



# Agenda

CITY CLERK'S OFFICE

DATE 4-29-13 TIME 3:55 pm

SERVED BY Stephanie Lopez

RECEIVED BY [Signature]

**AMENDED AGENDA  
(Changed Caption # 14)  
PUBLIC UTILITIES COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
WEDNESDAY, MAY 1, 2013  
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 APRIL 3, 2013 PUC MEETING

**INFORMATIONAL ITEMS**

6. Update on the Collections Process for Delinquent Utility Billing Accounts. (Peter Ortega and Kathy Valdez)
7. Update on increasing recycling in Santa Fe presented by the eighth-grade students from Tierra Encantada Charter School. (Cindy Padilla)
8. Annual Report on the Santa Fe River Target Flows. (Brian Drypolcher)
9. Drought, Monsoon and Water Resource Management Update. (Rick Carpenter)

**CONSENT – INFORMATION ITEMS**

10. Status Report on the Environmental Services Division. (Cindy Padilla)
11. Update on Current Water Supply Status. (Victor Archuleta)
12. Update on Water Conservation Marketing Outreach. (Laurie Trevizo)

## **CONSENT – ACTION CALENDAR**

13. Request for approval of allocation of water credits and approval of the 2012 Annual Water Report for final approval on the PUC meeting of June 5, 2013. (Alan Hook)

Public Utilities Committee – 5/1/13  
Finance Committee – 5/20/13  
City Council – 5/29/13

14. Request for approval of award of CIP Project No. 3039A, RFB # '13/15/B for the Hospital Tank Coating Application to GWC Guaranteed Waterproofing & Construction for the total amount of \$311,000.00 exclusive of NMGR. (Bill Huey and Michael Gonzales)

Public Utilities Committee – 5/1/13  
Finance Committee – 5/20/13  
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15. Request for approval of a Professional Services Agreement with CDM Smith to update the regional water supply plan to incorporate climate change projections for the total amount of \$123,547.00 exclusive of NMGR. (Claudia Borchert)

Finance Committee – 5/1/13  
Public Utilities Committee – 5/20/13  
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16. Request for approval of the Award of Bid No. '13/21/B and the Professional Services Agreement to General Chemical LLC for the total amount of \$116,874.80 for Aluminum Sulfate for the Canyon Road Water Treatment Plant. (Victor Archuleta)

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17. Request for approval of the Award of Bid No. '13/22/B and the Professional Services Agreement to Brenntag Pacific Inc. for the total amount of \$91,350.00 for Soda Ash for the Canyon Road Water Treatment Plant. (Victor Archuleta)

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18. Request for approval of the Award of Bid No. '13/23/B and the Professional Services Agreement to DPC Industries, Inc. for the total amount of \$56,700.00 for Sodium Hypochlorite for the Canyon Road Water Treatment Plant. (Victor Archuleta)

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Finance Committee – 5/20/13  
City Council – 5/29/13

19. Request for approval of the Award of Bid No. '13/24/B and the Professional Services Agreement to Carus Cooperation for the total amount of \$39,480.00 for Liquid Sodium Permanganate for the Canyon Road Water Treatment Plant. (Victor Archuleta)

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21. Request for approval of award of Bid No. '13/18/B and the contract with Blueline Construction, Inc. for the Wastewater Management Division Stormwater Retention Pond Project, CIP# 945 for the total amount of \$163,363.13 inclusive of NMGRT. (Kathleen Garcia)

- a. Request for approval of 5% Contingency.
- b. Request for approval Budget Adjustment Request.

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22. Request for approval of Amendment No.3 to the Professional Services Agreement with Chavez Security to provide security services for the Canyon Road Water Treatment Plant for the total amount of \$348,589.12 exclusive of NMGRT. (Michael Gonzales)

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23. Request for approval of Amendment No. 5 to the Professional Services Agreement with Alpha Southwest for the Canyon Road Water Treatment Plant for the total amount of \$183,918.75 exclusive of NMGRT. (Michael Gonzales and Bill Huey)

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26. Request for approval of Amendment No. 3 to the Professional Services Agreement with Dataprint LLC for printing and mailing services of utility bills for the total amount of \$15,000.00 exclusive of NMGRT. (Peter Ortega)

Finance Committee – 4/29/13  
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## **DISCUSSION ITEMS AND ACTION ITEMS**

30. Request for approval of Resolution No. 2013-\_\_\_\_\_. A Resolution adopting the “Reclaimed Wastewater Resource Plan” and directing staff to develop a program to implement the actions identified in the plan. (Claudia Borchert) (Councilor Calvert and Councilor Ives)

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City Council (Public Hearing) – 6/26/13

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Parks and Open Space Advisory Committee (approved) – 2/19/13

Public Works Committee (approved) – 4/8/13

Parks and Open Space Advisory Committee – 4/16/13

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**ITEMS FROM STAFF**

**MATTERS FROM THE COMMITTEE**

**NEXT MEETING: WEDNESDAY, JUNE 5, 2013**

**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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SUMMARY INDEX  
PUBLIC UTILITIES COMMITTEE MEETING  
Wednesday, May 1, 2013

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AMENDED AGENDA	Approved [amended]	1-2
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CONSENT – INFORMATIONAL CALENDAR LISTING		2
CONSENT – ACTION CALENDAR LISTING		2-5
APPROVAL OF MINUTES FOR THE APRIL 3, 2013 MEETING	Approved	5
<u>INFORMATIONAL ITEMS</u>		
UPDATE ON THE COLLECTIONS PROCESS FOR DELINQUENT UTILITY BILLING ACCOUNTS	Information/discussion	5-9
UPDATE ON INCREASING RECYCLING IN SANTA FE PRESENTED BY THE EIGHTH-GRADE STUDENTS FROM TIERRA ENCANTADA CHARTER SCHOOL	Information/presentation	10-11
ANNUAL REPORT ON THE SANTA FE RIVER TARGET FLOWS	Information/discussion	11-12
DROUGHT, MONSOON AND WATER RESOURCE MANAGEMENT UPDATE	Information/discussion	12-15
<u>CONSENT DISCUSSION</u>		
STATUS REPORT ON THE ENVIRONMENTAL SERVICES DIVISION	Information/discussion	15-16
REQUEST FOR APPROVAL OF ALLOCATION OF WATER CREDITS AND APPROVAL OF THE 2012 ANNUAL WATER REPORT FOR FINAL APPROVAL ON THE PUC MEETING OF JUNE 5, 2013	Approved	17

