



Agenda

**PUBLIC UTILITIES COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
200 Lincoln
WEDNESDAY, JANUARY 6, 2016
REGULAR MEETING – 5:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE DECMEBER 2, 2015 PUC MEETING

CITY CLERK'S OFFICE

DATE 12/20/15 TIME 3:07

SERVED BY [Signature]

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INFORMATIONAL ITEMS

6. Update on Current Water Supply Status and McClure Reservoir Construction. (Alex Puglisi and Robert Jorgensen)
7. Utility Billing Division Update. (Diana Catanach)
8. Update on PNM Memorandum of Understanding (MOU) on Baca Street Well (aka SF Well) Investigation/Abatement under NM Corrective Action Fund. (Alex Puglisi)

VERBAL

9. Initial Report on Resolution 2015-97 – A resolution directing staff to research and report on development of a Rain Water Harvesting and Water Catchment Program associated with residential, commercial and city-owned building and property. (Caryn Grosse)

CONSENT – ACTION CALENDAR

10. Request for approval of Award of Bid to PK Relations for RFP '16/13/P for Water Resources and Conservation Public Relations and Public Outreach Professional Services for the amount of \$235,000.00 for a term of four (4) years. (Rick Carpenter)

Public Utilities Committee – 1/6/16

Finance Committee – 1/19/16

City Council – 1/27/16

11. Request for approval of a Budget Adjustment Request for Staff Overtime. (Diana Catanach)

Public Utilities Committee – 1/6/16

Finance Committee – 1/19/16

City Council – 1/27/16

DISCUSSION AND ACTION

12. Discuss and approve new gradual approach to delinquent account collection process. (Oscar Rodriguez)

Public Utilities Committee – 1/6/16

Finance Committee – 1/19/16

City Council – 1/27/16

13. Request for approval of Bill No. 2016 - _____. An Ordinance amending Subsection 7-1.1 SFCC 1987 to adopt the 2012 Uniform Swimming Pool, Spa and Hot Tub code, the 2012 Uniform Mechanical Code, and the 2012 Uniform Solar Code; amending Subsection 7-1.1 SFCC 1987 to adopt the 2012 Uniform Plumbing Code, as amended by the State of New Mexico and the City of Santa Fe. (Councilor Bushee) (Michael Purdy)

Public Works Committee – 1/11/2016

Public Utilities Committee – 1/6/2016

City Council – 1/13/2016 (Request to Publish)

Finance Committee – 1/19/2016

City Council – 2/10/2016

14. Request for approval of Resolution No. 2016-_____. A resolution designating the Greater Santa Fe Fire Shed as an area that is critical to the health and safety of the citizens of Santa Fe and a priority in reducing the ecological and economic hazards posed by wildfires; including the Greater Santa Fe Fire Shed in the 25-Year Sustainable Santa Fe Plan; and directing staff to identify funding sources to develop projects. (Mayor Gonzales, Councilors Ives and Bushee) (Porfirio Chavarria)

Sustainable Santa Fe Commission (no quorum) – 12/16/2015

Public Utilities Committee – 1/6/2016

Finance Committee – 1/19/2016

Public Safety Committee – 1/26/2016
City Council – 1/27/2016

MATTERS FROM THE PUBLIC

MATTERS FROM THE CITY ATTORNEY

MATTERS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: Wednesday, February 3, 2016

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

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Wednesday, January 6, 2016**

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**MINUTES OF THE
CITY OF SANTA FE
PUBLIC UTILITIES COMMITTEE
Wednesday, January 6, 2016**

1. CALL TO ORDER

A meeting of the Public Utilities Committee was called to order by Councilor Christopher M. Rivera, Chair, at approximately 5:00 p.m., on Wednesday, January 6, 2016, in the Council Chambers, City Hall, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Councilor Christopher M. Rivera, Chair
Councilor Patti J. Bushee
Councilor Peter N. Ives
Councilor Joseph M. Maestas

MEMBERS EXCUSED:

Councilor Bill Dimas

OTHERS PRESENT:

Nick Schiavo, Public Utilities Director
Marcos Martinez, Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership present for conducting official business.

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference. The original Committee packet is on file in the Public Utilities Department.

3. APPROVAL OF AGENDA

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote.

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to approve the following Consent Action Calendar, as amended.

VOTE: The motion was approved unanimously on a voice vote.

CONSENT – ACTION CALENDAR

10. *[Removed for discussion by Councilor Bushee]*

11. *[Removed for discussion by Councilor Bushee]*

5. APPROVAL OF MINUTES FROM THE DECEMBER 2, 2015 PUC MEETING

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to approve the minutes of the PUC meeting of December 2, 2015, as presented.

VOTE: The motion was approved unanimously on a voice.

INFORMATIONAL ITEMS

6. UPDATE ON CURRENT WATER SUPPLY STATUS AND McCLURE RESERVOIR CONSTRUCTION. (ALEX PUGLISI AND ROBERT JORGENSEN)

A copy of *McClure & Nichols Reservoirs Infrastructure Improvements CIP Project No. 3038 – Construction and Water Production Update*, dated December 21, 2015, is incorporated herewith to these minutes as Exhibit "1."

A letter dated December 2015, with attachments, to Mary Young, Office of the State Engineer, from Nick Schiavo, Director, Sangre de Cristo Water, regarding Diversion Report for December 2015, is incorporated herewith to these minutes as Exhibit "2."

A copy of an article from New Mexico In Depth, *Is the Rio Grande Headed for "Permanent Drought"?*, by Laura Paskus, is incorporated herewith to these minutes as Exhibit "3."

Alex Puglisi said the Water Supply Report is in the packet, noting the snowpack is above average on snow to water content.

Mr. Puglisi noted there is a copy of the State Engineer's report on the Committee's desk [Exhibit "2"].

Mr. Puglisi said the dam construction is complete and the lake is frozen, noting it is 7% full right now, with approximately 70 million gallons in McClure.

7. UTILITY BILLING DIVISION UPDATE. (DIANA CATANACH)

Diana Catanach said her Memorandum is in the Committee packet, noting they have been working on the Badger Meter Project this week, but the work is slim because of the weather and frozen snow and ice on top of the meters.

Councilor Bushee said, "Maybe I won't have to ask the questions at #11." She noted that Ms. Catanach, in her Memorandum, says there are only two trained billing staff and 2 customer services representatives, noting there is a vacancy savings. She asked if there is a process for filling those positions and training them so we're not paying overtime.

Ms. Catanach said they have filled one vacant position, and Richard Chavez, Meter Reader Supervisor is training, but there is a learning curve for them to be able to do the billing process. They have been backfilling to cover the vacant position with Customer Services staff, because the person in that position has been doing more field investigations, checking meters.

Councilor Bushee said her concern is the lack of anticipation in implementing the new system and filling vacant positions and timely training, commenting she feels like we are playing catch-up. She said she says that because of the volume of calls and emails she has been receiving. She is looking for some proactive approaches to resolving the problems.

Ms. Catanach said "all hands are on deck," working on all the issues. She said there is a lot of work that still is to be done within the system, but the old system isn't geared-up for what they need to do for Badger, noting that is a lot of manual input. She said the staff persons need to know the system and how to enter the data correctly, because it's not just straight data entry. They have to know if they "enter something here, what it might affect on the back end." This is the reason she is very careful about who does certain things. She said they are almost staffed-up on the Customer Service side, noting there are no vacant positions there. She said once through they get through the crunch in the next 30-60 days, there will be sufficient staff in Customer Service.

Councilor Bushee asked about cross-training. She said one of the complaints is that people call and get only an automated system and can't get through to a live person, commenting that many of these callers are elderly. She said she is trying to see what the plan is. She said it feels like we didn't look forward in this situation. She knows these always have been rough transitions, but this one has been extra-rough.

Nick Schiavo, Public Utilities Director, said there definitely has been a high call volume, which is due to a couple of things. He said they are behind in billing, so people are wondering where their bills are. He said, "My plan is to have us back on track in 1½ months, and should be back on track by mid-February."

Mr. Schiavo continued, saying they are replacing meters, and the other challenge are the issues about the old meters and the Firefly, and those readings. He said they are helping customers by arranging things so they won't be overcharged for something neither they nor we could see. He said lastly, the new meters are very accurate. He said recently he spoke on the phone with a customer who believed the new meter was reading wrongly, and the reading couldn't be accurate. He said he pulled the data. The meter was installed in September and had been leaking 16 gallons every hour since then, so we could see that it was a leak. He said the woman told him she had a plumber out, but when staff went to the house they found a "giant, frozen glob of ice from her front spigot down. The then woman said she guessed she had a leak.

Responding to Councilor Bushee, Mr. Schiavo said the phone calls have been split 1/3, 1/3, 1/3, between billing issues, what is happening with the bill from the old one, and assertions the new meter isn't working correctly. He said once the bills are going out on time, the call time will be reduced. He has asked Ms. Catanach to dedicated a staff person dedicated to just answering calls. He said once the queue is beyond 5 persons on hold, he has asked staff to start to pick up the phone and ask how can they help them.

Councilor Bushee asked how many of the complaints that the meter is not reading correctly have turned out to be leaks.

Mr. Schiavo asked Ms. Catanach the number she was seeing from PMI as potential leaks.

Ms. Catanach said there are 843 customers that are showing leaks out of 36,000 customers, and PMI and customers have been contacting those customers, going out to the homes and looking at the meters. She said it is nice that you can see those numbers with the new system.

Councilor Bushee asked the number of Badgers still to be installed.

Ms. Catanach said approximately 10,000.

Councilor Ives said he has had calls and conversations with the public about not receiving bills, and two were about a bill in excess of \$4,000, and the other in excess of \$2,000. He said several people showed him copies of their bills showing a November due date for a bill that was not sent out until December. He said there clearly are a few issues to work through, and he hopes people aren't paying in excess of billing for bills they haven't received. He said he understands staff is working on payment plans for those with large bills. He said one constituent said she was told there was a 19 month payment plan period, but that could be extended at the request of a City Councilor. He said, "I'm curious where reality lies."

Ms. Catanach said if a Firefly hasn't been reading for months, they will do a payment plan based on the number of months the meter wasn't reading, so that could go back as far as 24 months if that's the case.

