



# Agenda

CITY CLERK'S OFFICE

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**PUBLIC UTILITIES COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
WEDNESDAY, SEPTEMBER 7, 2011  
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 AUGUST 3, 2011 MEETING

**INFORMATIONAL ITEMS**

6. Compost Sale Update. (Bryan Romero)
7. Update on Monsoon Activity and Projections and Related Water Supply Issues. (Rick Carpenter)
8. Status Report on Federal Fire Funding Request. (Rick Carpenter)

**CONSENT – INFORMATIONAL CALENDAR**

9. Status Report on the Environmental Services Division. (Regina Wheeler)
10. Update on Current Water Supply Status. (Victor Archuleta)

**CONSENT – ACTION CALENDAR**

11. Request for Approval of Two Year Joint Funding Agreement with US Geological Survey for \$65,890.00 For Stream Gaging and Water Level Monitoring Services. (Claudia Borchert and Gretel Folligstad)

PUC – 9/7/11

FC – 9/19/11

CC – 9/27/11

12. Request for Approval of Award of Bid No. '12/01/B to Star Paving for the City Wide Water Utility Pavement Restoration Project for FY 2011/2012 for the Amount of \$200,000.00 Exclusive of NMGR. (Bill Huey)

PUC – 9/7/11

FC – 9/19/11

CC – 9/27/11

13. Request for Approval of Amendment No. 4 to the Professional Services Agreement for Between AECOM Engineering and the City of Santa Fe for Engineering Services in Support of New Facility Start-Up and SCADA System Upgrades for the Santa Fe Hydroelectric Project. (Dale Lyons)

PUC – 9/7/11

FC – 9/19/11

CC – 9/27/11

14. Request for Approval of Change Orders to the Construction Agreement Between the City of Santa Fe and Triad Builders of New Mexico, Inc. Under Bid Package # 8 (Site Construction) and Bid Package # 10 (Steel Water Storage Tank) of the Canyon Road Water Treatment Plant Phase III – Residuals Modifications and Improvements Project, CIP # 3026. (Robert Jorgensen)

a. Change Order No. 6 for \$171,808.86 Inclusive of NMGR.

b. Change Order No. 7 for \$44,803.35 Inclusive of NMGR.

PUC – 9/7/11

FC – 9/19/11

CC – 9/27/11

15. Request for Approval of Award of Bid No. '12/01/P to CDM for the Buckman Wellfield Arsenic Evaluation for the Total Amount of \$236,729.40 Inclusive of NMGR. (Bill Huey)

PUC - 9/7/11

FC - 9/19/11

CC – 9/27/11

16. Request for Approval of Northwest Well OSE Permit Application. (Claudia Borchert)

PUC – 9/7/11

FC – 9/19/11

CC – 9/27/11

17. Buckman Well Offsets in Las Cienega. (Claudia Borchert)

PUC – 9/7/11

FC – 9/19/11

CC – 9/27/11

18. Request for Approval of Resolution No. 2011-\_\_\_\_. A Resolution Amending Resolution NO. 2010-50, Adopted June 30, 201; Authorizing the Execution and Delivery of an Amended and Restated Drinking Water State Revolving Fund Loan Agreement (“LOAN AGREEMENT”) By and Between the City of Santa Fe, New Mexico (THE “GOVERNMENTAL UNIT”) and the New Mexico Finance Authority (THE “NMFA”), Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More than Three Hundred Twenty Thousand One Hundred Thirty-Eight Dollars (\$320,138), Together With Interest, Costs of Issuance and Administrative Fees Thereon, For the Purpose of Financing the costs of a Project consisting of Upgrades to the City’s Water Utility System, Including Instrumentation of Pumping Sites to Monitor energy Usage; Providing for the Payment of the Principal of, Interest and Administrative Fees Due Under the Loan Agreement Solely From the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Resolution; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan Agreement. (Dale Lyons) (Councilor Wurzburger and Councilor Calvert)

a. Budget Adjustment Request in the amount of \$70,138.00.

PUC – 9/7/11

FC – 9/19/11

CC – 9/27/11

## **DISCUSSION ITEMS AND ACTION ITEMS**

19. Request for Review and Approval for Release of Draft Public Education and Outreach Video for the Santa Fe Municipal Watershed Management Project. (Dale Lyons) **VIDEO**

PUC – 9/7/11

CC – 9/14/11

20. Discussion and Request for Approval of Alternatives for Funding On-Going Santa Fe Municipal Watershed Management Project Work. (Dale Lyons)

PUC – 9/7/11

FC – 9/19/11

CC – 9/27/11

21. Request for Approval of Bill 2011-\_\_\_\_. An Ordinance Amending Section 11-12.1 SFCC 1987 So That Cash Balances Generated by Enterprise Funds Shall Be Retained Within Their Respective Funds and Shall Not Be Transferred to the General Fund With the Exception That the City May Charge Enterprise Funds for Duly Incurred Costs. (Brian Snyder) (Councilor Bushee)

PUC – 9/7/11

FC – 9/19/11

City Council – 9/27/11 – Request to Publish

City Council – 10/26/11 – Public Hearing

22. Request for Approval of Bill No. 2011-\_\_\_\_\_. An Ordinance Amending Chapter XXV, Exhibits C and D SFCC 1987 to Authorize the Suspension of Santa Fe River Target Flows During “Water Warning – ORANGE” and Water Emergency – RED” Implementation Stages. (Brian Snyder) (Councilor Ortiz and Councilor Wurzbarger)

