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**MINUTES OF A REGULAR MEETING  
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO  
HELD AT THE TOWN HALL  
February 01, 2010**

6 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules  
7 of the Town on February 01, 2010, at 5:30 P.M.

8 Upon Roll call the following members were found to be present:

10 **PRESENT:**

11 Mayor Chávez  
12 Councilor Jaramillo  
13 Councilor Sisneros  
14 Councilor Torres  
15 Councilor Montoya

**ALSO PRESENT:**

Maria Rinaldi      Koby Burden  
Rob Burpo          Brian Muniz

17 **ABSENT:**

**Others Present Not Identified**

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20 **APPROVAL OF AGENDA: 4a)**

21 Mayor Chávez asked for a motion to approve the agenda.

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23 Councilor Torres moved to approve the agenda as amended. The motion was seconded by  
24 Councilor Sisneros and the motion carried unanimously.

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26 Maria Rinaldi, Capital Improvement Director stated that the item for discussion is for Wells 1 &  
27 2 and all supporting documentation is for Wells 1 & 2.

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29 Mayor Chávez asked for the motion to be retracted for the former approval of the agenda.

30  
31 Councilor Torres made a motion to retract the motion on the approval of the agenda. The motion  
32 was seconded by Councilor Sisneros and the motion carried unanimously.

33  
34 Mayor Chávez asked for a motion to approve the amended agenda with the addition of Well #2  
35 to the topic.

36  
37 Councilor Montoya made a motion to approve the agenda as amended. The motion was seconded  
38 by Councilor Torres and the motion carried unanimously.

39  
40 **NEW BUSINESS: 5a) Discussion, Consideration and Action on the Award of a**  
41 **Construction and Equipping Contract for the Arsenic Treatment Project for Municipal**  
42 **Wells 1 & 2 Project No. 2311-ADW & 2319-DW Awarded to Archer Western Contractors**  
43 **and ARS INC.. Presenter: Maria Rinaldi**  
44

45 Maria Rinaldi stated there were 4 bids received for the project. Ramesh Naraimhan, NCS  
46 engineer estimate was \$3,736,100 and \$3,099,200 for a total of \$6,835,300 excluding taxes. The

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47 lowest bid received was \$4,100,000 for Well #1, Well #2 \$4,595,000 for a total of \$8,695,000  
48 plus tax and a sole source to ARS for the equipment in the amount of \$620,000 plus tax.

49

50 Ramesh Narasimhan, NCS engineer gave a brief overview of the project for Well sites #1 & 2.  
51 A letter was written for recommendation for award to NMED. The technology is for Wells #1 &  
52 2. The arsenic level is within the 30's. The project includes bringing the Wells back in service  
53 rehabbing the storage tanks, and a new treatment facility at the property located at MCT for Well  
54 site #1. Because the arsenic levels are higher and to properly control treatment residuals for  
55 arsenic and aluminum, a micro filtration will be used verses a conventional filtration. The  
56 change in treatment system approach is in comparison to Wells #3 and 4. He feels comfortable  
57 the technology treatment will work and has been pilot tested. Hence, the recommendation.

58

59 Councilor Torres asked so this is the recommendation for Wells 1 &2.

60

61 Ramesh Narasimhan stated yes, with the technology of micro filtration to get the arsenic levels  
62 down.

63

64 Councilor Sisneros asked if the difference of the two could be explained.

65

66 Ramesh Narasimhan stated the regular filter is a more natural process. Here we are using an  
67 electrical coagulant. It needs a fine filter the technology here is micro filtration which  
68 Albuquerque has a similar plant. The technology has been around for 15 years. The plastic  
69 modules that have synthetic filters are very fine. The water goes through these filters, they are  
70 about 1/10 of a conventional granular filter which is typically used in most filtration systems.  
71 But with the higher levels of arsenic at Well #1 and 2 this type of performance is needed to get  
72 our levels down.

73

74 Councilor Sisneros asked how much higher were the elevations on the east side to the west side.

75

76 Ramesh Narasimhan stated that levels on the west side are in the range of 16 to 20 and the west  
77 side 30 to 40. Both wells generate about 800 to 900 gallons a minute. The units have been pilot  
78 tested with the technology.

79

80 Councilor Jaramillo ask where has this technology been used.

81

82 Ramesh Narasimhan stated used at Wells #3 and 4 not as successful as they should be. Going to  
83 make some additional modifications to reduce that. As the filters run longer the levels start  
84 running up. Right now back wash is set at 10 to 12 hours changing that to be 6 hours to get the  
85 technology working 100 % of the time. NMED water drinking standards are being met.  
86 Wastewater we need to be more consistent. Rio Rancho is having the same issue. The drinking  
87 water is below 10 it more of a challenge on the waste water. Within the last 6 months it has been  
88 more consistent.

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Mayor Chávez asked has the transfer of ownership taken place for the MCT site.

Maria Rinaldi stated we do have a deed to the site.

Mayor Chávez asked Santiago Chavez about the stimulus funds and the time of this particular item tonight.

