

**CITY OF ALBUQUERQUE
SMALL BUSINESS
REGULATORY ADVISORY COMMISSION**



Chairman: Alex Romero
Vice Chairman: Don Kaufman
Ex-Officio Commissioner: John A. Garcia

Commissioners: Beverly Chavez
Larry Garcia
Larry Rainosek
Scott Throckmorton
Anthony Trujillo

MINUTES from FEBRUARY 21, 2012

ATTENDEES:

Beverly Chavez
Larry Garcia
Don Kaufman
Larry Rainosek
Alex Romero
Scott Throckmorton
Anthony Trujillo

STAFF:

Donna Griffin
Cheryl Rein- Borunda
Ramona Zamir-Gonzalez

GUEST:

Attachments: Letter that was mailed to businesses impacted by the new Fire Code Legislation and questionnaire seeking feedback; Spreadsheet of compiled questionnaire responses; Notice of Petition from business owner (submitted as a response to the Letter) requesting Fire Code Legislation be upheld for all pre-existing A-2 assembly occupancies; copy of Letter to Captain Greene of the Fire Marshal's office as a courtesy to inform the Fire Department of the actions and discussions by the Commission regarding the Fire Code Legislation and Fire Watch; Small Business Impact Statement; Fire Code Legislation revisions made by Fire Marshall for Commission review.

Meeting called to order by Chairman Alex Romero at 7:35 a.m.

I. Donna Griffin requested to add to the Agenda a brief discussion about Commercial Building Permits. Chairman Romero said to attach the addition to Item X.

II. January 17, 2012 Minutes reviewed and approved by the Commission.

MOTION BY COMMISSIONER GARCIA
SECOND BY COMMISSIONER TRUJILLO
MOTION CARRIED UNANIMOUSLY

III. Cheryl Rein-Borunda summarized the responses following the outreach letters and questionnaires that were mailed to businesses: Letter to Atomic Cantina was returned – establishment is closed; ten questionnaires were received back, including a petition of 168 signatures; any and all comments were compiled on the attached spreadsheet. Overall (see impact statement), if the new legislation is approved, many owners predict they will go out of business due to costs of between \$40,000 to \$200,000 for older buildings. The individual completed questionnaires are in Cheryl's office if anyone wants to review them. The Commissioners agreed that these results validate the vote that the Commission took regarding its opposition to the automatic sprinkler section of the Code.

- IV. Cheryl Rein-Borunda introduced Captains Greene and Garcia from the Fire Marshal's office. With regard to the letter drafted by Donna Griffin that was sent to their office, Captain Greene stated that they reviewed and considered the concerns of the Commission addressed in the letter. As a result, they drafted some changes and are seeking the Commission's acceptance of these changes before modifying the proposed ordinance.

Attached draft includes removal of current language in Section 114.4 and revision to include more specific language regarding number of personnel assigned to standby or fire watch.

Captain Greene expressed the purpose of the fire watch which is essentially a "Plan B" to what would otherwise be a denied/terminated event, building evacuation, or temporary business closure. However, taking into consideration that a closed business does not readily afford the owner the ability to earn revenue to make needed repairs or installations up to Code, fire watch provides an alternative and temporary method for businesses to stay open until problems are addressed. Such problems include examples listed as 1 through 4 on the attached draft.

A roundtable discussion continued regarding fire watch details and clarification.

Captains Greene and Garcia clarified that the Fire Department currently issues a letter to the business that is in violation and states why they are placed on fire watch, as well as the number of people assigned and their required duties. This document is signed by both parties and maintained as a record of agreement to these specifications because fire watch presents a liability to the City, and so the Fire Marshal's office intends to do what it can to ensure that the building or event is as safe as possible.

Donna Griffin asked if the letter could be modified to include events that are in the planning stages. Captain Greene stated that there is a space in the letter for "Other." Donna Griffin suggested that language be added into the ordinance as underlined in the attached impact statement for Paragraph 114.4.

Recommendation to add language to Paragraph 114.4 in the proposed ordinance regarding the provision of written notification to the event planner and/or business owner when fire watch is required.