Councilor Ives said if this is a person who is living to the edge of their income, 24 months may or may not be a timeframe for them to catch up with their bill, without consequences to their quality of life. He would urge they continue to work with people to find solutions that work with them, because the problem is with the Firefly and not their desire/ability to pay.

Councilor Ives expressed concern that a bill could get to \$4,000, without discovery by the City, and asked how that happened, and if the meter readers were going out and reading these meters.

Mr. Schiavo said in looking at the data, it appears it could have been going on for as much as 3 years. He said the meter was rolling forward, but the Firefly wasn't registering it correctly, and in some cases was reading zero each month. He said in switching the meters, the meter shows some volume of water, and for that amount of water, the person is quickly into tier 2 and it is a tremendous amount of money. He said, "We're not trying to go back and recover the cost on the 150,000 gallons of water. We couldn't see it in some cases, it's just under-reads. And so the customer believes he is using 6,000 a months, and we believe him, and it turns out he was using 8,000 to 9,000 gallons a month." He said that overage over 2-3 years adds up to a big chunk at the end, reiterating that we didn't see it until the end when the meter was pulled.

Councilor Ives asked if the overage is being charged at the lower rate.

Mr. Schiavo said they are negotiating, if people received a bill showing zero consumption, but they knew they were consuming water. He said there really was no way to know if there was a difference of 1,000 to 5,000 per month, so we're not asking people to pay for that.

Councilor Ives asked what the meter readers were doing in the field when we had the Firefly.

Mr. Schiavo said, that was clearly before his time, and everyone thought Datamatic was "the best thing since sliced bread," and installed the Firefly on all meters. At that time we had twice the number of meter readers we currently have. He said people used to go out, manually lift the lid of the meter and enter the reading into the hand-held device. He said once we switched to the system where they only needed to drive around in a vehicle and have that data pulse into a laptop or hand held unit, they didn't get out of the trucks anymore unless they didn't get a reading. If that happened, they would get out of the vehicle and manually scan and enter the information.

Councilors Ives asked the total amount meters can calculate.

Mr. Schiavo said the meters roll over after 100,000 gallons, and these could have rolled over during this time and the readers may not have caught that.

Councilor Ives asked what we are doing in these circumstances.

Mr. Schiavo reiterated how the City is addressing these situations.

Councilor Ives asked if the high bills were because of those showing a zero read.

Mr. Schiavo said it "binged" into 3 different areas of complaints coming in. He said almost everyone they talk with leaves happy, understanding what happened, grateful they weren't to be back-billed for the water and go on their way. He said it will take almost 3 months to finish installing the meters. He will do everything to prevent the volume of calls increasing, but as the meters are changed, there will be calls over the next 3 months, and said he apologizes in advance. He said the City has never changed all of its meters, noting in some cases they are replacing meters that are 20-30 years old. He said as meters become older, and gets calcified or something in it, it won't turn at low velocity, so all this water was slipping past, and the new meter, being more accurate, does catch that.

Councilor Maestas said he too has had lots of calls. He said the last time we talked about the problem with the high pace of meter replacement and the need to manually input the information into the new meter system, he thought we talked about trying to get those in sync, or reduce the pace of the meter exchange. He asked if any of that was done.

Ms. Catanach said PMI didn't work the week of Thanksgiving and took almost 3 weeks in December because of the weather, and have hardly done any this week. She said cycle 2 is the biggest cycle with 1,600 meters to exchange, noting this is the last big cycle that they have to do. She said 6 people are working on this and meter exchanges. She said it isn't just a matter of entering the data, noting there are a lot of processes behind that, and it takes time. She said they can do 100 a day on good days, depending on the person. She said the cycle 1 bill is getting ready to bill Thursday afternoon or Friday morning, so that is completely clean. She said all that remains in cycle 3 and 4 are any new meters that have been installed. She said once they get through cycle 2, "that's the light at the end of our tunnel." She said they are estimating those will be billed by January 20, 2016, at the latest. She said going forward it is all new meters.

Councilor Maestas said we are dedicating resources more toward customer service, and asked if there are goals to reduce wait time for people calling. He said there needs to be some basis for adding these resources to Customer Service. Or, are we just trying to reduce the delay.

Ms. Catanach said they looked at the number of incoming calls on hold, and it was tough during the Holidays because people were using the leave they have to use before the end of the year, as well as illness and such. She said she didn't have a full crew during that time, except for maybe 1 day. She is borrowing someone to help for billing. She said there can be 8 calls on hold, and it builds. She said also, they are taking care of customers in the lobby, as well as doing their everyday work. She said people have been assigned to just take calls, or just do the walk-ins and to do the daily tasks. She said a lot of the overtime is due to the fact that the employees are doing their daily work after hours, trying to return calls and such. She said she would love to have no more than 2 calls on hold for a maximum time of 4 minutes.

She said right now there are 8 calls coming in at one time, with 3 people and each call takes about 10 minutes.

Councilor Maestas said he would suggest, as the groundwork for a Customer Service Plan, that she come up with a protocol, such as for calls on hold for 5 minutes – you get their number and tell them you will call them as soon as possible. He said he would rather have someone get on the line and tell him the customer call volume is much too high, ask for a telephone number, and tell him they will call him back. He said he would like Mr. Schiavo to develop a Customer Service Plan, with a protocol to keep down the frustration level. He said it can be used in the future if it doesn't exist now, commenting he would like to see that in the next month or so. He said he doesn't mean to micromanage, but he's been slammed with calls from customers. He said we can turn this situation into a positive to develop protocol in dealing with customer service telephone call issues.

Councilor Maestas said Datamatic filed Bankruptcy, and asked if under-reading and potential revenue loss from that, can be a part of our claim, and if we could prove that. If so, can we add to the scope of our claim. He said he realizes this may be a matter for Executive Session, and asked Mr. Martinez if he can speak about this in general terms.

Marcos Martinez, Assistant City Attorney, said, "Just to speak generally, I would say in our breach of contract lawsuit against Datamatic, lost profits would have been an element we would have sought recovery of. However, because of the bankruptcy action, everything got folded into the Bankruptcy. And our claims are unsecured, unfortunately, which means it puts us at the end of the line in terms of the opportunity to recover that lost investment. Both the compensatory damages, in terms of how much we spent on Datamatic and other types of damages. So, I would have to look at the original stated complaint, but I believe the breach of contract would have us to argue precisely what you thin, but I think our options are probably limited based on the federal bankruptcy.

Councilor Maestas said so we have a number and monetary claim, for each of the 3 elements. He asked if the dollar amount of our claim can be increased to add these costs.

Mr. Martinez said, "I think it would come in the damages phase of a trial, but again, I think we're in a difficult position because of the bankruptcy. I think, once the bankruptcy is discharged, we're really not going to have any other remedies against them. The City is basically in a difficult position because of the bankruptcy. This is a company that declared bankruptcy for a variety of reasons."

Councilor Bushee said the staff with whom she has dealt have been very very good. She wants to have more of them cross-trained in whatever way so we don't have this logjam again

Councilor Ives asked if anyone has pursued any kind of 523 Fraud Claims in the Bankruptcy Court.

Mr. Martinez said he doesn't know, and will have to ask the outside counsel representing the City, but he will make a note to check it out.

Councilor Ives said this is the only way to improve our position, because he presumes the class of unsecured creditors is probably SOL on any recovery. He asked who are the major secured creditors, commenting he would presume it is financial institutions.

Mr. Martinez said, "I think so. That's my understanding. The lenders."

8. UPDATE ON PNM MEMORANDUM OF UNDERSTANDING (MOU) ON BACA STREET WELL (A/K/A SF WELL) INVESTIGATION/ABATEMENT UNDER NM CORRECTIVE ACTION FUND. (ALEX PUGLISI) VERBAL

A copy of a Memorandum of Understanding between the New Mexico Environment Department and Public Service Company of New Mexico, concerning the former Santa Fe Generation Station Site, signed by the NMED on December 22, 2015 and PNM on December 4, 2015, is incorporated herewith to these minutes as Exhibit "4."

Mr. Puglisi said on December 22, 2015, the NMED signed the Memorandum of Understand we've been trying to get them to pursue with PNM for the past 2 ½ years. He said the Memorandum resolves the infamous December 9, 1992 Settlement Agreement, and now puts the site investigation in abatement entirely under this MOU, and under the auspices of the New Mexico Environment Department's Corrective Action Fund, and the implementation of that Fund by the Petroleum Storage Tank Bureau.

Mr. Puglisi reviewed the major provisions:

Dissolves the Settlement Agreement;

Allows PNM to enter into the Corrective Action Fund;

PNM has been determined to be in substantial compliance with the provisions required for the Corrective Action Fund, which basically meant the tanks were registered, were removed on or before the compliance date for removal of tanks unless they were meeting the new Sub Products requirements;

PNM will be required to submit an investigation and abatement plan to the Petroleum Storage Tank Bureau, and that Bureau will approve or disapprove those plans and provide reimbursement to PNM for those activities as long as they meet the provisions of the regulations.

Mr. Puglisi said some of the things we requested to be put in the MOU is that any contamination, not just petroleum, but any contamination in the soils, be addressed by PNM at the same time. He said as first written, it would PNM to investigate the petroleum related contamination, but put off some of the Water Quality Act contamination we found at the site to a later. NMED has now addressed that concern. The MOU also allows PNM to address the investigation and abatement of those other contaminants. Under the Groundwater Protection Act abatement action, it would be administered by PSTB in coordination with the

Groundwater Bureau to make sure cleanup of the other contaminants happens in compliance with the groundwater standards. This is significant, because it keeps PNM moving along on other contaminants found at the site, including contaminants we feel were incidental to the petroleum contamination such as nitrates.

Mr. Puglisi continued, saying some of the earlier bio-remediation at the site involved the use of aluminum, nitrogen and peroxide, and we now find there is substantial concentrations of nitrate at the site. He said we feel that the contamination is incidental to the petroleum, but that will be decided in the future under the investigation and abatement plan.

Mr. Puglisi continued, saying other major provisions of the MOU are:

It allows NMED to access City property where the investigation needs to occur; and

PNM can access the property under the investigation and abatement plan as a responsible agent for the NMED.

Mr. Puglisi said unfortunately the Settlement Agreement seemed to become a mechanism precluding the cleanup of the site, and we hope this MOU moves PNM and NMED in a direction where the site can be investigated and abated within a reasonable period of time.

