



Agenda

CITY CLERK'S OFFICE

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**PUBLIC UTILITIES COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 7, 2009
5:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE SEPTEMBER 16, 2009 MEETING

INFORMATIONAL ITEMS

6. Update on the Impacts to the City of Santa Fe of Las Campanas Becoming of a Wholesale Customer to Santa Fe County. (Marcos Martinez) **ORAL REPORT**
7. FY 2009/2010 and FY 2010/2011 Start-Up/Operating Budgets for the Buckman Direct Diversion Project. (Teresita Garcia and Rick Carpenter)

CONSENT CALENDAR

8. Update on Current Water Supply Status. (Victor Archuleta)
9. Update on Solid Waste Division. (Bill De Grande)
10. BDD Project Manager's Monthly Project Exception Report. (Rick Carpenter)
11. Request for Approval of Bid No. 10/05/B and Approval of Contract with Advantage Asphalt and Seal Coating for the Wastewater Management Division City Wide Sewer Line Spot Repair Contract – CIP # 940 for the Amount of \$85,117.32 Inclusive of NMGR. (Stan Holland)
12. Request for Approval of Amendment No. 5 to the Contract Between the City of Santa Fe and Alpha Southwest, Inc. to Replace Pumps and Variable

Frequency Drive in the MRC Pump Station Located at the Wastewater Treatment Facility in the Amount of \$52,000 Excluding NMGRT. (Kathleen Garcia)

13. Request for Approval to Amend the Contract Between the City of Santa Fe Advantage Asphalt & Seal Coating from the Amount of \$91,161.53 to \$200,000 Per Contract Period for CIP # 3030 – Contract # 09-0875. (Bill Huey)
14. Request for Approval of Resolution No. 2009-_____. A Resolution Directing the City Manager to Prepare a Report for the Governing body Regarding a Proposed Program to Educate the Public Regarding the Proper Disposal of Pharmaceuticals and the Feasibility of Establishing City Sponsored Disposal Options for the Public. (Councilor Bushee) (Robert Gallegos)
15. Request for Approval of Amendment No. 2 to the Project Management and Fiscal Services Agreement (PMFSA) Between the Buckman Direct Diversion Board, the City of Santa Fe and Santa Fe County for the Buckman Direct Diversion Project. (Rick Carpenter and BDDDB Legal Counsel)

DISCUSSION ITEMS AND ACTION ITEMS

16. Water Low Income Credit/Third Tier Recommendations. (Bryan Snyder)

MATTERS FROM THE CITY ATTORNEY

ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: WEDNESDAY, NOVEMBER 4, 2009

ADJOURN

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

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PUBLIC UTILITIES COMMITTEE MEETING
Wednesday, October 7, 2009**

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**MINUTES OF THE
CITY OF SANTA FE
PUBLIC UTILITIES COMMITTEE
Wednesday, October 7, 2009**

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 October 7, 2009, in the Council Chambers, City Hall, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Councilor Rebecca Wurzburger, Chair
Councilor Christopher Calvert
Councilor Rosemary Romero

MEMBERS EXCUSED:

Councilor Matthew E. Ortiz
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

Stephanie Lopez said there is a request to pull Item #7 and hear it at the November 4th meeting.

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

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

4. APPROVAL OF CONSENT AGENDA

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

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

CONSENT CALENDAR

- 8. UPDATE ON CURRENT WATER SUPPLY STATUS. (VICTOR ARCHULETA)**
- 9. *[Removed for discussion by Councilor Calvert]***
- 10. BBD PROJECT MANAGER'S MONTHLY PROJECT EXCEPTION REPORT. (RICK CARPENTER)**
- 11. REQUEST FOR APPROVAL OF BID NO. 10/05/B AND APPROVAL OF CONTRACT WITH ADVANTAGE ASPHALT AND SEAL COATING FOR THE WASTEWATER MANAGEMENT DIVISION, CITY-WIDE SEWER LINE SPOT REPAIR CONTRACT – CIP #940 FOR THE AMOUNT OF \$85,117.32, INCLUSIVE OF NMGR. (STAN HOLLAND)**
- 12. *[Removed for discussion by Councilor Calvert]***
- 13. REQUEST FOR APPROVAL TO AMEND THE CONTRACT BETWEEN THE CITY OF SANTA FE ADVANTAGE ASPHALT AND SEAL COATING FROM THE AMOUNT OF \$91,161.53 TO \$200,000, PER CONTRACT PERIOD FOR CIP #3030 – CONTRACT #09-0875. (BILL HUEY)**
- 14. REQUEST FOR APPROVAL OF RESOLUTION NO. 2009- _____. A RESOLUTION DIRECTING THE CITY MANAGER TO PREPARE A REPORT FOR THE GOVERNING BODY REGARDING A PROPOSED PROGRAM TO EDUCATE THE PUBLIC REGARDING THE PROPER DISPOSAL OF PHARMACEUTICALS AND THE FEASIBILITY OF ESTABLISHING CITY SPONSORED DISPOSAL OPTIONS FOR THE PUBLIC (COUNCILOR BUSHEE). (ROBERT GALLEGOS)**
- 15. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROJECT MANAGEMENT AND FISCAL SERVICES AGREEMENT (PMFSA) BETWEEN THE BUCKMAN DIRECT DIVERSION BOARD, THE CITY OF SANTA FE AND SANTA FE COUNTY FOR THE BUCKMAN DIRECT DIVERSION PROJECT. (RICK CARPENTER AND BDDDB LEGAL COUNSEL)**