PUC – 9/7/11

FC – 9/19/11

City Council – 9/27/11 – Request to Publish

City Council – 10/26/11 – Public Hearing

23. Request for Approval of Public Involvement Strategy and Draft Criteria for the Treated Effluent Management Plan Update. (Claudia Borchert)

PUC – 9/7/11

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

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

#### **ITEMS FROM STAFF**

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

**NEXT MEETING: WEDNESDAY, OCTOBER 5, 2011**

#### **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, September 7, 2011

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A. CHANGE ORDER NO. 6 FOR \$171,808.86, INCLUSIVE OF NMGR		
B. CHANGE ORDER NO. 7 FOR \$44,803.35, INCLUSIVE OF NMGR		
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**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC UTILITIES COMMITTEE  
Wednesday, September 7, 2011**

**1. CALL TO ORDER**

A meeting of the Public Utilities Committee was called to order by Councilor Matthew E. Ortiz, Acting Chair, at approximately 5:00 p.m., on Wednesday, September 7, 2011, in the Council Chambers, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Matthew E. Ortiz, Acting Chair  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Ronald S. Trujillo

**MEMBERS EXCUSED:**

Councilor Rebecca Wurzbarger, Chair

**OTHERS PRESENT:**

Brian Snyder, 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 Trujillo moved, seconded by Councilor Calvert, to approve the Agenda as submitted.

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



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

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve the following Consent Informational Calendar and Consent Action Calendar as amended.

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

#### **CONSENT – INFORMATIONAL CALENDAR**

- 9. STATUS REPORT ON THE ENVIRONMENTAL SERVICES DIVISION. (REGINA WHEELER)**
- 10. UPDATE ON CURRENT WATER SUPPLY STATUS. (VICTOR ARCHULETA)**

#### **CONSENT ACTION CALENDAR**

- 11. REQUEST FOR APPROVAL OF TWO-YEAR JOINT FUNDING AGREEMENT WITH US GEOLOGICAL SURVEY FOR \$65,890.00 FOR STREAM GAGING AND WATER LEVEL MONITORING SERVICES. (CLAUDIA BORCHERT AND GRETTEL FOLLINGSTAD). PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.**
- 12. REQUEST FOR APPROVAL OF AWARD OF BID NO. 12/01/B TO STAR PAVING FOR THE CITY WIDE WATER UTILITY PAYMENT RESTORATION PROJECT FOR FY 2011/2012, FOR THE AMOUNT OF \$200,000, EXCLUSIVE OF NMGR. (BILL HUEY) PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.**
- 13. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT FOR BETWEEN AECOM ENGINEERING AND THE CITY OF SANTA FE FOR ENGINEERING SERVICES IN SUPPORT OF NEW FACILITY START-UP AND SCADA SYSTEM UPGRADES FOR THE SANTA FE HYDROELECTRIC PROJECT. (DALE LYONS) PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.**
- 14. *[Removed for discussion by Councilor Calvert]***
- 15. REQUEST FOR APPROVAL OF AWARD OF BID NO. 12/01/P TO CDM FOR THE BUCKMAN WELLFIELD ARSENIC EVALUATION, FOR THE TOTAL AMOUNT OF \$236,729.40, INCLUSIVE OF NMGR. (BILL HUEY) PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.**
- 16. *[Removed for discussion by Councilor Bushee]***
- 17. *[Removed for discussion by Councilor Bushee]***

18. REQUEST FOR APPROVAL OF RESOLUTION NO. 2011- \_\_\_\_\_. A RESOLUTION AMENDING RESOLUTION NO. 2010-50, ADOPTED JUNE 30, 2011; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESEATED DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT ("LOAN AGREEMENT"), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "NMFA"), EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN THREE HUNDRED TWENTY THOUSAND ONE HUNDRED THIRTY EIGHT DOLLARS (\$320,138), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE CITY'S WATER UTILITY SYSTEM, INCLUDING INSTRUMENTATION OF PUMPING SITES TO MONITOR ENERGY USAGE; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, INTEREST AND ADMINISTRATIVE FEES DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT (COUNCILOR WURZBURGER AND COUNCILOR CALVERT). (DALE LYONS)
- A. BUDGET ADJUSTMENT REQUEST IN THE AMOUNT OF \$70,138.00.  
PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.

5. APPROVAL OF MINUTES FOR THE AUGUST 3, 2011 MEETING.

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve the minutes of the meeting of August 3, 2011, as submitted.

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

**INFORMATIONAL ITEMS**

6. COMPOST SALE UPDATE. (BRYAN ROMERO)

Bryan Romero presented information from his Memorandum of August 30, 2011, with attachments, which is in the Committee packet. Please see these materials in the packet for specifics of this presentation. Mr. Romero said the composting component has gone fairly well.

Councilor Bushee asked how many coupons were given out.

Mr. Snyder said all residential customers received a coupon, so it was approximately 28,000.

Councilor Bushee said 140 isn't a great return, noting she is waiting to use her coupon. She asked if people know where to go for the compost.

Mr. Romero said the coupon has information on where to go.

Councilor Bushee would like to promote this better.

Mr. Romero said there was a good article in *The Santa Fe New Mexican*, and they have advertised in this newspaper as well. He said there was a booth on Community Days. He said word of mouth is very important.

Councilor Bushee asked if any of the plant nurseries would be willing to put up a flyer.