Mr. Puglisi apologized for the verbal report, but said they received the information at a late. He said he can present in the future when more is known about the investigation plan and our dealings with NMED and PNM.

The Committee commented and asked questions as follows:

- Councilor Bushee asked if the City should be a party to the MOU, and what are the plans to let people in the area know this is being done and the timeline.

Mr. Martinez said, "To answer your first question, I don't believe the City should be a party to the MOU, and the reason for that is because this MOU is between the regulator, the Environment Department, and the responsible party, PNM. The City certainly has an interest, as do all the landowners near there. So it is for that reason that we've inserted ourselves into this discussion as much as possible, and prodded the Environment Department and PNM to basically sign this MOU. Another reason we didn't want to become a party to this MOU, is even if the Environment Department would considering allowing us to be a party, is we didn't want PNM to start pointing fingers at the City, when it's clear they've owned this site there with a gasoline powered, electric generating station here, there was a recorded spill by them. And we didn't want PNM, in any way, to shift the responsibility for cleanup to the City."

Mr. Martinez continued, "As for notice, I don't know, maybe Alex can address how the public works in these types of investigation and remediation abatement processes."

- Councilor Bushee recalled going to a "rah rah we're going to clean this up," event a long time ago. She said the same people who are dogged about the issue, living in the area, want it done, want to know when it's going to be done and how they are going to find that out. She said she won't be here to give them that information, but she wants to know there is some way to disseminate the information.

Mr. Puglisi said he found some minutes from those meetings and went through them, noting Frank Montano was on the Council at that time. He has been contacted by Barbara Fixe, the spokesperson for the neighborhood, and he sent her a copy of MOU and put her in touch with the NMED, noting she has spoken with the Groundwater person who was instrumental in getting this MOU into place. He said under the Corrective Action Fund, these actions will have to go out for public notice and comment. He said if there is substantial public, the public can request a public hearing, and NMED can determine if there is substantial public interest and will make a decision as to whether a hearing is necessary. He said this would be the opportunity for the neighborhood group to get involved.

- Councilor Bushee asked how the City will stay involved, and asked the timeline of the resolution of this issue.

Mr. Puglisi said both PNM and NMED have committed to keep the City involved in the review of any investigation and clean-up plan. He said we still retain all the rights to our property. He said if PNM were to suggest doing a pump/treat using the Baca Street Well, we could say the City is not committed in any to allowing the use of our property in a certain manner. We also will have technical input on the cleanup and investigation plans, commenting, "We've been assured of that."

- Councilor Bushee asked the timeline and how we keep the public informed.

Mr. Puglisi said the timeline is dependent on the City and NMED in trying to push this forward. He met with PNM and NMED last month and it was decided within the next 3-4 months, by Spring/Summer 2016, an investigation plan should be submitted to the Petroleum Storage Tank Bureau. He said if we feel this isn't moving forward, we still have injunctive relief. We have options to push the Agency to act timely in the cleanup. He said NMED regulations require that clean-up occur within a certain period of time, especially the Groundwater Abatement Regulations.

- Responding to Councilor Bushee, Mr. Puglisi said the original Settlement was in 1992, or probably 1989. He said there were a series of public meetings at that time.

Councilor Bushee asked Mr. Puglisi to keep County Commissioner Miguel Chavez informed on the progress, noting he lives on that street and is very aware of the issues and problems.

Mr. Puglisi said the public can always call him with any issues, and he will submit those to NMED and PNM.

- Councilor Ives said in the document recitals, the only thing identified as a dispute, is a dispute between the parties concerning the source of hydrocarbon contamination at the site. Councilor Ives quoted from the 7th Whereas, '*...the parties are desirous of investigating and remediating the soil and ground water contamination at the site, terminating the 1992 Agreement and resolving the foregoing dispute under the terms of and conditions of this MOU.*' He presumes the only dispute is the source of the hydrocarbons, and is unsure anything proposed solves that dispute. He said it does note that under the 1992 Agreement, the intent was to investigate and remediate certain soil and groundwater contamination, and the 1992 Agreement, 23 years ago, identifies the goals of the new agreement as the investigation and remediation. He wonders why 23 years would not have been enough time to investigate if that was the purpose.
- Councilor Ives said in the 4th recital, it says, '*Whereas, the NMED has made a determination that PNM is in substantial compliance...*' He said however, it doesn't say what it is in substantial compliance. He said he would like to know.
- Councilor Ives said on page 3, paragraph 6, it says "*...relief from certain claims. NMED further agrees not to assert or pursue any enforcement action related to the petroleum contamination at the site, included but not limited to claims for monetary and injunctive relief, during the time PNM is performing investigation or remediation at the site pursuant to this MOU...*". He would love to understand the timeframe better, noting during the past 23 years of investigation and remediation, apparently there has been no determination of anyone at fault, or completion or percentage statements as to what remediation was accomplished.
- Councilor Ives continued, "And it goes on to say in the same paragraph, '*...if after PNM completes any required investigation or remediation at the site...*' He unsure what is required, noting the paragraphs are broad, no timelines, or specific things called out other than investigate and remediate, but it doesn't say what is the required investigation or remediation. He said he would be happy to hear this information in Executive Session at a succeeding meeting, and would ask the Chair if we can bring this back to our next meeting for a little more information on some of the specifics in the agreement.

Mr. Puglisi said he can do that, but he would point him back to the referenced regulations. He said the timelines for cleanup, the procedures and protocol followed both by NMED and the responsible party are spelled out in the Regulations. He said there are provisions in the MOU, for example, if PNM were to start an investigation into the Corrective Action Fund and failed to follow through, that NMED can take action.

- Councilor Ives reiterated he wants to know what those timeframes are, because by referring to the Regulations, this Agreement is totally opaque as to what actually is required in what timeframe.

Mr. Puglisi said "substantial compliance," means that the responsible party purchased gas that the appropriate tax is levied on, so the Corrective Action Fund Tax levied on gasoline and petroleum products, or removed their tanks prior to the implementation of the Regulations. In accordance with the Regulations, they have to pull and remove their tanks, or meet the new requirements for the installation of an underground tank, which would be the liners, leak detection and such. He said PNM pulled its tanks prior to the implementation of the Regulations, but did pay taxes on the gasoline, and they were in substantial compliance, including the payment of an application fee. He said, "So that's all substantial compliance means."

- Councilor Ives said he is happy to have further conversations with Mr. Puglisi on that, because it doesn't tell us with what they are in compliance.

Mr. Puglisi said it means they are eligible for the Corrective Action Fund, and he can discuss that further off-line.

Chair Rivera reminded the Committee that there is another meeting at 6:30 p.m., so we are going to have to move more quickly.

9. INITIAL REPORT ON RESOLUTION 2015-97 – A RESOLUTION DIRECTING STAFF TO RESEARCH AND REPORT ON DEVELOPMENT OF A RAINWATER HARVESTING AND WATER CATCHMENT PROGRAM ASSOCIATED WITH RESIDENTIAL, COMMERCIAL AND CITY-OWNED BUILDING AND PROPERTY. (CARYN GROSSE)

Caryn Grosse said she will stand for questions since we are short on time.

Councilor Bushee asked how is this proceeding. She asked staff's opinion, and if they are going to commercial first, and if we are trying to incentivize in any way – what is the plan.

Ms. Gross said in the recommendations in her Memorandum, in addition to recommending adoption of the 2012 UPC, they are recommending, to better facilitate our response to new technology, that the current Director of the Public Utilities Department authorize changes to the rebate and incentives program.

Councilor Bushee said it isn't specific to saying we should promote and incentivize this, asking if the approach is to start with commercial. She asked, "Where's my purple pipe thing, because I put it in before, the Water Harvesting bill."

Ms. Grosse said that is being considered later on the agenda. She said with the adoption of Chapters 16 and 17 of the UPC, we would have additional room to address the use of captured rainwater indoors. She said they've adjusted the number of current rebates to better utilize the water for toilets, urinals, laundry facilities, etc.

Councilor Bushee said often people don't maintain these systems after installation, and something needs to be built-in so there is real savings of water. She said if we don't have moisture, these aren't that helpful. She suggested we not be over-generous with the incentives. She said she would aim for a mandate for commercial. We have large, flat-roofed buildings dumping water, and she would require that this water be used in a positive manner, some kind of infiltration system, with some incentive for residential. She said the rebate will be literally a "drop in the bucket." She thinks it will make a difference if we mandate it for commercial. She said she is unsure if we're actually harvesting water at the Railyard.

Councilor Ives said he believes they are actually harvesting rainwater at the Railyard, and he thinks all those systems are up and running and functioning. The water is intended to water the entirety of the growth all over the Railyard Park – pumping it into the water tanks – noting there are two cisterns and a fairly complex control system with several different points of operations. He said we can get an update on that from Parks.

Councilor Ives thanked Ms. Grosse for this first report. He shares Councilor Bushee's concerns that we want to move into more actively figuring out these incentive programs, and looking at prescriptive programs and building requirements into the Code to evidence the seriousness with which the City desires to pursue these. He appreciates the proposed new material on page of the Ordinance about amending Section 1702.9 of the Uniform Plumbing Code, non-potable rainwater catchment system design and installation. He said it's only 2 paragraphs, and doesn't refer to specific systems. He understands the desire is to open the door to new technologies, and actually start talking about those technologies and pulling them into the Code to provide incentives, especially on new construction. He has no problem taking up Councilor Bushee's suggestion in trying to do it prescriptively across the commercial sector. He said there inevitably is push-back on these kinds of things. He said if we can define how it gets done in sensible ways, it will be much cheaper and we can project potential rainwater savings by virtue of using these systems in intelligent way.

Councilor Ives continued, saying his personal desire, as we look at the measures on housing, to make sure we are looking at zero water and energy to the greatest extent possible across the City, and building pathways in the Code so it is clear where people need to go, as well as simplifying the permitting process.

Councilor Bushee asked Ms. Grosse to expand the pilot to include things like pumice wicks, and offer ways things that can be implemented inexpensively and expand the use, commenting she hopes people will take advantage of those things. There are many systems that don't require a pump. She wants to try to educate the public, and knows the Water Conservation Offices does that around irrigation systems, but there are lots of other ways to harvest and deliver water to plant materials to prevent the use of potable water for that purpose.

