



Agenda

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**PUBLIC UTILITIES COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 1, 2008
5:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FOR THE SEPTEMBER 17, 2008 PUBLIC UTILITIES COMMITTEE MEETING
6. MATTERS FROM THE COMMITTEE

Outstanding Matters:

- a. 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) **Presented at 9/9/08 Water Conservation Committee and to be presented at 10/2/08 Planning Commission, 11/5/08 Public Utilities Committee, 12/1/08 Finance Committee, 12/10/08 City Council for Notice to Publish and 1/14/09 City Council for approval.**
- b. Water Division's Water Rate Increases. (Gary Martinez)

INFORMATIONAL ITEMS

7. Update on Current Water Supply Status. (Victor Archuleta)

8. Discussion of the Water Division's Revised Ten Year Financial Plan. (Gary Martinez and David Millican)
9. Update on Solid Waste Division. (Bill De Grande)
10. Presentation by Blast N' Clean (Numero Uno) on Refuse Cart Cleaning. (Bill De Grande)
11. Berrendo LLC Water Project. (Claudia Borchert)
12. Update on Storage of City of Santa Fe's Contracted and Leased San-Juan Chama Water. (Claudia Borchert)
13. Update on the San Juan-Chama Water Lease Agreement with the Jicarilla Apache Nation. (Claudia Borchert and William S. Cassel)

DISCUSSION ITEMS

14. 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. (Nick Schiavo)
15. 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)
16. 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 the Buckman Direct Diversion Project Final Environmental Impact Statement Appeal Pursuant to §10-15-1(H)(7) NMSA 1978. (Marcos Martinez and BDD Independent Counsel)

MATTERS FROM THE CITY ATTORNEY

ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE

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ADJOURN

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**MINUTES OF THE
CITY OF SANTA FE
PUBLIC UTILITIES COMMITTEE
Wednesday, October 1, 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 Wednesday, October 1, 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 Ronald S. Trujillo

MEMBERS EXCUSED:

Councilor Rosemary Romero

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

MOTION: Councilor Calvert moved, seconded by Councilor Ortiz, to approve the Agenda as published.

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

4. APPROVAL OF CONSENT AGENDA

There were no items on the Consent Agenda

5. APPROVAL OF MINUTES FOR THE SEPTEMBER 17, 2008 PUBLIC UTILITIES COMMITTEE MEETING

MOTION: Councilor Ortiz moved, seconded by Councilor Calvert, to approve the minutes for the September 17, 2008 Public Utilities Committee meeting, as presented.

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

6. MATTERS FROM THE COMMITTEE

OUTSTANDING MATTERS:

- a. **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). Presented at 9/09/08 Water Conservation Committee and to be presented at 10/2/08 Planning Commission, 11/05/08 Public Utilities Committee, 12/01/08 Finance Committee, 12/10/08 City Council for Notice to Publish and 01/14/09 City Council for approval.**
- b. **WATER DIVISION'S RATE INCREASES. (GARY MARTINEZ)**

INFORMATIONAL ITEMS

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

A copy of the Weekly Water Report for the week ending September 28, 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. DISCUSSION OF THE WATER DIVISION'S REVISED TEN YEAR FINANCIAL PLAN. (GARY MARTINEZ AND DAVID MILLICAN)

Gary Martinez presented information from his Memorandum of September 24, 2008, which is in the Committee packet. Please see this Memorandum for specifics of this presentation. Mr. Martinez said staff recommends the sponsorship of a resolution and introduction of Water Division's Revised Ten-Year Financial Plan at the City Council meeting of October 6, 2008. He said this would allow implementation of the rate increases effective March 1, 2009, rather than January 1, 2009.

David Millican emphasized the importance of raising the rates early. He said this model is heavily driven by the cash expenditures and the debt which need to be issued to complete the Buckman Project. He said delays will cause the issuance of the debt at even higher rates. He said early implementation ensures adequate revenues to issue the debt and to ensure the project proceeds on schedule.

Councilor Calvert asked about issuing bonds on the BDD project.

