



# Agenda

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**PUBLIC UTILITIES COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
WEDNESDAY, DECEMBER 3, 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 NOVEMBER 5, 2008 PUBLIC UTILITIES COMMITTEE MEETING

**INFORMATIONAL ITEMS**

6. Update on Current Water Supply Status. (Michael Gonzales)
7. Update on Solid Waste Division. (Bill De Grande)
8. Water Rights Transfer and Acquisition Program Update. (Dale Lyon)
9. PRV Remote Monitoring – Status of Comprehensive Project Review. (Robert Jorgensen)

**CONSENT CALENDAR**

10. Request for Approval of Amendment No. 3 to the Professional Services Agreement with Cooney, Watson for the Amount of \$49,959.00 Inclusive of NMGR for the Period of January 1 2009 through October 1, 2009. (Rick Carpenter)
11. Request for Approval of Amendment No. 3 to the Professional Services Agreement with WRISC, Inc for the Amount of \$23,100.00 Exclusive of NMGR and Term Extension . (Rick Carpenter)

12. Request for Approval of Amendment No. 6 to the City Wide Sewer Line Point Repair Contract for FY 08/09 with Triman Construction Industries for \$370,000. (Lisa Sandoval)
13. Request for Approval of a Professional Services Agreement Between the City of Santa Fe and Camp, Dresser and McKee for On-Call Water Resources for the Total Amount of \$100,00.00 Exclusive of NMGR. (Claudia Borchert)

#### **EXECUTIVE SESSION:**

Update and Discussion of the Jicarilla Apache Nation (JAN) Lease, an Exception to the Open Meetings Act, NMSA 1978 § 10-15-1(H)(8). (Gary Martinez, Claudia Borchert and Bill Cassell)

#### **End of Executive Session**

#### **DISCUSSION ITEMS**

14. Possible Action Regarding the Jicarilla Apache Nation (JAN) Lease, an Exception to the Open Meetings Act, NMSA 1978 § 10-15-1(H)(8).
15. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Authorizing and Approving Submission of an Executed Agreement for Financial Assistance to the New Mexico Environment Department, Construction Programs Bureau, for the Planning, Design, Engineering and Construction of a Water Line and a Sewer Line for the 2400 Block of Agua Fria. (Stan Holland) (Councilor Chavez and Councilor Dominguez)
16. 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) (Councilor Trujillo, Councilor Calvert, Councilor Bushee and Councilor Romero)
17. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Directing Staff to Pursue Funding From the State Legislature and Other Sources for the Construction of the Tierra Contenta Subdivision Area Effluent Water Line and for the Design and Construction of a Future Extension From This Line Along the Arroyo Chamiso to Governor Miles Road. (Bryan Romero) (Councilor Chavez)

18. WATER DIVISION :

- a. Request for Approval of a Resolution Endorsing and Adopting the Water Division 10 Year Financial Plan. **PUBLIC HEARING** (Gary Martinez and David Millican) (Councilor Wurzburger, Councilor Calvert and councilor Romero)
- b. Request for Approval Bill No. 2008-\_\_\_\_\_. An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rate and Monthly Service Charge By 9.50 Percent Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System. **PUBLIC HEARING** (Gary Martinez and David Millican) (Councilor Wurzburger and Councilor Romero)