5. APPROVAL OF MINUTES FOR THE SEPTEMBER 16, 2009, PUBLIC UTILITIES COMMITTEE MEETING.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the minutes of the meeting of September 16, 2009, as submitted.

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

INFORMATIONAL ITEMS

6. UPDATE ON THE IMPACTS TO THE CITY OF SANTA FE OF LAS CAMPANAS BECOMING A WHOLESALE CUSTOMER TO SANTA FE COUNTY. (MARCOS MARTINEZ) ORAL REPORT.

Marcus Martinez, Assistant City Attorney, said at its meeting on September 3, 2009, the Buckman Direct Diversion Board directed a consultant to the Board to look at the technical and economic impact of having Las Campanas become a wholesale customer of the County. Ultimately, the consultant, with input from the City, the County and Las Campanas, determined the best way to alleviate the demand which would go to Las Campanas through the Buckman Well Field pipeline, would be to construct a pump station at Booster Station #3 and a parallel pipeline from Booster Station #3 to the Las Campanas delivery plant. In this way, the City water customers would use City infrastructure without a reduction in capacity. Similarly, Las Campanas and County customers would rely on a parallel pipe line and a pump station to deliver water to them without impacting City capacity.

Mr. Martinez said, on September 29, 2009, Steve Ross presented this information to the BDD, including a draft Bulk Water Service Agreement between the County and Las Campanas. On October 1, 2009, at the BDD Board meeting, Mr. Ross presented an outline of this understanding. That same day, Las Campanas sent a letter of intent to the County outlining the principles of the Bulk Water Agreement to be finalized and approved by the BCC. The current draft Agreement states that Las Campanas shall pay for 40% of the cost of the parallel line and pump station. It also contemplates that the County would pay for the remainder of the cost.

Mr. Martinez said the letter of intent notes that the City may be permitted to use the line as long as it does not interfere with County deliveries and if there is a separate agreement. Presumably, it would be through this agreement that the City would cost share in the construction of this pipeline. He said as he understands it, a parallel pipeline could provide some redundancy in the City's system. However, whatever these costs are, they have not been calculated in the budget.

Mr. Martinez said if this Committee would like, the staff can bring a more concrete proposal to the Finance Committee on October 19, 2009, and to the City Council on October 28, 2009. However, there is no final agreement yet, and we would need to review what the final agreements states before making a recommendation. he

Councilor Calvert asked if the two payments were made as promised.

Mr. Martinez understands the first payment was made in the amount of \$730,438, and Councilor Calvert noted that another payment of \$900,000 was to be made shortly thereafter.

Councilor Wurzbarger said it is her understanding there that was not agreed to, and there is no agreement.

Rick Carpenter said the first payment was received and the next payment is due next week.

Councilor Calvert said he would like to see something in writing at some point. Also, he would like clarification on some of the other things which were not mentioned by Mr. Ross, which he was discussing in an argument after the meeting. There were additional points which we might want to include in the agreement, one of which might have to do with how it affects the FOPA and that might need to be amended to reflect this new arrangement.

Mr. Martinez said he has had some discussions with the Board counsel on the FOPA, and we do need to have the final agreement so we know those impacts. He also is seeking clarification from Las Campanas on how it intends to comply with the previous Settlement Agreement between Las Campanas and the City, noting staff is making progress on that as well.

Councilor Calvert said a request was made at the Finance Committee meeting for a written report on how all of the agreements are or not affected by this agreement.

Councilor Romero said she wants to be clear that this information will go to Finance and to this Committee after Finance, and it will include issues regarding the Settlement Agreement and nothing on the \$930,000 which is still due.