**ITEM****ACTION****PAGE****DISCUSSION AND ACTION ITEMS**

REQUEST FOR APPROVAL OF RESOLUTION NO. 2013- \_\_\_\_\_. A RESOLUTION ADOPTING THE "RECLAIMED WASTEWATER RESOURCE PLAN" AND DIRECTING STAFF TO DEVELOP A PROGRAM TO IMPLEMENT THE ACTIONS IDENTIFIED IN THE PLAN

Approved

17-21

REQUEST FOR APPROVAL OF RESOLUTION NO. 2013- \_\_\_\_\_. A RESOLUTION IN SUPPORT OF A WATER CONSERVATION CAMPAIGN FOCUSING ON VOLUNTARY OUTDOOR IRRIGATION

Approved

21-22

REQUEST FOR APPROVAL OF BILL NO. 2013- \_\_\_\_\_. AN ORDINANCE RELATING TO WATER CONSERVATION; AMENDING SECTION 25-4.2 SFCC 1987, TO REMOVE THE EXPIRED COMMERCIAL WATER RATE ADJUSTMENT PROVISIONS; AND CREATING A NEW SECTION 25-4.3 SFCC 1987, TO ESTABLISH COMMERCIAL WATER USER REBATE REGULATIONS

Approved

23-24

REQUEST FOR APPROVAL OF BILL NO. 2013- \_\_\_\_\_. AN ORDINANCE RELATING TO THE MUNICIPAL RECREATION COMPLEX (MRC), CITY SPORTS FIELDS AND LEAGUE FEES; REPEALING ARTICLE 23-7 SFCC 1987, AND ADOPTING A NEW ARTICLE 23-7 SFCC 1987, TO ESTABLISH REGULATIONS AND FEES AT THE MRC; ADOPTING A NEW SECTION 23-4.1 SFCC 1987 TO ESTABLISH REGULATIONS AND FEES FOR CITY SPORTS FIELDS, OTHER THAN MRC SPORTS FIELDS; AND CREATING A NEW SECTION 23-4.13 SFCC 1987 TO ESTABLISH A VOLUNTARY SPORTS MAINTENANCE FUND

Approved

24-26

**ITEM****ACTION****PAGE**

REQUEST FOR APPROVAL OF RESOLUTION  
NO. 2013- \_\_\_\_ A RESOLUTION DIRECTING  
STAFF TO TERMINATE THE AGREEMENT  
BETWEEN SERVICE LINE WARRANTIES OF  
AMERICA (SLWA) AND THE CITY AS SOON  
AS THE CONTRACT PERMITS

Postponed to 06/05/13

26-28

MATTERS FROM THE PUBLIC

Information/discussion

28

MATTERS FROM THE CITY ATTORNEY

None

28

ITEMS FROM STAFF

None

29

MATTERS FROM THE COMMITTEE

None

29

NEXT MEETING: WEDNESDAY, JUNE 5, 2013

29

ADJOURN

29

**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC UTILITIES COMMITTEE  
Wednesday, May 1, 2013**

**1. CALL TO ORDER**

A meeting of the Public Utilities Committee was called to order by Councilor Christopher N. Calvert, Chair, at approximately 5:00 p.m., on Wednesday, May 1, 2013, in the Council Chambers, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Calvert, Chair  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Christopher M. Rivera

**MEMBERS EXCUSED:**

Councilor Ronald S. Trujillo

**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 AMENDED AGENDA**

Brian Snyder said Councilor Wurzbarger asked to be added as a cosponsor of Item #30.

Chair Calvert said the only thing which changed on the Amended Agenda is in the caption of Item #14, otherwise it is the same agenda, and Mr. Snyder said this is correct.



**MOTION:** Councilor Dominguez moved, seconded by Councilor Dimas, to approve the Amended Agenda, as amended.

**VOTE:** The motion was approved on a voice vote, with Councilor Dimas, Councilor Dominguez and Chair Calvert voting in favor of the motion, no one voting against and Councilor Rivera absent for the vote.

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

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

**VOTE:** The motion was approved on a voice vote, with Councilor Dimas, Councilor Dominguez and Chair Calvert voting in favor of the motion, no one voting against and Councilor Rivera absent for the vote.

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

- 10. *[Removed for discussion by Chair Calvert]*
- 11. **UPDATE ON CURRENT WATER SUPPLY STATUS. (VICTOR ARCHULETA)**
- 12. **UPDATE ON WATER CONSERVATION MARKETING OUTREACH. (LAURIE TREVIZO)**

#### **CONSENT – ACTION CALENDAR**

A Memorandum dated April 22, 2013, with attachments, to the Finance/Public Utilities Department from Michael Gonzales, SOS Section Manager and Bill Huey, Water Division Engineer, regarding Item #14, is incorporated herewith to these minutes as Exhibit "1."