**MATTERS FROM THE CITY ATTORNEY**

**ITEMS FROM STAFF**

**MATTERS FROM THE COMMITTEE**

**NEXT MEETING: WEDNESDAY, JANUARY 7, 2008**

**ADJOURN**

**SUMMARY INDEX  
PUBLIC UTILITIES COMMITTEE  
December 3, 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               | 1                  |
| I.APROVAL OF CONSENT AGENDA   | Approved               | 1-2                |
| CONSENT AGENDA LISTING  |                        | 2                  |
| APPROVAL OF MINUTES FOR THE NOVEMBER 5,<br>2008, PUBLIC UTILITIES COMMITTEE MEETING   | Approved               | 2                  |
| <b><u>INFORMATIONAL ITEMS</u></b>   |                        |                    |
| UPDATE ON CURRENT WATER SUPPLY STATUS   | Information/Discussion | 2                  |
| UPDATE ON SOLID WASTE DIVISION  | Information/Discussion | 3                  |
| WATER RIGHTS TRANSFER AND ACQUISITION<br>PROGRAM UPDATE   | Information/Discussion | 3-4                |
| PRV REMOTE MONITORING – STATUS OF<br>COMPREHENSIVE PROJECT REVIEW   | Information/Discussion | 4-5                |
| EXECUTIVE SESSION   | Approved               | 5                  |
| MOTION TO COME OUT OF EXECUTIVE SESSION   | Approved               | 5                  |
| <b><u>DISCUSSION ITEMS</u></b>  |                        |                    |
| POSSIBLE ACTION REGARDING THE JICARILLA<br>APACHE NATION (JAN) LEASE  | Approved termination   | 6                  |
| REQUEST FOR APPROVAL OF RESOLUTION NO.<br>2008- ____ A RESOLUTION AUTHORIZING AND<br>APPROVING SUBMISSION OF AN EXECUTED<br>AGREEMENT FOR FINANCIAL ASSISTANCE TO THE<br>NEW MEXICO ENVIRONMENT DEPARTMENT,<br>CONSTRUCTION PROGRAMS BUREAU, FOR THE<br>PLANNING, DESIGN, ENGINEERING AND<br>CONSTRUCTION OF A WATER LINE AND A SEWER<br>LINE FOR THE 2400 BLOCK OF AGUA FRIA | Approved               | 6                  |

| <b><u>ITEM</u></b>  | <b><u>ACTION</u></b> | <b><u>PAGE</u></b> |
|---|----------------------|--------------------|
| 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   | Approved             | 6-8                |
| REQUEST FOR APPROVAL OF RESOLUTION NO. 2008-____. A RESOLUTION DIRECTING STAFF TO PURSUE FUNDING FROM THE STATE LEGISLATURE AND OTHER SOURCES FOR THE CONSTRUCTION OF THE TIERRA CONTENTA SUBDIVISION AREA EFFLUENT WATER LINE AND FOR THE DESIGN AND CONSTRUCTION OF A FUTURE EXTENSION FROM THIS LINE ALONG THE ARROYO CHAMISO TO GOVERNOR MILES ROAD | Approved             | 8                  |
| <b><u>WATER DIVISION – PUBLIC HEARINGS</u></b>  |                      |                    |
| REQUEST FOR APPROVAL OF A RESOLUTION ENDORSING AND ADOPTING THE WATER DIVISION 10-YEAR FINANCIAL PLAN   | Approved [amended]   | 8-9                |
| REQUEST FOR APPROVAL OF BILL NO. 2008-____. AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATE AND MONTHLY SERVICE CHARGE BY 9.50 PERCENT PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM                                       | Approved             | 9-13               |
| MATTERS FROM THE CITY ATTORNEY  | None                 | 13                 |
| MATTERS FROM STAFF  | None                 | 13                 |
| MATTERS FROM THE COMMITTEE  | None                 | 13                 |
| NEXT MEETING: WEDNESDAY, JANUARY 7, 2008  |                      | 13                 |
| ADJOURN   |                      | 13                 |

**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC UTILITIES COMMITTEE  
Wednesday, December 3, 2008**

**1. CALL TO ORDER**

A meeting of the Public Utilities Committee was called to order by Councilor Rebecca Wurzburger, Chair, at approximately 5:00 p.m., on December 3, 2008, in the Council Chambers, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

