



# Agenda

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**PUBLIC UTILITIES COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
WEDNESDAY, AUGUST 20, 2008  
5:15 PM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FOR THE AUGUST 6, 2008 PUBLIC UTILITIES COMMITTEE MEETING
6. MATTERS FROM THE COMMITTEE

**Outstanding Matters:**

- a. Recommended ordinance changes to address a revised policy concerning the use of septic tanks by homes adjacent to sewer lines within the City limits. (Costy Kassisieh, Marcos Martinez, Jeanne Price and Robert Gallegos). **To be presented at the September 3, 2008 PUC meeting.**
- b. Request for Approval of Bill No. 2008-\_\_\_\_\_. An Ordinance Repealing Sections 14-8.13, 14-8.16 and 14-8.17 SFCC 1987 Regarding Annual Water Budget, Water Rights Transfer Requirements and Water Rights Banking; Creating a New Section 14-8.13 SFCC 1987 Regarding the City's Water Budget, Development Water Budget Requirements, the Water Rights Transfer Program, and the Retrofit Program; Making Such Other Related Changes as are Necessary. (Dale Lyons) (Councilor Wurzbarger and Councilor Ortiz) **To be presented at 8/21/08 Planning Commission.**

## **INFORMATIONAL ITEMS**

7. Update on Current Water Supply Status. (Victor Archuleta)
8. Update on Solid Waste Division. (Bill De Grande)
9. Reorganization Within the Solid Waste Division. (Bill de Grande)

## **CONSENT CALENDAR**

10. Request for Approval of Amendment No. 1 to the Professional Services Agreement with Rhino Environmental Services for the Amount of \$50,000 for Water Treatment Plant Residual (Sludge) Transport and Disposal. (Robert Gallegos)

## **DISCUSSION ITEMS**

11. Request for Approval Resolution No. 2008-\_\_\_\_\_. A Resolution Adopting the Long Range Water Supply Plan. (Claudia Borchert) (Councilor Wurzbarger)
12. Request for Approval of Reservoir Releases and Minimum Carryover Storage. (Alan Hook)
13. Request for Approval of Bill No. 2008-\_\_\_\_\_. An Ordinance Amending Chapter 21 SFCC 1987 Regarding Solid Waste Requirements and Establishing Special Charges for Such Services as Additional Container and Bag Disposal, Disposal of Large Items, and Recyclable/Non-Recyclable Loads. (Bill De Grande)
14. Request for Approval of Bill No. 2008-\_\_\_\_\_. An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Charge for Residential, Multi-Family and Commercial Customers of the City's Water System. (Gary Martinez) (Councilor Wurzbarger, Councilor Calvert and Councilor Romero)
15. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Endorsing and Adopting the Water Division 10 Year Financial Plan. (Gary Martinez) (Councilor Wurzbarger, Councilor Calvert and Councilor Romero)
16. Request for Approval of Bill No. 2008-\_\_\_\_\_. An Ordinance Creating a New Section 14-6.2(F) SFCC 1987 Establishing Requirements Regarding Electric Facilities and Making Such Other Changes as are Necessary.

17. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Adopting the Electric Facilities Plan as an Amendment to the City of Santa Fe General Plan. (Nick Schiavo) (Councilor Chavez)
18. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Adopting a Fee Schedule for the Review of Applications for Electric Facilities. (Nick Schiavo) (Councilor Chavez)

**EXECUTIVE SESSION:**

Discussion of Potential Modification to the Las Campanas "Settlement Agreement", an Exception to the Open Meetings Act, NMSA 1978 § 10-15-1(H)(7).

