



Agenda

CITY CLERK'S OFFICE

DATE 12-29-09 TIME 12:50

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**AMENDED AGENDA
PUBLIC UTILITIES COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
WEDNESDAY, JANUARY 6, 2010
REGULAR MEETING - 5:00 P.M.**

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

INFORMATIONAL ITEMS

6. Update on Las Campanas. (Marcos Martinez) VERBAL
7. Presentation on BAR (based on the BDD Board's recommended operating budget) to Move Funds from the Water Division's 10-Year Financial Plan to the BDD Project FY 09/10 Operations Budget, Approval of FY 10/11 BDD Operating Budget, BDD Training and Certification Program, and BDD Staffing Plan. (Rick Carpenter)
8. Goals, Accomplishments and Challenges.
 - a. Water Division (Brian Snyder)
 - b. Solid Waste Division (William DeGrande)
 - c. Wastewater Management Division (Bryan Romero)
 - d. Energy Division (Nick Schiavo)

CONSENT CALENDAR

9. Update on Current Water Supply Status. (Victor Archuleta)
10. BDD Project Manager's Monthly Project Exception Report. (Rick Carpenter)

11. Request for Approval of Amendment No. 4 to the Professional Services Agreement Between the City of Santa Fe and Lee Wilson and Associates for the City's Water Rights Transfer Program for the Amount of \$70,000.00 Exclusive of NMGRT. (Dale Lyons)
12. Request for Approval of Amendment No. 2 to the Professional Services Agreement Between Automation Electric and the City of Santa Fe for the Water Utility Energy Efficiency Project – ARRA Stimulus Funds for the Amount of \$69,800.00 Exclusive of NMGRT. (Dale Lyons)
13. Request for Approval of the Purchase of One (1) Top Loading Recycling Body (Bid '10/25/B) from High Mesa Environmental. (William DeGrande)
14. Request for Approval of One Large Truck Cab & Chassis (Bid '10/24/B) from Trucks West Inc. (William DeGrande)
15. Request for Approval of Award of Miscellaneous Chemical Bids (Victor Archuleta):
 - a. Bid # 10/18/09 for Liquid Aluminum Sulfate to DPC Industries for \$133,322.00.
 - b. Bid # 10/19/09 for Soda Ash to Pool and Electrics Products for \$100,327.50.
 - c. Bid # 10/20/B for Liquid Sodium Permanganate to Carus Corporation for \$37,800.00.
 - d. Bid # 10/21/B for Salt to DPC Industries for \$42,000.00.
 - e. Bid # 10/22/B for Sodium Hypochlorite to DPC Industries for \$51,300.00.
 - f. Bid # 10/23/B for White Hydrated Lime to DPC Industries for \$37,700.00.

DISCUSSION ITEMS AND ACTION ITEMS

16. Request for Approval of Amendment No. 1 to the Recreational Access Agreement (Downs Infield) Between the City of Santa Fe and Pueblo of Pojoaque Development Corporation to Clarify the Amount the City Charges to PPDC for City Treated Effluent Water. (Marcos Martinez)
17. Telecommunications
 - A. Request for Approval of an Ordinance Repealing Chapter 27 SFCC 1987 and Creating a New Chapter 27 SFCC 1987 Regarding Telecommunications and Cable Services. (Maureen Reed)
 1. Request for Approval of an Ordinance Granting a Non-Exclusive Franchise to Newpath Networks, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, and Fixing the Terms and Conditions. (Maureen Reed)

2 Request for Approval of an Ordinance Granting a Non-Exclusive Franchise to Citylink Fiber Holdings of Santa Fe, New Mexico, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, Fixing the Terms and Conditions Thereof. (Maureen Reed)

B. Request for Approval of a Resolution Urging the U.S. Congress, the President and Executive Branch Members to Require the Federal Communications Commission to Reassess the Health Impacts of Radio Frequency Emissions; and to Actively Seek and Support Federal Legislation That Would Give Local Governments Greater Flexibility with Regard to the Placement of Wireless Communications Facilities. (Councilor Romero, Councilor Bushee and Councilor Calvert) (Maureen Reed)

