

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Friday, September 14, 2012

WORKSESSION

Minutes

TIME & PLACE: The Truth or Consequences City Commission will hold a Work Session on Friday, September 14, 2012 at 5:00 P. M., in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico.

Mayor Mulcahy opened the Work Session, and stated the Work Session is to discuss –

- a. Solid Waste Collection Center Update

Mr. Keith Gordon, Principal Engineer with Gordon Environmental, Inc., and Mr. Mike Crepeau, Project Manager with Gordon Environmental came before the Commission to present an overview of the facility's design for the Solid Waste Collection Center Construction.

During the Power Point presentation they presented a brief overview of recent landfill closures throughout the State, and stated 22 years ago there were over 100 landfills in New Mexico, and as of right now there are 21 landfills, and 188 transfer stations and collection centers...so the trend is somewhat obvious, and stated everybody has slowly been closing the rural non-compliant facilities, and going to more regionalized approach...and all of it is about cost. The cost of transportation is getting better because of our ability to get decent pay loads on these transfer trailers to operate these facilities has improved...the technologies are getting better all the time primarily due to the obvious trend.

Mr. Gordon stated here is what happens or basically here is what happened as of two years ago there were 20 permitted landfills...11 registered landfills...3 C&D permitted landfills...2 permitted special waste landfills...a total of 36 landfills. And here is what is going on now, and it depends whether you count Socorro or not... and if you count Socorro it is 21, and at one point it looked like they were not gonna get a permit...it looks like they are now, and had they not it would have been a 200 mile stretch of I-25 that didn't have a landfill.

Mr. Gordon outlined the proposed collection center, and how the basic layout takes prevailing wind direction into account... because wind has the potential to transmit noise, litter, dust and air emissions, and what the building would look like, and how traffic would flow through the facility. They also had available a manual regarding Waste Transfer Stations: A Manual for Decision-Making.

There were several issues and questions raised about – the open facility, not having any doors, wash down facility, code restrictions, construction of a metal building, rodents, drainage, scales, landscaping, paving, sewer, water retention ponds, also the question of how far away is our drinking well-head from the site.

Mr. Gordon explained about the water use, and that they did not violate any regulations regarding the proximity of the well heads, and about the building being partially open that a wall protecting the collection bays would limit rainwater runoff to the tunnel, and that the French drains in the design were included to primarily handle anticipated rainwater runoff, and that minimal amounts of water would be used for cleaning of the waste collection bays.

There was also a question regarding the chemical and absorbent materials...the cost.

Mr. Carrillo stated the costs vary on the chemicals, and that he has been in contact with some companies for absorbents for odor control for moisture control and for spills.

There was also a concern from a County resident asking why we can't all come together on this issue.

City Manager Fuentes stated that the City, County, City of Elephant Butte, and the Village of Williamsburg, and indicated we've had numerous meetings in the past, and for this meeting today I did invite all the parties to be present, and that in previous work sessions they have been present. He stated each entity is looking out for their best deal for their constituents, and we have 3,000 customers that we have to serve, and that the City is already under mandate by the Environment Department to close the landfill by March 31<sup>st</sup>...not the County...not the City of Elephant Butte or the Village of Williamsburg...the City is, and that is why we are moving forward...this facility will be available to anybody who wants to use it. He stated he does meet on a monthly basis with both the County Manager, and the City Manager from the City of Elephant Butte, and we talk about these issues...so there is communication...but again obviously they are not here, but we do invite them, and share information with them as to what we are doing because this is an issue that affects all of them...all county residents.

Mayor Mulcahy stated I think that a couple of really important points have come up today to make sure this is an aesthetically pleasing facility, and that it does meet our codes...that we do take steps to make sure that this isn't a white elephant sitting down there...I think that has been our intention from the beginning, but I think we need to form a sub-committee to dig into this deeper, and find out aesthetically how we can ensure that this facility is appealing visually as much as it can be, but we do need to move forward to get this facility started and up.