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

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

**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.

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

#### **CONSENT CALENDAR**

10. **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH COONEY, WATSON FOR THE AMOUNT OF \$49,959.00 INCLUSIVE OF NMGR FOR THE PERIOD OF JANUARY 1, 2009 THROUGH OCTOBER 1, 2009. (RICK CARPENTER)**
11. **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WRISC, INC., FOR THE AMOUNT OF \$23,100.00 EXCLUSIVE OF NMGR AND TERM EXTENSION. (RICK CARPENTER)**
12. **REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO THE CITY WIDE SEWER LINE POINT REPAIR CONTRACT FOR FY 08/09 WITH TRIMAN CONSTRUCTION INDUSTRIES FOR \$370,000. (LISA SANDOVAL)**
13. **REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND CAMP, DRESSER AND McKEE FOR ON-CALL WATER RESOURCES FOR THE TOTAL AMOUNT OF \$100,000.00 EXCLUSIVE OF NMGR.**
5. **APPROVAL OF MINUTES FOR THE NOVEMBER 5, 2008, PUBLIC UTILITIES COMMITTEE MEETING.**

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve the minutes of the meeting of November 5, 2008, as submitted.

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

#### **INFORMATIONAL ITEMS**

6. **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.

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

Bill DeGrande presented information to the Committee from his Memorandum of December 3, 2008, which is in the Committee packet.

Chair Wurzburger asked if the administrative leave is disciplinary leave, and how long is the leave.

Mr. DeGrande said it is disciplinary leave and will last until the investigation is over.

Councilor Calvert noted on Monday the staff was using trash trucks for recycling, and asked the reason.

Mr. DeGrande said it is because of equipment failure.

*Councilor Ortiz arrived at the meeting*

**8. WATER RIGHTS TRANSFER AND ACQUISITION PROGRAM UPDATE. (DALE LYON)**

Dale Lyon presented information from his Memorandum of November 20, 2008, which is in the Committee packet.

Councilor Calvert asked if the City has plenty of budget for these purchases.

Mr. Lyon said this is something we need to discuss at some point.

Chair Wurzburger asked how much has been spent and the balance in the fund for water acquisition.

Mr. Lyon said he can get those numbers.

Councilor Calvert asked, if the prices are similar to the others, if is there enough budget for these quantities, if the price is in the "ballpark."

Mr. Lyon said they may be significantly less, based on what he is seeing in the market.

Chair Wurzburger asked Mr. Lyon to modify his report to this Committee so there is always a running total of how many water rights we actually purchased, what those cost, and the balance of funds in the Water Rights Acquisition Fund.

Mr. Lyon said prior to the closing on November 21, 2008, the balance in the Water Rights purchase account was about \$250,000.

Councilor Romero asked how long it takes from the beginning to the closing of a water right purchase.

Mr. Lyons said the process time ranges from four months to more than two years, and the time frame depends on whether or not the sale is protested.

**9. PRV REMOTE MONITORING – STATUS OF COMPREHENSIVE PROJECT REVIEW. (ROBERT JORGENSEN)**

A copy of "PRV Remote Monitoring – Status of Comprehensive Project Review," presented for the record by Robert Jorgensen, is incorporated herewith to these minutes as Exhibit "2." Please see this document for specifics of this presentation.

Councilor Calvert said 19 of the 25 have been installed, and asked if all of those are still standing.

Mr. Jorgenson said yes, with the exception of Valley Drive.

Councilor Romero is pleased to see the City has halted anything going in, and said it sounds like as if we're going to go through a process. She said many people called Councilor Wurzbarger and herself about this. She said some real lessons were learned. She hopes we'll put protocol in place for better public involvement sooner, rather than later. She said we learned lessons about how to do better public involvement, particularly with these kinds of fixtures which will be affecting people. She is pleased that in the future we will be doing more alternative assessment, hearing from people, and coming back with better ideas.

Responding to Chair Wurzbarger, Mr. Jorgenson said, with regard to the problem at Cerrillos Road, the pressure reducing valve station had a failure and didn't regulate the high pressure which was let through the station, causing the water mains to burst. He said the above grade equipment has been installed, but none of the radio equipment has been done.

