12

# **PUBLIC HEARING**

13. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL ("PURCHASING MANUAL") TO ESTABLISH PROVISIONS FOR COMMUNITY WORKFORCE AGREEMENTS PURSUANT TO ARTICLE 9.02 OF THE CITY CHARTER AND SECTION 11-13 SFCC 1987 (MAYOR COSS) (COUNCILORS DOMINGUEZ AND ROMERO)(ROBERT RODARTE)

# Committee Review

Public Works (Postponed)	12/12/11
Finance (Sche luled)	01/17/12
Council (Request to Publish)	01/25/12
Council (Public Hearing)	02/29/12

- 14. MATTERS FLOM STAFF
- 15. MATTERS FROM THE COMMITTEE
- 16. NEXT MEETING: MONDAY, JANUARY 23, 2012
- 17. 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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January 9, 2012

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4. Approval of Consent Agenda	Approved as amended	1-2
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12. W21 in-kind services for rent	Approved	5-7
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13. City Purchasing Manual Updates	Approved	7-10
14. Matters from Staff	None	11
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## MINUTES OF THE

# CITY OF SANTA FÉ

# PUBLIC WORKS/CIP & LAND USE COMMITTEE

# MONDAY, JANUARY 9, 2012

## 1. CALL TO CRDER

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 Fé, New Mexico.

## 2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

# **MEMBERS PRESENT:**

Councilor Carmichael Dominguez, Chair Councilor Caristopher Calvert [arriving later] Councilor Niguel Chávez Councilor Rasemary Romero [arriving later] Councilor Ranald S. Trujillo

## MEMBERS ABSENT:

# STAFF PRESENT:

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

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

# 3. APPROVALOF AGENDA

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

## 4. APPROVAL OF CONSENT AGENDA

Councilor Cnávez requested that #10 be moved to the discussion agenda.

Councilor rujillo moved to approve the consent agenda as amended. Councilor Chávez seconded the motion and it passed by unanimous voice vote.

5. APPROVAL OF MINUTES FROM DECEMBER 12, 2011 PUBLIC WORKS COMMITTEE MEETING

Councilor Chávez moved to approve the minutes from December 12, 2011 as presented. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

# **CONSENT AGENDA LISTING**

6. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH WILDEARTH GUARDIANS FOR RIPARIAN PLANTINGS FOR SANTA FÉ RIVER REHABILITATION IN THE AMOUNT CF \$115,930 (BRIAN DRYPOLCHER)

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## 10. SANTA FÉ RIVER TARGET FLOW

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Public Utiliti es (Scheduled)	01/04/12
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Councilor C návez read in the memo that the flow would be scaled down if snow pack fell below 75% of historic record. He asked how much would it be scaled down. The resolution should say to what level.

Mr. Drypolc rer said some details were provided in the administrative procedures. At 75% forecasted they would reduce to the 750 ac/ft level and below 60% it would go to 600 at ac/ft and keep going down to 30% but would not go below 300 ac/ft.

Councilor Chávez asked about above 1000 ac/ft. He quoted from line 3 on page 2 of the resolution.

Mr. Drypolc rer said on line 6 of the resolution it referred to the administrative procedures and would adopt the admir istrative procedures for the ordinance.

Councilor Chávez understood but said there was no language in the resolution for amounts of flow. In that whereas there, he asked if the resolution could say that in addition to the language in administrative procedures some range of what that ac/ft would be.

Mr. Drypolc per looked at the ordinance to see if it included scaling. The ordinance and administrative procedures should be in the packet.

Councilor C návez said in Section 6 of the ordinance the only number that comes up was 1000 ac/ft (several times). It didn't say in the worst case scenario what it would be scaled back to.

Mr. Drypolcher said in the ordinance, page 4, line 12 it said in dry years the flow would be less.

Councilor C návez agreed - it just said less but not how much. He was asking staff to come up with some specific language on what the target flow would be.

Chair Dominguez asked if there was any harm in putting that in the administrative procedures and the resolution and the ordinance.

Mr. Drypolcher agreed that was doable. It would require a public hearing and they could be specific about the flows. Staff wanted to tie the administrative procedures to the resolution but if they found that it should be adjusted in future years, it was easier to do it in administrative procedures. But they could incorporate that language in the resolution.

Councilor C navez felt those should be amended yearly anyway. In the name of sustainability they would take water from wherever they could get it and put it into the river. It should not just be in the administrative p ocedures. This should say this ordinance would be reviewed in a year or 18 months.

Mr. Drypolcher said- it was up to the Council how they should proceed.

Councilor C návez said more specificity would be appropriate and it should be reviewed annually. The specific language should be the same in the ordinance and the resolution.