**End of Executive Session**

**MATTERS FROM THE CITY ATTORNEY**

**ITEMS FROM STAFF**

**MATTERS FROM THE COMMITTEE**

**NEXT MEETING: WEDNESDAY, SEPTEMBER 17, 2008**

**ADJOURN**

**SUMMARY INDEX  
PUBLIC UTILITIES COMMITTEE  
August 20, 2008**

| <b><u>ITEM</u></b>  | <b><u>ACTION</u></b>   | <b><u>PAGE</u></b> |
|---|------------------------|--------------------|
| CALL TO ORDER   | Quorum                 | 1                  |
| APPROVAL OF AGENDA  | Approved [amended]     | 1                  |
| APPROVAL OF CONSENT AGENDA  | Approved               | 2                  |
| CONSENT CALENDAR LISTING  |                        | 2                  |
| APPROVAL OF MINUTES FOR THE JUNE 18,<br>2008, PUBLIC UTILITIES COMMITTEE MEETING  | Approved               | 2                  |
| <b>MATTERS FROM THE COMMITTEE</b><br><b><u>OUTSTANDING MATTERS:</u></b>   |                        |                    |
| RECOMMENDED ORDINANCE CHANGES TO<br>ADDRESS A REVISED POLICY CONCERNING<br>THE USE OF SEPTIC TANKS BY HOMES<br>ADJACENT TO SEWER LINES WITHIN THE<br>CITY LIMITS  | 09/03/08 meeting       | 2                  |
| REQUEST FOR APPROVAL OF BILL NO.<br>2008- _____. AN ORDINANCE REPEALING<br>SECTIONS 14-8.13, 14-8.16 AND 14-8.17<br>SFCC 1987, REGARDING ANNUAL WATER<br>BUDGET, WATER RIGHTS TRANSFER<br>REQUIREMENTS AND WATER RIGHTS<br>BANKING; CREATING A NEW SECTION<br>14-8.13 SFCC 1987, REGARDING THE CITY'S<br>WATER BUDGET, DEVELOPMENT WATER<br>BUDGET REQUIREMENTS, THE WATER<br>RIGHTS TRANSFER PROGRAM, AND THE<br>RETROFIT PROGRAM; MAKING SUCH<br>OTHER RELATED CHANGES AS ARE<br>NECESSARY To be presented at 08/21/08<br>Planning Commission | No action              | 2-3                |
| <b><u>INFORMATIONAL ITEMS</u></b>   |                        |                    |
| UPDATE ON CURRENT WATER SUPPLY STATUS   | Information/discussion | 3                  |
| UPDATE ON SOLID WASTE DIVISION  | Information/discussion | 3                  |

| <b><u>ITEM</u></b>   | <b><u>ACTION</u></b>        | <b><u>PAGE</u></b> |
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| REORGANIZATION WITHIN THE SOLID WASTE DIVISION   | Information/discussion      | 3-4                |
| <b><u>DISCUSSION ITEMS</u></b>   |                             |                    |
| REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- _____. A RESOLUTION ADOPTING THE LONG RANGE WATER SUPPLY PLAN   | Approved [amended]          | 3-7                |
| REQUEST FOR APPROVAL OF RESERVOIR RELEASES AND MINIMUM CARRYOVER STORAGE   | Approved                    | 7-8                |
| REQUEST FOR APPROVAL OF BILL NO. 2008- _____. AN ORDINANCE AMENDING CHAPTER 21 SFCC 1987 REGARDING SOLID WASTE REQUIREMENTS AND ESTABLISHING SPECIAL CHARGES FOR SUCH SERVICES AS ADDITIONAL CONTAINER AND BAG DISPOSAL, DISPOSAL OF LARGE ITEMS, AND RECYCLABLE/ NON-RECYCLABLE LOADS | Postponed to 09/17/08       | 8-11               |
| REQUEST FOR APPROVAL OF BILL NO. 2008- _____. AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987 EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME CHARGE FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM                                      | Approved request to publish | 12                 |
| REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- _____. A RESOLUTION ENDORSING AND ADOPTING THE WATER DIVISION 10-YEAR FINANCIAL PLAN  | Approved                    | 12-13              |
| REQUEST FOR APPROVAL OF BILL NO. 2008- _____. AN ORDINANCE CREATING A NEW SECTION 14-6.2(F) SFCC 1987, ESTABLISHING REQUIREMENTS REGARDING ELECTRIC FACILITIES AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY  | Postponed to 09/17/08       | 13                 |
| REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- _____. A RESOLUTION ADOPTING THE ELECTRIC FACILITIES PLAN AS AN AMENDMENT TO THE CITY OF SANTA FE GENERAL PLAN  | Postponed to 09/17/08       | 13                 |

| <b><u>ITEM</u></b>   | <b><u>ACTION</u></b>   | <b><u>PAGE</u></b> |
|--|------------------------|--------------------|
| REQUEST FOR APPROVAL OF RESOLUTION<br>NO. 2008- ____ . A RESOLUTION ADOPTING A<br>FEE SCHEDULE FOR THE REVIEW OF<br>APPLICATIONS FOR ELECTRIC FACILITIES | Postponed to 09/17/08  | 13                 |
| EXECUTIVE SESSION  | Approved               | 13                 |
| DISCUSSION OF POTENTIAL MODIFICATION<br>TO THE LAS CAMPANAS "SETTLEMENT<br>AGREEMENT"  | No action              | 13                 |
| MOTION TO COME OUT OF EXECUTIVE SESSION  | Approved               | 14                 |
| MATTERS FROM THE PUBLIC  | None                   | 14                 |
| MATTERS FROM THE CITY ATTORNEY   | None                   | 14                 |
| MATTERS FROM STAFF   | None                   | 14                 |
| MATTERS FROM THE COMMITTEE   | Information/discussion | 14                 |
| NEXT MEETING: WEDNESDAY,<br>SEPTEMBER 17, 2008   |                        | 14                 |
| ADJOURN  |                        | 14                 |