- 13. *[Removed for discussion by Chair Calvert]*
- 14. **REQUEST FOR APPROVAL OF AWARD OF CIP PROJECT NO. 3039A, RFB#13/15/B FOR THE HOSPITAL TANK COATING APPLICATION TO GWC GUARANTEED WATERPROOFING & CONSTRUCTION FOR THE TOTAL AMOUNT OF \$311,000.00, EXCLUSIVE OF NMGR. (BILL HUEY AND MICHAEL GONZALES) Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.**
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18. REQUEST FOR APPROVAL OF THE AWARD OF BID NO. 13/23/B AND THE PROFESSIONAL SERVICES AGREEMENT TO DPC INDUSTRIES, INC., FOR THE TOTAL AMOUNT OF \$56,700 FOR SODIUM HYPOCHLORITE FOR THE CANYON ROAD WATER TREATMENT PLANT. (VICTOR ARCHULETA). Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
19. REQUEST FOR APPROVAL OF THE AWARD OF BID NO. 13/24/B AND THE PROFESSIONAL SERVICES AGREEMENT TO CARUS COOPERATION FOR THE TOTAL AMOUNT OF \$39,480 FOR LIQUID SODIUM PERMANGANATE FOR THE CANYON ROAD WATER TREATMENT PLANT. (VICTOR ARCHULETA) Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
20. REQUEST FOR APPROVAL OF THE AWARD OF BID NO. 13/26B AND THE PROFESSIONAL SERVICES AGREEMENT TO BRENN TAG PACIFIC, INC., FOR THE TOTAL AMOUNT OF \$39,900 FOR SALT FOR THE CANYON ROAD WATER TREATMENT PLANT. (VICTOR ARCHULETA). Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
21. REQUEST FOR APPROVAL OF AWARD OF BID NO. 13/18/B AND THE CONTRACT WITH BLUELINE CONSTRUCTION, INC., FOR THE WASTEWATER MANAGEMENT DIVISION STORMWATER RETENTION POND PROJECT, CIP #945 FOR THE TOTAL AMOUNT OF \$163,363.13, INCLUSIVE OF NMGR. (KATHLEEN GARCIA)
  - a) REQUEST FOR APPROVAL OF 5% CONTINGENCY.
  - b) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST.Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
22. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CHAVEZ SECURITY TO PROVIDE SECURITY SERVICES FOR THE CANYON ROAD WATER TREATMENT PLANT FOR THE TOTAL AMOUNT OF \$348,589.12, EXCLUSIVE OF NMGR. (MICHAEL GONZALES) Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.

23. **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALPHA SOUTHWEST FOR THE CANYON ROAD WATER TREATMENT PLANT FOR THE TOTAL AMOUNT OF \$183,918.75, EXCLUSIVE OF NMGR. (MICHAEL GONZALES AND BILL HUEY.)** Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
24. **REQUEST FOR APPROVAL OF AWARD OF CONTRACT TO SASQUATCH, INC., FOR CONSTRUCTION OF THE ST. FRANCIS DRIVE WATER MAIN PROJECT UNDER RFP NO. 13/27/B FOR THE TOTAL AMOUNT OF \$769,927.16, INCLUSIVE OF NMGR. (DEE BEINGESSNER)** Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
25. **REQUEST FOR APPROVAL OF AWARD OF CONTRACT TO H.O. CONSTRUCTION, INC., FOR CONSTRUCTION OF THE CERRO GORDO WATER MAIN, PHASE 3 CONSTRUCTION PROJECT UNDER RFP NO. 13/25/B FOR THE TOTAL AMOUNT OF \$183,875.48, INCLUSIVE OF NMGR. (DEE BEINGESSNER)** Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
26. **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH DATA PRINT LLC, FOR PRINTING AND MAILING SERVICES OF UTILITY BILLS FOR THE TOTAL AMOUNT OF \$15,000.00 EXCLUSIVE OF NMGR. (PETER ORTEGA)** Finance Committee 04/29/13; Public Utilities Committee 05/01/13; and City Council 05/08/13.
27. **REQUEST FOR APPROVAL OF PURCHASE OF DUMPSTER REPAIR PARTS (LIDS) FOR THE ENVIRONMENTAL SERVICES DIVISION. PURCHASING AUTHORIZATION FOR TOTALS EXCEEDS \$50,000.00. (CINDY PADILLA)** Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
28. **REQUEST BUDGET INCREASE IN THE AMOUNT OF \$114,670.00 GRANT TO BE RECEIVED FROM THE NEW MEXICO ENVIRONMENT DEPARTMENT TO PURCHASE ONE RECYCLING COLLECTION UNIT (APPROVED BY CITY COUNCIL ON MARCH 27, 2013); AND REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST IN THE AMOUNT OF \$113,567.00 TO COVER THE COST OF THE RECYCLING COLLECTION UNIT PRIOR TO REIMBURSEMENT FROM NMED. (CINDY PADILLA)** Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.
29. **REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT TRANSFER OF \$1,064,500.00 REVENUE FROM GRANT/LOAN FOR THE WATER TRUST BOARD GRANT/LOAN 203-WTB TO THE RESERVOIR INFRASTRUCTURE IMPROVEMENTS PHASE I FOR CIP PROJECT #3038. (ROBERT JORGENSEN).** Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.

## **5. APPROVAL OF MINUTES FOR THE APRIL 3, 2013 MEETING**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Dimas, to approve the minutes of the meeting of April 3, 2013, as submitted.

**VOTE:** The motion was approved on a voice vote, with Councilor Dimas, Councilor Dominguez and Chair Calvert voting in favor of the motion, no one voting against and Councilor Rivera absent for the vote.

## **INFORMATIONAL ITEMS**

### **6. UPDATE ON THE COLLECTIONS PROCESS FOR DELINQUENT UTILITY BILLING ACCOUNTS. (PETER ORTEGA AND KATHY VALDEZ)**

Kathy Valdez said there is a draft of the Policy for Utility Billing Disconnect for Non-Payment in the packet, noting it summarizes what we are doing currently on. She noted her Memo in the packet has information regarding how other cities and counties handle delinquencies. Ms. Valdez reviewed the information in the packet in this regard. Please see Ms. Valdez's Memorandum of April 24, 2013, which is in the Committee packet, for specifics of this presentation.

Councilor Dominguez said then there isn't a formal written policy, but the practice you articulated is just that, a practice.

Ms. Valdez said this is correct, noting there is an Ordinance they follow, but there is no actual written policy.

Councilor Dominguez asked when she would have a written policy.