Santiago Chavez stated for the stimulus funding on Well#1 needs to be in contract by February 2, 2010 NMFA is the fiscal agent. Well #2 is a different funding source which is Army Corp of Engineers which we still have some layer of paperwork. Needs to move forward with contract to capture the stimulus funds for Well #1. We could not start construction with Well #2 until we get everything back from Army Corp of Engineers. As far as how and when, we can move forward.

Mayor Chávez asked Ramesh Narasimhan if he would facilitate the application process for the Army Corp of Engineers so there is not gap between the completion of Well #1 and start of Well #2.

Ramesh Narasimhan stated yes and that it should be 90 days with a notice to proceed of the contract. Waiting for the final approval on the environmental which has been submitted to the Army Corp of Engineers. The PCA has been signed for the funding of reimbursable bases of Well #2.

Maria Rinaldi stated the Congressional funding has not come down to the Army Corp of engineering yet. There is a potential for a gap in financing.

Ramesh Narasimhan stated the gap financing would be bond financing just like on Well #3 & 4.

Mayor Chávez asked then it is reimbursable.

Santiago Chavez stated we do not have the funds for gap financing yet. We would need to secure that with NMFA with a low interest loan. Rob Burpo, our financial advisor has been in contact with John Brooks from NMFA to address those concerns.

Ramesh Narasimhan retracted his statement.

Rob Burpo stated what the Town would do is set up a Term Loan. Collateral will be the Army Corp of Engineer funds once they receive their appropriation. The cost would be 1% from the day we close. NMFA needs your approval on these contracts tonight. John Brooks and I will be working with Ramesh and Archer on the details and contractual items. There are some details we want to get addressed. We want to make sure performance at Wells #1 & 2 meet what Wells 3 & 4 are supposed to be at.

133 Ramesh Narasimhan stated there are two separate bid tabs because of the Stimulus funding and  
134 billed as two separate projects. Well #1 is the stimulus funding.

135  
136 Mayor Chávez asked to explain the spending of the stimulus funding dollars.

137  
138 Maria Rinaldi stated that ARRA requires that we be under contract by February 15<sup>th</sup> there has  
139 been an internal deadline of NMFA by tomorrow. We do meet the deadline. They have no  
140 problem with the estimated time of the project.

141  
142 Councilor Jaramillo asked if there was problem this being a term loan.

143  
144 Rob Burpo stated that it is going to be a no pre payment type of loan. Those are details that will  
145 be worked out and no way will that cause the Town to pay any additional expense.

146  
147 Councilor Montoya stated it is clear to all the timing for the stimulus funding. His concern is the  
148 technology itself. Where we are at today as far as what we have gone through for the past year  
149 on Wells # 3 & 4 not sure where we need to be or should be. Need to have more confidence in  
150 the technology itself. You are telling us we are not in compliance with the levels on the waste  
151 water side. If you want to move forward to work on Wells #1 & 2 I think we should move  
152 forward with the confidence that Wells # 3 & 4 are working. Why are we using new technology  
153 on Wells#1 and 2 when what should be working on Wells #3 & 4 should be suitable.

154  
155 Ramesh Narasimhan stated micro filtration is needed for the arsenic levels at Wells #1 and 2.  
156 The filter is not robust enough to capture the arsenic.

157  
158 Councilor Montoya asked does that mean we are going to have to go back to Wells #3 & 4 and  
159 redo what we have done.

160  
161 Ramesh Narasimhan stated on the arsenic concentration in half the load we are seeing at Wells  
162 #1 & 2. We are not going back to do micro filtration. Regular filtration is working. There just  
163 needs to do a shorter run time of 6 hours will do the trick at Wells #3 & 4. Test results show that  
164 will not work for only an hour or two on Wells #1 & 2. The technology is similar the filtration  
165 has to be finer.

166  
167 Councilor Montoya stated we need to have Wells #1-4 all working. As our engineer standing  
168 before us we want to make sure that you have full confidence in this technology.

169  
170 Ramesh Narasimhan stated that he will guarantee the consistence performance on Wells # 3 & 4  
171 with the back wash modification. He will put it in writing.

172  
173 Councilor Jaramillo stated ultimately Wells #1 and 2 are more complex.

174

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175 Ramesh Narasimhan stated that is why the filter needs to be different at Wells #1 and 2 because  
176 the arsenic is higher. We brought it to 30, was at 100 at Well #1.

177  
178 Councilor Montoya asked if Ramesh Narasimhan had current test results.

179  
180 Ramesh Narasimhan stated he had drinking water results and Maria Rinaldi had waste water  
181 results.

182  
183 Councilor Jaramillo asked is this the technology we are using at Well #3 & 4 and where is it  
184 been used.

185  
186 Ramesh Narasimhan stated no. The micro filtration system is used in Albuquerque and he has  
187 been working with this type of system since 1993.

188  
189 Councilor Montoya asked if Santiago Chavez and Maria Rinaldi had confidence in this  
190 technology since you both work with the staff and see the testing and would like to have their  
191 opinion.

