

MINUTES OF A REGULAR MEETING OF THE CARLSBAD BOARD OF SOLID WASTE COMMISSIONERS OF THE CITY OF CARLSBAD, NEW MEXICO, HELD AT CITY HALL IN THE PLANNING ROOM ON MARCH 15, 2017 AT 3:30 P.M.

Voting Members Present: Jerry Stanley, Chairman – Member at large
Lisa Flores, Board – Ward 1
John Beasley, Board – Ward 3
Jim Grantner, Board – Ward 4

Voting Members Absent: Alvin Doporto, Board – Ward 2

Ex-Officio Members Absent: Mayor Dale Janway
Steve McCutcheon, City Administrator

Board Secretary Present: Luis Camero, Director of Engineering

Staff Present: Stephanie Shumsky, Deputy City Administrator
Mike Hernandez, Director of Utilities
Wendy Hammett, Finance Director
Albert Moisa, Solid Waste Supervisor
David Flores, Solid Waste Supervisor
Terra Dougan, Solid Waste Coordinator
Mary Garwood, Beautification Coordinator
Lin Pickens, Warehouse Supervisor

Others Present: Scott Goodale, Resident of Carlsbad

Jerry Stanley called the meeting to order at 3:30 p.m.

1. ROLL CALL OF VOTING MEMBERS and DETERMINATION OF QUORUM

Jerry Stanley called the roll of voting members, determining that three of the five appointed board members were in attendance, which constitutes a quorum. Lisa Flores walked in at 3:33 p.m. after the meeting had been called to order.

2. APPROVAL OF AGENDA

Jerry Stanley called for a motion to approve the agenda as presented. Jim Grantner made the motion, which was seconded by John Beasley. The vote was as follows: Yes – Beasley and Grantner. No – none. Abstain – none. Absent – Flores and Doporto. The motion carried.

3. APPROVAL OF MINUTES OF FEBRUARY 15, 2017 MEETING

Jim Grantner made the motion to approve the February 15, 2017 minutes as presented. The vote was as follows: Yes – Beasley and Grantner. No – none. Abstain – none. Absent – Flores and Doporto. The motion carried.

4. DISCUSS QUESTIONS AND CONCERNS FROM CITIZENS

John Beasley asked staff if the catwalk for the glass pulverizer had been built. Albert Moisa stated the catwalk has been built, bolted down, painted and in use.

5. REPORTS AND UPDATES

a. Financials – Wendy Hammett stated the month of January was favorable \$46,000.00, year to date is favorable \$220,000.00 and we are forecasted to come in favorable \$378,000.00 in revenues. Hammett also stated the expenditures looked good as well; currently we spent \$192,000.00, year to date actual expenditures is 2 million and budget is 3.6 million putting us at 56% of the budget allotted. Hammett added the she did not have the forecasted expenditures but she is forecasting we will come in favorable. Jerry Stanley asked Hammett if the fiscal year ends in June. Hammett agreed and added the new fiscal year starts in July.

b. Solid Waste – Albert Moisa stated the convenience station in January total tons collected were 168.81 which is higher than February; February total tons were 159.31 which puts February lower in tons by 9.5. Moisa added 15 cubic yards of glass were pulverized, 120 cubic yards of metal were collected which is 40 cubic yards less than January, 16 tons of green waste were collected in February which is double the tons that were collected in January and there were 8 tons of limbs delivered to the limb pile in February compared to only 4 tons delivered in January. Moisa added the roll-off charges billed for February were \$14,662.32 which is \$3,000.00 dollars more than January, refuse delivered to the landfill were 144.17 tons and there were 25 cubic yard containers rented. Jerry Stanley stated he noticed at the last council meeting or the one before the solid waste department was approved to purchase two to three compactors and asked staff what the compactors would be used for. Mike Hernandez stated the ultimate plan would be to reach out to businesses, like the Stevens, that have ten or eleven containers picked up multiple times a week and convince them on the idea of a compactor that way they would get serviced every two weeks with just one load and the compactor will contain the trash and so it would not spread and go over the container. Hernandez also stated he would like to see a compactor at the mall. Hernandez added it would not be convenient for the businesses at the mall due to the fact the compactor would not be right outside their door like the containers are now but it would be more convenient and efficient for the Solid Waste Department to service. Jerry Stanley stated he was pessimistic people are inherently lazy and he doesn't think employees in the mall stores are going to walk a third of the way down to throw away trash when they like the container right outside their door. Stanley added for the hotels/motels and the Stevens a compactor might benefit them. Albert Moisa stated Albertsons Supermarket is benefiting greatly from a compactor. Moisa added the compactor contains the trash and keeps the animals out which helps when they throw away fruit and food. Jerry Stanley asked staff if the compactors are rented to businesses or if the businesses have to buy them. Luis Camero stated the compactors are leased. Mike Hernandez agreed with Camero the compactors would be leased and added there are currently compactors at the hospital, Lowes, Ross and Albertsons. Jerry Stanley asked Mike Hernandez if the Stevens would save money with a compactor or would the compactor cost about the same. Mike Hernandez replied the establishment usually supplies the power to operate the compactor which would be an increase cost on their end. Jerry Stanley stated the electric couldn't be a lot because power is only used when the generator is turned on. Mike Hernandez agreed and added it would still be an additional cost for the business. Hernandez stated the reason the Stevens did not have a compactor now is because they didn't want to pay to supply the compactor with power but that he wasn't quite certain about the reasoning due to the fact he