Mr. Drypolcher noted on page 16 of administrative procedures it required staff to report annually to the Governing Body. He asked if that would be adequate.

Councilor C návez agreed but it should also be specific in the resolution and the ordinance.

# Councilor Chávez moved to approve the request. Councilor Trujillo seconded the motion.

Ms. Borche t thought it would seem to be easy to tweak this but actually to be more specific between 300 and 1000 would mean changing the target flow. It would permeate it.

Councilor Chávez said to him aspiration was a target flow.

Ms. Borche t said they just had to be careful. They could not define it as between 300 and 1000. They would have to really think about how to do that.

Chair Dominguez thought the staff could figure it out.

The motior passed by unanimous voice vote.

12. REQUEST FOR APPROVAL OF RESOLUTION GRANTING CITY STAFF THE AUTHORITY, IF FEASIBLE, TO PREPARE ONE OR MORE AGREEMENTS BETWEEN THE CITY OF SANTA FÉ ("CITY"), THE SANTA FÉ RAILYARD COMMUNITY CORPORATION ("SFRCC") AND SANTA FÉ TEEN ARTS CENTER, WAREHOUSE 21 ("W21") TO PERMIT W21 TO APPLY THE EXCESS INKIND SERVICES IT PROVIDES, IN LIEU OF CASH, AS RENT TO OFFSET GROUND SUBLEASE PAYMENTS TO SFCC THAT ARE IN ARREARS AND FOR FUTURE GROUND LEASE PAYMENTS AND TO FORGIVE AMOUNTS DUE TO THE CITY FROM SFRCC ON ACCOUNT OF SUCH OFFSETS (COUNCILOR CHÁVEZ) (ROBERT SIQUEIROS)

## **Committee Review:**

Public Works (Postponed) 12/12/11
Finance Committee (Scheduled) 01/17/12
Council (Scheduled) 01/25/12

Mr. Siqueirc s presented this matter to the Commission. This resolution was introduced at the last Public Works Committee meeting but staff was directed to look at more options.

Councilor Chávez didn't know how much information staff wanted to provide. He wanted to make this agreement available to W21 without opening it to others. Staff did some research and came up with one or two options - one would be renegotiating the ground lease and the other was a PSA. He asked how much money was involved.

Mr. Siqueirc s said they were \$24,000 behind in their ground lease.

Councilor Chávez asked him to explain the two options.

Mr. Siqueirc s clarified that the City leased the building to W21 and the way they paid it was through services. Based on their analysis they had a little excess in building lease credits to use for the ground

lease.

The other option was to enter a perpetual agreement with them to provide services to the city that would be paid by city to SFRCC to satisfy the ground lease costs.

Councilor Chávez said Councilor Bushee called him right before the meeting and expressed interest in it. She presented still another option that he didn't know much about.

Mr. Pino sa d he visited with her before the meeting. Youth Shelters was under contract for an outreach center at \$24,0(0) per year. They were going to propose to their Board to move the outreach center into the W21 building ar d retrofit showers and install a washer and dryer and W21 would sublease it to Youth Shelters. It would be another service for their ground lease. If it didn't violate any statute or city ordinance, it could square avay the debt.

Chair Dominguez asked if the resolution would direct staff to look at that.

Councilor C návez said there was an amendment sheet. The Council would direct staff to pursue the best option.

Councilor Tujillo thought if Youth Shelters was doing their thing there would there be an agreement with W21.

Mr. Pino agreed. They would have to work things out. So directing staff to look at that and other options would work.

Councilor Cnávez added that it could include none of the above. They still had that option.

Mr. Pino agreed and added that the Youth Shelter option would have to be reviewed by W21 Board.

Councilor C návez said he wanted to see if there was a viable option to help W21. He thought it would be for a short pe riod of time until the economy got better.

Councilor Trujillo felt W21 did a lot for the community. He asked if this would be an overnight thing for kids.

Mr. Pino said it was just for the daytime and nobody from 18-22 of age.

Councilor Tujillo pointed out that an overnight place was also a problem for kids.

Chair Dominguez said there were over 400 homeless kids in Santa Fé. He asked what other organizations were out there that might want to take advantage of this situation.

Mr. Siqueircs said El Museo would be the only other one but they were not set up for that.

Chair Dominguez asked that staff consider that to make sure they had covered the bases.

Also the memo mentioned a current base rate and a reduced base rate and asked what the difference was. That was in the cover memo to the packet.

Mr. Siqueirc's said W21 did work out something with SFRCC to reduce the rate.

Chair Dominguez understood.

Councilor Chávez said this new latest proposal caught him off guard a little. He would be open to it to see how it could work out. They needed to be clear about why the Council was willing to assist W21 and not others because of the contractual arrangement.