**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC UTILITIES COMMITTEE  
Wednesday, August 20, 2008**

**1. CALL TO ORDER**

A meeting of the Public Utilities Committee was called to order by Councilor Rebecca Wurzbarger, Chair, at approximately 5:15 p.m., on August 20, 2008, in the Council Chambers, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Rebecca Wurzbarger, Chair  
Councilor Christopher Calvert  
Councilor Matthew E. Ortiz  
Councilor Rosemary Romero

**MEMBERS EXCUSED:**

Councilor Ronald S. Trujillo

**OTHERS PRESENT:**

Galen Buller, Public Utilities Director  
Stephanie Lopez, Public Utilities  
Marcus 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**

Chair Wurzbarger said staff has advised her that we need to pull Items #16-18 from the agenda.

**MOTION:** Councilor Calvert, seconded by Councilor Romero, to approve the Agenda as amended.

**VOTE:** The motion was approved on a voice vote [Absent: Councilor Ortiz].

#### **4. APPROVAL OF CONSENT AGENDA**

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the following consent agenda as presented.

VOTE: The motion was approved on a voice vote [Absent: Councilor Ortiz].

#### **CONSENT CALENDAR**

- 10. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RHINO ENVIRONMENTAL SERVICES FOR THE AMOUNT OF \$50,000 FOR WATER TREATMENT PLANT RESIDUAL (SLUDGE) TRANSPORT AND DISPOSAL. (ROBERT GALLEGOS)**

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**END OF CONSENT CALENDAR**  
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- 5. APPROVAL OF MINUTES FOR THE JUNE 18, 2008, PUBLIC UTILITIES COMMITTEE MEETING.**

MOTION: Councilor Romero moved, seconded by Councilor Calvert, to approve the minutes of the meeting of June 18, 2008, as submitted.

VOTE: The motion was approved on a voice vote [Absent: Councilor Ortiz].

#### **6. MATTERS FROM THE COMMITTEE**

##### **OUTSTANDING MATTERS:**

- a. **RECOMMENDED ORDINANCE CHANGES TO ADDRESS A REVISED POLICY CONCERNING THE USE OF SEPTIC TANKS BY HOMES ADJACENT TO SEWER LINES WITHIN THE CITY LIMITS. (COSTY KASSISIEH, MARCOS MARTINEZ, JEANNE PRICE AND ROBERT GALLEGOS). To be presented at the September 3, 2008 PUC meeting.**
- b. **REQUEST FOR APPROVAL OF BILL NO. 2008- \_\_\_\_\_. AN ORDINANCE REPEALING SECTIONS 14-8.13, 14-8.16 AND 14-8.17 SFCC 1987, REGARDING ANNUAL WATER BUDGET, WATER RIGHTS TRANSFER REQUIREMENTS AND WATER RIGHTS BANKING; CREATING A NEW SECTION 14-8.13 SFCC 1987, REGARDING THE CITY'S WATER BUDGET, DEVELOPMENT WATER BUDGET REQUIREMENTS, THE WATER RIGHTS TRANSFER PROGRAM, AND THE RETROFIT PROGRAM; MAKING**



**SUCH OTHER RELATED CHANGES AS ARE NECESSARY (COUNCILOR WURZBURGER AND COUNCILOR ORTIZ). (DALE LYONS) To be presented at 08/21/08 Planning Commission.**

**INFORMATIONAL ITEMS**

**7. UPDATE ON CURRENT WATER SUPPLY STATUS. (VICTOR ARCHULETA)**

A copy of the Weekly Water Report for the week ending , 2008, is incorporated herewith to these minutes as Exhibit "1."

Victor Archuleta presented the information contained in Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

**8. UPDATE ON SOLID WASTE DIVISION. (BILL DeGRANDE)**

The report was given by Vivian Martinez from Bill DeGrande's Memorandum of August 20, 2008, which is in the Committee packets.

Responding to Councilor Romero, Ms. Martinez said the food booths will be on the street where the transit buses are.