Councilor Calvert said if the equipment had been in place, this wouldn't have happened.

Chair Wurzbarger asked if this is costing us money in terms of starting and stopping.

Mr. Jorgenson said that is unknown, but if they can get back to construction there probably will be no significant cost. He said any modifications to the system will increase the cost, noting we won't know that until the public hearings.

Chair Wurzbarger understands there will be two public hearings one here and one at the Council, and then it will go to the H-Board.

Mr. Jorgenson said it is planned to have the report completed in January 2009, which then would

be presented as a discussion item to PUC in February, and then conduct a public hearing at PUC in March 2009. He said staff wants to wait until after the public hearings to go to H-Board.

Chair Wurzbarger suggested that both the report presentation and the public hearing be done in January 2008. She would like to combine those two.

Mr. Jorgenson said, to give the public time to review the report, it could be presented at the February meeting, but it could be done concurrently as a public hearing.

Councilor Romero prefers the presentation and public hearing in February 2009, to give people time to study the report.

Chair Wurzbarger asked Mr. Jorgenson to present the report at a public hearing before this Committee in February 2009.

#### **EXECUTIVE SESSION/POSSIBLE OPEN SESSION:**

**UPDATE AND DISCUSSION OF THE JICARILLA APACHE NATION (JAN) LEASE, AN EXCEPTION TO THE OPEN MEETINGS ACT, NMSA 1978 §10-15-1(H)(8). (GARY MARTINEZ, CLAUDIA BORCHERT AND BILL CASSELL)**

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, to go into executive session for discussion and update regarding the Jicarilla Apache Nation lease, pursuant to §10-15-1(H)(8).

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

**For:** Councilor Calvert, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

**Against:** None.

The Committee went into executive session at 5:32 p.m.

#### **MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 6:10 p.m., Councilor Calvert moved, seconded by Councilor Romero, to go back into regular session, stating that the only item discussed in executive session was the item which was on the agenda, and that no action was taken.

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

## **DISCUSSION ITEMS**

**14. POSSIBLE ACTION REGARDING THE JICARILLA APACHE NATION (JAN) LEASE, AN EXCEPTION TO THE OPEN MEETINGS ACT, NMSA 1987 §10-15-1(H)(8).**

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, to follow staff's recommendation to terminate the lease.

**DISCUSSION:** Councilor Ortiz said the rationale which was given to us on this item was largely on financial grounds which were not thoroughly vetted at Finance Committee, and were not included in the proposed discussion on the rate increases, but could have been. He said on that basis, as well as on some of the other bases he mentioned in Executive Session, he will vote against this motion.

**VOTE:** The motion was approved on the following Roll Call Vote:

**For:** Councilor Calvert, Councilor Romero and Councilor Trujillo.

**Against:** Councilor Ortiz.

**15. REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN EXECUTED AGREEMENT FOR FINANCIAL ASSISTANCE TO THE NEW MEXICO ENVIRONMENT DEPARTMENT, CONSTRUCTION PROGRAMS BUREAU, FOR THE PLANNING, DESIGN, ENGINEERING AND CONSTRUCTION OF A WATER LINE AND A SEWER LINE FOR THE 2400 BLOCK OF AGUA FRIA (COUNCILOR CHAVEZ AND COUNCILOR DOMINGUEZ). (STAN HOLLAND)**

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

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

**16. 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 (COUNCILOR TRUJILLO, COUNCILOR CALVERT, COUNCILOR BUSHEE AND COUNCILOR ROMERO). (BILL DeGRANDE)**

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

**DISCUSSION:** Councilor Ortiz said there are amendments in the packet.

Councilor Calvert said most of the amendments are clarifying terminology and there is nothing substantive.

Mr. DeGrande said this is correct.

Councilor Ortiz asked if the amendments were the result of committee discussions.