City Manager Fuentes stated I heard questions about the scale, and the procurement code, and I'd like to point out that the project that will be on the agenda for the meeting is for the facility itself. The scale if we proceed forward if there is enough funding available for the scale that would be through an internal procurement process...it could be a separate vendor from the person who is constructing the facility preparations of the site could be done by the current contractor...but we could always do that as a separate bid. He stated that the road that was described again...we have received 500 cubic yards of millings from NMDOT, and stated those millings have been used by staff in the past to pave some of the un-

paved roads in the City, and our intention was to use some of those millings, and cut down on the cost around the recycling yard so it is not an additional expense that we are going to put in any bid separate or together with this...so that is something that we could do in-house.

He stated the preparation of the base is already included, and should we decide to use some of those millings we were going to do that in-house which would save the City money, and once we know how much funding we have left over then obviously it will be up to the City Commission again with the recommendation from staff because there is going to be equipment needed for this facility, and stated the equipment that we currently use at the landfill for those of you have seen those pieces of equipment they are specialized for the landfill...not for a collection center here, and that through the efforts of staff...Mr. Leonard Carrillo he has been able to apply for grant funding that has given us this equipment that is specifically for this facility. And once this facility is constructed we will be evaluating what the needs are once the project is awarded and proceed forward...what equipment we need for this facility what funding we have available, and that it would be up to the City Commission as a board of finance to make the determination what we do with the rest of the funding.

At this point the Work Session was concluded.

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES  
Friday, September 14, 2012

Special Meeting

Minutes

**TIME & PLACE:** The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra and State of New Mexico met in Special Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Friday, September 14, 2012 at 6:13 P. M.

**PRESIDING OFFICER:** The meeting was called to order by Mayor Mulcahy who presided and Mary B. Penner, City Clerk acted as Secretary of the meeting.

**ATTENDANCE:** Upon calling the roll the following Commissioners were reported present:

Hon. John Mulcahy, Mayor  
Hon. Sandra Whitehead, Mayor Pro-tem  
Hon. Steve Green, Commissioner

Absent was:

Hon. Jeff Richter, Commissioner

Also Present:

Juan Fuentes, City Manager  
Mary Penner, City Clerk

QUORUM: There being a quorum present the Commission proceeded with the business at hand.

CEREMONY: Mayor Mulcahy called for the Pledge of Allegiance.

AWARDING OF BID FOR THE SOLID WASTE COLLECTION PROJECT: Mayor Mulcahy stated we heard a considerable amount of public input tonight with a lot of very good information, and thinks there is a lot of things that we need to consider subsequent to this action, however I would like to entertain discussion about this particular action which is the awarding of the bid for the Solid Waste Collection.

City Manager Fuentes stated I would like to give the opportunity to Mr. Mike Crepeau to go over the recommendation...the bids.

Mr. Mike Crepeau came before the Commission, and stated the City received 4 bids, and the result of those bids are shown with the Engineer's Cost included, and indicated the apparent low bidder, and most responsive bidder is ESA Construction from Albuquerque, New Mexico at \$558,903.61, and the bid from this particular firm was responsive, and they had all the evaluation criteria, and that ESA is our recommendation for the award of the bid for construction of the Collection Center.

He stated they were all in-state bidders, and that there were no bidders preference certificates provided with the bids, and it should be noted that the low bidders \$558,903.61 included GRT, and that the conclusion that we've drawn, and our recommendation is award it to ESA Construction from Albuquerque, New Mexico.

City Manager Fuentes stated the City does have the sufficient funds for awarding and moving forward with this project, and that there will be additional funding with the recommendation from staff that will be used for equipment, but those will be separate items on this project, and with that staff recommends awarding of the bid to ESA Construction.

Mayor Mulcahy stated within these monies these bonded monies are there any availability to do some of the aesthetic things we talked about in the work session.

City Manager Fuentes – Yes... as to just remind the City was also awarded a State Appropriation, and our goal is to use the State Appropriation money first, and that will give us more flexibility than the bond money to be used for equipment, or to address some of these concerns that were raised today. And there was another concern shared with me by the Mayor of Williamsburg at the request of some of the residents near by about a solid wall instead of a chain link fence...so those are items that will be coming back, but those will be separate items that could be dealt with through other means or other bid proposals.