192  
193 Santiago Chavez stated he met with Ramesh prior to the meeting and he told me the same thing  
194 he told you and is willing to put it in writing. We had some staff issues OMI was hired and also  
195 some supply issues of ordering filters. We are ordering the filters directly from the supplier for  
196 the system. Anything asked of me I have done. I understand the system and I am not happy that  
197 we are not at the point we need to be. But, our engineer of record has guaranteed it would work.

198  
199 Councilor Torres gave some filters to Ramesh and asked what it was.

200  
201 Ramesh Narasimhan stated it is the excess aluminum. When the filter goes too long, it causes  
202 excess carryover. The modification of the 6 hour filtration will clear the excess carry over.  
203 When it first started, the system was running 26 hours. It has gotten better by 75% to 80%. He  
204 is still not comfortable with it and therefore the modification will clear that.

205  
206 Councilor Sisneros asked Maria Rinaldi for her opinion.

207  
208 Maria Rinaldi stated she took over the administration of this project in June 2009. We have done  
209 everything we can to secure quantifiable test results. Wilson and Company on retainer through a  
210 lab gave us data analysis of our DMR to provide us with arsenic test results those are the only  
211 ones she has seen. Despite regular asking for pledging for additional test results. One of the  
212 things you must insist upon is a schedule of testing and quantifiable test results as a determinant  
213 for the efficiency of this technology. As to answer your question Councilor Montoya, as a  
214 representative of this body and this town I have seen test results that we do not meet drinking  
215 standards. And this is all I can say. I have been assured by our engineer and by our equipment  
216 provider that we do meet the standards. I do not understand the difference between the drinking  
217 water standards and the waste water standards. It is my understanding that it is 10 ppb the

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218 arsenic comes through our distribution system which is what we are pulling out of our system.  
219 You are asking me for our recommendation. I don't have one. If I had to say today based on  
220 what I know I would not recommend the technology. You must insist upon the schedule of  
221 testing and you must see those tests results.

222

223 Councilor Jaramillo stated she agrees the bottom line is that they are mandated from the EPA  
224 and we must follow them.

225

226 Santiago Chavez stated furthermore he had a meeting with Ramesh and he expressed that any  
227 modification to Wells # 3 & 4 he would take care of it at his cost. He guaranteed it.

228

229 Rob Burpo stated he and John Brooks are meeting on Friday getting the financing for the Well  
230 #2 as your bond holder we share some of your concerns and may try to incorporate some of your  
231 concerns in the bond documents or some attachments to give you as well as well the bond holder  
232 some additional protection.

233

234 Councilor Montoya asked did we go with the lowest bid because he was the lowest bidder.

235

236 Maria Rinaldi stated he was the lowest qualified bidder.

237

238 Mayor Chávez stated that built into the contracts Wells #3 and 4 was a schedule of performance  
239 is included and want to make sure that we put closure to Well #3 and 4.

240

241 Mayor Chávez asked for a motion to approve the contact to Archer Western Contractors.

242

243 Councilor Jaramillo made a motion to approve the award of contract to Archer Western  
244 Contractors. The motion was seconded by Councilor Montoya.

245

246 Councilor Jaramillo amended her motion to approve the award of contract to Archer Western  
247 Contractors and ARS Inc for the equipment for Wells #1 and 2.

248

249 Councilor Torres asked if Maria Rinaldi or Santiago Chaves had a problem with the action.

250

251 Santiago Chavez just wanted to be clear that the deliverable for the contractor is the building. If  
252 anything happens to it they are liable. Delineate the fact we wanted the testing. As far as our  
253 engineer Ramesh, that is a separate type of issue. What you have before you is the contract for  
254 the building and Ramesh is our engineer of record. We have a contract with him. We have  
255 liquidated damage written in there. We have something in place to activate the stimulus funds.  
256 Holding him accountable is a different issue. We have a company that is the low bidder and in  
257 good faith they want to build us a building and do it right and we want to hold them to that. That  
258 was just my hesitation and I just wanted to make that clear.

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260 Mayor Chávez asked for any further discussion.

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None took place.

Mayor Chávez asked for a roll call vote.

Roll Call Vote

Councilor Jaramillo    Yea

Councilor Sisneros    Yea

Councilor Montoya    Yea

Councilor Torres    Yea

Mayor Chávez asked that staff continue to work with Rob Burpo and NMFA to build into the schedule and the bond language the release of dollars for both of these projects. The stimulus piece and the Army Corp of Engineers dollars so that we have the performance built into that and we're assured performance is being met, schedules are being met and the delivery of what our expectations that we have outlined here are being met by our contractor and engineer.

Mayor Chávez asked for update on a monthly basis on how the project is progressing both from our engineering staff contractor as well as our building and arsenic technology contractor.

There being no further business, the meeting was adjourned at 6:21P.M.

Done this 1st day of February 2010.

ATTEST:

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Ida Fierro, Town Clerk  
(seal)

\_\_\_\_\_  
Patricia A. Chávez, Mayor