Mr. DeGrande some did and some did not. Some are definition changes and clarification. He said one was regarding the redundancy concerning bags.

Councilor Ortiz said in some communities there are recycling programs which encourages recycling by having only one container and the sorting is done to encourage increased participation in recycling, and asked Mr. DeGrande to comment.

Mr. DeGrande said that is called the single stream program. He said we could do that if BuRRT could sort glass on its line, but it can't, and the reason we have a dual stream. He said we could go to a single stream, but we would have to remove glass from the mix.

Councilor Ortiz asked the minimum monthly pull.

Mr. DeGrande said currently, if customer requests a 15, 20 or 30 roll off container, it is delivered. The customer is not charged until they call and request a pull. At that time the customer is charged \$210 for a special and \$171 for a regular pull on a regular basis. If the customer doesn't call, they can keep the container indefinitely, as on Roybal, until today. He said if the customer doesn't call at least once a month, they will be charged a monthly fee for the container.

Councilor Ortiz asked if the monthly fee is in addition to the pull charges.

Mr. DeGrande said that is correct.

Councilor Romero said she believes this is based on the Boston model.

Mr. DeGrande said we looked at a number of models, and this is a hybrid program which incorporates a number of different models.

Councilor Romero said at Public Works there was quite a bit of discussion about how to increase recycling for the commercial sector.

Councilor Calvert said people can switch once between containers, but doesn't see a rate.

Mr. DeGrande said the rate is the same for all of the containers and the base rate for solid waste services stays the same.

Councilor Ortiz said the FIR shows a proposed increase in revenues of \$553,000, and of that \$548,000 will be from residential collections, and asked what are the assumptions that we will collect that much more from residential.

Mr. DeGrande said the assumption is that over the fiscal year 2009-2010 there will be a 20% participation rate at one level which is about 5,000 homes within the City, noting currently we service approximately 25,000 homes. That number is based on a 20% participation of the 25,000 customers.

Councilor Ortiz said then those funds will come from 5,000 solid waste customers, because they will buy more tags or do large item pickups or extra containers. He commented that said Mr. DeGrande is showing that the costs will remain flat.

Mr. DeGrande said yes. He said everything is in place and they are ready to go.

Councilor Trujillo asked if the City has started giving out additional containers.

Mr. DeGrande said he can't until this program is approved.

Councilor Trujillo said he has driven down Siringo Road and seen some houses with two containers.

Mr. DeGrande said when this program was started originally, customers in the pilot program areas were given as many carts as they wanted. He said when they find two, they will pull one back, or give the option of signing up for a second one at \$8 or \$6 a month depending on the size.

**VOTE:** The motion was approved on a voice vote, with Councilors Calvert, Romero and Trujillo voting in favor of the motion, none voting against, and Councilor Ortiz abstaining.

17. **REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION DIRECTING STAFF TO PURSUE FUNDING FROM THE STATE LEGISLATURE AND OTHER SOURCES FOR THE CONSTRUCTION OF THE TIERRA CONTENTA SUBDIVISION AREA EFFLUENT WATER LINE AND FOR THE DESIGN AND CONSTRUCTION OF A FUTURE EXTENSION FROM THIS LINE ALONG THE ARROYO CHAMISO TO GOVERNOR MILES ROAD (COUNCILOR CHAVEZ). (BRYAN ROMERO)**

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

**DISCUSSION:** Councilor Ortiz said Councilor Dominguez asked to be added as a cosponsor.

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

## **18. WATER DIVISION – PUBLIC HEARINGS**

- A. **REQUEST FOR APPROVAL OF A RESOLUTION ENDORSING AND ADOPTING THE WATER DIVISION 10-YEAR FINANCIAL PLAN. (COUNCILOR WURZBURGER, COUNCILOR CALVERT AND COUNCILOR ROMERO) (GARY MARTINEZ)**

There were no questions or comments from the Committee.