has not met with the Stevens personally the information he received was from Ruben Ramirez. Hernandez added Lewandowski was going to go with staff to the Stevens and use them as an example on how to sell the compactor service. Hernandez stated overall the cost would be reduced to them because the cost would be far less for the city but it also depends on the volume of trash. Jerry Stanley stated the idea is great because one trip every ten days to two weeks versus multiple times a week would save money because they are not serviced every day. Mike Hernandez stated the goal is to incorporate the compactors into businesses that are serviced on a daily basis and added the compactor purchase also included 8 additional 30CY roll-off containers. Hernandez added all the roll-offs the city has currently are being rented out and the department cannot keep up with the demand right now. Jerry Stanley replied the purchase was a great idea and he is hoping there are more compactors added into next year's budget to purchase. Mike Hernandez replied staff wanted to add a franchise fee in the Solid Waste Ordinance which only allows other businesses to supply roll-off containers in city limits if they have a franchise with the city. Jim Grantner stated the franchise fee was already in the ordinance. Luis Camero replied the franchise fee was not in the ordinance. Jim Grantner stated any resident inside the City of Carlsbad has to receive services from the city unless the city cannot provide the service. Luis Camero replied the ordinance states the city will provide the service but it does not say anything about having other businesses providing the same service. Jim Grantner stated he asked Luis Camero years ago about other businesses providing services and Camero told Grantner because of the way it is worded in the ordinance businesses have to deal with the City of Carlsbad. Luis Camero replied the customer has to utilize the City of Carlsbad services. John Beasley asked staff if any notices have been sent to the residents explaining roll-outs need to be brought back in to their property, out of the street, after they are serviced. Albert Moisa replied no flyers have been sent out currently but staff could go talk to the residents but it could not be enforced because it is not in the ordinance. Jim Grantner stated retrieving your roll-out after service is in the ordinance. John Beasley stated he thought once the transition happened a notice would be sent out letting residents know they needed to pull in their roll-out after service. Mike Hernandez replied the information Beasley is talking about was on the initial flyers that were hand delivered to each resident. John Beasley stated there needs to be somebody going door to door reminding residents to bring in their roll-out after it is serviced. Mike Hernandez replied there is a vacant Solid Waste driver position, which has been vacant for 18 months; he wants to convert that position to a Solid Waste Code Enforcement Officer. Jerry Stanley said he has not witnessed the roll-outs being left out on his street but he has noticed if the lids are open on the roll-outs the wind is more likely to catch the roll-out and blow it over and on the new trucks after the roll-outs are serviced they are returned with the lids open. John Beasley replied staff reported the lids stay open on purpose so staff can tell the roll-out has been serviced. Jim Grantner disagreed with the comment and Mike Hernandez asked Beasley if he heard that information from him. John Beasley replied he couldn't remember who gave the information but two meetings ago the information was given that the roll-out lids are open after serviced so other drivers and supervisors know the roll-out had been serviced. Scott Goodale agreed with John Beasley and added Ruben Ramirez is the one who gave the information. Mike Hernandez added with the roll-out lid being open the wind factor is taken out because it will blow over but if the lid is closed the roll-out can handle wind speeds at 40mph or a little more. Jerry Stanley stated the old trucks had no problem with the lids closing but from his observations the new trucks jerk the roll-out back causing the lid to stay open. Jerry Stanley added staff should look down Mountain Shadow Street on a Monday and see how many lids stay open after the roll-out is serviced. Mike Hernandez

replied he has been to many neighborhoods and has seen a mixture of both open and closed lids on the roll-outs.

c. Public Outreach Campaign – Mike Hernandez passed around a flyer showing and informing the residents of the proper way to place your roll-out, how much trash to put in your roll-out and what type of debris the grappler service will pick up along with the numbers to request grappler service. Hernandez also informed staff and the board the insert passed around will be inserted in the water bills that are mailed to the residents of Carlsbad and Kyle Marksteiner is going to post the information on the City of Carlsbad Facebook page. John Beasley asked staff when Household Hazardous Waste day will be announced. Mary Garwood replied Household Hazardous Waste Day is April 29th. Mike Hernandez added Richard Aguilar has a bunch of information he has forwarded to Kyle Marksteiner so Marksteiner can create a flyer and post the information on Facebook. John Beasley asked staff if the Household Hazardous Waste information could be printed on the back of the flyer that had already been created.