MATTERS FROM THE CITY ATTORNEY

ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: WEDNESDAY, FEBRUARY 3, 2010

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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**REQUEST FOR APPROVAL OF AN ORDINANCE
GRANTING A NON-EXCLUSIVE FRANCHISE
TO CITYLINK FIBER HOLDINGS OF SANTA
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ADJOURN 14

**MINUTES OF THE
CITY OF SANTA FE
PUBLIC UTILITIES COMMITTEE
Wednesday, January 6, 2010**

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 Wednesday, January 6, 2010, 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 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

Mr. Buller said staff has asked to postpone Item #7 under Informational items to the next meeting of the Committee. Chair Wurzbarger said she would like to move Item #16 for discussion before the Informational Items.

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

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

Ms. Lopez said staff is requesting to remove Item #17 from the Agenda and postpone it to the next meeting of the Committee for a public hearing.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to amend the Agenda to remove Item #17 from the Discussion Agenda to be postponed to the next meeting, that it be placed on the agenda as a public hearing, and to approve the Agenda, as amended.

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

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Ortiz moved, seconded by Councilor Trujillo, to approve the following consent agenda as published.

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

CONSENT CALENDAR

- 9. UPDATE ON CURRENT WATER SUPPLY STATUS. (VICTOR ARCHULETA)**
- 10. BBD PROJECT MANAGER'S MONTHLY PROJECT EXCEPTION REPORT. (RICK CARPENTER)**
- 11. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND LEE WILSON AND ASSOCIATES FOR THE CITY'S WATER RIGHTS TRANSFER PROGRAM FOR THE AMOUNT OF \$70,000, EXCLUSIVE OF NMGRT. (DALE LYONS)**

12. **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN AUTOMATION ELECTRIC AND THE CITY OF SANTA FE FOR THE WATER UTILITY ENERGY EFFICIENCY PROJECT – ARRA STIMULUS FUNDS FOR THE AMOUNTS OF \$69,800.00 EXCLUSIVE OF NMGRT. (DALE LYONS)**
13. **REQUEST FOR APPROVAL OF ONE (1) TOP LOADING RECYCLING BODY (BID '10/25/B) FROM HIGH MESA ENVIRONMENTAL. (WILLIAM DeGRANDE)**
14. **REQUEST FOR APPROVAL OF ONE LARGE TRUCK CAB & CHASSIS (BID '10/24/B) FROM TRUCKS WEST, INC. (WILLIAM DeGRANDE)**
15. **REQUEST FOR APPROVAL OF AWARD OF MISCELLANEOUS CHEMICAL BIDS. (VICTOR ARCHULETA):**
 - A. **BID #10/18/09 FOR LIQUID ALUMINUM SULFATE TO DPC INDUSTRIES FOR \$133,322.00.**
 - B. **BID #10/19/09 FOR SODA ASH TO POOL AND ELECTRIC PRODUCTS FOR \$100,327.50.**
 - C. **BID #10/20/B FOR LIQUID SODIUM PERMANGANATE TO CARUS CORPORATION FOR \$37,800.00.**
 - D. **BID #10/21/B FOR SALT TO DPC INDUSTRIES FOR \$42,000.00.**
 - E. **BID #10/22/B FOR SODIUM HYPOCHLORITE TO DPC INDUSTRIES FOR \$51,300.00.**
 - F. **BID #10/23/B FOR WHITE HYDRATED LIME TO DPC INDUSTRIES FOR \$37,700.00**
5. **APPROVAL OF MINUTES FOR THE DECEMBER 2, 2009, PUBLIC UTILITIES COMMITTEE MEETING.**

MOTION: Councilor Calvert moved, seconded by Councilor Ortiz, to approve the minutes of the meeting of December 2, 2009, as submitted.

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

DISCUSSION AND ACTION ITEMS

- 16. **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE RECREATIONAL ACCESS AGREEMENT (DOWNS INFIELD) BETWEEN THE CITY OF SANTA FE AND PUEBLO OF POJOAQUE DEVELOPMENT CORPORATION TO CLARIFY THE AMOUNT THE CITY CHARGES TO PPDC FOR CITY TREATED EFFLUENT WATER. (MARCUS MARTINEZ)**

Marcus Martinez said the purpose of this amendment is to make it so that the effluent charges for City's use of The Downs are zeroed out or adjusted downward. The amendment is proposed because of the increase in the cost of effluent in the past year.