The Committee was in agreement that Chair Wurzbarger will give direction to the staff to proceed to look at the options, the questions and to address the questions which have been raised by the City Council in previous meetings; and that it will go to the Finance Committee and then back to this Committee.

7. FY 2009/2010 AND FY 2010/2011 START-UP/OPERATING BUDGETS FOR THE BUCKMAN DIRECT DIVERSION PROJECT. (TERESITA GARCIA AND RICK CARPENTER)

This item was postponed to the meeting of November 4, 2009.

CONSENT DISCUSSION

9. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO THE CONTRACT BETWEEN THE CITY OF SANTA FE AND ALPHA SOUTHWEST, INC., TO REPLACE PUMPS AND VARIABLE FREQUENCY DRIVE IN THE MRC PUMP STATION LOCATED AT THE WASTEWATER TREATMENT FACILITY IN THE AMOUNT OF \$52,000, EXCLUDING NMGR. (KATHLEEN GARCIA)

Councilor Calvert said the staffing issue seems to be somewhat critical, and asked if the Equipment Operator positions are drivers, and Mr. DeGrande said that is correct.

Councilor Calvert said he would have thought one of the results of automation would be less people in that status.

Mr. DeGrande said one person has returned, and another will return next, noting one of them retires this month, but these are serious injuries and they've been out for about two weeks.

Councilor Calvert asked about overtime.

Mr. DeGrande said they haven't had to use a lot of overtime, noting he has had to use his supervisors, the welders, the mechanics and such.

Councilor Calvert said he presumes this will be coordinated with the Northwest Quadrant ["NWQ"] project where this was brought up as well.

Mr. DeGrande said he is working with the Water Company on issues regarding to the NWQ. He said these wells are on the Casa Solana side of Frank Ortiz Park.

Councilor Calvert said one condition of approval imposed on the NWQ is that the groundwater migration needs to be examined "in terms of Northwest Quadrant versus Ortiz Park."

Mr. DeGrande said there are 8 monitoring wells in the NWQ which they monitor twice a year

Councilor Calvert said the question is what, if any effect, would development of the NWQ have on those, and whether it would have any effect on the groundwater. He said this is one of the conditions because of the sensitivity of Ortiz Park.

Mr. DeGrande said he will work with the NWQ quadrant people and the water company in this regard.

Councilor Romero said the concern is around groundwater migration. She said she wants more coordination between all of the entities with a report back to the City.

Robert Gallegos, Water Division, said he will make sure that we all coordinate and work with the staff and the NWQ, with Solid Waste and with and the Environment Department. He said there are additional pilot wells in the area to sample the water in that area with the Environment Department and the County. He said there are additional wells they can do. He said this information in the generation of new monitoring wells, will give us a lot more information on groundwater flows and the way everything is moving.

Councilor Romero asked if there are additional monitoring wells, in addition to the 8 monitoring wells.

Mr. Gallegos said there are 8 monitoring wells around the existing landfill, 1 monitoring well around Ortiz Park, and there will be additional wells specifically for the old landfill.

Councilor Calvert said he presumes the well at Ortiz is distinguished from the "other newer-older landfill," and Mr. Gallegos said that is correct.

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

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

12. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO THE CONTRACT BETWEEN THE CITY OF SANTA FE AND ALPHA SOUTHWEST, INC., TO REPLACE PUMPS AND VARIABLE FREQUENCY DRIVE IN THE MRC PUMP STATION LOCATED AT THE WASTEWATER TREATMENT FACILITY IN THE AMOUNT OF \$52,000, EXCLUDING NMGR. (KATHLEEN GARCIA)

Councilor Calvert quoted from Ms. Garcia's Memorandum of September 22, 2009, "The remaining funds are available in Business Unit 52602 (Parks Bond)." He asked how this is eligible for Parks Bond funds.

Bryan Romero said there is an initial quote of about \$51,000, and they will be below this amount.

Councilor Calvert said he has a problem paying this from the Parks Bond, and he doesn't believe this falls within the description of what we told the voters and the voters approved. He knows Robert Romero is trying to be helpful and creative, but he does not believe this is an appropriate source of funds for this project.

Councilor Romero said she appreciates the creative accounting, but she agrees with Councilor Calvert. She said she has received emails from the Parks Advisory Committee, noting that Committee keeps a close watch on the Parks Master Plan and the use of these funds. She said any expenditures need to be coordinated with that Committee. However, this expenditure doesn't seem to be in line with what was approved in the master plan. She said he needs to go back to Robert Romero and tell him this has to be paid from another place.