Ms. Grosse said there she has information about a number of these items, and links to other resources. She said she can work on making that information more readily available to customers.

CONSENT – ACTION CALENDAR DISCUSSION

10. **REQUEST FOR APPROVAL OF AWARD OF BID TO PK RELATIONS FOR RFP 16/13/P FOR WATER RESOURCES AND CONSERVATION PUBLIC RELATIONS AND PUBLIC OUTREACH PROFESSIONAL SERVICES FOR THE AMOUNT OF \$235,000 FOR A TERM OF FOUR (4) YEARS. (RICK CARPENTER) Committee Review: Public Utilities Committee 01/06/16; Finance Committee – 01/19/16; and City Council -01/27/16.**

Councilor Bushee wants to know that we are not going to pay for any more of those useless, big, full page, print media ads that nobody can read or retain that tell us to save water. She gets a lot of complaints which she passes to Nick Schiavo.

Rick Carpenter said part of this approach does that, and allows us to gather new data and new ways, analyze the data and develop a more focused and targeted marketing plan that will have much more bang for the buck.

Responding to Councilor Bushee, Mr. Carpenter said we can't do this in-house, because we don't have the specialized services in-house to do this in a comprehensive way.

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

Mr. Carpenter introduced Christine Chavez, a new employee, who is filling the position vacated by Laurie Trevizo as Water Conservation Office Manager.

Chair Rivera and the Committee welcomed Ms. Chavez on board.

11. **REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST FOR STAFF OVERTIME. Committee Review: Public Utilities Committee 01/06/16; Finance Committee – 01/19/16; and City Council -01/27/16.**

Councilor Bushee said her questions were answered previously under Item #9.

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

DISCUSSION AND ACTION

12. **DISCUSS AND APPROVE NEW GRADUAL APPROACH TO DELINQUENT ACCOUNT COLLECTION PROCESS. (OSCAR RODRIGUEZ) Committee Review: Public Utilities Committee - 01/06/16; Finance Committee – 01/19/16; and City Council -01/27/16.**

Councilor Maestas said they are seeking approval of a concept of "start soft end hard."

MOTION: Councilor Maestas moved, seconded by Councilor Ives, to approve the conceptual collection plan as presented.

DISCUSSION: Councilor Maestas commented "the devil is always in the details," and assumes we will see what this entails. He said there was a lot of discussion in Finance about this proposal.

Councilor Bushee asked what is meant by "soft approach." She said "how soft and how hard, and at what point".

Chair Rivera said at the Finance Committee, Mr. Rodriguez said they would start soft, give people plenty of notice and ideas this is coming, so there won't be a hard cut-off right away. It will be a gradual approach and after several months, we would move to the more stern approach where there is a cut-off after 3 notices.

Councilor Bushee said, given that we've had trouble getting bills out, and complications, she wants to know when this will start "and all of that."

Mr. Schiavo said collections have been suspended until we get our billing straightened out.

Councilor Bushee asked when the soft approach will start.

Mr. Schiavo said Mr. Rodriguez can answer that question.

Councilor Bushee said she wants that information before this goes to the City Council.

Councilor Rivera said he is unsure if it has been to Public Works, commenting the next stop for the bill is at the City Council on January 27, 2015.

Councilor Ives said he has questions about some of the general terms and numbers in the packet, but he can get with Mr. Rodriguez get answers to those questions. He asked what is the Safety Net Fund.

Mr. Schiavo said this is something Mr. Rodriguez developed, but it is a fund set-aside for individuals who just don't have the money or a way to pay their bill. He said the last thing we want to do is shut off water and solid waste services for someone "who just doesn't have the wherewithal." He said currently, individuals who are income qualified are not charged the \$18 monthly service fee, and does help. He said we still have the charges for commodities, and this way there is still an incentive to conserve.

Councilor Ives asked Legal the parameters of permissible action by the Governing Body in this regard, commenting he would like to know how much goes into the fund, and other things. He will meet with Mr. Rodriguez to get this information.

VOTE: The motion was approved unanimously on a voice vote.

13. **REQUEST FOR APPROVAL OF BILL NO. 2016- ____ . AN ORDINANCE AMENDING SUBSECTION 7-1.1 SFCC 1987 TO ADOPT THE 2012 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE, THE 2012 UNIFORM MECHANICAL CODE, AND THE 2012 UNIFORM SOLAR CODE; AMENDING SUBSECTION 7-1.1 SFCC 1987 TO ADOPT THE 2012 UNIFORM PLUMBING CODE, AS AMENDED BY THE STATE OF NEW MEXICO AND THE CITY OF SANTA FE (COUNCILOR BUSHEE, COUNCILOR IVES AND COUNCILOR RIVERA). (MICHAEL PURDY) Committee Review: Public Works Committee - 01/11/2016; Public Utilities Committee 01/06/16; City Council - 01/13/2016 (Request to Publish); Finance Committee – 01/19/16; and City Council -02/10/16.**

Councilor Bushee thanked staff for getting this bill on track, and said she hopes her colleagues will sign on the bill. She has been hoping to get this done for some time, commenting it is a simple, easy ways for people to use effluent to flush toilets and it's particularly great for remodels. She said this is called Purple Pipe.

Councilor Ives said he wants to be added as a cosponsor, commenting he signed onto the bill when it was introduced.

MOTION: Councilor Ives moved, seconded by Councilor Bushee, to approve this request.

DISCUSSION: Councilor Maestas asked if this would be applicable to the Green Code, and if it would add to the cost of construction.

Councilor Bushee said it is not a requirement, it is an opportunity.

Michael Purdy said this will come forward next week, in concert with the Green Codes, at the next Council meeting. He said it would be an option and an opportunity for the citizens of Santa Fe to use alternative sources of water.

Councilor Maestas asked if there would be an allocation of points in the Green Code compliance scheme, commenting he thinks that is to be developed.

Mr. Purdy said Katherine Mortimer is heading up the program and can speak to this if you would like.

Kathryn Mortimer said the current Green Code allows for getting points for various things, including water harvesting and various things. She said his bill sets out the rules very clearly, so everyone knows what is expected, and what the costs are to do this. Under the new Code, which will be introduced next week, there is language directing staff to incorporate it into the Green Code. It is a modeling and it says exactly how much water you would save for various things, and this could continue to be an option. But in that case, it gets into a model and the amount of water that gets save would be modeled. She said it doesn't ever require you to use these. She said you can use lower flow toilets and showers and other things for a trade-off, and this would be one option to do that.

Chair Rivera asked staff to make sure that he is shown as a cosponsor of the bill.

VOTE: The motion was approved unanimously on a voice vote.

- 14. REQUEST FOR APPROVAL OF RESOLUTION NO. 2016- ____ . A RESOLUTION DESIGNATING THE GREATER SANTA FE FIRE SHED AS AN AREA THAT IS CRITICAL TO THE HEALTH AND SAFETY OF THE CITIZENS OF SANTA FE AND A PRIORITY IN REDUCING THE ECOLOGICAL AND ECONOMIC HAZARDS POSED BY WILDFIRES; INCLUDING THE GREATER SANTA FE FIRE SHED IN THE 25-YEAR SUSTAINABLE SANTA FE PLAN; AND DIRECTING STAFF TO IDENTIFY FUNDING SOURCES TO DEVELOP PROJECTS (MAYOR GONZALES AND COUNCILORS IVES AND BUSHEE). (PORFIRIO CHAVARRIA) Committee Review: Sustainable Santa Fe Commission (no quorum) - 12/16/2015; Public Utilities Committee 01/06/16; Finance Committee – 01/19/16; Public Safety Committee - 01/26/2016; and City Council -01/27/16.**

Councilor Bushee said there will be a handful of people that aren't going to want us to do anything. She asked if there is an opportunity for the public to weigh in.

Officer Porfirio Chavarria said yes, this sets it up that way to get buy-in from the entire community on this entire area which does affect. He said this is an area from Glorieta to Nambe, mostly in the National Forest, which has its own process for public comment and outreach for doing any work on these properties. This allows us to have a larger voice in the process. He said we have been talking to resources outside the Forest Service such as the Nature Conservancy where we are involved in a larger cohesive strategy, which is a large push to look at large landscapes and what actions can be take in those areas.

Councilor Bushee thanked him for his all the years of his service, noting she has always enjoyed his product – what he offers to the public. She said many of her constituents have availed themselves of those services and his help.

Councilor Maestas asked how this differs from the Rio Grande Water Fund, the MOU we signed as a signatory as a partner with the Forest Service for watershed protection.

Officer Chavarria said this is somewhat in conjunction with it. He said the Rio Grande Water Fund is an initiative that goes by the Nature Conservancy, and we're finding ways to collaborate. He said this is a little piece of the greater area. He said the Rio Grande Water Fund is a place people can go, including the City, to request funds to do work in the watershed or surrounding areas. He said this adds this to the 25-Year Sustainable Plan, and helps us to find funding sources that would complement the actions taken on those lands, whether Forest Service, private or other public entities.

Councilor Maestas said then we would be competing with the Rio Grande Water Fund.

Officer Chavarria said this would be in line with the Rio Grande Water Fund.

Councilor Maestas said there could be other potential funding sources, outside of the Rio Grande Water Fund.

Officer Chavarria said currently he is looking at the continuous Forest Restoration Program, a grant to New Mexico, noting it was started by Senator Domenici a decade ago. He said he is actively pursuing funding through them to do a planning document for a lot of pre-work on this area – wildlife studies, biology studies, archaeological studies that help with environmental clearances.

Councilor Maestas wants to make sure this has a very robust public involvement plan. He said when we considered being a signatory to that partnership, the City had to rely on the Forest Service public involvement process, and we didn't have much latitude to expand on that. He is hopeful this will give us an opportunity to cater our public involvement to our constituents instead of relying on a federal agency through the Rio Grande Water Fund.

Officer Chavarria said he definitely can note that, and put it into the Sustainability Plan as well – to do robust public education and outreach on what actions are being taken by the Forest Service on its land, noting there is a small piece of City-owned land within this, as well as the larger watershed area.

Councilor Ives said it's great we're giving specific direction that this be incorporated as part of the 25-Year Sustainability Plan, especially given the negative consequences of some type of catastrophic fire within the watershed. He thinks this is intelligent and empowering.