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

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

MOTION: Councilor Calvert moved, seconded by Councilor Ortiz, to amend the agenda to sever Item #17(B) and hear it at this time, and that Item 17(A) (1) and (2) shall remain postponed to the next meeting, and to approve the agenda as amended.

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

17. TELECOMMUNICATIONS

- B. **REQUEST FOR APPROVAL OF A RESOLUTION URGING THE U.S. CONGRESS, THE PRESIDENT AND EXECUTIVE BRANCH MEMBERS TO REQUIRE THE FEDERAL COMMUNICATIONS COMMISSION TO REASSESS THE HEALTH IMPACTS OF RADIO FREQUENCY EMISSIONS; AND TO ACTIVELY SEEK AND SUPPORT FEDERAL LEGISLATION THAT WOULD GIVE LOCAL GOVERNMENTS GREATER FLEXIBILITY WITH REGARD TO THE PLACEMENT OF WIRELESS COMMUNICATIONS FACILITIES (COUNCILORS ROMERO, BUSHEE AND CALVERT). (MAUREEN REED)**

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

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

INFORMATIONAL ITEMS

6. UPDATE ON LAS CAMPANAS. (MARCOS MARTINEZ)

Marcus Martinez said the City still agrees to disagree with Las Campanas, noting there is still a difference of \$118,000 between what the City's record indicates is owed by Las Campanas and what Las Campanas thinks they owe. He said the main thrust of the discussions have been happening through City Finance and Las Campanas. He believes it is now appropriate for Legal to step in and talk with some of the people at Las Campanas in addition to the discussions between City Finance staff and Las Campanas. He said Las Campanas is paying its current bills, but nothing is happening to resolve the past due balance.

Mr. Martinez said there is the larger question of the need to address some of the other agreements in the BDD, FOPA and possibly the Water Resources Agreement. He discussed this with the BDD Counsel, but unfortunately Steve Ross and Chuck do not believe that the FOPA needs to be amended. He would like this to be brought to the BDD for direction to all the constituent parts as to how to address those agreements.

Chair Wurzburger said it isn't on the next BDD meeting agenda, so it will need to be presented under matters from the committee.

Councilor Calvert said there is an item on the BDD agenda which is discussion and possible action on the MOA between Buckman/BDD and Santa Fe County, regarding Las Campanas. He said he had asked BDD counsel to provide information in advance of the meeting and was assured he would have something on Monday, but he hasn't received anything at this time.

Councilor Trujillo asked if Las Campanas pays its bill by check or credit card, and Mr. Martinez said it pays by check. Councilor Trujillo asked if Las Campanas has any records which would show proof of payment.

Mr. Martinez said we need to request Las Campanas to reconcile any discrepancies in accounting. He said they have provided records of all checks, but we have records of all those checks being processed and they still don't resolve the difference.

Chair Wurzburger agreed with Mr. Martinez with regard to his decision to get more involved in reconciling and resolving this issue, and asked him to continue to keep this Committee informed.

7. PRESENTATION ON BAR (BASED ON THE BDD BOARD'S RECOMMENDED OPERATING BUDGET TO MOVE FUNDS FROM THE WATER DIVISION'S 10-YEAR FINANCIAL PLAN TO THE BDD PROJECT FY 09/10 OPERATIONS BUDGET, APPROVAL OF FY 10/11 BDD OPERATING BUDGET, BDD TRAINING AND CERTIFICATION PROGRAM, AND BDD STAFFING PLAN. (RICK CARPENTER)

This item is postponed to the meeting of February 3, 2010.

8. GOALS, ACCOMPLISHMENTS AND CHALLENGES.

Chair Wurzburger thanked the staff for the work they have done in this regard, noting it gives the Committee a good perspective on what has been accomplished and what is still to be done.