Mayor Mulcahy – I believe any and all change orders would come before this Commission.

City Manager Fuentes - For this project that is correct you are only awarding this project based on the bid that has been submitted if there is any change orders to this bid...all change orders will come

before the Commission for approval.

Commissioner Green – A rough time estimate...once the company has the go ahead how long does it take to build this kind of building.

Mr. Gordon – 4 months.

Commissioner Green – 4 months...okay.

Mr. Gordon – That is the time that was built into the contract documents for the contractor to be done with the project...if you skinny that down any it increases the cost...I think you know that.

Commissioner Green – I noticed that in some of the pre-requisites for the bid...and maybe this was the addendum #1, and maybe it was on another document I didn't see us #1 requesting a copy of their insurance...I don't see us asking them to put up a performance bond because other than an act of God I think since the clock is ticking, and we could potentially be in a world of hurt if we don't have this building up and running by March 24<sup>th</sup> I would like to see a performance bond that if they don't deliver what we contracted out to deliver other than the world stopping to spin that we get fined we have a place to go, and I would like to see a performance bond built into that contract...and did we get a copy of their insurance.

Mr. Gordon – That happens next now that we pick somebody.

Commissioner Green – I see...okay. I'm not familiar with ESA has the City ever done business with them before.

City Manager Fuentes – To the best of my knowledge, and recently...no.

Commissioner Green – Have they done any work in New Mexico building transfer stations or collection centers before.

Mr. Gordon – I don't know.

Commissioner Green – We have another City Commission meeting in a week and a half, and I'm wondering...the citizens have brought up some really valid questions and some good points, and would it behoove us to do some research on our end so maybe we can address in more in-depth, and how we're gonna handle some of the concerns, and maybe postpone...I mean obviously there is a big difference between their bid and the next bid, but it would still be in September...so we have a little bit of a leeway...a little bit of wiggle room so to speak...I'm wondering if that might not serve us better than to go ahead an award it right now.

Mayor Mulcahy – I heard a lot...I heard all the comments tonight, and I feel that the issues that are at the table that we really need to concern ourselves with are outside the scope of this particular project and need to be addressed. I don't know that the issues tonight necessarily changed this particular project, and I would like to engage in conversation about how we're gonna meet the needs, and the citizens that have been good enough to come here tonight...and say...hey hold on a minute about tin buildings, trees, fences,

and gates...and that kind of stuff, but I would like if it's the will of this Commission to move forward, and to make a decision, and a determination tonight about whether or not we're gonna send these gentlemen back to work and get this award bided.

Commissioner Green – I just want to make sure we address the concerns of the citizens. I understand the clock is ticking, and we have to move forward.

Commissioner Whitehead – We did have a lot of good comments, and a lot of great concerns from the community, and people that live in the area. And I too am in agreement that we need to get on with this project, but we do have to look at the concerns, and make sure we are out there on the right path so we don't have issues... and so many change orders, but again we do need to process, and move forward with this.

Commissioner Green – If we vote in the affirmative tonight that I certainly, and I'm quite sure the manager is going to do this anyway...let our neighbors to the North, South, East and West of us know that we're moving forward, and maybe we can have a formal sit down workshop with our neighbors...and say this is what we're doing, and let them feel that they're not being cut-out of the process because the process is on our shoulders...we're the ones that have to take the lead on this, and maybe at some point they might see the wisdom of joining us in this process, but I want to continue to keep those lines of communication open with them.

“Commissioner Green moved that the City of Truth or Consequences award the bid to ESA Construction for the build-out of the Solid Waste Collection Center in the amount of including GRT \$558,903.61.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

ADJOURNMENT:

There being no further business to come before the Commission the meeting was adjourned.

APPROVAL:

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012 on motion duly made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried.

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JOHN A. MULCAHY, MAYOR

ATTEST:

\_\_\_\_\_  
MARY PENNER  
CITY CLERK