Councilor Wurzbarger said we if we are looking at uses for the Parks Bond, we need to look at Sun Mountain first, which is going to be a park.

Mr. Romero said he would suggest that the Committee approve the contract amendment, and he will ensure that they don't exceed the \$52,000 allocated for this project which was granted to the City by the New Mexico Environment Department, and if it does, they will fund the additional amount elsewhere, reiterating that he doesn't believe it will exceed that amount.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve Contract Amendment No. 5 to the contract, without the authorization for the use of Parks Bond funds..

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

DISCUSSION AND ACTION ITEM

16. WATER LOW INCOME CREDIT/THIRD TIER RECOMMENDATIONS. (Brian Snyder)

Brian Snyder asked Jason Mumm of Step Wise Utility Advisors to make this presentation.

Jason Mumm presented information regarding this matter from his September 21, 2009 Memorandum to Brian Snyder, regarding the 3rd Tier Evaluation of LIC Program Funding, which is in the Committee packet. Please see this Memorandum for specifics of the presentation. Mr. Mumm said the conclusion is if the City maximizes participation in the Low Income Credit program, the revenue the City would lose and have to make up from other customers is approximately \$630,000 at the current level, if everyone who is eligible were to participate. He said currently the City is nowhere near the maximum, and the total dollars budgeted currently for this purpose is about \$26,000, which is way below the maximum.

Mr. Mumm reviewed the table on page 2 from the September 21st Memorandum, which indicates three options which could be used to recover the LIC program costs at the various levels. Responding to Councilor Calvert, Mr. Mumm said the City would have to charge \$16.95 to generate the needed funds. He said all three options will achieve the same goal.

Councilor Calvert said he prefers option one. He said he would rather pay for the low income program that way, rather than imposing a surcharge or fee on all customers.

Chair Wurzbarger said her concern is that this is a lot of money for a program where we are so far from having full participation in the program. She is concerned that an incremental strategy in this economy makes much more sense. She said we don't have people waiting to get into the program. She said the difference between \$26,000 and \$485,000 is rather large. She suggested that we spend \$50,000 on trying to double the participation in the program. She said this is like building a program and "hope that they will come," while in the meanwhile, we are assessing across the board. She said she prefers the first

option as well, but she is questioning the legitimacy of proceeding with a program like this until we do some incremental things to get more people involved in the program.

Councilor Calvert said he understands the difference between possible and actual. However, he believes we have to be conservative and bill for what might happen. If the participation doesn't meet the projection, then perhaps the additional revenue will be used to reduce rates in general. He believes it is prudent, especially in these economic times when there are no surpluses, to build the third tier so it could meet what is possible. He said we already are "in a hole across the board as it is."

Chair Wurzbarger said the City isn't in a hole in the Water Division at all.

Responding to Councilor Calvert, Mr. Mumm said the break depends on the customer class and the multi-family commercial class which varies by meter size. He said for residential it breaks at 7,000 gallons during off-peak and 10,000 gallons during peak months.

Councilor Calvert said then we are talking about something like 20,000 gallons where this would kick in during peak season, and Mr. Mumm said this is correct..

Mr. Mumm said as he looked at the figures, given the participation level, the Committee could give him more guidance as to where the Committee expects participation to come in with some level of promotion. He then come back with some different views on this. He said currently there are approximately 125 customers participating in the program, and the analysis indicated approximately 4,000 customers potentially could qualify. He said there is a gap, and his shortcoming in preparing this analysis was that they had no idea what would come in if you begin promotion, so they went with the maximum.

Councilor Romero said she didn't believe that promotion was our goal, but it is a service provided by the City as a stop-gap measure for people who can't afford to pay the bills. She said she is leaning to an incremental strategy. However, given the current economy, we might find ourselves in a negative place. She said this would be a small savings account in some sense. She doesn't want to "build it and have them come."

Chair Wurzbarger asked what would happen if we could find \$25,000, to double participation, which would cost about \$50,000, and asked if it would be necessary to change the rate to do that.

Mr. Mumm said he wouldn't recommend changing the rate for \$25,000 to \$50,000, because it is well within the margin of the normal variance in demand.

Councilor Calvert said we absolutely emphasized this program when approving the water rate increase, so he would like for us to promote it more, commenting that he isn't looking to give away money. He said secondly, we are already in the hole in the PRV monitoring program, because we approved an additional \$40,000 which puts us in the hole for Phase 1. He said Phase 2 might have the same results in terms of a shortfall. He said this would send a conservation message as well, and will get people to reduce their usage.