A. WATER DIVISION (BRIAN SNYDER)

A copy of a Memorandum dated January 6, 2010, to the Public Utilities Committee, from Brian K. Snyder, Water Division Director, is incorporated herewith to these minutes as Exhibit "1." He explained that this Memorandum replaces the one in the packet which was prepared prior to the additional questions, and contains additional information.

Brian Snyder presented information regarding this matter from Exhibit "1." Please see Exhibit "1" for specifics of this presentation. Mr. Snyder said he doesn't see the annexation affecting the Water Division in any of the three phases, greatly, noting the City currently serves numerous County residents within the presumptive City limits.

The Committee commented, asked questions and made suggestions as follows:

- Councilor Ortiz said he has received questions from people who live in the houses next to the Mission Viejo School in Annexation Area 1. He said they asked if they are required to get off their wells and connect to City services once they are annexed. He told them he didn't think so, but if they wanted to connect and they are within 350 yards [Mr. Snyder said it is 300 feet], the City would require them to cap their wells as condition of providing service. He told them that he knows of no requirement for them to get off their wells.

Mr. Snyder said this is correct and there is no requirement for them to get off their wells. If they do wish to connect, they will have to follow the procedure/policy to extend the water line and staff has been requesting that they do cap their wells. Councilor Ortiz said then this

is for those who are within 300 feet of an existing line – they would have to cap their wells. Mr. Snyder said if a person is with 300 feet of the line, there is a prohibition against drilling new wells. Councilor Ortiz said he thought if they have an existing well and they want to connect, he thought there was a condition that they had to cap the well. Mr. Snyder said the City requests that they cap the well, but there is no legal requirement that we can do that. He said staff is in the process of looking to amend the City's Domestic Well Ordinance, and this is in one of the items of discussion – from the State regulatory side, can the City request or require them to cap their wells.

Councilor Ortiz recalled a case where there was a well in the Candlelight Homes, saying he thought the City won that case giving us that authority.

Mr. Martinez said the City has the authority to regulate new domestic wells. He said for existing wells, we ask them to cap the well as a condition of receiving service – an agreement by contract to cap the well.

Councilor Ortiz said then there is no requirement that they must enter into a contract with the City, and they can continue with their well if they want to do so. Councilor Trujillo said, however, the City is telling them to cap the well or the City won't provide water.

- Chair Wurzbarger said we will discuss this matter when we talk about what we are going to do when we consider changes to the Ordinance. She would like staff to deal with this issue in places such as the Circle Drive Compound where they were able to get on City water as well as having private wells they use primarily for landscaping. She wants a discussion of this issue and to understand how this happened.
- Chair Wurzbarger asked why the use of graywater isn't reflected here, and asked what we need to do to make this happen. Councilor Calvert said this is State regulated and it isn't something in which the City utility is involved, and usually is done more by people on their own.
- Councilor Wurzbarger asked if there are any policy changes, rather than funding changes, which staff sees on the horizon which City will need to address in 2010. Mr. Snyder said he sees none. He said the Water Conservation Committee has been involved and will stay involved in water harvesting and reuse. Councilor Wurzbarger wants to be sure that the City is doing all we can do to be sure the use of graywater is happening and wants to know how we can enhance that activity. Councilor Calvert said graywater is more water recycling than water harvesting. He believes it is more an educational effort. Mr. Snyder said he will bring something in this regard to the Committee.

- Councilor Ortiz asked if we will experience issues with private or mobile home water systems in Annexation phase 2, in terms of issues of connection and whether the system is properly sized according to City regulations – do we anticipate these kinds of problems lurking in phase 2. Mr. Snyder said he is aware of one mobile home park with that problem, which currently is on a well and will be annexed in phase 2. He said they have expressed interest in connecting to City water because their water rights in the well have expired. He said currently the City ordinance requires them to be individually metered, but he has no knowledge of the current infrastructure. He said they would be required to extend the water mains within the mobile home park and individually meter.

Councilor Ortiz asked, in anticipation of this problem, if we can come up with legislation which would require the property owner to bear some of the cost, so they can't condoize and try to assess the cost on the individuals in the units.

Councilor Calvert also wants the City to consider the health issues we might encounter with people who have private wells and septic systems which might fail, and whether those are in conformance.

Councilor Ortiz said he doesn't believe we have these kinds of issues in the County, but that is an issue to consider in the process.