Mr. Millican said if this bond environment does not improve, we will have to look at issuing them at a high interest rate. He said we need to do that early, because if we are in the middle of construction and can't issue bonds, the City will incur very high expenses for this project. He said this is a key risk in addition to the timing of the rate increases.

Chair Wurzbarger asked staff to prepare the Resolution, which she will sponsor, as recommended for presentation to the full Council.

9. UPDATE ON SOLID WASTE DIVISION. (BILL DeGRANDE)

A Memorandum dated October 1, 2008, to the Public Utilities Committee, from William DeGrande, Solid Waste Management Division Director, is incorporated herewith to these minutes as Exhibit "2."

Mr. DeGrande presented information from Exhibit "2."

Responding to Councilor Calvert, Mr. DeGrande said the increase is being proposed because SWMA is increasing its tipping fees.

Councilor Calvert said people are going to think there's a connection between the increase in the base rate and the increase in the tipping fee.

Mr. DeGrande said there is a connection, noting we have to take the growth of the City into account. He said if we implement a PAYT and reduce the waste, the projection is so that it covers the increased growth over the 10-year period he is projecting. He said we are still going to have that increase, noting it is only 48 cents for the average resident, but we are going to need it. If it isn't approved by the

Governing Body, he is looking at covering \$13 million of the \$31 million shortfall over ten years, versus \$5 million.

Councilor Calvert said when you were going to do the PAYT, there wasn't a rate increase involved.

Mr. DeGrande said this is correct.

Councilor Calvert said SWMA is increasing its tipping fees so the City will have to increase its fees as well. He said when you throw them together, it looks like cause and effect.

Councilor Trujillo said he has been contacted by a lot of people asking for garbage bags. He said we give them to the elderly and those who need them. He asked if there is a way to let people know who is eligible, because the word isn't getting out and he has no answer for these people.

Mr. DeGrande said he can run some more ads in the newspaper. He said staff explains on the phone who is and is not eligible when they get calls. He said he can also put a notification in the utility bills.

Councilor Trujillo said there is a lot of broken glass on his street and other streets, and he doesn't want to continue to see this happen.

Mr. DeGrande said he visited the site, and spoke with the workers and they are on top of this problem.

Responding to Councilor Calvert, Mr. DeGrande said people who are eligible for bags are those who are physically unable to get the cart to the street, and it isn't necessarily related to age.

Councilor Ortiz asked if we have reverted on the policy that the crews have to work eight-hours a day.

Mr. DeGrande said yes.

Responding to Councilor Ortiz, Mr. DeGrande apologized for not including this in the report. He said he is still working on the details with the union and there are continuing negotiations, so there isn't a finished, formal agreement.

Councilor Ortiz asked if this agreement is coming out of the LMC or is this part of the continuing negotiations.

Mr. DeGrande said it is part of the continuing negotiations between the Division and the union. He said the incentive program was never part of the union agreement.

Councilor Ortiz asked if he is trying to put the incentive into the contract.

Mr. DeGrande said he is trying to take it out. He said separate agreements were made long before he became Division Director, between previous directors, the union and the crews, to have an incentive program. He said that was stopped, and the union in agreement with us.

Councilor Ortiz said, when you say that you are going to take some action as a Division, and you're doing it as the result of negotiations, he believes at the very least Mr. DeGrande needs to inform this Committee of those changes so we can say whether or not we agree with that policy.

Mr. DeGrande said he agrees, and he will bring it to the Committee as soon there is an agreement he can bring forward, but right now, he doesn't have one.

Councilor Ortiz said then the change of work on Thanksgiving has been finalized.

Mr. DeGrande said no.

Councilor Ortiz asked why he can put that in a memorandum but not the other. He said one of the problems with the incentive program is that is subject to abuse by the employees and employees slamming through their routes, and such, including an increase in overtime pay. He wants to know if we can save money by not picking up garbage during the holidays, noting we will need to have a public campaign to inform the public. He asked if we will save money on overtime pay, or if it is a wash.

Mr. DeGrande said he is not bringing back the incentive program at all. He said, with regard to the holidays, he has the equipment and staff to double-route and get it done the day after the Holiday. There is a savings in terms of paying double time and a half versus the holiday off.