**9. REORGANIZATION WITHIN THE SOLID WASTE DIVISION. (BILL DeGRANDE).**

A Memorandum dated June 24, 2008, to Galen Buller, City Manager, from Kristine Kuebli, HR Director and Bill DeGrande, Solid Waste Division Director, is incorporated herewith to these minutes as Exhibit "2."

Bill DeGrande presented information regarding this matter from Exhibit "2."

Chair Wurzburger asked Mr. DeGrande to clarify the administrative positions which are not in the field.

Mr. DeGrande said these are Lawrence Garcia, Special Projects Administrator; Jessica Bravo, Projects Specialist; and Fran Marco, Community Relations. Currently, there are three assessment techs, but one will be going to another department in a week. The assessment techs handle all of the phones and the 28,000 accounts.

Councilor Ortiz referred to a list of personnel/positions provided by the City Manager. He said it is hoped that the Finance Committee, at mid-year budget, will look at all of the different positions in the

different departments, and create a policy which clearly delineates that departments have, or do not have, the authority to create assistant department directors. He has been, and will continue to be, opposed to creating assistant division directors without some knowledge of the Governing Body. He said staff should anticipate an analysis at mid-year as to whether or not there is a need/feasibility for an assistant department director.

Chair Ortiz thanked Mr. DeGrande, saying the information provided was responsive to his request, especially to the anonymous letter we received, and it answered his questions.

## **DISCUSSION ITEMS**

### **11. REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_ . A RESOLUTION ADOPTING THE LONG RANGE WATER SUPPLY PLAN (COUNCILOR WURZBURGER). (CLAUDIA BORCHERT)**

Claudia Borchert presented information from the Long Range Water Supply Plan, which is on file in the Water Division. Ms. Borchert reviewed the eight policies of the plan and the implementing action from Section 1. Please see the Long Range Water Supply Plan for specifics of this presentation.

**Recommendation A: Enhance Santa Fe's State-of-the Art Conservation Program.**

**Recommendation B: Acquire necessary water and environment permits.**

**Recommendation C: Use groundwater sustainably.**

**Recommendation D: Optimize use of treated effluent.**

**Recommendation E: Optimize existing water supply sources.**

Councilor Ortiz said when we first looked at the Water Supply Plan, there was preliminary analysis on not just repermitting or retrofitting the City well field, but actually moving the wellfield up the River basin. He asked if that preliminary analysis been vetted thoroughly, and if it is in the report, or if it was deleted for some reason.

Ms. Borchert said there were options initially to put wells anywhere in the basin that made sense, and that was considered as analysis for an additional source of supply, and not in the context as to how to secure a water right in the City wellfield.

Councilor Ortiz understands that. He said we have under-utilized assets in the City wellfield – we have more water rights than we have the infrastructure to extract, if we need to do that. He said, because of that, and because the City wellfields are clustered, he remembers an analysis which showed wells which were replacements for the old wells, but situated along the River basin so we would get more production as well as being more efficient and less harmful to the River aquifer. He said the more it is spread out the

less likely we are to impact a cone of depression. He asked Ms. Borchert to comment.

Ms. Borchert said staff thinks about various configurations which will maximize the City's 4,865 afy, and there are multiple considerations. She said anything we do to move it away from the current wellfield will draw a lot of protest. She said we might be better going deeper at the current locations – replacement wells within 100 feet. She said there are hydrologic considerations about the pressures in the deeper aquifer that may be good to examine. She said the analysis was not about how to utilize our existing permit, and that analysis has not been done. It isn't the analysis done in the core screening and it isn't in this report.

Councilor Ortiz asked, if we were to adopt this Plan and we wanted that included to give the City the ability to do that, where would we put that. He doesn't want this Plan to limit the City's options, and would hope the City would be able to explore any and all options. He said many of us have been saying for some time that our plan, by its silence, has been driving a certain policy direction. He doesn't want to see that happen now that we are so close to adopting a formal Water Supply Plan.

Ms. Borchert said Bullet #1 is broad, "The City will optimize its existing water sources and water rights. The City will maximize the production capacity of the City wellfield." This is broad and doesn't talk about a geographic place where that would occur. She said he could add a phrase.

Councilor Ortiz said Appendix F, and Options 8 and 10 discuss that expansion of the City wellfield, but he sees no language which mentions the possibility that we could move, relocate, reposition, replace any of the existing City wells along the same basin utilizing the existing water rights to enable the City to have expanded production.

Ms. Borchert said the appendices are an analyses, and there is no assumption as to the source of the 4,865 afy we will have. This is the "back end, make it happen part." The analyses didn't limit, geographically, where the wells would be located. She suggested putting language under Section E which says "investigate the best location to maximize the City's wellfield. She cautioned moving very far away from the wellfield because of other considerations.