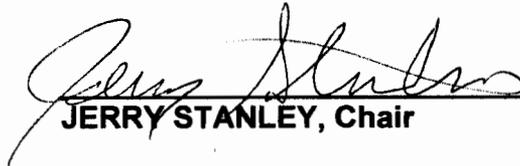
6. DISCUSSION AND REVIEW OF THE REVISED SOLID WASTE ORDINANCE

Mike Hernandez stated Stephanie Shumsky, Luis Camero and himself had met numerous times to revise and make corrections to the ordinance so the City Attorney could look the ordinance over. Hernandez added the City Attorney had made some revisions also. Hernandez informed staff and the board some of the definitions are a little different from the old ordinance, there is information listed on how to place your roll-out container, information on illegal dumping and there is also mention of the Solid Waste Code Enforcement Officer. Hernandez mentioned Ruben Ramirez was also given a copy of the revised ordinance to look over. Hernandez stated the idea for the ordinance is for the board and staff to take it home, look over it, add comments and report back to staff so everything could be reviewed by the board for approval. Jerry Stanley stated a date should be set, for the board, to review the revised ordinance and respond to Terra Dougan with their comments. Jerry Stanley asked Mike Hernandez if two weeks would be enough time for the board to review the ordinance. Mike Hernandez agreed and stated two weeks would be enough time to review the ordinance and submit comments to Terra Dougan. Jerry Stanley asked Mike Hernandez for the specific date. Mike Hernandez stated the due date would be April 7th. Jerry Stanley asked the board if April 7th was enough time for them to review the ordinance and submit their comments to Terra Dougan. The board agreed. John Beasley stated he had a problem with Section 44-4 on enforcement because it states the appeals will be submitted to Solid Waste and then returned to Solid Waste but the City Council is the ultimate appellate court and it needs to state that in the ordinance. John Beasley asked Stephanie Shumsky if he was correct. Stephanie Shumsky agreed and replied the change can be added to state if an issue is not resolved by Solid Waste board the last step would involve the City Council. John Beasley stated another issue he has with the ordinance the rate section. Beasley added he thought the rates were not going to be added to the ordinance. Stephanie Shumsky replied the staff added the formula for the rates so the residents could see where the starting point was. John Beasley asked if staff was sure they wanted to add the information. Stephanie Shumsky replied it was up to the board if they wanted the rate information added. Jerry Stanley stated he did not have a problem with the formula and the current rates being added to the ordinance but at the end of the ordinance there needs to be a paragraph stating rate adjustments for future use so at least there is a foot in the door to change the rates if there is an increase. John Beasley stated the information Jerry Stanley is requesting should be added at the end of the section so it does not look like it is being hidden from the public. Jim Grantner stated he did not mind the changes but as years

passed the rates changed and residents paid but no one went back to the ordinance to review what it said in regards to rate changes. Jim Grantner stated rate changes could be changed without changing the ordinance. Luis Camero stated staff looked at the rate change information both ways one providing all rates and the other providing the formula and basic rates. Jerry Stanley stated he liked the formula being added and the basic rates. Jerry Stanley asked the staff and the board if there will be a final board recommendation to present the ordinance to City Council at the next meeting; staff and board agreed. Stanley asked if the staff and the board wanted to wait that long before recommending the ordinance to the City Council. Luis Camero stated a date could be set at the next BSWC Board meeting. Jerry Stanley agreed and informed the board all comments need to be in to Terra Dougan by April 7th and the discussion; approval and recommendation to City Council of the Solid Waste Ordinance will be on the agenda for the next meeting.

7. MOTION TO ADJOURN

Jerry Stanley called for a motion to adjourn. John Beasley made the motion to adjourn, seconded by Lisa Flores. The vote was as follows: Yes – Flores, Beasley and Grantner. No – none. Abstain – none. Absent – Doporto. The motion carried. The meeting was adjourned at approximately 4:25 p.m.



JERRY STANLEY, Chair