Mr. Romero said staff went around to the nurseries and let them know they have the material, but it's not classified as organic so they had questions about that.

Councilor Bushee asked if they are worried about the biosolids.

Mr. Romero said he believes the source of the compost is the stigma. He purchased material last year and it is wonderful, he put some on his flowers.

**7. UPDATE ON MONSOON ACTIVITY AND PROJECTIONS AND RELATED WATER SUPPLY ISSUES. (RICK CARPENTER)**

Mr. Carpenter presented information from his Memorandum dated August 30, 2011, with attachments, regarding this matter, which is in the Committee packet. Please see the Memorandum for specifics of this presentation.

**8. STATUS REPORT ON FEDERAL FIRE FUNDING REQUEST. (RICK CARPENTER)**

Mr. Carpenter presented information from his Memorandum dated August 30, 2011, with attachments, regarding this matter, which is in the Committee packet. Please see the Memorandum for specifics of this presentation.

Acting Chair Ortiz said the majority of the burn area that has been affected is really related to the lands west of the River, but because of the ash and other materials, they had to shut down the BDD. He asked if there is an opportunity to apply for a grant or request assistance from Los Alamos County and LANL because of the turbidity of the water and settlement of the ash. He noted that there is some fear in the community about radiological materials washing into the canyons, then into the River and into our water supply.

Mr. Carpenter said each watershed has different conditions associated, and thinks we could

bifurcate any effort between LANL and Los Alamos County. He was told by the NRCS and the Corps as well, that a lot of the land is Forest Service land, so we probably would like to involve them as well in any applications for funding and other types of assistance. He said they met last week with representatives of LANL on some of these related issues, but didn't get into specifics of any funding opportunities, but that certainly is a precursor to those types of talks and they will be looking into this in the future.

Acting Chair Ortiz said he presumes the BDD Board is being updated on information from LANL, including testing they may be doing in the monitoring wells and/or the canyons.

Mr. Carpenter said the Board is kept updated, and most recently was updated last Thursday. He said George Rael, a representative from LANL, made a presentation to the Board.

Councilor Bushee asked if there is a possibility of getting funding from the BOR.

Mr. Carpenter said he knows of no specific opportunity for funding relating to water quality in the River, but he will look into that.

Councilor Bushee asked if we can access Homeland Security funds, saying, "I keep trying to use that money somehow." She said she knows Mr. Carpenter is on top of things, she just hoped there would be some other money.

Councilor Calvert said the other entity with which we would want to coordinate would be Santa Clara Pueblo, because the Pueblo got a lot of the effects from the burn and a lot of our ash would be coming from Santa Clara.

Mr. Carpenter said the first big ash flow which resulted in the closure of the BDD was from the watershed that flows through Santa Clara, and thanked Councilor Calvert for that suggestion.

#### **CONSENT DISCUSSION**

14. **REQUEST FOR APPROVAL OF CHANGE ORDERS TO THE CONSTRUCTION AGREEMENT BETWEEN THE CITY OF SANTA FE AND TRIAD BUILDERS OF NEW MEXICO, INC., UNDER BID PACKAGE #8 (SITE CONSTRUCTION) AND BID PACKAGE #10 (STEEL WATER STORAGE TANK) OF THE CANYON ROAD WATER TREATMENT PLANT PHASE III – RESIDUALS MODIFICATIONS AND IMPROVEMENTS PROJECT, CIP #3026. (ROBERT JORGENSEN)**
- A. CHANGE ORDER NO. 6 FOR \$171,808.86, INCLUSIVE OF NMGR.**
  - B. CHANGE ORDER NO. 7 FOR \$44,803.35, INCLUSIVE OF NMGR.**
- PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.**

Councilor Calvert said he said he is concerned that funds will be used for "Time and material reimbursement for modifications to correct fabrication defects to the shaftless screw conveyor equipment supplied by JDV Equipment under a separate contract." He asked what responsibility does that contractor

have for correcting it, and are they going to reimburse us at some point for that, or are we just going to pay for this thing twice. He said it isn't a large dollar amount, only \$2,000, but he questions why we have to pay for something they didn't do right in the first place.

Mr. Jorgensen said he is holding a \$60,000 partial payment request to JDV, and a little more than \$2,000 has been deducted for that payment, so "yes, they will be back-charged."

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

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

**16. REQUEST FOR APPROVAL OF NORTHWEST WELL OSE PERMIT APPLICATION. (CLAUDIA BORCHERT). PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.**

Councilor Bushee said she pulled this item because she felt it would benefit this Committee to have a discussion about this matter. She is concerned that this application will be protested. She recalls when the City first applied to implement this well, it was to be "sort of a backup drought protection well." She would like to have a discussion to see if there is some sort of compromise. Councilor Bushee asked if this application has gone forward.

Ms. Borchert said no, but it is drafted and ready to go, noting there are a few blanks to be filled in. She said the application is waiting for Council approval.

Councilor Bushee said, "And I don't know whether I read somewhere between the lines, that there was an implication that we thought this application would be accepted by the OSE or we have no understanding of that at this point."

Ms. Borchert said, "I did put in the Memo the OSE interpretation of our own rights to drill supplemental wells to our City well permit. So in 2001 when we did the first round of this, they basically acknowledged that we have 4,865 afy of water rights and we can develop that water right, and the northwest well is a supplemental well to all that. She said a lot of the stipulations we entered into after that "was, as I understand it, and I wasn't around, was to basically get use of that well as soon as possible, given the 2002 drought."