Ms. Valdez said it is draft plan right now which is attached to the Memo, which will be the plan if it is gets approved.

Chair Calvert noted that the Memo provides that "ABQ/Bernalillo Co. Water Authority are premise based (property owner only – no tenants." He thought we were given information that State didn't allow us to do that.

Mr. Martinez said, "I think State law is a little nuanced, and what it says is you can actually impose a lien on a property owner, even if they are a tenant. The wrinkle is if the property owner notifies the utility that the charges are going to be incurred by a renter and that they will not be the responsibility of the owner, then we can't put a lien and attribute it to the owner. But it requires an act on the part of the property owner to provide notice to the City that that's going to happen, and it is only for the present renter. So, we can still put liens on property and there's an affirmative duty on the part of the owner to notify the City."

Chair Calvert said, "Right, but what this is saying is, I think, this is the way I read this on that first page, 'property owner only – no tenants,' the ABQ/Bernalillo Co. Water Authority is saying they are only going to bill owners. They are not going to bill renters. They're not even going to enter into a billing system with a renter. And so I thought we had been advised that, according to State law, we couldn't say or do that. But if this information is correct, this is what they're doing, so I'm a little confused. If State law prohibits this practice how can they do this."

Mr. Martinez said, "Part of this ordinance may be in conflict with State law. What we can do is to charge the owner. The owner can notify the City that there is going to be a renter there, but again that's an affirmative duty the owner has to do. So we can still have a broad policy that complies with State law and basically says that a charge won't be a lien if the owner affirmatively notifies the City that there is going to be a renter there for this period of time."

Chair Calvert said, "Yes, but I'm backing up before that charge becoming a lien. Obviously, if Albuquerque/Bernalillo Water Authority is dealing only with property owners, if I understand this correctly, they won't bill the tenant. They're going to bill the property owner, period."

Mr. Martinez said what he is saying is "we can't attribute a charge to the property owner if the owner notifies the City there is going to be a renter. We can't do that under State law."

Chair Calvert asked if this means we have to bill tenants if the owner notifies the City. He said maybe we need to research what Albuquerque/Bernalillo is doing to make sure we understand what this statement means. It sounds as if they are not allowing tenants to be billed for the water, right.

Mr. Martinez said, "Yes."

Councilor Calvert said part of our problem are renters which come and go and don't always pay when they leave, or notify us when another tenant comes along and takes their place. He said we may have changed our policy a while back to say we had to allow billing of tenants. He said he wants to be clear what the law does say. He understands what Mr. Martinez is saying, but it doesn't exactly answer this question.

Mr. Martinez said it is difficult for him to say what that water statute is doing. He has the statute in front of him, and he was talking about that the City would enforce it through a lien, and the Chair wasn't exactly saying that. He said, "What the Statute says is that any charge imposed by a municipal utility can be payable by the owner personally at the time the charge accrues. But it also says this section doesn't apply if the owner notifies the utility that there is going to be a renter there. So there is obviously a tension that you've identified between renters that aren't paying and attempting to impose these charges solely on owners. Now under State law, we can't make the owner responsible for the charge if the owner has notified the City, in writing, that the responsibility is going to be due to a renter. There are some conditions to the writing itself. And then there's another provision in State law that we might want to look into, which I think our billing policy somewhat seems to follow. The other provision in State allows us to require a reasonable payment in advance as a deposit for water, and we might want to consider that as something

that you get for over-due charges. That's another section of the Code and I haven't talked about that with Peter Ortega yet, or Brian, but as I was looking into this issue, I found that provision. Maybe that exists because of this difficulty that you've identified."

Chair Calvert said he thinks we need to explore this and be clear in what we can and can't do under the law. He said one of his questions is, if we are allowing, which we currently are, billing of tenants, the owner still has certain responsibilities. And if they don't notify this of changes in renters, then perhaps we can hold them responsible, and asked if this a correct reading.

Mr. Martinez said, "I think that's accurate, yes."

Chair Calvert said, "I think this is something we need to look into in our policy. I can tell you on a daily basis, as I deliver mail, I see water utility bills going out to people that don't... that's not the name that's there, and sometimes it's two renters ago. I think what's happening is everybody is trying to take the path of least resistance which is just to pay the bill when it comes, no matter who's name is on it. That's all well and good if everybody's paying, but once somebody starts not paying, and we don't even have the right person's name on the bill, we're probably in trouble."

Chair Calvert continued, "So, I think we need to make it clear in our policy that the owner has a responsibility to update us when renters change, so we can make sure we're billing the right person, and if they don't do that, then they become liable for any bills that aren't paid."

Chair Calvert continued, "Another way, and this again might be a legal question, but another way to look at this, and you tell me if we can do this. I think currently, we have that customers can pay their utility bills by automatic withdrawal from their accounts, right. So, another possibility for renters is, yes, we will bill renters, but this is the way they have to pay their bill. I don't know if we can do that or not, but I think that's something we need to look into because it would avoid all of this other stuff, I think, again if we have the right person. If it is automatic withdrawal, then we have a better chance of getting payment. It's not guaranteed again, but better."

Mr. Martinez said, "My initial look into that is that I think we could ask them to do that as a matter of contract, but we cannot require that. We can require the up front, or basically a deposit, against future bills which the City could withdraw if the are delinquent. Then we have the normal other recourses which is to discontinue service and not supply service again until that payment is made. Other than the advance payment, the State law doesn't seem to give us that many other methods."

Chair Calvert said he thinks we should pursue the deposit, commenting he isn't trying to make it hard for renters, but we have less recourse with tenants and renters. He asked, with regard to automatic withdrawal, could we make that a condition of reinstatement after their water has been turned off for non-payment.

Mr. Martinez said, "I'll have to look into that more. My first sense is that we can't do it, because, there really has only been one case on these series of statutes, and it's narrowly construed the City's ability to go beyond what is in the statutes. So, I would guess, unless the person agreed to it, my sense is that we couldn't impose it as an affirmative duty. We could really only use the mechanisms that are specified in the statutes."

