

# 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 NOVEMBER 22, 2011

**ATTENDEES:**

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

**STAFF:**

John Garcia  
Cheryl Rein-Borunda  
Donna Griffin  
Margaret Garcia

**GUESTS:**

Commander Victor Marquez, AFD  
Captain Andrew Chavez, AFD  
Captain Curtis Green, AFD

The meeting was called to order by Chairman Romero at 7:35 a.m.

- I. The November 22 agenda was approved as submitted with no additions or changes.
- II. The October 25, 2011 Minutes were reviewed by the Commission and unanimously passed with no corrections or additions.

MOTION BY COMMISSIONER GARCIA  
SECOND BY COMMISSION CHAVEZ  
MOTION CARRIED UNANIMOUSLY

III. SBRAC Website Emails

Cheryl Rein-Borunda reported to the Commission:

- No email responses received to proposed Fire Code amendments
- Two notices on Fire Code amendments posted on City's web page and SBRAC's website

Chairman Romero stated the discussion of outreach should be an agenda item for the December meeting of the Commission to discuss ideas for outreach next year.

#### IV. Fire Department Personnel Introductions

Cheryl Rein-Borunda introduced the three guests from the Albuquerque Fire Department, Victor Marquez, Andrew Chavez and Curtis Green.

Commander Marquez provided a brief history of how he and Captain Andrew Chavez began their work on the proposed amendments to the Fire Code legislation:

- Committee was created to look at updating City's Fire Code
- Committee looked at comparable cities (Phoenix & El Paso)
- The intent was to stay in step with various City & State Codes
- City adopted the 2009 International Building Code (IBC), companion document to the City's Fire Code

Chairman Romero asked Cheryl about the format for this discussion. Cheryl's suggested that the four points listed on the agenda's Q&A would be taken one at a time.

#### V. Commissioners, Legal, Fire Department Personnel Q&A

**(a) NFPA Life Safety Code**—How adoption of this affects small business  
AFD's comments:

- NFPA isn't new. Just updating the 2009 edition
- Biggest change is the new/existing chapters on occupancy
- Looking at egress
- Maintain what's there currently

Questions/Comments from Cheryl, Commission & Legal:

- How would it affect new and existing business? (Cheryl)
- Are you taking cost into account? (Comm. Rainosek)
- Construction of buildings hasn't changed, why rewrite? (Comm. Throckmorton)
- Difference between aisle requirements (Donna Griffin, Legal)
- Are we adopting parts of NFPA as is? (Cheryl)

*AFD response:* No. No changes to chapters

- What is the difference between taverns or restaurant (Comm. Rainosek)

AFD's comments:

- Proposed amendments are being addressed to protect loss of life

Donna Griffin, Legal: The Small Business Regulatory Advisory Commission's charge is to look at less costly alternatives. Do the amendments allow flexibility for variances?

AFD Response:

- It is the job of the architect to find ways to look at changes and variances
- Variance process is written into the administrative section of International Building Code.
- There is option to appeal to the Board of Appeals
- The membership of the Board is being reviewed to expand members from the public to provide balanced review

Commission:

- Chairman Romero stated since the effort is to look at adopting the 2009 edition, will the City be proposing adopting another edition in 2012?
- Chairman Romero asked how can the Commission look at changes and understand what they are?

**V.(b) Standby Personnel/Fire Watch** – No guidelines on when/how many, an event with 50 can require as many standby personnel as an event with 500?

AFD Response:

- Every event is not the same. Can't necessarily require more personnel always. Could be less.

Legal, Donna Griffin: Could have a decision-making matrix

**V.(c) Automatic Sprinkler System requirement** –Existing dance halls, discotheques, night clubs, taverns and bars. Restaurant exemption?

AFD Response:

- Current ordinance is trying to focus on established facilities that present safety hazard. A facility serving alcohol and food would be classified as a restaurant if 51% or more of revenue is generated from food sales.

Commission:

- What is the trigger that is requiring businesses to install sprinklers that didn't have them? Have there been any fires in Albuquerque in the past ten years?

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**V(d) Tents and Membrane Structures regardless of square footage—effect on attracting events to Albuquerque**

AFD Comments:

- Permit language has not changed.
- Permit section—exempting car lots
- Tent approval process accompanied by site plans will have no fee

**General Discussion Regarding Proposed Legislation.**

Cheryl, Economic Dev./Donna Griffin, Legal:

- Would like AFD to prepare a side-by-side comparison of existing legislation and practice with proposed legislation.

Cheryl Rein-Borunda:

- Small businesses need to be invited to next meeting to discuss these amendments
- The amendments don't say how it's changing what's in place

AFD Comment:

- We're trying to catch up with the state.

Commission Comments:

- 1) Cheryl to do follow up, Commissioner Throckmorton too
- 2) Outreach to be covered by John Garcia
- 3) Next meeting: Invite VFW's
- 4) Next meeting: Dec. 20

There being no further business, meeting adjourned at 9:05 p.m.

MOTION BY COMMISSIONER GARCIA  
SECOND BY COMMISSIONER THROCKMORTON