Councilor Ortiz said those are political and legal considerations.

Ms. Borchert said yes, versus hydrologic. She said from a hydrologic perspective the best spacing of the wellfield is to have the wells far apart.

Councilor Ortiz said that is because you are drawing on a wider area which means the impacts are less.

Ms. Borchert said this is correct.

**Add a bullet to Recommendation E:** Chair Wurzburger suggested adding a bullet which says, "Investigate the best location with minimal impacts in the cone of depression."

**Recommendation F: Apply water use restrictions during drought and emergencies.**

**Recommendation G: Maintain a living Santa Fe River.**

**Recommendation H: Monitor, adapt and cooperate.**

Councilor Romero asked if this done through the Jemez y Sangre Regional Water Plan, cooperating with Los Alamos and Rio Arriba County.

Ms. Borchert said that is one avenue, but she doesn't believe the acequias are very active in that Council. She said this is not meant to define a particular body through which we do that, but multiple avenues in which we do that.

Councilor Calvert said, "On B, you've touched ever so briefly, and gliding over a supplemental EIS, noting how little trouble we had getting the original one. I don't want to say that that one would be an easy strategy by any means, so I think that's a point that might need a little emphasis." He referred to D, saying, "One of the consideration about valuing our effluent is continuing to look at the price that we charge for it as well." With regard to E, he understands that discussion, "But you still have to back to the sustainability argument and the reason why we're doing Buckman in the first place, so I don't want to lose sight of that fact in terms of... I understand you want to get... maximize the City wellfield, but don't want to continue to impact the aquifer as know it already has been. So, I think we have to continue to keep that balance in mind." With regard to A, he would be interested as to how we're going to do that, and although he has no problem with the principle, how you accomplish that is another story.

Chair Wurzburger said she has an idea which needs development. She is concerned about the whole way we're going about water acquisition. She asked if it is time to explore the idea, because of the competition, of a Regional Water Acquisition Authority – would it be relevant; could it reduce the increasing and escalating cost of competition between the City, the County and the developers. She will propose that idea for exploration. She said, "I want to put on the record that I don't see that as selling the water system. We're not talking about merging the water system with the City, merging with the County or with some other jurisdiction. But, it is to take the acquisition and go after it collectively. And then we, as individual policy makers or policy bodies, whether it's the City or the County, can choose whether or not to buy that water."

Councilor Romero said this may be another one of the strategies of looking at a regional effort, saying that probably should be under E.

**Add language to Recommendation E:** Chair Wurzburger said language could be placed in either E or tie it into looking at the increased BDD, as follows: "Seeking to look at possibilities of regional effort with the County "

Chair Wurzburger said, at a policy level, the policy would be to try through cooperation, rather than competition, to seek to reduce the cost of acquiring water.

**MOTION:** Councilor Calvert moved, seconded by Councilor Ortiz, to approve the proposed Long Range Water Supply Plan as amended.

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

**12. REQUEST FOR APPROVAL OF RESERVOIR RELEASES AND MINIMUM CARRYOVER STORAGE. (ALAN HOOK)**

A graph, "Canyon Road Water Treatment Plant & St. Michael's Well 2009 Annual Production Probability, is incorporated herewith to these minutes as Exhibit "3."

Alan Hook presented information from his Memorandum of August 13, 2008, which is in the Committee packet, and reviewed Exhibit "3."

Councilor Ortiz asked if this is approved, what will be the level of production at the Canyon Road Treatment Plant, and asked if that information was provided to the River Commission before it made its recommendation.

Mr. Hook said he doesn't know that information, but it is following the same pattern as 2007, and the idea is that we will match our demand from last year. He said we're looking at about 3.5 million gallons per day throughout the year, out of a production of 8 million gallons a day.

Councilor Ortiz said then we're operating at about 45%, but we would still be utilizing all 5,040 afy before December 31, 2008.

Councilor Calvert asked, with regard to carry-over storage, if you consider that to be actual usable storage.

Mr. Hook said this is the total storage, so if you lopped off 20% of that, that would be the usable capacity.

Councilor Calvert said then 35% minimum carry-over is more like 15%.