Councilor Bushee said she thinks it was to get the protestants on board so we could begin to use the well.

Ms. Borchert said, "Because we know the protestants would take a long time to resolve and we wanted to be able to use the well sooner than it would take to go through the normal..."

Councilor Bushee asked how do we not anticipate people will protest this.

Ms. Borchert said she thinks Councilor Bushee is asking what is the likelihood of success with this application in the realm of water law and our perception of what the water right is that we hold.

Councilor Bushee said, "Nope. I guess it's a change in policy from the direction that we undertook previously in a previous decade, when we agreed to these stipulations and we agreed that it would be a backup well. It is my assumption that would be how the well would continue to be used. So I see this as a change of policy which is why I wanted to hear... I also see this as a cost to the City. I assume we're going to be in a similar situation that we were a decade ago when we first began pursuit of this well. So, I really just wanted to, you know..... it says you've met with some folks, and I don't know what your indication from the folks you met with were in terms of their [inaudible] to protest. You know... I don't want to... if you are more comfortable talking in Executive Session.... we did a lot of this in public the last time because we knew this was going to come up. And again we... my assumption was that we were only going to pursue this well as a backup protection well. So, what changed as far as policy."

Acting Chair Ortiz said, "So, I'll explain. I was here. My recollection is completely different than what Councilor Bushee recounts. As I remember it, I remember we anticipated that there would be protestants over this well right off the bat from the inception. In fact, I remember that we did have a protest that was settled with, the man has passed away now, but I remember he was the head of..."

Ms. Borchert said his name was Elliott Streeper.

Acting Chair Ortiz said, "Elliott Streeper. Right. I remember that when we talked about the Northwest Well in the context of the situation we were facing in 2002, those of us who were in the majority, Councilor Bushee was not, it was a 5-4 split. Those of us in the majority decided that this well was going to be permitted as an emergency well, but that it was going to be used long term as part of our long range water supply plan. In fact, in the Memorandum, it is recounted that in 2008, the Northwest Well was put in as a supplemental well to go ahead and be used by the City as part of its long range water supply. So I didn't anticipate, being in the majority in 2002, being one of the people who I assume, we all voted for in 2008 this change to our Long Range Water Supply Plan. I was always of the understanding that when and if this permit was going to come up, we were going to get the same group of protestants, the adjoining neighbors on Tano Road, the people in La Tierra, probably people in Las Campanas, as well as potentially the Pueblos who would come in, as they would for any other application for a well, and make a protest. And so, that was my understanding of the policy."

Acting Chair Ortiz continued, "And so, if this is going to be a policy discussion, I appreciate that Councilor Bushee had this item and the next item placed on the agenda so we could have that policy discussion. I see in the Memo, I wasn't here for August 10<sup>th</sup>, but if there needs to be a public hearing scheduled, I suppose we could do that too. It was my understanding that when we applied for a permit, the Office of the State Engineer has a public process. They have a process for any applicant that would allow for the Office of State Engineer as the entity that is going to be permitting us, or not, to hear public comment, to hear people that oppose it, to hear our side, the City's side. So, I don't think that it's a change in policy *per se*. I see this as the same interested parties who were against the Northwest Well in 2002, are going to be against it now. And I think the decision, which is probably right on the part of staff, is that they need to hear from the Governing Body: Do we need this or not."

Acting Chair Ortiz continued, "And so my recollection of the policy has not changed. I think if Councilor Wurzbarger was here, she was also here in 2002, she would have the same recollection. But again, it's a new Council and they can decide, I suppose: Do we want to take away options to supply water to primarily benefit a small group of City and County residents who may be affected by the Northwest Well, Or do we want to think about the whole water system which is what I think we did in 2008. And so, I think that the policy decision we made in 2008 to include the Northwest Well as part of our Long Range Water Supply Plan, that that policy direction was given. And I think this is just the carrying out of that decision. So, my understanding of this discussion is that if we were to go along and not pursue this application, that would be change in policy. It would be a change in policy from 2008, when *"The Governing Body approved the re-permitting of the NW Well in the Long Range Water Supply Plan (2008), since the conjunctive use of surface and groundwater is integral to the City's providing for the City's long term water supply need."*

Acting Chair Ortiz continued, "So, if we were not to pursue this application, that would be a change in policy, a change in policy which I think would require us revisiting the Long Range Water Supply Plan."

Councilor Bushee said, "Perhaps I need to rephrase. I guess I wanted to know... I presume the City is prepared to spend resources to pursue this application, which would include going to Court over protests, so I guess that's the discussion I wanted to have."

Acting Chair Ortiz said, "I think that that discussion, like what you said yesterday, this is one of those kinds of items where we need a Fiscal Impact Report. It's not a resolution, it's not an ordinance. This decision has a fiscal impact; it requires a Fiscal Impact Report. It probably needs to go to Finance with that report. I think that's a valid point."

Councilor Bushee said, "I guess that's what I was trying to get at, but I also... I guess I want to hear from staff that this is something you feel like is essential to our long... you know, our cost benefit analysis here. Is this essential to our long range water needs, or you wouldn't be pursuing it. And I don't know the cost. So I guess I wanted to bring this awareness to the Committee. I also thought it would be wise.... you know, I figure at certain points, you can head things off at the pass by having discussion or open dialogue. So the Chair is saying no. But that's kinda what we did the last time if my memory serves me correctly. We had some public discussion."