Councilor Ortiz said, in terms of the incentive program, Mr. DeGrande is saying that the Division's policy is that the routes are being done in eight hours and the crews are getting no incentive for finishing early so they can go home.

Mr. DeGrande said this is correct.

Chair Wurzbarger said then you are no longer doing the incentive program, and asked how long has he not been doing the incentive program and what has been the effect.

Mr. DeGrande said there is a modified agreement, noting the Committee knows about the first attempt to end the program. He said they have been running on an eight-hour day for two weeks now. He said the first week was a little rough, but it's starting to smooth out. He said the crew likes the idea of having three days off, and are getting used to an eight-hour day.

10. PRESENTATION BY BLAST N' CLEAN (NUMERO UNO) ON REFUSE CART CLEANING. (BILL DeGRANDE).

A flyer from Blast 'n' Clean is incorporated herewith to these minutes as Exhibit "3."

Ernie Byers, of Blast N' Clean, presented information regarding this service from Exhibit "3." His company cleans refuse carts by following a regular schedule truck through the route, cleaning them once or twice a year as the carts are emptied, on site in a self-contained vehicle in a sanitary manner, recycling the water and utilizing biodegradable chemicals.

Mr. Byers said the largest expense any municipality has in an automated program are carts, noting the City is replacing about 40 carts per week. He currently is doing Bernalillo County, noting the charge is \$6 per clean, and he would recommend one clean a year for Santa Fe. He said he contracts with 12 other municipalities in New Mexico. He said this process complements the industry and protects the environment now and for the future.

Chair Wurzbarger asked the purpose of the presentation, and if Mr. DeGrande will be coming back with a proposal to use this service.

Mr. DeGrande said at this time he isn't coming back with a proposal to use this system. He said it is a good system, but it is a matter of economics, noting it would cost about \$150,000 for one pass at the carts.

Mr. Byers offered to do a free demonstration in each of the Councilor's districts and/or neighborhoods.

Chair Wurzbarger said the answer today is no, but it is useful to know about this, and once we move forward a bit, it will be appropriate to talk to him further.

11. BERRENDO LLC WATER PROJECT. (CLAUDIA BORCHERT)

A copy of a power point presentation, "Berrendo LLC Water Project," is incorporated herewith to these minutes as Exhibit "4."

Ms. Borchert noted this is the Berrendo LLC Water Project from the Ft. Sumner area that proposes to bring water to the Santa Fe area and the Middle Rio Grande Valley. She said this item is before the Committee as an information item for several reasons. She said one is to introduce the people in the project, two for the Committee to understand the scope and structure of the project, and three, to proceed with the transparency and to proceed to get the support of the community of origin in a public manner.

Ms. Borchert introduced representatives of the Project: Ron Green, Chairman of Berrendo; John Draper and Jeff Wexler, attorneys with Montgomery & Andrews; and Lee Brown, Economic Consultant for the project. She said John Draper will make the presentation.

John Draper presented information from Exhibit "4," noting this is their effort to distill the ideas associated with the proposed project.

Chair Wurzbarger asked Mr. Draper how the City gets the \$25 million in revenue.

Mr. Draper said there is a differential between what is charged for the water to end users and what is passed on to Berrendo for payment of construction costs and other purposes.

Chair Wurzbarger asked there is anyone in attendance from Ft. Sumner.

Mr. Draper said no.

Councilor Calvert asked if there is anybody between "here and there" who is interested in this proposition, like Albuquerque.

Mr. Draper said the Albuquerque area is scheduled to benefit from this project through using the return flows downstream. Mr. Draper said, "The thought is that the return flows from this water... this is imported water that's not been depended upon by anybody before in the Rio Grande Basin. That water is available for downstream use, when Berrendo will put it to through contracts with entities in Albuquerque and other downstream areas."

Councilor Ortiz said then Berrendo will be able to contract with the City of Santa Fe as well as the downstream users.

Mr. Draper said yes.