Responding to Councilor Calvert, Mr. Hook said, "Well the recommendation would be the rate... would be whatever inflow is coming at the Santa River above the reservoirs would be then released, and that over time... I mean I can't say exactly what date that would be, because the basic idea is you have a total amount of volume which is 200 afy. Whatever is coming in from the reservoirs would then be matched by outflow, and the estimate is definitely ... because right now, we're doing 1.8 million gallons which is about 2.5 afy, so that definitely we've got 130 days we could easily get to the 200 afy within this time period before December 31<sup>st</sup>"

Responding to Councilor Calvert, Mr. Hook said it would be a slow gradual release, but he can't

say when there will be flow down river because conditions vary. He said as the channel becomes wetter further down, hopefully it will carry all the way down the River channel over that period of time, depending on soil conditions and such.

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, to approve this request.

**VOTE:** The motion was approved on a voice vote with Councilors Calvert and Romero voting in favor of the motion, and Councilor Ortiz abstaining.

**13. REQUEST FOR APPROVAL OF BILL NO. 2008- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 21 SFCC 1987 REGARDING SOLID WASTE REQUIREMENTS AND ESTABLISHING SPECIAL CHARGES FOR SUCH SERVICES AS ADDITIONAL CONTAINER AND BAG DISPOSAL, DISPOSAL OF LARGE ITEMS, AND RECYCLABLE/NON-RECYCLABLE LOADS. (BILL DeGRANDE)**

A copy of a flyer for "Blast N Clean," distributed to the Committee by Mr. DeGrande, is incorporated herewith to these minutes as Exhibit "4."

Mr. DeGrande presented information regarding this matter from his Memorandum of August 20, 2008, which is in the Committee packet.

Responding to Councilor Ortiz, Mr. DeGrande said the bill is sponsored by Councilor Trujillo.

Councilor Calvert said on pages 6 and 7 of the draft, Sections B, D and I through N talk about bags, and asked if all of this could be moved together in the bill.

Mr. DeGrande said yes.

Councilor Calvert said Item H on page 7 provides that the containers should be put on the sidewalk and asked if this is the best policy. He asked who is at risk if it is put on the street instead of the sidewalk, noting kids and disabled persons need to use the sidewalk.

Mr. DeGrande said it really is neighborhood-by-neighborhood, noting in some places it can't be put on the street because the streets are too narrow. In some places where the streets are wide it works just fine.

Councilor Calvert would like to know the streets which are too narrow. He said the policy could say put it on the street unless street conditions don't allow it.

Mr. DeGrande said he can work on language to do that.

Councilor Romero said it depends on the width of the street, and she doesn't know we need to

make it that stringent. She agrees there is a safety issue. She said in her neighborhood it makes the most sense to keep it on the sidewalk. She would rather leave the policy as open as possible.

Councilor Calvert would rather vehicles would hit the container than some kid walking around the container which is on the sidewalk. He believes there are safety issues and handicap access considerations.

Councilor Calvert noted there are two sizes of containers – 90 & 64 gallons. He said it is proposed that they will pay for the additional container.

Responding to Councilor Calvert, Mr. DeGrande said everyone starts with a 90 gallon container and they can get as many as they want of either size as long as they pay for them.

Councilor Calvert asked what happens if people already have two containers.

Mr. DeGrande said we will have to pull those back.

Responding to Councilor Calvert, Mr. DeGrande said the City is distributing bags only to the handicapped and the elderly and infirm.

Chair Wurzbarger quoted from Item A, Page 6, "Upon approval of the governing body, each residential curbside customer shall be provided with an annual supply of plastic bags..."

Councilor Ortiz said we didn't do an ordinance change, we just discontinued funding.

Chair Wurzbarger said then that needs to be changed/discussed.

Councilor Ortiz said basically we are proposing a raise in rates with revenue of \$140,000, and the proposed cost of raising the rates is \$126,000 – the projected cost will swallow the revenue. He asked if this is something which needs to be done – is this a critical component of the Division's plan to collect solid waste to do these increases at this time.

Mr. DeGrande said in the FIR, the reason that amount is so low is that he didn't plan on having any of this implemented until January 2009. He said this was based on 5,000 residents wanting a second cart, but he doesn't think they can sell that many in the first six months of the program.

Chair Wurzbarger observed that it might double.

Councilor Ortiz said the FIR indicates bag income of \$500,000 from the \$1.50 tags, commenting that's a lot of extra bags. If this is based on current collections, this essentially is a hidden rate increase.

Mr. DeGrande said it is not a base rate increase, and he's trying to avoid that by doing this.

Councilor Ortiz pointed out that it is more money out of peoples' pockets. He asked Mr. DeGrande if he is solid on that figure of \$500,000.

Mr. DeGrande said, "We believe so." He said they collect additional bags every single day – 30 or 40 bags.