Chair Calvert said in 6.1.3 of the procedures provides, "*When an account is 60 days past due/ delinquent and no payment is received the collection level changes to 02. A bill is mailed indicating the amount is past due. On the same day, but in a separate mailing, a 15 day pre-disconnect notice is mailed.*" He said this seems to contradict what we said earlier, or what other people are doing, because here we're already 60 days and we're now going to give them another 15 days and we're 75 days into the process. All the other ones you showed us, based disconnection after 30 days. He said, "This is where the problem is, is we are lenient. I'm all for giving people a chance, but if the practice in the industry is after 30 days. And within that 30 days, they have a chance to work out a payment arrangement, that would be acceptable. But if they're just going to string us along as far as they can because they know they can, because we have a policy that allows them to do that, then I think we're just going to be taken advantage of."

Councilor Calvert continued, "I think we have to follow the policy that everyone else is following, which probably has been established that way for a good reason. I'm thinking this is a place where we need to tighten our procedures in terms of when we start sending out disconnect notices and actually do that [disconnect]. It's not something I want to do, but I think if we are the most lenient in the line of bills to be paid, then we can expect to be the last to be paid. I think we need to come up with changes here, but I want to hear the sentiment of the Committee."

Councilor Dominguez asked how much is delinquent now.

Ms. Valdez said she doesn't have that number with her.

Chair Calvert said the last report he got was that it is a total of \$3.5 million that is past due more than 90 days, and Ms. Valdez said that is correct.

Councilor Dominguez how much of that is being contested, whatever that may mean.

Ms. Valdez said these are all billed charges, and if it is contested, it is not included in those totals, noting there are very few customers in that status right now.

Councilor Dominguez said he doesn't see a process on how to deal with contested bills.

Ms. Valdez said there is a separate policy for protests.

Councilor Dominguez asked if that is another situation where it is a practice but not a policy, and Ms. Valdez said no, it is a policy.

Councilor Dominguez asked if there is an opportunity for them to charge the City if the City is found to be at fault.

Mr. Martinez asked if this would be a case in which the City said somebody owes it money, but they really didn't owe the City money, and had, for example fully paid their bill, and Councilor Dominguez said yes. Mr. Martinez said if they aren't at fault, he doubts the City would charge a penalty or impose a finance charge.

Brian Snyder said this is correct. He said if the bill is disputed and the bill has been billed in error, the finance charges are waived and we work with the customer, and will put the customer on a payment arrangement if that is necessary.

Councilor Dimas, referring to Sections 6.1.3 and 6.1.4, which Councilor Calvert was talking about, asked if we are using that right now, and if so, is it working or not.

Ms. Valdez said no, it's not working. She said they have "so many customers that skip out before the 90 days." *[Ms. Valdez was inaudible here because she was too close to the microphone and the voice is too garbled to transcribe.]* She said they do charge a deposit of \$100, but by the time the 90 days elapses, they owe the City more than \$100.00. She said they charge \$100 to re-establish the service.

Councilor Dimas said then is basically happening with renters and obviously not homeowners, and Ms. Valdez said this is correct.

Chair Calvert said that the \$3.5 million isn't just past due for renters, it also includes homeowners, commenting renters compose only 25% of that amount, and the majority of the \$3.5 million is due from homeowners..

Councilor Dimas said that "sheds a different light on it then."

Chair Calvert said even if we put a lien on the property, the City doesn't get paid until the property is sold, and it may be the reason that so many of the past dues are greater than 120 days.

Councilor Dimas said it appears the only answer, as Councilor Calvert said, is we have to tighten it up a lot from 90 days to 30 days, and if they do not pay within 10 days of that time, then move forward with collections. He said if people know nothing is going to happen for 90 days, then they won't pay and skip out within the 90 days and the City may never collect anything.

Chair Calvert said this isn't an action item, but it is for the Committee to provide input and direction staff as to how to proceed, and to provide necessary changes for review by this Committee.



**7. UPDATE ON INCREASING RECYCLING IN SANTA FE PRESENTED BY THE EIGHTH-GRADE STUDENTS FROM TIERRA ENCANTADA CHARTER SCHOOL. (CINDY PADILLA)**

Cindy Padilla presented information from her Memo of May 1, 2013, to the Public Utilities Committee, regarding the Tierra Encantada Charter School Recycling Education Project – their request to the City, which is in the Committee packet. Please see this Memo for specifics of this presentation.

Ms. Padilla said the teacher is Dawn Winters who is attendance today along with some of the students. She said in meeting with the students, one of the requests was that they wanted to be heard. She spoke with Mr. Snyder and they agreed bringing the kids to the Public Utilities would be a good idea. She said the students are in attendance and want to talk to this Committee about their ideas, and she is asking the Committee to listen to the students. She said the presented will be filmed by the Santa Fe Scene reports next Tuesday, and it will then go on *City Hall Live* and have it run on cable access. She said a script was prepared for the students, and they will be presenting from that script today.

Ms. Winter said she is a science teacher at the Chart School, and over the past year, they have been working on an exposition, noting the exposition last fall was "Cinching Your Waste." And the students were looking at the waste generated by the school and the City. They toured the landfill, sat in a bus at the landfill, toured the recycling center and saw the operation there. The students then began looking at other countries, states and communities and felt Santa Fe is a little behind the times. So they developed some proposal. She is pleased with the foresight and initiative of these 8<sup>th</sup> grade students in this matter, and they want to speak to this Committee about what they've learned and what they want to see different in their community as up and coming adults in our community.

The students which made presentations are as follows: Monique Novella and Mariela Gaytan, Adrian Rodriguez, Cindy Moya and Reeanne Martinez. Please see Ms. Padilla's Memorandum page 2 for the text of their presentations.

*The Committee commented and asked questions as follows:*

- Chair Calvert thanked the students for the conscientious efforts. He asked how much has been reduced from the waste stream since they have been doing the recycling in school.