### **Public Hearing**

There was no one speaking for or against this request.

### **The Public Hearing was closed**

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

**FRIENDLY AMENDMENT:** Councilor Ortiz said, in light of the discussion on the lease and the expected decision from the City Council, he wants to see that information revising this particular financial plan, given the direction given by the Governing Body on terminating that lease. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS FROM THE OTHER COMMITTEE MEMBERS.**

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

- B. REQUEST FOR APPROVAL OF BILL NO. 2008- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATE AND MONTHLY SERVICE CHARGE BY 9.50 PERCENT PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). (GARY MARTINEZ AND DAVID MILLICAN)**

A Memorandum dated December 3, 2008, with attachments, to the Public Utilities Committee, from Gary Martinez, Water Division Director, is incorporated herewith to these minutes as Exhibit "3."

Councilor Ortiz asked the reason it is recommended that only one of these proposals go forward at the meeting of December 10, 2008, noting staff now has five proposals. He said at that meeting we will only be noticing title and general summary, and holding the public hearing in January, and asked why we wouldn't want to publish all five scenarios and let the public comment on all five.

Mr. Martinez said staff felt it was best for one scenario to go forward as a recommendation from the PUC, but if the Committee decides otherwise that can be done.

Chair Wurzburger said the intention wasn't to hide the scenarios, but to get some kind of feeling so we could make a recommendation and explain that the other scenarios were there.

Councilor Ortiz asked why we would want to recommend limiting four of the five scenarios without at least publishing in some kind of format to let the public weigh in on the five scenarios.

Mr. Martinez said staff still feels very confident that one scenario should go forth rather than five scenarios, but that is the choice of the Committee.

Councilor Ortiz said the memorandum which was on our desks this evening was just the five scenarios, but it wasn't the underlying language, the ordinance changes which are required. This is what needs to be published.

Ms. Price said we need to publish a title of the bill, and the way they have set up the bill is with a specific 9.5% for five years. If we want to change and make a more generic bill title, leaving the possibility of the review of the different scenarios, she can do that. She said right now they are publishing a title which has 9.5% for five years. She said we could erase those words in the title and just say we're going to increase the rates.

Councilor Ortiz said we could do it the way we did the Living Wage, which was to publish three different proposals, and by the time we got to the public hearing we had settled on one proposal.

Councilor Trujillo said we have had discussions on the rate increase, and he likes the idea of giving the people of Santa Fe the five scenarios. He said the people are the ones who will be paying the rates, so we should give them the five scenarios and let them weigh-in.

Councilor Romero said it is really tough to raise rates, but they are looking for a rate to publish and this doesn't take away from the public discussion in January – the public workshop to talk about the scenarios and listen to the public.

Councilor Ortiz asked if we are going to have a public study session on the 5 alternatives in advance of the public hearing at the Council.

Councilor Romero said she and Councilor Dominguez have discussed providing another opportunity for the public to talk about the various scenarios. She said Councilor Dominguez suggested a public meeting and she suggested a public workshop which would provide a mechanism to look at what has gone into the rate, a discussion of the policy issues and what the Council is facing in making its decision. She is comfortable in publishing one rate and then having the discussion.

Councilor Trujillo asked if we can publish all five scenarios.

Ms. Price said you can publish all five. She will create five different bills with five different numbers and then you can choose one.

Councilor Calvert said we also could publish a generic title.

Ms. Price said publishing the title is important, but it is also important to have something in the file for people to look at which reflects the bill.

Councilor Ortiz said we can get those in the file.

Chair Wurzbarger said so the bill which goes forward for request to publish would have Options A through E, and then based on the public input, we would choose one.

Councilor Romero said that would be five different bills. She suggested publishing one rate, but the discussion would include the five.

Councilor Ortiz said if we publish one bill with one rate, and through the public discussions, the only way we could do it is through an amendment at the public hearing.

Chair Wurzbarger said this had been the plan, but if the Committee thinks there is an advantage in doing it the other way, she would like further discussion.