Councilor Ortiz said we should be able to capture what is in those additional bags in an enhanced increased recycling program, and asked if that is being considered.

Mr. DeGrande said when pay-as-you-throw [PAYT] programs are implemented, recycling rates increase 15-17%, because people don't want to pay for an additional cart and recycling is free. He said that is the objective behind this.

Councilor Ortiz said if he was sponsoring this ordinance he would make that priority #1 and talked about the rationale for these in light of that. He said that is a hidden objective and needs to see "the light of day." He said we can't expect just to hit the public with an increase in fees and an increase in rates. We just can't do that. If this is to give a financial incentive for recycling, then the ordinance needs to be completely retooled and revamped and brought forward in a different manner.

Mr. DeGrande said it is both. He asked Randall Kippenbrock, SWMA Executive Director, to attend, because they believe a rate increase is coming in tipping fees.

Councilor Ortiz said then there would be a rate increase for tipping fees which will be passed to us as a partner in SWMA, which we will then pass onto the rate structure, and we don't want to do that as a complete package, but just string these increases along.

Mr. DeGrande said he doesn't know the rate increase will happen, and this is based on a few discussions with Mr. Kippenbrock, noting the smallest increase is substantial.

Chair Wurzbarger agrees with that analysis and the emphasis – that increased recycling is one of the objectives. She said whether or not it is a rate increase, the bags are a huge issue. She said to her it is an issue of equity. People have a base rate and get one bag dumped, while others get 40 things dumped more than once. She doesn't think that is fair. She said people are now disposing of construction waste in the garbage bags.

Councilor Romero agrees that this is an equity issue. She said she is seeing, in her neighborhood, that those with less garbage offer to share the pickup with their neighbors who have more. She said this is an equity issue which needs to be considered.

Chair Wurzbarger said the extra bags won't fit in two garbage cans.

Mr. DeGrande said no, that's the bag tag.



Councilor Calvert said Mr. DeGrande did provide a considerable amount of literature on this. He said an ordinance doesn't have the "Whereas" which are the underlying principles of why we're doing it. He said we are trying to encourage recycling which could lead to a revenue source to the City, as well as to cut down the amount to the landfill to preserve that space longer. He said there are a lot of good reasons to do this, including the issue of equity, but he doesn't see that as part of the ordinance.

Councilor Ortiz said if this is a larger discussion about changing the way we collect solid waste, if we are truly serious about going to a PAYT program, there are equitable arguments. He asked why people with families should be penalized at the expense of the houses on the east side who get their weeds picked up. He said PAYT becomes a form of regressive fee. He said if this is really about PAYT as a concept we are considering, then that needs to be highlighted as well.

Councilor Ortiz said this was highlighted as "we need minor fixes to the system," not "we're going to get these minor fixes and this will be the springboard for doing things differently in Santa Fe." He is unclear as to the intent of the ordinance. He has been willing to study the feasibility of PAYT and of charging per bag and per container basis. He said when we had those discussions, the PAYT would lose momentum. He said he is willing to have that discussion, but we need to do it differently, and we need to be honest with public, but not under the guise of a rate increase. He said he is in favor of recycling, and we need to incentivize that and develop ways to get people to put more in recycling and less in trash.

Councilor Calvert said he doesn't disagree with Councilor Ortiz, but he didn't see it that way, because the bill contains revisions to the commercial recycling rate to get them to participate more as well. He said "theoretically" if we increase recycling, at some point it would become revenue and would work to keep rates down in general.

Responding to Councilor Ortiz, Jeanne Price said this bill is not scheduled to come back to this Committee, although that can be done. She said it will be at Finance Committee on September 2<sup>nd</sup>, to the Council for a request to publish on September 10<sup>th</sup>, with adoption in October. She said it is also hoped to get it before the BQL Committee.

Chair Wurzbarger would be more comfortable in having this to come back to this Committee, so we can focus on clarity with respect to intent.

Ms. Price said if you are thinking of doing something totally different, then we shouldn't do a request to publish.

**MOTION:** Councilor Ortiz moved, seconded by Councilor Romero, that this Committee hear this item on September 17, 2008.

**DISCUSSION:** Councilor Calvert wants to give clear direction to staff as to what we want when this comes back to us.

Councilor Ortiz said this is not his bill, and he doesn't know that he wants to give direction. He believes the discussion needs to be carried forward to see what the other Councilors do with this in Committee.