Ms. Novella said she believes it has been completely cut in half. She said they have more recycling bins all over the school. This year they tried out composting. She they have the bins and there is always someone sorting what goes to the landfill and what goes to composting.

- Chair Calvert said he and the members of the Committee appreciate their presentation and efforts, saying if everyone were to do as they are doing then our recycling rate would be a whole lot better. He said, "I would ask you to spread the word, as you are here, to your peers and parents and others in the community, and hopefully, we can do a lot better job than we are doing now."

Ms. Novella said, "When we started this, we really didn't know how to do it or what we were able to recycle, but it was really easy for us to learn, so we just taught the whole school how to recycle, so we think if we can do it, then Santa Fe can do it very easily also."

- Chair Calvert agreed, saying the way we learn is by doing which is exactly what they are saying.

Councilor Dominguez said, "Keep up the good work and, and with that kind of work, the future does look better."

Councilor Rivera thanked Ms. Winters, the students, and the entire school for moving forward with this effort, commenting that the world that we live in will belong to them some day, and "I'm glad that you're here to help hold us accountable and give us ideas so it's a better place for you and your kids. Thank you very much."

Ms. Novella thanked the members of the Committee for the opportunity to speak about this, commenting they realize some of the difficulties that we face with this, and "we really want to start to push for cardboard to be recycled more here, because we understand we can do that now. We know the City is ready for that, so we want to start doing this a lot more now."

Councilor Dimas said this is great job being done by the students, and hopes they will spread the word to all of the schools in Santa Fe. He said, "I think you are great spokespersons for this project. And as well as you spoke here today, I think you'll do a fantastic job spreading the word throughout Santa Fe, and I thank you for doing that. Cindy, thank you for doing this, and I know your heart is in this. Congratulations for bringing this forward. Ms. Winters, I'm sure you are very proud of them for bringing this forward. Congratulations, and thank you so much for being here today."

## **8. ANNUAL REPORT ON THE SANTA FE RIVER TARGET FLOWS. (BRIAN DRYPOLCHER)**

Mr. Drypolcher presented information from his Memo of April 22, 2013, which is the Committee packet. Please see this Memo for specifics of this presentation.

Chair Calvert asked far how the low will go.

Mr. Drypolcher said one of the things they learned last year is if they can have 3.5 cubic feet per second flow, and we can sustain that for two weeks, within the first week we get it as far as Frenchy's, and the second week we are sustaining that flow to Frenchy's and a little beyond. He said it recedes and advances in that range when we are in that flow regime for two weeks. He said the plantings were well established in the first year, but it is quite vulnerable for two years, so they are hoping to use the River as an irrigation system to deliver water to those plantings for the second year of establishment.

Chair Calvert said he has had several emails from people concerned about new plantings, and he has spoken to some people who have been voluntarily watering trying to nurse the plantings. He said the need for water started earlier this year than normal, so they are going to be asking for alternative watering if we think it is necessary. He said, "If you can get this going next week that's fine, there might still be a need at some point in the year to supplement that, given that we did it twice last year, and it's been very dry leading up to this point. If I judge by my own trees, they're really thirsty."

Chair Calvert asked Mr. Drypolcher to contemplate a methodology for providing an alternative, if needed, later in the year. He said it is difficult to do this by hand. He asked if there is a way we can think of it to do it and take advantage people's willingness to do it, but provide them a better way to access water, such as a water truck, to accomplish that. He asked Mr. Drypolcher to look into that.

**9. DROUGHT, MONSOON AND WATER RESOURCE MANAGEMENT UPDATE. (RICK CARPENTER)**

A copy of a matrix *Summary – Potable Water Use Restrictions*, entered for the record by staff, is incorporated herewith to these minutes as Exhibit "2."

Mr. Carpenter reviewed information in his Memo of April 18, 2013, and Exhibit "2." Please see these documents for specifics of this presentation. Mr. Carpenter noted an error in the table on page 2 under Parks, Public School Athletic Fields and Roadside Landscaping, he has reversed the Orange and the Red. So under Orange it will be irrigated on the basis of calculating evapotranspiration with a more measured amount of water to those. If we were in red, we would reduce that by about 35%, with the goal to keep the parks alive, but there would be a drastically reduced amount of water delivered to them.

Chair Calvert said on the chart you talk about the months of June through September, but if things continue on as badly as they are now, what leads us to believe that our problems won't continue past September if we have a monsoon like last year's. He understands those are demand peak months. He asked if there is any hope of something coming down the river after those months.

Mr. Carpenter said if we don't get a new monsoon other things change – demand for potable use in irrigation goes down, but also evapotranspiration goes down, losses to free enterprise goes down as well, and certain administrative restrictions start over in October with the new water year, which is the calendar year, so there is some easing of that. However, one of the main cautionary notes we keep hearing over and over from the Bureau of Reclamation, the Corps of Engineers and the Interstate Stream Commission with the State is, even though we expect to our 100% allocation of San Juan/Chama water this year, the reservoirs are historically low and there won't be any carry-over from this year to next year. So if we don't get a good monsoon and good snowpack – 150 to 200% above normal – next year will be much worse than this year.

Chair Calvert asked when the new agricultural allotment come in.

Mr. Carpenter said he believes they consider the end of their irrigation year to be the end of October.

Chair Calvert asked if there is a possibility that we wouldn't have to carry the whole load.

Mr. Carpenter said they might call for some of their releases in October and November, because the losses would be less.

Chair Calvert asked if there is any talk about coordinating with the Bernalillo County Water Authority, otherwise we're going to be relying predominately on our wells, which is something we would rather not do.