Councilor Ives continued saying, "If staff wants us to be able to look at any document that is supposed to be color-coded, the gray scales don't really get there. So if we could get color copies for that stuff which purportedly is imparting information based upon color, it would be fabulous."

Chair Rivera thanked Officer Chavarria, commenting we've come a long way since this started many years ago, commenting, "You've done a great job, so appreciate it."

MOTION: Councilor Ives moved, seconded by Councilor Bushee, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

MATTERS FROM THE PUBLIC

There were no matters from the public.

MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

ITEMS FROM STAFF

There were no items from staff.

MATTERS FROM THE COMMITTEE

A copy of Bills and Resolutions scheduled for introduction by members of the Governing Body at the Public Utilities Committee meeting of January 6, 2016, is incorporated herewith to these minutes as Exhibit "5."

Chair Rivera

Chair Rivera reminded everyone this is the end of the Public Utilities Committee, and the Council meeting is set to start at 6:30 p.m.

Councilor Bushee

Councilor Bushee said she forwarded something to Nick Schiavo, noting in the Cerro Gordo area and off Gonzales, the big trucks are getting stuck, and suggested they use the smaller trucks.

Mr. Schiavo said he forwarded that during the meeting to Shirlene Sitton, Director, Environmental Services Division, and he will make sure Councilor Bushee gets Ms. Sitton's email address.

Councilor Bushee said she wants to thank Jason from Solid Waste that rescued a constituent that got stuck in the snow up there, noting a lot of people aren't getting out of their homes and anything we can do help is great.

Councilor Bushee introduced the following:

1. Ordinance amending the Uniform Traffic Ordinance to permit bicycles to treat stop signs as yield signs if the right-of-way is clear of other vehicles or pedestrians. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."
2. An Ordinance establishing requirements for bicycle parking for new developments, or those that increase in intensity by 25 percent or more.

Councilor Bushee said there will be more information forthcoming on both Ordinances, noting they will move forward together to Public Safety.

Councilor Maestas

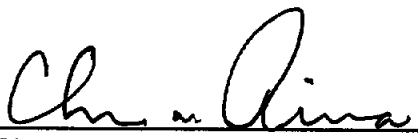
Councilor Maestas said the Council adopted 5 Resolutions resolving some of the issues it has with the State Engineer. He said they kicked off an *ad hoc* task force with the Office of the State Engineer, and thought they would keep it small, and include a good cross section of small, medium and large cities. He said they will be meeting monthly, with the goal of resolving the issues addressed in the 6 Resolutions. He thinks it's important that the State Engineer is committed to working with the New Mexico Municipal League, and a select group of cities to try and resolve some of these issues. For example, one issue is the standing of protestants, and the other is a varied interpretation of the 40-year planning rule, the supplemental well issue. He said they will be addressing one Resolution each month to address issues administratively. However, it may come to the point where some Legislative changes may need to be made. He said he will be Chairing the task force. He said it positive in that the State Engineer has agreed to try to resolve these issues at the lowest level before we pull the legislative trigger.

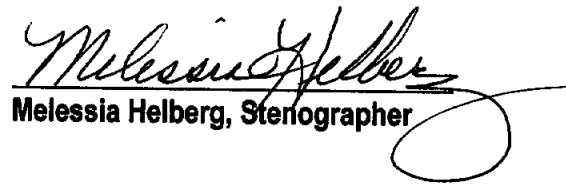
Councilor Maestas continued, saying there is ample time, because these won't be germane to the next session, and will be germane for the 60-day session if we conclude that legislation is needed to be able to address these long-standing issues. Councilor Maes said some City staff members are involved, including Andrew Erdmann and Bill Schneider.

NEXT MEETING: WEDNESDAY, FEBRUARY 3, 2016

ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at approximately 6:30 p.m.

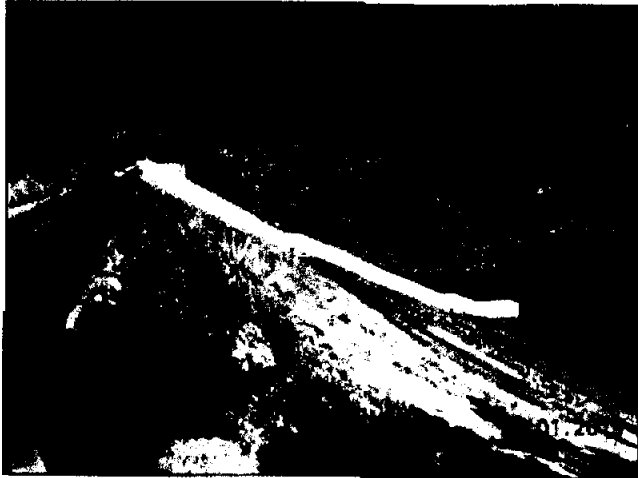

Christopher M. Rivera, Chair


Melessia Helberg, Stenographer

McClure & Nichols Reservoirs Infrastructure Improvements CIP Project No. 3038
Construction and Water Production Update
December 21, 2015

McClure Dam Construction

McClure Dam construction has been substantially completed. The Water Division closed the emergency valves on December 1, 2015 and began filling the dam. McClure Dam storage is at 5.6% of capacity (60.8 million gallons out of a total capacity of 1,091 million gallons). McClure is filling at a controlled rate not to exceed one foot per day of reservoir level rise.



McClure Filling Above Dead Pool Begins 12/1/2015



McClure Filling First Day of Winter 12/21/2015

Water Production for November (through 12/20/2015)

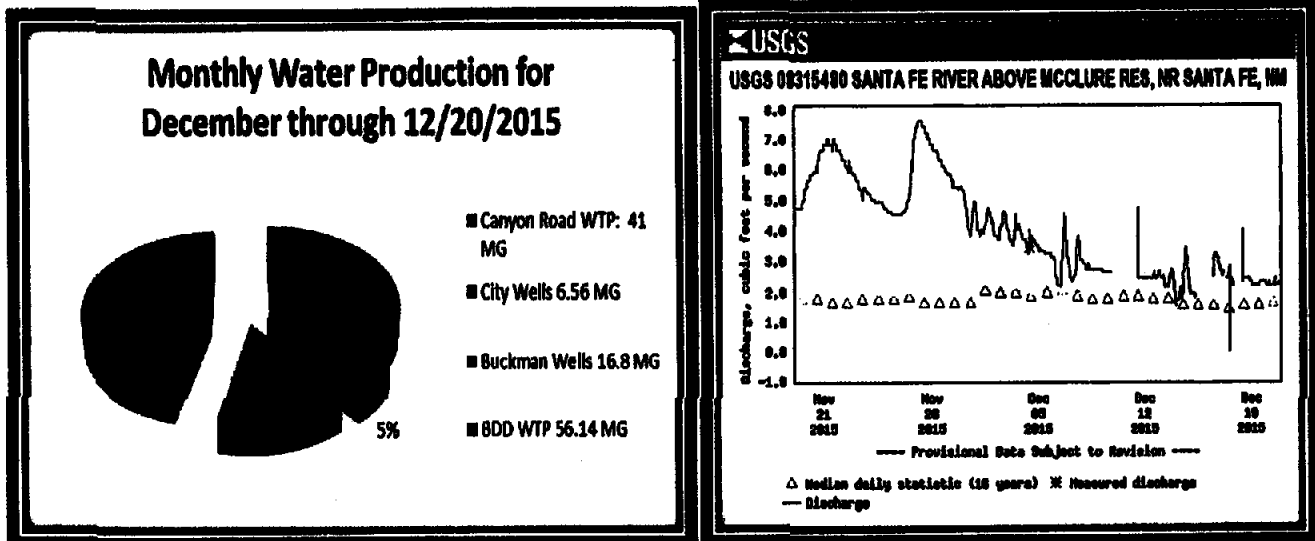
Water production at the Canyon Road Treatment Plant (CRWTP) stayed constant and totaled around 41 MG for the first 20 days of December. This represents a daily average of 2.05 MGD. Plant flows were kept on the low side to accommodate increased production by BDD and the utilization of Buckman and City Wells. Production at the Buckman Wells was 16.8 million over four days while quarterly sampling of these wells was performed with Los Alamos National Laboratory. City Wells accounted for another 6.56 MG of production for a total production level of 64.36 MG by the Source of Supply Section.

Nichols Reservoir storage levels peaked at 87% storage in late November and have dropped steadily through December 20th with 71.8% storage or 154.73 MG in the storage pool. McClure storage levels have increased since closure of the emergency valves on December 1st to 5.6% storage or 60.8 MG. Total volume of the SF River inflow to Nichols Reservoir is approximately 0.6 MG or 1CFS. This decreased outflow from McClure is due to continued testing of the valves and assessment of the discharge tunnel. Flows should increase toward the end of December when all work and testing is expected to be complete. In flow to McClure is approximately at 1.55 MGD or 2.34 CFS after peaking at 7.5 CFS or approximately 5.0 MGD in late November. Snow depth in the upper watershed is at 34.0 inches after peaking at 38.0 inches on December 16th. Snow water equivalency is 8.3 inches and is at 180% of "normal" for this time of year.

BDD's total production of 56.144 MG was split between Entry Point(s) 04A at 36.839 MG, and 05A at 19.315 MG. Total Production for the month through the 20th of December (20 full days) from all sources was 120.5 MG, or an average of approximately 6.025 MGD. This is a decrease of approximately 0.765 MG from the average daily use of 6.79 MGD in November. It is anticipated that this decrease was due mainly to significantly lower

Exhibit "1"

than normal daytime and nighttime temperatures and increased overall snowfall throughout the early part of December.