He asked if Youth Shelters received funds from the City. Mr. Pino agreed.

Councilor Chávez thought if they could consolidate the services it would be better.

Mr. Bonifac o Armijo was invited to speak on behalf of the W21 Board and added that W21 initially came up with half of the amount of what the building would cost - well over \$3 million was spent on the building. The Ci y came up with \$1.2 million and W21 came up with the rest. That was where many of these agreements car ie up. The reduced rate from SFRCC was temporary and was a reduction in the interest.

The Board hoped to have a reduction in the lease since the economy changed the value of the ground lease from when it was first negotiated to now.

Councilor Chávez moved to approve the resolution as presented with the amendments on the amendment sheet and the option staff presented on the Youth Shelter component. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

Councilor Romero arrived at this time.

## **PUBLIC HEARING**

13. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SUBSECTION 28.8 OF THE CITY OF SANTA FÉ PURCHASING MANUAL ("PURCHASING MANUAL") TO ESTABLISH PROVISIONS FOR COMMUNITY WORKFORCE AGREEMENTS PURSUANT TO ARTICLE 9.02 OF THE CITY (SHARTER AND SECTION 11-13 SFCC 1987 (MAYOR COSS) (COUNCILORS DOMINGUEZ AND ROMERO) (ROBERT RODARTE)

#### **Committee Review:**

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12/12/11

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Mayor Coss said what they had introduced called for community workforce agreements. This Council had worked har 1 on good jobs for Santa Fé and how to keep the work local. This was another step along the way. We want to get more people into skilled trades. The memo summarized the ordinance and presented FAQ on what it would do. The City was investing over half million dollars and needed quality work to be done on time. These agreements would help with that. It also required apprentice and training programs to help move trades along. That was higher education that gets the workforce ready to be skilled labor. So this was a perfect step along with the other provisions. The public would invest and insure the jobs were good and work done well.

Mr. Ray Ba a Executive Director for New Mexico Building Trades Council said he represented all unions across New Mexico in construction trades. He expressed their strong support for this ordinance. CWA's have a record of being on time and within budget for their work. It would lead to family sustaining jobs and far less transient work force and a stronger local work force. It had rules for hiring and dispute resolutions and helped target disadvantaged companies/individuals. CWAs were inclusive and not hamper fair bidding on projects.

Mr. Jess Senteria said he had seen CWAs work and it would be good for our community and surrounding areas.

Ms. Jennife Garcia applauded the Council for bringing forth the CWA agreement. She was in support of it.

Mr. Pat Vigil was currently working for Local 953 and had been a member for 38 years. The union had enabled him to anake a good living for these years and the benefits of good insurance for self and family and to develop a pension plan so he could retire at 62 and not even need his social security to live. When you have a job like this, you want to take care of it and do a good job. We want to do quality work and take pride in our trade.

Mr. Mike Gomez represented sheet metal workers providing things that make us comfortable. He was in support of CV/A. They had a lot of members here and in Los Alamos and now work was slow and families were ht rting. Their schools and apprenticeships were second to none. They had 100 apprentices coming up to keep things going strong. When you go with quality workers who care, you get a quality job.

Mr. Joe Sar chez represented Local 611 electricians. Their members were all in support of this agreement. A lct of our members lived in the city and surrounding area and would like to see it passed.

Mr. Bernie Archuleta represented Local 16 labor. He lived in the local area and many of their members work in building here in Santa Fé. Good workmanship and safety were qualities that could be brought forward. They had concern for youth. Some of us were not destined to go on to college and CWA could

give a good opt on for those not going and not be a burden on the city.

There were no other speakers from the public and the public hearing was closed.

Chair Domi iguez said one thing that inspired him about this was the apprenticeship programs. He recognized the disappearance of Vo-Tech opportunities in public schools and especially for minority students. While school funds got depleted, these programs helped prepare young people

**Councilor Romero moved for approval.** She said as a consultant who had no pension she understood the needs. They built into many of the contracts an option for training. This was one of the key components.

# Councilor Trujillo seconded the motion.

Councilor Chávez said, like Councilor Romero, he was self-employed - a union of one. He had 35+ years of experience in the construction field and the school of hard knocks as a fine furniture and door maker. He didn't know what benefits were but these workers had earned them. It was his choice to be self-employed and vouldn't trade it for anything. Chair Dominguez was right - he was not fortunate to have votech in the schools either

His concerr had to do more with the promotion of hiring local subcontractors and other local businesses that happened to be non-union. He asked what could be done to protect their viability and future business here in Santa Fé. One thing that pushed them out was not being able to get bonding because banks wouldn't lend them the money and without that someone else would get the work.

He asked staff how they could help other local businesses with bonding or whatever was needed to keep them viable. That was last on the list on page 3.