Mr. Carpenter said we would rather not pump the wells as hard as we might have to in order to get through this water year. "And to answer your answer, Mr. Chair, yes, we communicate on a monthly basis with all of the San Juan/Chama contractors and the Middle Rio Grande Conservancy District, and the other large users vis a vis the collaborative program. And we also have off line discussions with the larger purveyors in the valley with regard to how they manage and call for their releases, how we might use each others storage if we need to. And then we have calls a couple times a week where everybody gets on a conference call and coordinate how and when they are call for their water, so there's a lot of that going on. And there is opportunity, if I understand where you're headed with your question, to cooperate. But when things are this dire, especially with the irrigators, they tend to take care of themselves."

Chair Calvert said he understands, but the irrigators will have nothing to call and will be pretty much out of their allotment, so it's between Bernalillo County and the City. He said if either of us try to do it alone, we're going to have more losses along the way, but if we cooperate we could reduce those losses and reduce our dependence on the wells."

Mr. Carpenter said, "If Albuquerque/Bernalillo had a large release we could piggyback on, that would be great for both of us, but it doesn't really work in reverse, because our releases are so small, it doesn't really help them."

Chair Calvert said, "And the biological opinion we're operating under that is about to expire, how does that enter into this discussion and 'muddy the waters,' pardon the pun."

Mr. Carpenter said, "That's a good question and I don't have a whole answer. The biological opinion was set to expire in March, and we have been working to get a new biological opinion in place, which is very far behind. The lack of success on those efforts are being exacerbated by the lack of water, but federal agencies can, but to my knowledge have not yet completed, submit a request to extend the coverage from the 2003 biological opinion until we can get a new one. That part I know. What I don't know is what that means. I don't know if they have been successful in the last few days, I haven't heard that they have been. I don't know what that means if that coverage isn't extended. It could mean that there is a violation of the Endangered Species Act and a take of the species. I don't know how that translates into legal or policy ramifications."

Mr. Carpenter continued, "Now the BDD, I would remind the Committee, has its own biological opinion, and we don't directly live and die by that 2003 biological opinion for the other water users. We have our own specifically negotiated biological opinions. But again, that's the document that has those diversion curtailments built into it, so when flows reach a certain level, critically, that's the trigger that makes us reduce our diversions. The other thing it has is what we call reopeners, and what that does is, under changing conditions and extreme drought that would qualify a possible take of an endangered species downstream might qualify. The Fish and Wildlife Service can reopen our biological opinion and subject us to certain things like further diversion curtailments or more coordination with the other users up and down the river to ensure that we do not contribute to the take of the silvery minnow."

Chair Calvert said, "When you said curtailments starts when it gets below..."

Mr. Carpenter said from 324 to 300 cfs at Otowi gauge, that's the first step of the curtailment.

Chair Calvert asked him to give us an idea of how that relates to the reduction of flow in the Rio Grande, noting he was talking about getting to historically low levels, in the teens – how does that relate.

Mr. Carpenter said, "We've seen it get to about 300 cfs a few times, but it's very rare. I think once, years ago it got down to 150 cfs, I don't have the exact numbers on that, but that's really low. That's almost unprecedented. We ought to be 2,000 or 3,000 cfs, and we don't necessarily stop diverting at 325 cfs, it's a step-down progression, and once we get to 150 cfs, we have to completely cut off diversion."

Chair Calvert said, "When your projections of how the flow was going to diminish in the Rio Grande in percentages, how does the ballpark of 300 cfs relate to those percentages."

Mr. Carpenter said he hasn't done that calculation, but "I can tell you that the model runs that were done and the graphs that I have in my office that show the flows July through September, it goes up and down, but it is right at that 300 cfs line for that full three month period."

Chair Calvert said, "As a reminder to the Committee, how might this affect also our obligations to the County vis a vis our agreement with them, because I think most of their water rights are native water rights which would probably be even more impacted, right, this year."

Mr. Carpenter said, "That's correct. It's the native flows that are the subject of the biological opinion, and most of their water rights, with the exception of 375 afy which are native water rights – 375 afy is San Juan/Chama water. And so, to extent that the extent that the Buckman Direct Diversion is not able to deliver their full allocation of the Water Resources Agreement that we have with the County, it requires the City to make that water up with groundwater – well water from another source, presumably groundwater."

Chair Calvert said, "So probably we would find ourselves in 'Groundhog Day' with the County like we did last year, right."

Mr. Carpenter said, "If you say so, Mr. Chairman."

Chair Calvert thanked him for the information "even though it's not very good news."

## **CONSENT DISCUSSION**

### **10. STATUS REPORT ON THE ENVIRONMENTAL SERVICES DIVISION. (CINDY PADILLA)**

Ms. Padilla presented information from her Memo of May 1, 2013, to the Public Utilities Committee, with attachments. Please see this Memo for specifics of this presentation. Ms. Padilla noted she spoke with Brian Snyder, and in June it will be a good opportunity to meet the new Recycling Manager Armando Gabaldon, and give an update on the recycling strategies – the status and some statistics. She said they also will include any additional information the Committee would like.

Chair Calvert said he would to see a plan on how we are going to tackle multi-families, because it appears to be a weak point, because we're not clear how many facilities where recycling is available. He thinks this is a big missing piece of the target audience, and if we're trying to increase recycling, we need to be looking at all these areas which are under served. He also would like to see the messaging in preparation for annexation, because another opportunity to increase recycling will be when we annex those areas that aren't really doing much other than at transfer stations. He would like to give them good advance information and knowledge and try to make it as easy as possible for them to start recycling.

Ms. Padilla said, "Definitely on the multi-family, that's part of the outreach like mobile home parks and multi-family, it's part of our strategy, so we can talk a little about that."

Ms. Padilla said they are doing refrigerator magnets which will be sent out in the utility bill. She said they have the new brochures and will give the new customers all of the new information about what to expect, and they will provide a piece on recycling and diversion.

Chair Calvert said the new customers won't have a bill until we've already started. He is envisioning for recycling, along with the trash pickup for the annexed areas is to somehow give them advance information before it actually starts on day one so they will know what to do and maximize the effect of bringing them on board.