Chair Wurzburger said we need to include this as an upcoming issue.

B. SOLID WASTE DIVISION (WILLIAM DeGRANDE)

William DeGrande noted his Memorandum of January 6, 2009 which is in the packet. He said the challenge in the Division is absenteeism and cited the following: During the period January 1, 2009 through the beginning of December 2009, leave was as follows: 600 days of annual leave; 610 days of sick leave; 63 days of personal holidays, 147 days of bereavement, 74 days of longevity, 29 days of SWLCT, 21 days of SWL, 25 days of ADMEA, 58 days of injury; 171 days comp and 27 days of administrative leave. This is 1,089 days, and for the 261 days worked per year, that is 7.2 people absent every day, noting this doesn't include December which is a huge month

The Committee commented, asked questions and made suggestions as follows:

- Chair Wurzburger asked Mr. DeGrande to submit the information on absenteeism to the Committee in writing, and asked if he has any ideas to deal with this. Mr. DeGrande said there are rules in the union contract which allow disciplinary actions if there is a pattern, but

one of the gray areas in the contract is what is a pattern – one day every week, a Monday every week, or what. He said he needs to sit with the unions and get them to tell us what they will accept as a pattern for absenteeism. Councilor Ortiz said management needs to decide what a pattern is and then use it. He said a positive thing is that he didn't get one call regarding lack of service during the holidays which is the first time this has happened in the years he has served on the Council. He said staff is to be commended for that.

- Councilor Calvert asked if everybody is trained on all of the routes, noting there were problems in the past for substitutes where they missed streets. Mr. DeGrande said there is a cross-training program, but it hasn't been completed Division-wide. He said the other issue is that he has four routes which don't require CDLs, so they can't go on other routes. Councilor Calvert said with the absenteeism, and people filling in, there is always the possibility of misses.
- Councilor Ortiz said the base rate increase is wholly dependent on the tipping fees at SWMA. Mr. DeGrande said this is correct. Councilor Ortiz said the tipping fees increase has to do with the costs to open phase 2. He said as the rate increase comes forward, he wants that information, noting this will be the third increase. Mr. DeGrande said there has been no Solid Waste increase in 8 years.
- Councilor Ortiz said the City is going through budget exercises and there are issues on staffing. He asked Mr. DeGrande his plans with regard to vacancies for elimination. Mr. DeGrande said he currently has 4 vacancies, and he has just hired 4 people to fill those vacancies. He said he doesn't do justifications for the CDL drivers. He said he did do a justification for the maintenance supervisor which was approved. He said once these 4 people are on board, he will be fully staffed.
- Responding to Councilor Ortiz, Mr. DeGrande said he wants to try the automated recycling in the new annexation areas in phase 2. He said the issue is glass, once again. He said he will need to have these discussions with the Governing Body as to how to handle glass, or whether to handle glass, because it can't be mixed because it can't be sorted at BuRRT. He said that is handled separately and the reason everybody gets 2 bins.
- Councilor Trujillo said then people get 2 bins. Mr. DeGrande said beginning next Monday the Pay As You Throw Program will begin and the intention is for people to recycle more, so they will give people as many recycling bins as they want, so they won't have to pay extra. There currently is no charge for the bins.
- Councilor Calvert said the Green Waste Program is listed. He said, between the Green Waste Program and automation of recycling, given our current budget situation, he would

suggest that Mr. DeGrande pick one at most to do and then do it well as opposed to doing too many things when we're strapped for funds. Mr. DeGrande said, regarding the Green Waste Program, he currently has a large item pickup truck, which is a grapple truck and they are buying a new one. He said that truck is used two days week, so they have the capacity to utilize the equipment for the Green Waste Program. He said if he is fully staffed, he will have the staff to do it. He said another issue regarding automating recycling, is that right now all the recycling trucks are two-man trucks, if it is automated, it is one man, so he will have the capacity to do that.