Santa Fe (922)
New Mexico SNOTEL Site - 11445 ft
Daily Data for 2015-12-13 to 2016-12-20
(As of: Mon Dec 21 09:52:53 GMT-08:00 2016)
Provisional data, subject to revision

Date	Temp	Wind	Humidity	Pressure	Clouds	Wet Bulb	Wet Bulb-Globe	Wet Bulb-Globe	Wet Bulb-Globe
2015-12-13	7.0	28	9.3	19	26	16	21	29	175%
2015-12-14	7.4	32	9.7	24	31	6	21	15	185%
2015-12-15	7.8	36	10.0	6	8	2	5	18	196%
2015-12-16	8.1	38	10.4	4	12	2	6	27	193%
2015-12-17	8.1	38	10.4	6	13	2	8	21	188%
2015-12-18	8.2	36	10.8	13	23	15	27	18	191%
2015-12-19	8.3	34	10.7	31	39	28	31	21	189%
2015-12-20	8.3	34	10.6	23	26	14	20	28	184%

Drought, Monsoon/El Nino, and ESA Update

Drought conditions have eased this year due to the reappearance of a strong El Nino. NOAA's latest update (12/21/15) indicates that El Nino Conditions are present, and that El Nino is expected to remain strong through the winter 2015-16, with a transition to neutral conditions during late spring or early summer 2016. Dry conditions in 2016 could present significant challenges to all water purveyors, water utilities, and irrigators going forward into the summer if there is not significant filling and carry-over storage in regional reservoirs. Regional reservoir levels on the upper Santa Fe River, Rio Grande, and Chama Rivers are still low but rising slowly. The City has received about 93% of total San Juan-Chama Project firm yield through December 1st of this year; however, there were no deliveries in August through November. There are no water-related Endangered Species Act (ESA) updates. Updates on endangered species issues will be made as needed. Rio Grande Compact Article VII has been invoked, which means the City cannot impound runoff into Nichols and McClure Reservoirs above its pre-Compact pool of 1,061 AF (unless other arrangements are made to access either its SJCP "exchange pool" and/or the ISC's "relinquishment pool.") Updates to this condition will be made as needed.



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

Javier M. Gonzales, Mayor

Councilors:

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Peter N. Ives, Dist. 2

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

Mrs. Mary Young

OFFICE OF THE STATE ENGINEER

P.O. BOX 25102

SANTA FE, N.M. 87504-5102

Re: Diversion Report for December 2015

Dear Mrs. Young:

Submitted for your information is the following water supply data for the Santa Fe water system. All information is reported in millions of gallons and meter readings are for the end of the month.

CITY WELLS

Permit #		M.G.	Ac.Ft.	Meter
RG-1113	Alto	0.003	0.01	77765
RG-1115	Torreon	0.000	0.00	135571
RG-1116	Ferguson	0.000	0.00	77419
RG-1117	Santa Fe	0.000	0.00	66130
RG-1118	Agua Fria	0.000	0.00	412659
RG-68302	Northwest	21.444	65.81	394915
RG-81092	Santa Fe Remediation			
	TOTAL CITY WELLS	21.447	65.82	

SURFACE SUPPLY

01278/1677	Treatment Plant	58.212	178.65	247866
RG-304	St. Michaels	0.000	0.00	142974
	TOTAL SURFACE	58.212	178.65	

BUCKMAN WELLS

RG-20516-S	Buckman #3	0.000	0.00	116126
RG-20516-S-2	Buckman #4	0.000	0.00	147749
RG-20516-S-3	Buckman #5	0.000	0.00	14263
RG-20516-S-4	Buckman #6	4.954	15.20	53225
RG-20516-S-5	Buckman #1	6.956	21.35	276138
RG-20516-S-6	Buckman #2	0.000	0.00	1499
RG-20516-S-7	Buckman #7	0.000	0.00	86113
RG-20516-S-8	Buckman #8	4.881	14.98	106025
RG-20516-S-9	Buckman #9	0.000	0.00	25582
RG-20516-S-10	Buckman #10	0.000	0.00	62354
RG-20516-S-11	Buckman #11	0.000	0.00	110364
RG-20516-S-12	Buckman #12	0.000	0.00	75183
RG-20516-S-13	Buckman #13	0.000	0.00	95559
	TOTAL BUCKMAN WELLS	16.791	51.53	

Exhibit "2"

OTHER WELLS

RG-304-S	Osage	0.0000	0.0000	11296
RG-5631	Waste Water Well	0.0000	0.0000	42206
RG-66978	Marty Sanchez Links	0.0170	0.0522	8103
RG-66978-S	MRC Well South	0.0000	0.0000	3246
	TOTAL OTHER WELLS	0.0170	0.0522	

All of the following data is for the end of the month.

WELL DEPTHS

Permit #		Depth
N/A	Permit	Feet
RG-20516-S-9	Buckman #9	Feet
RG-20516-S-10	Buckman #10	Feet
RG-20516-S-11	Buckman #11	Feet
RG-20516-S-12	Buckman #12	Feet
RG-20516-S-13	Buckman #13	Feet
RG-21318	Skillet	Feet
RG-68302	Northwest	Feet

CANYON INFORMATION

	MG Current	MG Last Year	Ac.Ft Current	Ac.Ft Last Year
McClure (1061 MG/3257 Ac.Ft. Capacity)	71	0	217.9	0.0
Nichols (223 MG/684 Ac.Ft. Capacity)	145	149	445.0	457.3
Total (1284 MG/3941 Ac.Ft. Capacity)	216	149	662.9	457.3
Acequia Ditch Release	0.000	0.000	0.00	0.00
Average Daily Flow into McClure	1.687	1.211	5.18	3.72

Sincerely,

Nick A Schiavo
Director, Sangre De Cristo Water

cc: Mike Johnson, OSE
Doug Rappuhn, OSE
Annie Apodaca, USFS
Flora Martinez, SDCW Div.
Marcos Martinez, COSF

MONTHLY WATER REPORT IN ACRE FEET

December 2015

	Current month	Previous month	This Month Last Year	Current y-t-d	Previous y-t-d
Surface Production					
Treatment Plant	178.65	96.21	62.38	3402.10	2541.11
St. Michaels	0.00	0.00	15.53	161.71	166.47
TOTAL	178.65	96.21	77.92	3563.81	2707.57
CITY WELL PRODUCTION					
Agua Fria	0.00	0.00	0.00	22.16	34.51
Alto	0.01	0.00	10.55	33.81	108.62
Ferguson	0.00	0.00	11.70	30.37	88.96
Santa Fe	0.00	0.00	0.00	0.00	0.00
Torreon	0.00	0.31	7.44	36.80	192.71
Northwest	65.81	0.00	0.00	338.73	394.69
TOTAL	65.82	0.31	29.69	461.87	819.49
Osage	0.00	0.00	0.00	0.01	0.00
BUCKMAN WELL PRODUCTION					
Buckman #1	21.35	0.00	10.92	163.55	54.03
Buckman #2	0.00	0.00	0.00	0.00	0.00
Buckman #3	0.00	0.00	0.00	56.61	81.58
Buckman #4	0.00	0.00	0.00	11.98	33.97
Buckman #5	0.00	0.00	0.00	14.31	29.46
Buckman #6	15.20	0.00	4.39	163.26	134.59
Buckman #7	0.00	0.00	0.00	32.89	53.67
Buckman #8	14.98	0.00	7.47	49.61	20.63
Buckman #9	0.00	0.00	0.00	7.74	70.81
Buckman #10	0.00	0.00	0.00	0.01	0.00
Buckman #11	0.00	0.00	0.00	25.21	29.76
Buckman #12	0.00	0.00	0.00	29.26	40.50
Buckman #13	0.00	0.00	0.00	73.34	25.89
TOTAL	51.53	0.00	22.78	627.77	574.89

CANYON INFORMATION - Reservoir information as recorded last Day in the month

RESERVOIR	Current Month	Previous Month	This Month Last Year
MCCLURE (1061 MG Capacity)	217.89	0.00	0.00
NICHOLS (223 MG Capacity)	444.99	573.88	457.26
TOTAL STORAGE	662.88	573.88	457.26
ACEQUIA DITCH RELEASE	0.00	0.00	0.00
AVERAGE DAILY FLOW INTO MCCLURE	5.18	8.62	3.72

Signed _____, Sangre De Cristo Water - Operations Manager

Signed _____, Sangre De Cristo Water - Director

SANGRE DE CRISTO WATER
MONTHLY WATER REPORT IN MILLIONS OF GALLONS

December 2015

	Current month	Previous month	This Month Last Year	Current y-t-d	Previous y-t-d
Surface Production					
Treatment Plant	58.212	31.349	20.327	1108.580	828.023
St. Michaels	0.000	0.000	5.062	52.692	54.244
TOTAL	58.212	31.349	25.389	1161.272	882.267
CITY WELL PRODUCTION					
Agua Fria	0.000	0.000	0.000	7.221	11.244
Alto	0.003	0.000	3.438	11.016	35.393
Ferguson	0.000	0.000	3.813	9.895	28.988
Santa Fe	0.000	0.000	0.000	0.000	0.000
Torreon	0.000	0.101	2.424	11.991	62.795
Northwest	21.444	0.000	0.000	110.375	128.611
TOTAL	21.447	0.101	9.675	150.501	267.031
Osage	0.000	0.000	0.000	0.003	0.000
BUCKMAN WELL PRODUCTION					
Buckman #1	6.956	0.000	3.559	53.293	17.605
Buckman #2	0.000	0.000	0.000	0.000	0.000
Buckman #3	0.000	0.000	0.000	18.448	26.582
Buckman #4	0.000	0.000	0.000	3.903	11.070
Buckman #5	0.000	0.000	0.000	4.663	9.601
Buckman #6	4.954	0.000	1.431	53.197	43.857
Buckman #7	0.000	0.000	0.000	10.717	17.488
Buckman #8	4.881	0.000	2.434	16.166	6.722
Buckman #9	0.000	0.000	0.000	2.521	23.072
Buckman #10	0.000	0.000	0.000	0.004	0.000
Buckman #11	0.000	0.000	0.000	8.215	9.698
Buckman #12	0.000	0.000	0.000	9.536	13.197
Buckman #13	0.000	0.000	0.000	23.898	8.437
TOTAL	16.791	0.000	7.424	204.561	187.329

CANYON INFORMATION - Reservoir information as recorded last Day in the month

RESERVOIR	Current Month	Previous Month	This Month Last Year
MCCLURE (1061 MG Capacity)	71	0	0
NICHOLS (223 MG Capacity)	145	187	149
TOTAL STORAGE	216	187	149
ACEQUIA DITCH RELEASE	0.000	0.000	0.000
AVERAGE DAILY FLOW INTO MCCLURE	1.687	2.808	1.211