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

**14. REQUEST FOR APPROVAL OF BILL NO. 2008- \_\_\_\_\_. AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987 EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME CHARGE FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM (COUNCILOR WURZBURGER, COUNCILOR CALVERT AND COUNCILOR ROMERO). (GARY MARTINEZ)**

Councilor Ortiz asked if there is a particular timeline for this item, because what we could do is to bring it back and hold a public hearing in this Committee and ask for public comment.

Responding to Councilor Ortiz, Mr. Martinez said there have been three public meetings on this – Santa Fe Chamber of Commerce, the Lodgers Association and last night at GCC which was attended about 15 people and comments were given.

Councilor Ortiz said he can hold a public hearing at the Finance Committee, so there are two opportunities for the public to be heard.

Mr. Martinez said this will be at Public Works on August 25<sup>th</sup>, Finance Committee on September 2<sup>nd</sup>, at the Council for a request to public on September 10<sup>th</sup> with a public hearing on October 6<sup>th</sup>.

**MOTION:** Councilor Ortiz moved, seconded by Councilor Romero, to approve this item to go forward for publication of title and general summary, with the condition that when it comes back to this Committee it will be noticed for a public hearing, and invite the public to attend to testify on the rate increase.

**DISCUSSION:** Chair Wurzburger would like it to be noticed as a public hearing at Finance Committee as well.

Councilor Ortiz said that would be fine.

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

**15. REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION ENDORSING AND ADOPTING THE WATER DIVISION 10-YEAR FINANCIAL PLAN (COUNCILOR WURZBURGER, COUNCILOR CALVERT AND COUNCILOR ROMERO). (GARY MARTINEZ)**

Gary Martinez said there were several presentations to this Committee on this, but the Finance Plan hasn't been brought forward for adoption, noting this goes with the Resolution.

**MOTION:** Councilor Calvert moved, seconded by Councilor Ortiz, to approve this request.

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

16. **REQUEST FOR APPROVAL OF BILL NO. 2008- \_\_\_\_\_. AN ORDINANCE CREATING A NEW SECTION 14-6.2(F) SFCC 1987, ESTABLISHING REQUIREMENTS REGARDING ELECTRIC FACILITIES AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.**

This item was postponed to the next meeting of the Committee.

17. **REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION ADOPTING THE ELECTRIC FACILITIES PLAN AS AN AMENDMENT TO THE CITY OF SANTA FE GENERAL PLAN (COUNCILOR CHAVEZ). (NICK SCHIAVO)**

This item was postponed to the next meeting of the Committee.

18. **REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRIC FACILITIES. (NICK SCHIAVO)**

This item was postponed to the next meeting of the Committee.

**EXECUTIVE SESSION:**

**DISCUSSION OF POTENTIAL MODIFICATION TO THE LAS CAMPANAS "SETTLEMENT AGREEMENT," AN EXCEPTION TO THE OPEN MEETINGS ACT, NMSA 1978 §10-15-1(H)(7).**

Marcos Martinez, Assistant City Attorney, said there is one item to inform the Committee about in executive session, but no action is needed this evening.

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, to go into executive session to discuss a potential modification to the Las Campanas Settlement Agreement pursuant to §10-15-1(H)(7) NMSA 1978.

**VOTE:** The motion was approved on the following roll call vote:

For: Councilor Calvert, Councilor Ortiz and Councilor Romero.

Against: None.

The Committee went into executive session at 6:40 p.m.

**MOTION:** At 6:50 p.m., Councilor Calvert moved, seconded by Councilor Romero, return to regular session, stating that no votes were taken and the only item discussed was the item on the agenda.

**VOTE:** The motion was approved on a voice vote [Absent: Councilor Ortiz].

#### **MATTERS FROM THE PUBLIC**

There were no matters from the public.

#### **MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

#### **MATTERS FROM STAFF**

There were no matters from staff.

#### **MATTERS FROM THE COMMITTEE**

Councilor Calvert said as soon as possible, he would like some plan for the pressure relief valve scatter project and how to discuss it with the public, before we have no recourse to discuss with the public.

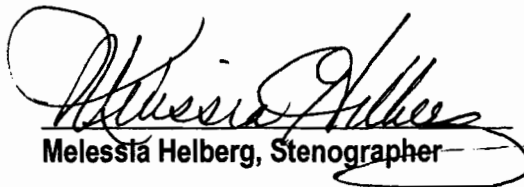
**NEXT MEETING: WEDNESDAY, SEPTEMBER 17, 2008.**

#### **ADJOURN**

There being no further business to come before the Committee, and the Committee having completed its agenda, the meeting was adjourned at 6:55 p.m.

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Rebecca Wurzbarger, Chair

  
Melessia Helberg, Stenographer