- Chair Wurzburger asked if it would be useful to give thought to a bottle bill for recycling at the grocery stores. Mr. DeGrande said he would love to see it, but it's been defeated state-wide every year. He said it doesn't have to go through the State and we could do it here. Chair Wurzburger would like to look at doing that.
- Chair Wurzburger met with one of the hotels who was doing recycling, and they did an analysis, and it is costing them more money. She wants further discussion with regard to incentives for recycling to encourage continued recycling.
- Councilor Trujillo would like to see more recycling efforts in the parks during the baseball season to encourage recycling. Mr. DeGrande said he will put bins in the park, but the issue is who will service the bins.
- Chair Wurzburger said someone is talking about changing the vending machines here at City Hall so there is automatic recycling, and said she will get that information to Mr. DeGrande.

C. WASTEWATER MANAGEMENT DIVISION (BRYAN ROMERO)

Bryan Romero noted his Memorandum of December 22, 2009, which is in the Committee packet.

The Committee commented, asked questions and made suggestions as follows:

- Councilor Ortiz said, regarding annexation, there is one development that has grinder pumps and they want to hook up to City sewer, but we told them they couldn't do that. He asked if they have done an analysis of potential snags we will have as we go forward on the annexation.

Mr. Romero said no, and currently we are serving most of the County where we have sewer

lines. He said the treatment plant is at the low end of the town and over time they have allowed people to connect. He said, for example, there is a sewer line running through Agua Fria and many people are connected to it. He said there are areas in the City where there is no sewer service and people are required to extend their own lines to obtain it. He said if someone wants to connect, they would have to extend the sewer lines. He said it is difficult at times because the development is already done and it's hard to capitalize those projects. He said State regulations make it hard for rural areas to become urban in that they have to do systems to meet their requirements. He said there is a sewer line nearby that the mobile home park discussed earlier can hook into.

Councilor Ortiz said we will be getting more mobile home parks in Phase 2 which are somewhat old, and asked if we need to have things in place before Phase 2. Mr. Romero said in that area, most of the mobile homes have been served with sewer for the years. The question would be if some are private sewers done through development agreements, and the park owner owns the system. He said they aren't changing the way they do business with the annexation.

- Councilor Calvert quoted from page 2 of the Memorandum, "Initiated study and meetings with Land Use and Inspection Divisions for the adoption of a City Ordinance requiring sewer backflow check valves for all new and repaired sewer service lines."

Mr. Romero said he believes this is a good idea, but he wants to thoroughly evaluate it to be sure it will work in practice. He said the backflow preventer will help in the event there is a stoppage and prevent it from going into someone's home. However, that service line also allows for venting. He said as the sewer goes down, everybody has a connection with a vent to the house. He said if you start not venting those areas, you may get an odor issue you didn't have before. He really needs to make sure that it is effective, so he would like to do it in one area, and if it doesn't work they can be removed. He said there is a product, an insert, where if it doesn't work, you just pull it out.

Chair Wurzbarger asked Mr. Romero to come back with a proposal. Mr. Romero said he will do so.

- Councilor Calvert quoted from page 2 of the memorandum, "Completed internal contract and bidding document preparation for the Cured-In-Place Sewer Pipe Rehabilitation Project... but was placed on hold due to budget concerns." He asked if the anticipated rate increase covered this project. Mr. Romero said he is conservative and he wanted to make sure they were in a position to go forward with the project. He said it was included in the rate increase and they can move forward with this project.

- Councilor Calvert quoted from page 5 of the Memorandum, "Obtain a new NPDES Permit for the City's Wastewater Treatment Plant," and asked if this is because of new requirements.

Mr. Romero said this is a lengthy application, and there was a number for hardness of the water. He said during the process, he asked the State for the number to be utilized for hardness and the number given was very low, and based on the upper side of the City where the water is softer and not where we were releasing the water. That resulted in lower limits on metals, and we never had the experience of having limits set on our NPDES Permit for metals. He said we are renewing that application because they asked for a modification. He said EPA didn't want to modify the permit, they want to renew it and asked for the City to submit a new application.

- Councilor Calvert asked if there are any anticipated capacity issues at the main sewer treatment plant.