Councilor Ortiz said he recalls from the Estancia Basin proposal, that there are existing pipes which can be used to make the connection to Santa Fe relatively quickly.

Mr. Draper said Santa Fe has a good water system infrastructure that allows the water to be used, and there is demand here. He said the prices are such that a project like this can be supported economically and the infrastructure allows the return flows which are an essential part of the project, to be accounted for and utilized downstream.

Councilor Ortiz asked if the infrastructure is in place to get the water from "where you are to close to Santa Fe."

Mr. Draper said a pipeline of about 145 miles will be constructed. He said there is no existing pipeline at this time, so they would build that pipeline as part of this project. He said, to respond to Councilor Calvert's question, there are few people between Ft. Sumner and Santa Fe along the route

Chair Wurzbarger asked if it will be built with private financing.

Mr. Draper said yes.

Chair Wurzbarger thanked Mr. Draper and the others for information on this project.

12. UPDATE ON STORAGE OF CITY OF SANTA FE'S CONTRACTED AND LEASED SAN JUAN-CHAMA WATER. (CLAUDIA BORCHERT)

Ms. Borchert presented information from her Memorandum of September 23, 2008, which is in the Committee packets. She said by 2011 we have 40,000 afy of water that needs a home or will have to be sold or otherwise disposed of, noting the Memorandum outlines the sources. She said in the long term we are looking for 15,000 to 20,000 afy of storage space, and the most promising place is in Abiquiu with the Authority. She wants to make sure you know this is a staff priority, but there aren't many options.

Ms. Borchert said, ultimately we will need to get the elected officials involved to emphasize how important this storage is for us with elected officials from other entities, such as the City of Albuquerque, the Authority, the Middle Rio Grande Valley Conservancy District and our state and federal legislators. She said there really aren't many solutions. She said the staff is working on 50,000 afy storage space in Elephant Butte.

Councilor Ortiz asked if the Mayor has been involved in discussions with the elected officials mentioned in the Memorandum, or if we need to get the Mayor involved now.

Ms. Borchert said what she is saying is we need to bring them in next year. She said currently, all upper reservoirs are full, no pressure is needed and the Bureau of Reclamation willing to sign the 50,000 afy storage for Elephant Butte. However, when the reservoirs empty after Albuquerque diverts its water, we will need help.

Chair Wurzbarger said tactically this is short-sighted. If we already know that we have this issue and an important solution is the creation of collaboration with other jurisdictions, she doesn't understand why we don't start talking with them tomorrow.

Councilor Ortiz said he asked this question, because former Mayor Delgado did constantly and consistently, always engage in conversations and communications with neighboring jurisdictions especially on water issues. He said he is surprised to see this in a staff note.

Chair Wurzbarger said she doesn't go to other jurisdictions at the time of crisis, and believes now is the time to do this.

Councilor Ortiz said we have to do this by December 2008.

Mr. Borchert said there are two tiers here. There is an immediate need for storage and a long term need for storage. She said perhaps she was wrong to say perhaps we will need help in the future. She said they had meetings, noting Mr. Buller came down to work with Reclamation which helped a lot to get Reclamation to work swiftly. She said when Mr. Buller was the Water Division Director, they would go regularly and meet with the Authority. She said the push-back we've gotten from the Authority is that they don't know when and how. She said we need to say we know when and how, so please respond to us. She said this might be the perfect time to start these conversations.

Chair Wurzbarger said then there is a consensus among the Committee to move sooner, rather than later, and she will discuss this with the Mayor. She asked staff to start thinking about how to do this.

13. UPDATE ON THE SAN JUAN-CHAMA WATER LEASE AGREEMENT WITH THE JICARILLA APACHE NATION. (CLAUDIA BORCHERT AND WILLIAM S. CASSEL)

A copy of "Summary of Water Supply Agreement between the City of Santa Fe and the Jicarilla Apache Nation, is incorporated herewith to these minutes as Exhibit "5."

Claudia Borchert presented information regarding this matter to the Committee.

Councilor Ortiz asked Ms. Borchert if the terms of the lease have changed since the last time this was heard in Executive Session three months ago.