Acting Chair Ortiz said, "I remembers public discussions each week on any number of drought issues, but I remember, especially on this Northwest Well, I remember that man, Elliott Streeper, because he had a mineral shop, or he had some kind of coin shop. And I remember us going into Executive Session specifically on the way that this application was going to be phrased then, because we needed to put it on line then, because we were facing drought issues. That's what I remember about that discussion. Whether we could head off potential protestants in an OSE Permit, that seems to me a waste of time and resources, as opposed to engaging the process and seeing what protests we have, and then determine whether we should try to head off those protests or not. And that's my sense of it."

Mr. Snyder said the staff is following the Long Range Water Supply Plan, and the Northwest Well is an integral part of our water supply. He said it definitely is a low arsenic well, it definitely helps our

arsenic situation in the Buckman Well Field, and it's integral to our supply... As well as, similar to what Councilor Ortiz has mentioned, our thought was to go to... submit application to the OSE. They do a public process, and to follow their public process.

Councilor Bushee said, then perhaps a FIR would be her hope at some point.

Acting Chair Ortiz said he believes we should only approve this conditional on a FIR at Finance. He said if she would like, this item can be a public hearing at Finance.

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to move this request forward to the Finance Committee, with the condition staff provide a Fiscal Impact Report by the time this goes to the Finance Committee, and that there be a Public Hearing at Finance on this issue.

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

**17. BUCKMAN WELL OFFSETS IN LA CIENEGA. (CLAUDIA BORCHERT) PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.**

Councilor Bushee said it has been a long time since we had a discussion on offsets. She said the last sentence in the memo, "Additionally, although not required by the Engineer, the La Cienega area folks have requested that our offsets be remedied by providing seasonal water supply to the various irrigators in the La Cienega area." She said it then says "Irrigation alternatives," and believes perhaps something is missing. She asked Ms. Borchert to speak to our chances to get this done, noting it would satisfy some of our down-stream users.

Ms. Borchert said this option rose to the top for many reasons as they were preparing their offset alternatives. She said we needed an answer to the final piece the last time this was presented, which is how much water it would take. She said they ran preliminary groundwater models and the amount of water need for this commitment is well less than a commitment that is likely to come for the Santa Fe River downstream. She said this is a hydrologic reality, commenting sometimes we try to fix things with more paper water rights. She likes this solution because it is actually a hydrologic benefit and that's part of what their groundwater analysis shows.

Ms. Borchert said another thing she likes about this application is that it is a diffuse, equitable solution. She said the other solutions aren't universally helping the whole area. She said she has on her list of things to do to prepare a FIR as it moves forward, noting it is going to Finance along with the previous item. She said she will look at the cost, which would have been more expensive if Mr. Martinez had not chosen to stay. She will estimate the in-house cost and prepare an FIR before this goes to the Finance Committee on September 19, 2011.

Councilor Bushee asked if this is the first application.



Ms. Borchert said it is in the ballpark of a return flow credit, but the OSE has a sub-category called a discharge credit, so they are going for a discharge credit application because they're not trying to divert more water in exchange for the return of water, which is what a return flow credit is.

Acting Chair Ortiz said it is creative solution to a problem that really isn't out problem. He said, "And I will say that the folks in La Cienega think we have an obligation to them to do this, and they kept coming in the summer..and I advised them that they should be talking to their elected officials about their particular issues and their particular area. And we're a neighbor, and we don't have a legal obligation to give any of this discharge. So I commend staff that came up with this solution, despite what some of us have been saying about La Cienega farmers saying we're the cause of their property going dry, instead of the little serial subdivisions that have been approved in Santa Fe County."

Ms. Borchert said the groundwater modeling shows that we have been supplementing the system down there to the tune... just the groundwater system alone, not to mention the surface water... of around 1,000 afy, and our impacts are 1 afy, 2 afy, growing to 20 afy."

Acting Chair Ortiz said they are cutting down the beaver dams and doing other stuff.

Councilor Bushee asked if there is a chance we could ever apply for water down the river to have a living river to get any kinds of credits – actual credits for recharging the aquifer.

Ms. Borchert said we could. She said it goes back to the question of how the Northwest Well fits into our water supply. She said right now, we have way more water rights than we have the ability to pump out of the ground, which is another reason that we needed the Northwest Well. She said if we ever got to the point where we could pump more water out of the ground than water rights, that would be when we would apply for the recharge credit that comes from the Santa Fe River in order to extract that water when we need it.

Councilor Bushee said she was told we couldn't actually ever....

Acting Chair Ortiz said he was told we couldn't build the little dams to augment the recharge into the River – build little pools beside the Santa Fe River so the water would seep down.

Ms. Borchert said she believes we could apply for an aquifer storage recovery permit, where we are sending water down the River. She said part of the dilemma is that it takes a lot of monitoring and up front cost to show where the water's going before you have the right to recover it. Until the balance is such that we don't have water rights to pump out of the ground, we know it's going to recharge the aquifer, we already can pump it out, there's no point in applying for that aquifer storage recovery permit until you cross that point."

Councilor Bushee asked Ms. Borchert if we can model that.

Ms. Borchert said with modeling and monitoring groundwater wells, she believes we could figure out where the water goes. However, it still is an unknown, "to the degree that there is certainty."

Councilor Bushee said it doesn't have to be a public hearing, but she would like it to go back to Finance with some sort of fiscal impact report with it.