Mr. Romero said no, and they have kept pace with the development, so he sees no capacity issues. He said they need to improve things operationally at the plant. Responding to Councilor Calvert, Mr. Romero said the average day flow, hydraulically is 11 million gallons per day and they treat 5.5 to 6 million gallons per day, average, although there are peak flows. He believes the system is good for 20 years, although we may need another digester as we continue to grow. Mr. Romero said the issue would be more one of modifying the plant to meet limits that you can't meet otherwise, so that would be infrastructure needed to meet quality issues.

- Chair Wurzbarger asked Mr. Romero to provide her, separately, a list of the critical positions that he will need to fill. She asked, regarding the issue of backups and sewage going back into people's homes, how many of these issues we have experienced. She hears about these randomly. Mr. Romero said he can provide this information as the ordinance moves forward, and he can provide three years of data for public line stoppage. He said he can provide information on how many time stoppages occurred in the private service line.
- Councilor Trujillo said he noted stockpiles of materials at the plant which aren't being uses. He would like a list of some of this equipment which isn't used and send it to auction. Mr. Romero said he will work on this.

D. ENERGY DIVISION (NICK SCHIAVO)

Mr. Schiavo distributed a list of projects and budget category. A copy of this document is incorporated herewith to these minutes as Exhibit "2."

The Committee commented, asked questions and made suggestions as follows:

- Chair Wurzburger asked if this is the work that relates to the audit, and Mr. Schiavo said yes.
- Councilor Calvert noted #6 on the list, the power purchase agreement, that it would be good to enlist our lobbyist in terms of getting State legislation to back up the PRC decision, otherwise it will keep dragging on in the courts. He said we also could adopt a Resolution to this effect asking the Legislature to adopt legislation which reinforces the PRC decision.
- Councilor Wurzburger would like an update on the activities of the water lobbyist in Washington at the next PUC meeting.
- Councilor Calvert said Item #15 says, "A contract is imminent for an LED streetlight retrofit project." Mr. Schiavo said he has been working with Rick Devine, and they are looking at a small project to do 15-20 intersections where streetlights are metered. There are several companies with the price for a decent payback on the LED streetlighting. Councilor Calvert said then we'll start with this as a pilot and then work with PNM on the non-metered ones, and Mr. Schiavo said this is correct.
- Responding to Councilor Calvert, Mr. Schiavo said the proposed projects are the bullets under that item. Chair Wurzburger said then we still need \$100,000 to \$150,000 which could come from CIP. Mr. Schiavo said yes, and he has been coordinating with CIP, telling them what projects he intends to do and ensuring that if there are projects he can't do because of DOE guidelines on the stimulus funds, he can do some approved CIP projects and they can do those projects in turn.
- Councilor Calvert asked, regarding the College of Santa project, if that was included in the financial plan that was adopted and this is something extra. Mr. Schiavo said this is correct. He has included a list of CIP for future years, but there is no funding for those.
- Councilor Trujillo said he would like to inform the Committee and Mr. Schiavo that he spoke with the DOT and they are interested in retiming all of the lights on St. Francis Drive, and he is working with Robert Romero and Rick Devine in this regard. He said any lighting to improve St. Francis Drive would be a plus. He hopes this can be done this year sometime.

DISCUSSION AND ACTION ITEMS

TELECOMMUNICATIONS

- A. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING CHAPTER 27 SFCC 1987 AND CREATING A NEW CHAPTER 27 SFCC 1987 REGARDING TELECOMMUNICATION AND CABLE SERVICES (MAUREEN REED)**
 - 1. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO NEWPATH NETWORKS, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF. (MAUREEN REED)**
 - 2. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO CITYLINK FIBER HOLDINGS OF SANTA FE, NEW MEXICO, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, FIXING THE TERMS AND CONDITIONS THEREOF. (MAUREEN REED).**

These items are postponed to the meeting of February 3, 2010, to be placed on the Agenda as a public hearing.

MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

ITEMS FROM STAFF

There were no matters from staff.

MATTERS FROM THE COMMITTEE

Chair Wurzbarger asked staff to pull the information from the Committee packets on telecommunications for the next meeting, so we don't have to copy it again.

NEXT MEETING: WEDNESDAY, FEBRUARY 3, 2010

ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at 6:00 p.m.

Rebecca Wurzburger, Chair


Melessia Helberg, Stenographer