Councilor Trujillo said he is trying to find a way to get the most public input.

Chair Wurzbarger believes people will attend. She said Councilor Dominguez has proposed to have a public study session, as well as the public hearing. She said all of the background can be discussed at those meetings.

Councilor Calvert said if the workshop is well attended, people will see that there other scenarios which are being considered. However, if we try to give them all scenarios in the bill and have them try to "wade through" that, they will be confused.

Councilor Romero said we are looking at a public workshop that also includes a discussion about the rates and the policies the Council has to consider in adopting rates, and that they are not looked at as a mechanism for making money. She said she is looking at this as a mechanism for the public to better understand the rates and be educated about the process and the policy decisions which have to be made by the Council. She hopes there is good attendance for that workshop. She said she is advocating for publishing one rate.

Councilor Wurzbarger understood we were going to include all of the rates, using the Living Wage Ordinance as an example.

Councilor Ortiz said we need to do a general summary as well as the title, so the same two paragraphs could be in the general summary. He said we've done this for other bills.

Ms. Price said staff will try to accommodate the consensus of the Committee.

Chair Wurzbarger said she has heard Councilors say there is no way we will do a 10.5% increase, and asked if we really want to put that to the public for comment instead of the one which we think might work and get public input on that.

Councilor Romero said she wants to make it clear that we're not going for a 10.5% increase, and that Councilor Ortiz used that as an example. She is more comfortable using a placeholder of something that is in the range of what we're considering, because we're really not going to deviate that much further than the 9.5%, but we need to have the public discussion on each of the scenarios and the policy implications. She believes we are narrowing the range, and supports publishing one rate, but then have a discussion on the five.

### **Public Hearing**

There was no one speaking for or against this request.

### **The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, for approval and to publish, as discussed, an ordinance with the 9.5% in the title, but then we would have the summary which would include the five scenarios.

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

Councilor Ortiz said he is in favor of publishing, but he would like to include any other proposals for publication.

Councilor Wurzbarger said if somebody comes up with other scenarios, she will be happy to include them.

Councilor Wurzbarger said Item 18(b) provides "Increasing the Monthly Volume Rate and Monthly Service Charge by 9.50%."

Councilor Ortiz said if this the motion, he will say he is against the 9.5% increase. However, to get it published and move this forward, we need to come up with placeholder language so it is clear to the public that the 9.5% is not the only option available. We need to explain that or show that on the face of the title. He will support moving it forward, but he opposes the 9.5% increase.

Chair Wurzbarger asked if he has suggested placeholder language.

Councilor Ortiz said he can definitely wordsmith this, but not now. He will work with Jeanne Price and the City Clerk to be sure that the language is sufficiently vanilla so the public knows that they have options and we haven't already decided on 9.5%.

Chair Wurzbarger said it is significant that there is a commitment from this Committee that the range of options be discussed at all public hearings and the public education meeting.

Councilor Wurzburger asked if we have the language from Councilor Dominguez for the public meeting.

Mr. Martinez said no.

Chair Wurzburger said she will have it by Council.

#### **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 further matters from the Committee.

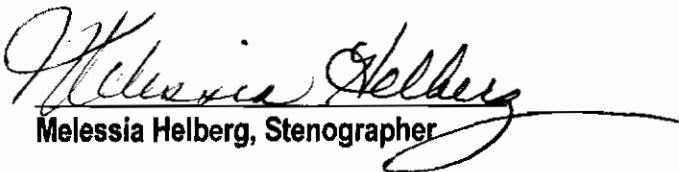
**NEXT MEETING: WEDNESDAY, JANUARY 7, 2008.**

#### **ADJOURN**

There being no further business to come before the Committee, and the Committee having completed its agenda, the meeting was adjourned at 6:45 p.m.

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Rebecca Wurzburger, Chair

  
Melessia Helberg, Stenographer