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to approve this request, with direction to staff to have a fiscal impact report of some kind with it by the time this goes to the Finance Committee.

**FRIENDLY AMENDMENT:** Responding to Councilor Calvert, Councilor Bushee said it could be listed for a public hearing. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

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

### **DISCUSSION AND ACTION ITEMS**

19. **REQUEST FOR REVIEW AND APPROVAL FOR RELEASE OF DRAFT EDUCATION AND OUTREACH VIDEO FOR THE SANTA FE MUNICIPAL WATERSHED MANAGEMENT PROJECT. (DALE LYONS). PUC – 09/07/11; AND CC – 09/14/11.**

Dale Lyons said this is a 20 minute video, but unfortunately they couldn't get the audio portion to work this afternoon. He said he provided copies of the video to the Councilors to view on their own.

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve this request and move it forward to the Council.

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

Mr. Lyons said the video will be played at public schools, professional conferences, public access TV, KNME and such.

20. **DISCUSSION AND REQUEST FOR APPROVAL OF ALTERNATIVES FOR FUNDING ON-GOING SANTA FE MUNICIPAL WATERSHED MANAGEMENT PROJECT WORK. (DALE LYONS) PUC – 09/07/11; FC – 09/19/11; AND CC – 09/27/11.**

Dale Lyons presented information regarding this matter from his Memorandum of August 23, 2011 which is in the Committee packet. Mr. Lyons said there are 3 proposed alternatives.

Councilor Calvert asked, regarding Option #1, if there would there be the same exclusions for low income persons as on the water and wastewater billings.

Mr. Lyons said whatever applies to the conservation fee will apply to this.

Councilor Bushee noted staff is suggesting Alternative #1, and asked if this is to cover the \$200,000 annual match.

Mr. Lyons said yes. The Forest Service in-kind, through materials and their labor, match our \$200,000 to do the work in the watershed.

Councilor Bushee asked if these funds are available elsewhere in Water to pay the match.

Mr. Lyons said that is Option #2, which is "Include project expenses in existing Water Division Operating budget."

Councilor Bushee said the question is "Can you do that."

Mr. Snyder said, "The simple answer is no. It's not in our rates and our operations plan right now. The reason this is on here is that we would have to take from other programs we currently do and things staff currently focuses on and shift the money."

Councilor Bushee asked if we did #2, what would be on the chopping block.

Mr. Snyder said he has no specific programs. However, he looks at Water Division operations as all being important. He said one program near and dear to all of us is conservation, and there might be some scaling back in conservation or in resources. He said it would be programs that we run that would account for \$200,000 worth of our operating budget annually.

Acting Chair Ortiz asked if we can use the balances in Stormwater, noting this is the only one with a balance.

Mr. Snyder said this is used for staff as well as different stormwater programs, and trying to get stormwater projects and stormwater awareness in the City, but he doesn't know the specifics.

Acting Chair Ortiz said to Brian Drypolcher, "Brian, you know we talked about you yesterday. You are funded entirely out of the Parks Bond, so that issue is going to be coming up in terms of how your allocation is going with regards to Parks Bond vs. watershed. If there is a way of readjusting that particular... you know if he's doing half and half, you can put him half and half in two different funds and that frees some space in our Parks Bonds as well."

Acting Chair Ortiz said his inclination is to go with Alternative #3.

Councilor Bushee wants more information on the impacts of Alternative #2. She doesn't know how soon a decision needs to be made.

Acting Chair Ortiz said we need to start this in this fiscal year, to receive the grant, which is a generous grant – a 7:1 match. We need to do it.

Councilor Bushee said there is no information at anyone's fingertips on the impact.

Acting Chair Ortiz said we have to provide that match when the money runs out. He said we can use the grant, but in the end, we have an obligation to match the grant with our dollars.

Mr. Lyons said we don't need to match the grant, we just need to match the Forest Service's work effort through the collection agreement which will outlive the expiration of the grant, noting it is a 20 year agreement.

Acting Chair Ortiz asked if we can do it in-kind, dedicating half of Mr. Lyons' position and half of Mr. Drypolcher's position, which gets us 120% of the way.

Councilor Bushee suggested using Porfirio Chavarria's crew as match.

Mr. Lyons said we have extended the use of Porfirio Chavarria's crew for 2-3 weeks when their grant for other work had expired. He said we were able to utilize their crews to do additional work in the watershed alongside Forest Service crews, but he doesn't think the Forest Service would be willing to look at that as a match, although he never spoken with them about this. However, he will do so.

Councilor Bushee suggested using Youthworks in combination with Mr. Chavarria's crew, "things that we throw money at already."

Mr. Lyons said the types of work the Forest Service was willing to allow Mr. Chavarria's crew to do is very limited, for example they couldn't be involved in fire burning operations, but they can do cutting/thinning operations which is the bulk of the work they do.

Acting Chair Ortiz asked what would be the cost to train Mr. Chavarria's crews to do that.

Mr. Lyons said they had discussions about this a year ago with the Fire Department who had an idea to train Mr. Chavarria's crew to the level of a "hotshot crew," and they were seeing it as a possibility of generating revenue during the fire season when they could "hire the crew out across the State, possibly across the country." He doesn't know where they are with that, but it is very expensive to keep crews certified. He can check with Chief Salas and report back.

Councilor Bushee wants to know what other things could be rearranged, shifted, because she is more interested in covering this in-house, in-kind, rather than putting it out for a future bond.