MOTION BY COMMISSIONER KAUFMAN
SECOND BY COMMISSIONER TRUJILLO
MOTION CARRIED UNANIMOUSLY

Chairman Romero turned the discussion towards the proposed ordinance regarding Automatic Sprinklers. Captain Greene indicated that the Fire Marshal's office has determined to maintain the language as proposed.

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- V. Regarding the Fire Watch and Fire Safety Officer Standby Rates, Captain Greene advised that new language was added to the proposed ordinance as recommended by the Commission according to the Impact Statement (see attached draft).

The Commissioners, Donna Griffin, and Captains Greene and Garcia discussed the current building codes as they relate to occupancy, and sprinkler and fire alarm requirements. No alternatives were suggested for changes or modifications in this regard.

Donna Griffin explained the Probable Economic Effect on Small Businesses (Pages 2-3 of the Impact Statement) analyses. She indicated that the figures for the Automatic Sprinklers are based on the returned questionnaire responses. However the estimates for fire watch are less defined, since they are dependent upon the specifications of each venue and/or event. Therefore, the figure used is the standard rate for fire watch imposed by the Fire Department at \$55.25/hour, with a four hour minimum. This results in a minimum cost to small businesses of \$221.00, and \$884.00 for an 8-hour event. She noted that with the agreement by the Fire Department to revise the language in the proposed legislation on fire watch rates, a private company (certified) could potentially charge less.

There was a roundtable discussion about interim inspections of new buildings by the Fire Marshal's office. Captain Garcia clarified that a permit for a new building includes two inspections – an initial and a re-inspection; any site inspections beyond these two incur a \$60.00 charge. He recommends that one inspection be used in the interim to avoid future or last minute code violations and additional costs to the business owner. Another alternative is for the contractor to bring the fire alarm/sprinkler plans into the Fire Marshal's office for review and advisement at no cost. Cheryl Rein-Borunda remarked that the point for bringing up this topic was to determine if language needs be provided in the new fire code legislation that allows for interim inspection at a cost to the business owner. Following the discussion, Commissioner Throckmorton determined that it is not necessary to change the current language regarding this issue in the new legislation.

Captains Greene and Garcia agreed to change the language in the final draft of the fire code to include the statement regarding written notification provided when fire watch is required. Donna Griffin stated that she will modify the impact statement and provide a draft to the Commission, and suggested that the City Council be informed about the points that were negotiated in this meeting.

- VI. Item was resolved in Item V.

- VII. Item was resolved in Item V.

- VIII. Cheryl Rein-Borunda inquired of Captains Greene and Garcia about whether they had a sponsor in City Council for the new fire code legislation. Captain Greene remarked that once they make the final revisions, they will start the process to get it introduced and find a sponsor.

Captain Greene thanked the Commissioners for their patience and help with facilitating this legislation.

John Garcia emphasized the importance of the Chairmen and Commissioners attending the City Council meeting when this legislation is reviewed. It will not happen before the SBRAC March meeting.

- IX. Cheryl Rein-Borunda stated that the website has not received any response as of yet. Future outreach may be more effective through the mail, though the website will always be available. John Garcia mentioned that he will work to obtain more support from Budget for this Committee, and thanked Donna Griffin for all of the work she has contributed.

Chairman Romero inquired about the annual report (coming due) that the Committee needs to prepare for the Mayor and City Council. John Garcia stated he will work with Cheryl Rein-Borunda to put one together.

There was a discussion about how the Commission has served its purpose thus far. Cheryl Rein-Borunda commented that the City Council can now look to the Commission to review legislation that may affect small businesses. Additionally, it was determined that individual contractual issues are probably not something that the Commission wants to look at.

- X. Item by Donna Griffin regarding interim Commercial Building Permits and inspections was addressed in Item V.

Donna Griffin referring to Commissioner Kaufman's inquiry about whether the Commission is receiving notice about new and upcoming legislation stated that she received an email/press release about an ordinance sponsored by Councilors Benton, O'Malley, and Lewis. The ordinance was to be reviewed this evening. Cheryl Rein-Borunda stated she will forward the email to the Commissioners.

- XI. The meeting adjourned at 8:52 am.

Submitted by
Cheryl Rein-Borunda



Approved:
Alex Romero, Chairman



Date: _____

2/17/12