Mr. Zamora said it was important to remember when it comes to CWA agreements that they were projects \$500,000 and larger. The smaller ones were not subject to this agreement and local companies would still be at le to compete for those smaller projects and be able to benefit for local preference at 10% advantage in bidding. When CWA kicks in, local business could compete directly or as subcontractors. Then their employees were eligible for those benefits.

Councilor Chávez said many small businesses and subcontractors would be eliminated from bidding without bonding

Mr. Zamora pointed out that the number of projects above \$500,000 were far less than those under \$500,000.

Councilor Romero said regarding implementation that getting more contracts locally depended on procurement policy. She asked what the City was doing from the perspective of these smaller contracts. She believed Robert Rodarte had been working on the procurement code to find ways to work around

those problems like bonding. Perhaps he could speak to some of those things. There were two separate things and CW/L was about those above \$500,000.

Councilor Chávez agreed and there needed to be clarity in the purchasing manual for both strata.

Mr. Rodarte said the primary contractor could receive local preference percentages in procurement for hiring local subcontractors. As Mr. Zamora mentioned, a few of them could get bonding but the majority could not so he was working on language to help that.

Councilor C hávez said he gave Mr. Rodarte the names of some who had contacted him and hoped Mr. Rodarte could  $\varsigma$  et in touch with them.

Mr. Rodarte said they could change the bonding capacity requirements on some of the projects and that would help on projects under \$100,000.

Councilor Chávez related that last month the Council approved a contract for a PV system and granted a 2% loan to a California company. When he asked about where the panels would be purchased, he was told it was somewhere in Asia. Buying them in America would be better. It was 30% less cost from China but asked if Santa Fé was not willing to invest in American jobs. He hoped we could expand our horizons a little bit here to buy American.

Councilor Fomero pointed out that ARRA funds had built in their contracts that a requirement that materials must be American made. So she hoped those things could be included in the procurement manual and city procedures. That would make a difference.

Councilor C hávez agreed they definitely needed to move in that direction. It made no sense not to invest in American companies. He didn't know how often the City would do 2% loans for construction but the loans should be contingent on using American made products.

Councilor Calvert arrived at this time.

Chair Dominguez caught him up and asked if he had any questions.

Councilor Calvert said he had one basic question on how it would affect the cost of a project.

Mr. Zamora said it allowed the City on projects over \$500,000 to eliminate work stoppage and would bring skilled wo kers and it had brought public works projects to finish on time and under budget.

Councilor C alvert explained that he supported it but wanted to know if it would have an effect on the bottom line. He was not that familiar with them.

Mr. Rodarte said the testimony earlier from union representatives indicated that there were hundreds of people living here to work on the projects and it would give the City an opportunity to use apprentices

supervised by journeymen. He didn't know what kind of savings they would realize but the opportunity to use entry level vorkers would help drop the price down.

Councilor C alvert just asked for a more definitive answer to it as it moved forward. He asked what other cities had experienced with it.

Chair Dominguez noted the Civic Center was built with this arrangement.

Mr. Baca said he could declare that whoever did the City's engineering estimates - the price wouldn't go up because of the cost of labor. Sometimes some contractors didn't pay correctly which cheated the worker out of that wage and cheated the city out of the quality level for that kind of work.

Councilor Calvert said although our staff would do an estimate but then put it out to bid and that was where he wondered how it would work. He understood it might not affect the bids.

Mr. Baca said it would not cost more under CWA. They would be making sure the local workers were being paid correctly.

Chair Dominguez saw it as a good thing for our community.

Councilor Trujillo asked to be listed as a cosponsor.

The motion passed by unanimous voice vote.

## 14. MATTERS FROM STAFF

There were no matters from staff.

# 15. MATTERS FROM THE COMMITTEE

Councilor Romero asked how the City staff prioritized the repair of potholes.

Mr. Pino said they took them as they came in and it might depend on the number of complaints. The crew was out every day. They also needed fairly dry conditions. Those potholes in the shade had more ice.

Councilor Romero said on the corner of Bray and Navajo was a big and obnoxious pothole. Tires were getting hurt.

Councilor Chávez said a pothole at the corner of Baca and Sierra Vista was close to sports car size. He asked if there was anything that could be done short term to band aid it until it dried out.

Mr. Pino said there was and they would just to keep the claims down.

Councilor C hávez disclosed on agenda item #9 that his wife was employed at Christus- St. Vincent Hospital.

# 16. NEXT MEETING: MONDAY, JANUARY 23, 2012

# 17. ADJOURN VENT

Having corr pleted the agenda, the meeting was adjourned at 6:30 p.m.

Approved by:

Carmichael Dominguez	Chair	

Submitted by:

Carl Boaz, Stenographer