**MOTION:** Councilor Bushee moved, seconded by Acting Chair Ortiz for purposes of discussion, to move this item forward to Finance with a preference for Alternative #2, with direction to staff to provide more information/options to do this in-house, in-kind, rather than putting it out for a future bond.

**DISCUSSION:** Acting Chair Ortiz said the discussion at Finance, if the motion is approved, would be what kinds of things would the Forest Service consider as contributions and as in-kind. Secondly, what resources could be used internally in the Water Division before touching what projects to cut. The third would be what projects would be recommended to be shifted or reduced.

Councilor Bushee said we could just not say there is a preference for Alternative #2, and just move it forward to Finance.

Councilor Calvert said Alternative #3 provides, "Include project expenses in planned 2013 bond issuance." He said in the Cons it says, "Approving a bond measure would require a significant public relations effort." He asked if this something you are going to do as a matter of routine in the 10-year Finance Plan, so he doesn't understand that Con. He said in the Pros it says, "No need for a rate increase."

Mr. Snyder said this is correct. He said the current rate increase takes into consideration the bond sale.

Councilor Calvert said he understands that, but it doesn't take into consideration the additional \$200,000, and Mr. Snyder said this is correct.

Councilor Calvert said the question is if it would be the same under Alternative #2 as Alternative #3, even if you did the bond and you could use that money for this. It's still going to mean taking money from something else for which you were planning to use those funds.

Mr. Snyder said, "I believe that is correct. The thought is that, with the \$200,000 per year chained to a \$14 million bond, it might not have much impact, but we won't know that until we go through the bond sale, and all the complex calculations..... Definitely it's yes or no, but there is the potential for that."

Councilor Calvert said he would like to amend the motion to provide some parameters of what it would mean on the bond sales as part of the additional information requested as you move this forward to finance. Councilor Calvert said it indicates there is no need for a rate increase on Alternative #3, which means you weren't anticipating the 2013 bond would require a rate increase. However, adding \$200,000 to the requirements, without a rate increase, means you would have to find that money somewhere in the allocation of the bond. He wants to know how big the impact will be, if any. He said this is a piece of information he would like in choosing an alternative.

**FRIENDLY AMENDMENT:** Councilor Bushee would like to amend the motion to remove the preference for Alternative #2, and request more information on Alternatives #2 and #3 by Finance. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

**DISCUSSION:** Acting Chair Ortiz asked Mr. Lyons if he understands what he is being asked to do and Mr. Lyons said yes. He asked Mr. Snyder if he understands what he is being asked to do.

Mr. Snyder said he understands, and asked when it will go to Finance Committee.

Acting Chair Ortiz said it will come back to the PUC on October 5<sup>th</sup>, with more information and for more direction, and then it will go to the Finance Committee on October 17<sup>th</sup>.

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

21. **REQUEST FOR APPROVAL OF BILL 2011- \_\_\_\_ . AN ORDINANCE AMENDING SECTION 11-12.1 SFCC 1987, SO THAT CASH BALANCES GENERATED BY ENTERPRISE FUNDS SHALL BE RETAINED WITHIN THEIR RESPECTIVE FUNDS AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND WITH THE EXCEPTION THAT THE CITY MAY CHARGE ENTERPRISE FUNDS FOR DULY INCURRED COSTS (COUNCILOR BUSHEE). (BRIAN SNYDER) PUC – 09/07/11; FC – 09/19/11; CC (REQUEST TO PUBLISH) – 09/27/11; AND CITY COUNCIL – 10/26/11 (PUBLIC HEARING).**

Acting Chair Ortiz said he understands we need to do this to balance the budget, and asked the prospective effect of this ordinance.

Councilor Bushee said we would go back to the practice we had previously, which was not to raid enterprise funds.

Acting Chair Ortiz asked, "Even though we raided it to balance the budget."

Councilor Bushee said we had to change the ordinance to balance the budget to get at that surplus of funds. She said this was something which was instituted by former Councilor Sanchez many years ago. She said it made sense, because were starting to "rob Peter to pay Paul," in operating the newly purchased water company.

Acting Chair Ortiz said we are still doing that.

Councilor Bushee said the practice is counter to what we are supposed to try to do.

Acting Chair Ortiz said the ordinance provides, " ... duly incurred costs of city services attributable to operation and maintenance of the enterprise or enterprise fund." He said we know, from the budget hearings, that each of the utility enterprise funds are raided 8-12% to shore up the General Fund – that's been the practice for years.

Acting Chair Ortiz said, "We can put this in writing and essentially, I guess, eliminate the historical record that we had to take \$1.7 million dollars."

Councilor Bushee said you don't eliminate the record, you just go back to the previous practice.

Councilor Calvert said his concern is in precluding options. He said we did have to pass the amendment to get at the GRT which was being used in Wastewater. He thought we selected an option which would allow us to do that in the current fiscal year as well as possibly in the next fiscal year.

Acting Chair Ortiz said there are requirements we have to satisfy in order for us to be able to use those funds.

Councilor Calvert said as part of the action, we suspended future rate increases in the Wastewater Fund. He said he isn't saying we have to avail ourselves of these funds the next time we have a budget discussion, but repealing this would take away that option, and he wants to keep that option open until we see what is going to happen. This would preclude accessing the GRTs as we did this year. He understands the spirit of what Councilor Bushee wants to do. However, we talked about this option and got the information from Mr. Mumm, so we could take the \$1.7 million as well as discussed taking that option for the next fiscal year. He said we were able to exercise this option without raising rates for another year, and the fund then would level out at \$500,000 annually and thereafter.