Chair Wurzbarger said her recollection is, in considering the rate increase, we were committed to programs which would cover people who need it. She said she would be supportive of some kind of additional strategy if this were different economic times. She would like to postpone action on this for 6 months, and then look at the economy. She said she got a lot of negative comments from the public with regard to the recent rate increase. She said if we had a large group of people who couldn't pay their bills, and we couldn't help them, then she would be in support of this. She doesn't believe we are at the point to propose another increase to our ratepayers.

Councilor Romero agreed that we should proceed cautiously, and she is willing to postpone, but she doesn't want to wait for 6 months.

Chair Wurzbarger said the large water bills would not be in the winter, and we need this in place for the summer. She suggested looking at this again in three months to evaluate our position in terms of the economy.

Responding to the Chair, Mr. Mumm said, for example, if the Committee decided to go with the third tier, you won't recover this kind of money, and it would need to be in place for the summer.

Chair Wurzbarger said it isn't a matter of the GRTs in this instance, but a matter of how people in the community are feeling about the economy, and having one more bill which changes.

Councilor Calvert said he recalls during the water rate discussion, we talked about looking at this funding sources and looking at the different levels of the funding source. He said one of the conditions was to look at different tiers/income levels, and this is something which was promised as was the 3rd tier. He said Mr. Mumm is asking whether we want a third tier at all as he moves forward in constructing a water structure, such as what we have now, or something completely different. He said we asked him to look at whether it should remain connected to meter size as well. He said Mr. Mumm is asking for some consideration of a 3rd tier, but where it is set, and how much, is subject to debate. He would encourage the Committee to ask Mr. Mumm to consider this as part of the analysis in doing the rate structure.

Chair Wurzbarger said what has happened here is that two items have been joined – the LIC Program and the rationale for a 3rd tier in the rates. She noted Councilor Calvert has been a long time advocate for a 3rd tier to encourage conservation, and what is on the agenda is a connection between the LIC program and the 3rd tier. She asked about the timeline for doing the water rate restructuring and, if we can separate these two items, so Mr. Mumm would have direction to continue to look at that. .

Mr. Mumm said they reviewed the project schedule with Brian Snyder last week. The current plan is to have the second workshop with this Committee at its December meeting, along with whomever else the Committee would like to invite.

Mr. Mumm said, in terms of separating the two issues, they did prepare a Memorandum to outline the four alternatives they would be reviewing during the rate evaluation, one of which is the current rate and three alternatives to it. He views the 3rd tier option as something which could be additive, at least to

the current structure. He said the Committee could easily join these or keep them separate as well. He said, for example, if we go with the uniform seasonal rate which is proposed to evaluate, then the 3rd tier wouldn't work as well, and there would be a 2nd tier at some point in the rate structure and it would be, presumably, the same thing. He said it wouldn't be a major thing to have the 3rd tier as an additive to each rate structure.

Chair Wurzburger said she would like to look at this in the context of the options that you are going to present between now and January, and encourages the Committee to consider this terms of a motion.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to continue to study the issue of the third tier as we move forward with our water rate discussion.

DISCUSSION: Chair Wurzburger asked, for clarification, if the motion means to study the issue generically or to tie it to the water low income credit.

Councilor Calvert said these were independent recommendations when we did the water rate increase, but they were tied even then. He said we should leave that to staff to ferret out as we move forward with the rate structure.

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

MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

ITEMS FROM STAFF

There were no items from staff.

MATTERS FROM THE COMMITTEE

Councilor Romero said there was a request from the people from Ft. Sumner to present to the PUC Committee, and she presumes it was just to give their perspective on the proposed water line from Ft. Sumner to Santa Fe. She said she would like the record to reflect that we are directing Claudia Borchert to set that meeting up.

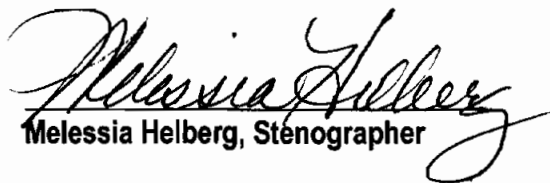
Chair Wurzburger directed Stephanie Lopez to put this item on the agenda for the next meeting as an information item, as opposed to having the individuals contacting us directly.

NEXT MEETING: WEDNESDAY, NOVEMBER 4, 2009

ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at 5:45 p.m.

Rebecca Wurzburger, Chair


Melessia Helberg, Stenographer