Mr. Borchert said no.

Councilor Ortiz asked Ms. Borchert if staff is asking for some recommended action in the near future which would require us to have this presentation which we've all heard before.

Ms. Borchert said staff would like to bring this item to the full Council in Executive Session at the next Council meeting.

Chair Wurzbarger said she is comfortable with the information she has and doesn't need a presentation.

Ms. Borchert distributed an information sheet to the Committee [Exhibit "5"].

Councilor Calvert said, with regard to the 131 afy to which Ms. Borchert refers in her Memorandum, that sounds familiar and asked if this is the water we're discussing for the Northwest Quadrant.

Ms. Borchert said that is true.

Councilor Calvert said most of that water is "spoken for" in the Northwest Quadrant.

Ms. Borchert said by saying it's spoken for, it continues to play a role in our water rights portfolio, whether or not it is spoken for by the Northwest Quadrant, which is an offset surface right.

Councilor Calvert thought we were using the Jicarilla water for the offset, and the reason we can use it in the Northwest Quadrant. He is trying to understand this amount of water which seems to have multiple uses at the same time.

Ms. Borchert said our EIS and the BDD allows us to divert our San Juan/Chama water through the BDD, 52-30. The 131 afy, as well as the 320 afy, which have been approved so far in the Water Right Transfer Ordinance, certainly help in our overall water portfolio. If we do a supplemental EIS to the BDD, we could divert that as a future water supply, which we can't do currently.

Councilor Ortiz said we will be talking about this in Executive Session in a few minutes.

*Councilor Wurzbarger departed the meeting at this time and
Councilor Ortiz assumed the duties of the Chair*

DISCUSSION ITEMS

- 14. 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 (COUNCILOR CHAVEZ). (NICK SCHIAVO)**

Nick Schiavo said at the June 11, 2008 Council meeting, the public spoke about EMFs, and questions were raised with respect to the Facilities Plan. He said since that time he met with PNM, City staff and City Legal to address those questions. He said he can review the questions which were raised and the solutions which were proposed if the Committee would like.

Councilor Ortiz asked if all questions have been addressed.

Mr. Schiavo said yes, that's correct.

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

VOTE: The motion was approved on a voice vote [Absent: Chair Wurzbarger].

15. 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)

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

VOTE: The motion was approved on a voice vote [Absent: Chair Wurzbarger].

16. REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- _____. A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE REVIEW OF APPLICATIONS FOR ELECTRIC FACILITIES (COUNCILOR CHAVEZ). (NICK SCHIAVO)

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

VOTE: The motion was approved on a voice vote [Absent: Chair Wurzbarger].

EXECUTIVE SESSION:

DISCUSSION OF THE BUCKMAN DIRECT DIVERSION PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT APPEAL, PURSUANT TO §10-15-1(H)(7) NMSA 1978. (MARCOS MARTINEZ AND BDD INDEPENDENT COUNSEL.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, that the Committee go into Executive Session.

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

For: Councilor Calvert, Councilor Ortiz, and Councilor Trujillo

Against: None.

Absent: Chair Wurzbarger.

The Committee went into Executive Session at 6:00 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 6:25p.m., Councilor Calvert moved, seconded by Councilor Trujillo to go back into regular session, stating that the only item discussed was the BDD Final Environmental Impact Statement Appeal, and that no action was taken.

VOTE: The motion was approved on a voice vote [Absent: Chair Wurzburger].

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

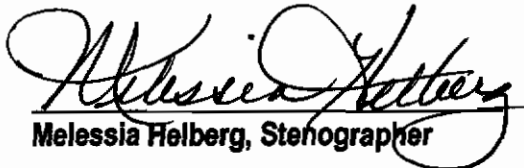
There were no matters from the Committee.

NEXT MEETING: WEDNESDAY, NOVEMBER 5, 2008.

ADJOURN

There being no further business to come before the Committee, and the Committee having completed its agenda, and the meeting was adjourned at approximately 6:27 p.m.

Rebecca Wurzburger, Chair


Melessia Helberg, Stenographer