Councilor Bushee said it would be okay to include an effective date in the future, but she wants to get back to the bookkeeping practices we had in the past.

Councilor Trujillo said he has concerns, and he would rather go into this enterprise fund than to have to go to property taxes and such. He wants to keep this option. He said we're not out of the storm yet, and we need to keep this money available for the next few years.

Councilor Bushee reiterated she is amenable to changing the effective date. She said she is hoping the discovery of the excess money in this fund was a one-time aberration and that we're not going to keep planning for that in the future. She reiterated she thinks it's wise to go back to the practice where enterprise funds remain separate and independent, we have to maintain a balance sheet and that we offer our bonding out specific to the enterprise fund, commenting she is more comfortable with the previous practice.

**MOTION:** Councilor Bushee moved for approval. **THE MOTION DIED FOR LACK OF A SECOND.**

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

**DISCUSSION:** Councilor Bushee asked if this will be moved forward.

Acting Chair Ortiz said it still goes to Finance Committee.

**VOTE:** The motion was approved on a voice vote, with Councilor Trujillo, Councilor Calvert and Chair Ortiz voting in favor of the motion, and Councilor Bushee voting against.

- 22. REQUEST FOR APPROVAL OF BILL NO. 2011- \_\_\_\_\_. AN ORDINANCE AMENDING CHAPTER XXV, EXHIBITS C AND D, SFCC 1987, TO AUTHORIZE THE SUSPENSION OF SANTA FE RIVER TARGET FLOWS DURING "WATER WARNING – ORANGE," AND "WATER EMERGENCY – RED" IMPLEMENTATION STAGES (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). (BRIAN SNYDER) PUC – 09/07/11; FC – 09/19/11; CC (REQUEST TO PUBLISH) – 09/27/11; AND CITY COUNCIL – 10/26/11 (PUBLIC HEARING).**

Brian Snyder said at the last meeting, staff brought amendments to this ordinance for discussion. He said this is the actual ordinance moving through the process. He said the proposed amendments will require target flows to the Santa Fe River if we move into Water Warning Orange or Water Emergency Red.

Councilor Calvert said Mr. Snyder's Memo says "This proposed ordinance gives the Water Division the flexibility and discretion to suspend flows." He said the Amendment says "shall be suspended," in E on page 4, and G on page 6. He said it doesn't sound discretionary, and his reading of the amendment is that when the City is in Red or Orange the flows will be suspended, period.

Mr. Snyder said it is discretionary to move into one of the drought stages, Red or Orange, but the way you are reading it is correct. Once you move into Red or Orange, we shall suspend any flows that are ongoing at that time.

Councilor Calvert said Mr. Snyder should change his Memorandum to reflect that as this moves forward. He wants clarity on what is discretionary and what is not.

Acting Chair Ortiz said to be clear, staff has discretion in declaring Red Emergency or Orange Warning water emergency, but once declared, then the water going into the Santa Fe River is suspended. The discretion rests with staff in declaring those emergencies.

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

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

**23. REQUEST FOR APPROVAL OF PUBLIC INVOLVEMENT STRATEGY AND DRAFT CRITERIA FOR THE TREATED EFFLUENT MANAGEMENT PLAN UPDATE. (CLAUDIA BORCHERT). PUB – 09/07/11.**

Acting Chair said this item should have been on consent. He said he got a Memo from Ms. Borchert saying she has some people whom she is willing to appoint, and doesn't want to see this delayed.

Responding to Councilor Bushee, the Acting Chair said this is an update on where we are in the process and to appoint some members of the Committee so they can move forward.

Ms. Borchert presented information regarding this matter from her Memorandum of August 30, 2011, which is in the Committee packet. Please see these documents for specifics of this presentation.

Responding to Councilor Bushee, Ms. Borchert said Larry Lowance isn't on the list because he agreed after the Memorandum was prepared. She said the idea is that this is a technical group to work with staff to look at the options and to speak up at the other public meetings on their perspective on the alternatives that have been developed and their ranking. She will come back next month for approval of the Objectives/Criteria to be used.



Councilor Bushee wants to make sure that the City's recreational interests within the City proper are represented as well, noting this is heavily weighted toward down-stream interests, and she wants to make sure we don't lose track of how we are currently using effluent, and that there is a balance on the Committee.

Ms. Borchert said she would welcome suggestions from the Committee.

Councilor Bushee suggested Matthew McQueen.

Councilor Calvert said he understands getting a diversity of opinions, but he doesn't want to load the Committee with people who are coming with a single issue on which they will "harp the whole time," and distract from a fair and balanced discussion of the whole issue.

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

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

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

There were no matters from the public.

#### **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**

There were no matters from the Committee.

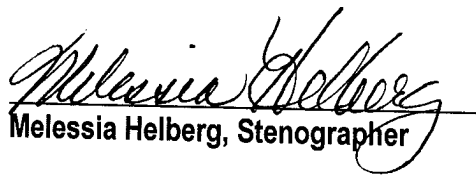
**NEXT MEETING: WEDNESDAY, OCTOBER 5, 2011.**

## ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at approximately 6:15 p.m.

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Rebecca Wurzburger, Chair



Melessia Helberg, Stenographer