Signed _____, Sangre De Cristo Water - Operations Manager

Signed _____, Sangre De Cristo Water - Director

BDD Production Summary December 2015

Date	Booster 4A MGD	Booster 5A MGD	Total BDD MGD	Total BDD Ac.Ft.	BOOSTER 4A				BOOSTER 5A			
					Cl2 Free mg/L	pH S.U.	FI mg/L	Zinc mg/L	Cl2 Free mg/L	pH S.U.	FI mg/L	Zinc mg/L
01-Dec	2.424	1.442	3.866	11.862	1.20	7.7	0.66	0.5	1.44	7.6	0.96	0.5
02-Dec	2.425	1.435	3.860	11.843	1.25	7.7	0.65	0.5	1.35	7.7	0.95	0.5
03-Dec	2.424	1.421	3.846	11.800	1.41	7.7	0.63	0.5	1.29	7.7	0.92	0.5
04-Dec	1.698	1.398	3.096	9.500	1.60	7.3	1.61	0.5	1.34	7.7	0.94	0.5
05-Dec	0.947	1.417	2.364	7.254	1.13	7.7	0.31	0.5	1.09	7.8	0.41	0.5
06-Dec	0.053	1.462	1.515	4.647	1.08	7.9	0.29	0.5	1.22	7.7	0.39	0.5
07-Dec	0.000	1.178	1.178	3.614	1.08	7.9	0.29	0.5	1.02	7.8	0.40	0.5
08-Dec	0.000	1.005	1.005	3.085	1.08	7.9	0.29	0.5	1.03	7.7	0.38	0.5
09-Dec	1.139	1.056	2.194	6.734	1.02	8.0	0.30	0.5	1.00	7.8	0.38	0.5
10-Dec	2.291	1.115	3.406	10.451	0.92	8.0	0.30	0.5	0.89	8.0	0.39	0.5
11-Dec	2.420	1.070	3.490	10.709	1.06	7.9	0.65	0.5	1.22	7.7	0.79	0.5
12-Dec	2.424	1.073	3.497	10.730	1.02	7.9	0.66	0.5	1.19	7.7	0.84	0.5
13-Dec	2.424	1.096	3.520	10.800	1.28	7.9	0.66	0.5	1.43	7.8	0.81	0.5
14-Dec	2.126	1.089	3.215	9.866	1.06	7.8	0.75	0.5	1.49	7.7	0.85	0.5
15-Dec	1.943	0.299	2.242	6.880	1.03	7.9	0.51	0.5	2.00	6.1	2.00	0.5
16-Dec	1.206	1.134	2.340	7.180	1.19	7.9	0.32	0.5	1.06	8.0	0.29	0.5
17-Dec	1.943	0.392	2.336	7.167	1.41	7.8	0.32	0.5	1.27	7.9	0.29	0.5
18-Dec	2.350	0.259	2.609	8.007	1.30	7.8	0.31	0.5	1.32	7.9	0.30	0.5
19-Dec	2.937	0.360	3.297	10.117	1.23	7.9	0.31	0.5	1.05	8.0	0.28	0.5
20-Dec	2.937	0.336	3.273	10.044	1.18	7.8	0.30	0.5	1.16	7.9	0.28	0.5
21-Dec	2.511	0.320	2.832	8.689	1.24	7.7	0.30	0.5	1.21	7.8	0.28	0.5
22-Dec	2.173	0.328	2.501	7.675	1.32	7.7	0.31	0.5	1.21	7.8	0.28	0.5
23-Dec	2.423	0.318	2.741	8.412	1.20	7.7	0.31	0.5	1.05	7.9	0.28	0.5
24-Dec	2.727	0.362	3.089	9.478	1.12	7.9	0.32	0.5	0.93	8.1	0.28	0.5
25-Dec	3.541	0.353	3.894	11.948	1.19	7.8	0.35	0.5	1.07	8.0	0.30	0.5
26-Dec	3.443	0.314	3.757	11.530	1.22	7.8	0.39	0.5	1.02	7.9	0.33	0.5
27-Dec	3.443	0.307	3.750	11.507	1.21	7.9	0.43	0.5	0.82	8.1	0.37	0.5
28-Dec	2.924	0.320	3.244	9.955	1.24	7.9	0.44	0.5	0.91	7.9	0.40	0.5
29-Dec	2.424	0.313	2.737	8.398	1.08	7.8	0.44	0.5	1.03	7.9	0.40	0.5
30-Dec	3.336	0.306	3.641	11.173	1.20	7.7	0.45	0.5	1.03	7.7	0.43	0.5
31-Dec	4.193	0.316	4.509	13.836	1.29	7.3	0.46	0.5	1.40	7.4	0.42	0.5
TOTAL	69.250	23.593	92.843	284.890								

New Mexico In Depth (<https://nminddepth.com/2016/01/05/is-the-rio-grande-headed-for-permanent-drought/>)

CLIMATE CHANGE

Is the Rio Grande Headed for "Permanent Drought"?

By Laura Paskus, New Mexico In Depth | 01/05/2016



(http://1tv9gj2hyjmyso64c2b4d1v13tn.wpengine.netdna-cdn.com/files/2016/01/IMG_1046.jpg)

Laura Paskus/NMID

The Rio Grande, pictured here as it flows through Albuquerque, provides water to farms, cities, and businesses in Colorado, New Mexico, Texas, and Mexico.

In the mad rush to get a jump on holiday vacation, readers probably missed the release of an important **paper** (<http://www.esajournals.org/doi/full/10.1890/15-0938.1>) on water and climate change in the West. But don't worry. Grab a cookie or some fruitcake, and I'll lay out the water wonkery for you.

In the paper, "Western water and climate change," authors studied four major river basins—the Colorado River, the Rio Grande, the Klamath River and California's Bay-Delta system—and looked at how each will be affected by climate change.

Of the four, they found that the Rio Grande Basin (which includes the river itself and its tributaries) faces the greatest challenges.

In fact, they cite the Rio Grande as the best example of how continued declines in water flow due to climate change might sink a major river system into "permanent drought."

Exhibit "3"

They also point out that "environmental water" will be in short supply during the driest periods of the summer.



(<http://1tv9gj2hyjmyso64c2b4d1v13tn.wpengine.netdna-cdn.com/files/2016/01/july-138.jpg>)

Laura Paskus/NMID

As in Los Lunas during the summer of 2012, the Middle Rio Grande often dries during irrigation season.

some good news. Sort of.

The challenges and decisions western water managers are facing are not necessarily new.

They write: "The West has already grappled with most of the problems that will face it in the future, however inadequately in some cases and however transformed some will be by larger trends in the future."

So, what needs to happen?

The task now confronting westerners, they write, is to address those problems that have been acknowledged but not resolved — and to "prepare for the changes that will surely come."

In some western states, including **Oregon**

(http://www.oregon.gov/owrd/pages/mgmt_instream.aspx) and **Colorado** (<http://cwcb.state.co.us/environment/instream-flow-program/Pages/main.aspx>), rivers have "instream water rights." A certain amount of water must legally flow through them—not for delivery to downstream users, but to support the river itself and its fish, wildlife and riparian vegetation.

That's not the case in New Mexico, where rivers lack rights to their own waters.

When possible, water managers will try to keep stretches of the Middle Rio Grande wet for rare species, such as the Silvery Minnow, that are protected under the federal Endangered Species Act. But nearly every year since 1996, stretches have typically dried sometime between June and late October, when farmers are diverting water from the river for irrigation season.

And in southern New Mexico, the Rio Grande stands dry for up to nine months of the year.

The paper isn't all gloom and doom, however. The authors do have



(http://1tv9gj2hyjmyso64c2b4d1v13tn.wpengine.netdna-cdn.com/files/2016/01/IMG_0369-e1451956333361.jpg)

Laura Paskus/NMID

In southern New Mexico, the Rio Grande is dry most of the year, as seen near Las Cruces in January, 2014.

MEMORANDUM OF UNDERSTANDING

**BETWEEN THE NEW MEXICO ENVIRONMENT DEPARTMENT
AND PUBLIC SERVICE COMPANY OF NEW MEXICO CONCERNING
THE FORMER SANTA FE GENERATING STATION SITE**

This **MEMORANDUM OF UNDERSTANDING** ("MOU") is made and entered into by and between the State of New Mexico, Environment Department, hereinafter referred to as the "Department" or "NMED", and Public Service Company of New Mexico, hereinafter referred to as "PNM". NMED and PNM are sometimes referred to herein individually as "Party" and collectively as the "Parties". This MOU is effective as of the date set forth below upon which it is executed by the New Mexico Environment Department ("Effective Date").

RECITALS

WHEREAS, the Parties entered into a Settlement Agreement dated December 9, 1992, which has been the subject of five (5) amendments relating to the investigation and remediation of certain soil and ground water contamination at and in the vicinity of the former PNM Santa Fe Generating Site ("Site") which is more particularly described in Exhibit "A". The December 9, 1992 Settlement Agreement, as amended, is referred to herein as the "1992 Agreement"; and

WHEREAS, PNM, with oversight by the NMED, has conducted investigatory and remediation activities at the Site pursuant to the 1992 Agreement; and

WHEREAS, certain contamination remains at the Site and there is a dispute between the Parties concerning the source of hydrocarbon contamination at the Site; and

WHEREAS, the NMED has made a determination that PNM is in substantial compliance and is eligible to access the corrective action fund ("CAF") for approved corrective action pursuant to the Ground Water Protection Act, NMSA (1978), 74-6B-1 to 74-6B-14 (1990) ("GWPA") and the Petroleum Storage Tank Regulations ("PST Regulations"); and

WHEREAS, the Parties agree that petroleum storage tanks owned and operated by PNM were previously located at the Site; and

WHEREAS, PNM is willing to perform corrective action to address the petroleum hydrocarbon contamination at the Site pursuant to the GWPA and the PST Regulations, and other soil and ground water contamination pursuant to the abatement provisions of the Water Quality Control Commission Regulations, 20.6.2.4101-4115 NMAC ("Abatement Regulations") or other applicable state regulations under the terms and conditions of this MOU; and

WHEREAS, the Parties are desirous of investigating and remediating the soil and ground water contamination at the Site, terminating the 1992 Agreement and resolving the foregoing dispute under the terms of and conditions of this MOU;

Exhibit "4"

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreement herein, the Parties agree as follows:

Investigation and Remediation

1. PNM shall proceed with all further investigation and remediation activities with respect to the petroleum hydrocarbon contamination pursuant to the GWPA and PST Regulations. Except as otherwise provided in this MOU, PNM's rights and obligations with respect to the investigation and remediation of the petroleum hydrocarbon contamination shall be governed exclusively by the provisions of the GWPA and the PST Regulations. PNM shall submit proposed workplans to the NMED Petroleum Storage Tank Bureau for review and approval in accordance with the requirements of the PST Regulations and specifically 20.5.12 and 20.5.17 NMAC.

2. Any contamination in the soils and ground water at the Site, other than the petroleum hydrocarbon contamination, shall be addressed by PNM, pursuant to the Abatement Regulations, or other applicable state regulations.

3. In the event it is established during the course of the investigation that any contamination at the Site originated from an off-site source or sources, PNM shall be relieved of all further obligation and responsibility for contamination that originated off-site.

4. NMED recognizes that the investigation of petroleum contamination at the site will yield information about the non-petroleum contaminants. As such, NMED agrees that PNM may coordinate investigation and remediation of the non-petroleum contamination at the site under the Abatement Regulations with the approved work for the petroleum contamination under the GWPA and the PST Regulations to the extent feasible. Only work that is being performed in accordance with the PST Regulations and which has been pre-approved by the Petroleum Storage Tank Bureau shall be eligible for reimbursement under 20.5.17 NMAC.

Cost Reimbursement

5. The Parties agree that PNM is eligible to apply for and receive reimbursement from the CAF for approved work associated with the petroleum hydrocarbon contamination pursuant to GWPA and the PST Regulations. PNM shall follow the procedures applicable to seeking pre-approval, and applying for and substantiating any claims for cost reimbursement from the CAF under the GWPA and the PST Regulations. Nothing in this MOU shall be construed to modify the liability of the NMED or the State of New Mexico as provided in §74-6B-14 of the GWPA.

Relief from Certain Claims

6. Provided that PNM meets the regulatory requirements and standards applicable to the investigation and remediation such that NMED determines that no further action is required at the Site, NMED hereby agrees not to assert or pursue with respect to PNM or its affiliated companies and their respective officers, directors, employees, agents, insurers and attorneys, any claims relating to violations of the Water Quality Act, the PST Regulations, or other applicable regulations that may have occurred in the past, or past costs incurred by NMED with respect to the Site. NMED further agrees not to assert or pursue any enforcement action related to petroleum contamination at the Site, including but not limited to claims for monetary and injunctive relief, during the time PNM is performing investigation or remediation at the Site pursuant to this MOU, or after PNM completes any required investigation or remediation at the Site. However, if PNM fails to begin or ceases investigation or remediation of the Site in violation of the PST Regulations, the Abatement Regulations or other regulations as applicable, NMED retains the right to seek administrative relief pursuant to the applicable regulations, as well as enforcement of this MOU. Notwithstanding any other provision of this MOU, NMED may take emergency response action in the event conditions at the Site present an imminent and substantial endangerment to human health or the environment.

Access to Property

7. Consistent with NMSA 1978, §74-6B-5, NMED has all rights of entry and inspection necessary to administer and enforce the GWPA as it has under Section 74-4-4.3 NMSA 1978, including entry onto the City of Santa Fe's property in order to administer the remediation at the Site. In the event PNM is unable to gain off-site access necessary to implement the terms of this MOU and to carry out the approved investigation and remediation, NMED shall assist PNM, when requested in writing, in gaining such necessary offsite access consistent with the NMED's statutory authority.

No Admission of Liability

8. The Parties have agreed to settlement of the matter in dispute as referenced above in the Recitals and have further agreed that this MOU and the agreements hereunder shall not constitute evidence or an admission of liability or an admission of any fact referenced herein.

Termination of 1992 Agreement

9. The Parties agree that the 1992 Agreement shall terminate as of the Effective Date and that the Parties are relieved of all further rights and obligations under the 1992 Agreement. The terms of this MOU shall replace and supersede the 1992 Agreement. The Parties hereby forever mutually release and discharge one another for any claims of breach or non-performance under the 1992 Agreement.

Relation to Other Laws

10. All activities required by this MOU shall be conducted in accordance with applicable federal, state and local laws and regulations.

Force Majeure

11. A Party's performance hereunder may be delayed or excused in the event of a force majeure. A force majeure event is defined as any event arising from causes not foreseen and beyond the control of a Party that delays or prevents performance required by this MOU. Force majeure events do not include unanticipated or increased costs of performance, changed economic circumstances, or failure to apply for or diligently seek to obtain necessary federal, state or local permits.

12. A Party claiming force majeure shall provide oral notification that it is invoking force majeure within forty-eight (48) hours after obtaining actual knowledge of the event which constitutes force majeure. A written notice of the bases for the claim of force majeure detailing the facts and circumstances of the event shall be provided within seven (7) business days after oral notification. The written force majeure notice shall provide an estimate of the anticipated length of delay or prevention of performance and a plan for implementing measures to correct the event if possible. The Party claiming force majeure shall undertake all reasonable measures to avoid and minimize any delay or prevention; however no Party shall be required to settle any labor dispute as a mitigating measure. Failure to comply with the notice provisions and related requirements shall be deemed a waiver of a Party's right to claim force majeure.

Amendments

13. This MOU may only be amended in writing with the mutual agreement of the Parties.

Choice of Law

14. This MOU shall be construed in accordance with New Mexico law without regard to choice of law considerations.

Entire Agreement

15. This MOU contains all of the terms and conditions agreed to by the Parties with respect to soil and ground water contamination at the Site, and supersedes all prior written and oral agreements of the Parties with respect to the matters addressed herein.

No Third Party Beneficiary

16. This MOU is intended for the exclusive benefit of the Parties. Nothing in the MOU shall be construed as conferring any benefits or rights to any third-parties.

Enforcement

17. This MOU may be enforced by means of a civil action filed in the First Judicial District Court in Santa Fe County, New Mexico.


Binding Effect

18. The Parties agree that each has the necessary authority and approval to enter into this MOU and that the MOU is a valid and legally enforceable agreement. By signing below, the representative of each Party represents and warrants that he or she has full authority to execute this MOU and to bind his or her principal to the terms hereof.

THE PARTIES HERETO HAVE EXECUTED THIS MOU:

STATE OF NEW MEXICO, ENVIRONMENT DEPARTMENT

By:



Ryan Flynn, Secretary
New Mexico Environment Department

Date: 12/22/2015

By:



Marlene Cordova, Chief Financial Officer
New Mexico Environment Department

Date: 12/22/15

Approved as to Form and Legal Sufficiency:

By:

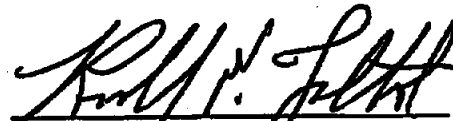


Jeffrey M. Kendall, General Counsel
New Mexico Environment Department

Date: 12/14/15

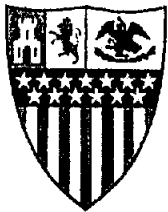
PUBLIC SERVICE COMPANY OF NEW MEXICO:

By:



Ronald Talbot, Senior Vice President
and Chief Operating Officer

Date: 12/4/15



PUBLIC UTILITIES COMMITTEE MEETING OF
January 6, 2016
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE ESTABLISHING REQUIREMENTS FOR BICYCLE PARKING FOR NEW DEVELOPMENTS, OR THOSE THAT INCREASE IN INTENSITY BY 25 PERCENT OR MORE.	City Council (request to publish) - 1/13/16 Public Works Committee - 1/25/16 Finance Committee - 2/1/16 Planning Commission - 2/5/16 City Council (public hearing) - 2/10/16
	AN ORDINANCE AMENDING THE UNIFORM TRAFFIC ORDINANCE TO PERMIT BICYCLES TO TREAT STOP SIGNS AS YIELD SIGNS IF THE RIGHT-OF-WAY IS CLEAR OF OTHER VEHICLES OR PEDESTRIANS.	City Council (request to publish) - 1/13/16 Public Safety Committee - 1/26/16 Finance Committee - 2/1/16 City Council (public hearing) - 2/10/16
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Maestas		
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule

Exhibit "5"

Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Jesse Guillen, (505) 955-6518, jbg Guillen@santafenm.gov or Rebecca Seligman at (505) 955-6501, rxseligman@santafenm.gov .

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-__

INTRODUCED BY:

Councilor Patti J. Bushee

AN ORDINANCE

AMENDING THE UNIFORM TRAFFIC ORDINANCE TO PERMIT BICYCLES TO
TREAT STOP SIGNS AS YIELD SIGNS IF THE RIGHT-OF-WAY IS CLEAR OF
OTHER VEHICLES OR PEDESTRIANS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 12-8-2 of the Uniform Traffic Ordinance (being Ord.
#2011-23 § 8) is amended to read:

12-8-2 TRAFFIC ORDINANCE APPLIES TO PERSONS RIDING 12-8-2
TRAFFIC ORDINANCE APPLIES TO PERSONS RIDING BICYCLES.

A. Operators of bicycles have the same rights as operators of motor vehicles in the
use of streets, highways and roadways within the city, except as otherwise specifically provided
herein.

B. ~~[Every person riding a bicycle upon a roadway, street or highway shall be~~
~~subject to all the duties applicable to the drivers of motor vehicles.]~~ A person operating a bicycle
approaching a stop sign shall slow down and, if required for safety, stop before entering the

1 intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-
2 way to any vehicle or pedestrian in the intersection or approaching on another roadway or
3 walkway so closely as to constitute an immediate hazard during the time the person is moving
4 across or within the intersection, except that a person, after slowing to a reasonable speed and
5 yielding the right-of-way if required, may cautiously proceed through the intersection or make a
6 turn without stopping.

7 D. A signal of intention to turn right or left shall be given during not less than the
8 last one hundred (100) feet traveled by the bicycle before turning, provided that a signal by hand
9 and arm need not be given if the hand is need in the control or operation of the bicycle.

10 E. [e] Except as otherwise expressly provided in this Traffic Ordinance and except
11 as to those provisions of laws and ordinances which by their nature can have no applications; and
12 each such person shall be subject to the same provisions and sections of this Traffic Ordinance to
13 which a motorist is subject within Sections 12-8-1 through 12-8-21.

14
15 APPROVED AS TO FORM:

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17 _____
18 KELLEY A. BRENNAN, CITY ATTORNEY

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23
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25 M/Legislation/Bills 2016/Stop as Yield