Ms. Padilla said part of the annexation strategy is to deliver the new containers for recycling, and part of the delivery strategy they will give them the brochure and the recycling magnet, and a bin liner printed in English and Spanish.

Commissioner Rivera asked why we don't have more recycling bins on the Plaza right now.

Ms. Padilla said they met with the Parks Division. She said the Plaza is unique in terms of putting out permanent bins, and they will have to go through the Historic Districts Review Committee if they want them permanent. She said they have in mind what they will do with all of the community events, noting they have 64 gallon containers which they are retrofitting to put at the Parks, and that can be expanded to other Parks and for all of the community days and special events. She said they can't leave the "clear streams" out permanently because they are stolen or "the weather," but they are looking at how to have more containers, especially on the Plaza permanently and going through the committees. She said they have some which should fit with the design of the Plaza.

Councilor Rivera asked the issue with permanent containers.

Ms. Padilla said it is the design, how they look, and they have to fit the historic design and quality. She said they have to go through the HDRB to be sure they "match a particular design look, the historical preservation kind of looking thing." She said Keep Santa Fe Beautiful is going to purchase some of the flags we can put in the parks which will be temporary that say "Recycle Here."

Councilor Rivera asked if there is a way to get the HDRB a little more involved and have them come up with a container that they can present to this Committee.

Ms. Padilla said that is a really good idea, and she would be happy to meet with them in this regard.

Councilor Rivera said if that has been a stumbling block maybe that could work.

Ms. Padilla will follow up on this, as well as to see that the temporary Parks employees are trained in this regard.

Councilor Rivera asked if there is a way we can get the HDRB to take a lead in this, and bring a recommendation to this Committee, and asked if we need a Resolution or what.

Chair Calvert said we can make that request through City Historic staff to the HDRB. He said initially, ask staff to put this on the agenda to the HDRB.

Councilor Rivera asked Ms. Padilla to check on this and report back to the Committee.

Ms. Padilla said she will do so, and perhaps draft a letter to the HDRB in this regard.

Chair Calvert said she can make the request through Director Matthew O'Reilly to get it placed as an agenda item as soon as possible.

**13. REQUEST FOR APPROVAL OF ALLOCATION OF WATER CREDITS AND APPROVAL OF THE 2012 ANNUAL WATER REPORT FOR FINAL APPROVAL ON THE PUC MEETING OF JUNE 5, 2013. (ALAN HOOK) Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13.**

Chair Calvert said he pulled this item, because staff asked us to weigh-in on how we want to allocate these things, noting the Memorandum says, "Staff requests that the Public Utilities Committee make a recommendation to keep the publicly-owned water credits as reserve for future City needs or allocate some or all of the publicly-owned water credits to the current needs of the City and forward the recommendation on the full City Council for final approval."

Chair Calvert said he personally would go with the first option which is to keep the publicly-owned water credits as reserve for future City needs, as we did this past year, because we will be waiting to see how things play out this summer. He doesn't see any huge needs in any of the other categories to allocate them anyway. He asked the Committee their thoughts in this regard.

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the Annual Water Report, with a recommendation to keep the publicly-owned water credits as reserve for future City needs.

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

**DISCUSSION AND ACTION ITEMS**

**30. REQUEST FOR APPROVAL OF RESOLUTION NO. 2013- \_\_\_\_\_. A RESOLUTION ADOPTING THE "RECLAIMED WASTEWATER RESOURCE PLAN" AND DIRECTING STAFF TO DEVELOP A PROGRAM TO IMPLEMENT THE ACTIONS IDENTIFIED IN THE PLAN (COUNCILOR CALVERT AND COUNCILOR IVES AND COUNCILOR WURZBURGER) (CLAUDIA BORCHERT). Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13**

Claudia Borchert presented information from her Memo, with attachments, of April 22, 2013, which is in the packet. Please see this Memo for specifics of this presentation.

*The Committee commented and asked questions as follows:*

- Chair Calvert said, with regard to graph 12 on page 28 and graph 13 on page 29, "I'm looking at the second one, and I'm going to make a statement and you can correct me if I'm wrong, but the requested is more than actual, and it pushes things above our ability sooner and more."

Ms. Borchert said this is correct.



- Chair Calvert said, "It could stay as a point of information, but in terms of how you operate the plan, I don't see adding even more requests to something we can't fulfill anyway as a basis for how we're going to operate."

Ms. Borchert said, "In the short term, taking the requested budgets will mean there is less water in the Santa Fe River and that the [inaudible] couldn't get reclaimed wastewater 3 months of the year. In the long term it also takes it out of potential future potable water supply. There are certainly ramifications for deciding that. In defense of the requests, for example the landfill feels like they need that water to meet their air quality permit. I haven't been out there. I don't know about their operations. I don't know what will happen if they don't get the requested amount versus the amount that they have been using actually. Another example, is the sports fields at the MRC and the Marty Sanchez which because of limited capacity and infrastructure have not been taking what they feel like they need over the last years. I also can't judge whether they need that additional water in order to have the golf course at tip top shape, or the sports fields at tip top shape. So I don't know how to..."

- Chair Calvert said, "I'm guessing that the potential is for people to use as much as they can get, because we're talking about irrigation and since we start with a deficit in terms of the plants and everything already, the odds are they are going to need even more than they normally would. So how does that not affect everybody?"

Ms. Borchert said, "We recognize that hotter, drier conditions are going to drive up demand, and so we kind of want to leave room, in fact there's a little bit of cushion left, call this a flat line, leaves some cushion because it goes up and down from year to year, the amount produced, reclaimed wastewater. So there is some cushion in the system, and part of that cushion is meant to allow everyone to be able to use more water when conditions merit. And it could be that in our future everyone will need more water, because the conditions will be that way as the new normal. And so the plan has tried to be a little responsive to greater needs in the future. So yes."

- Councilor Dominguez said he is wondering if the assumption is that some of this request is legitimate, that it might be appropriate to have it in there, at the very least, for a future look at things.
- Chair Calvert said, "The request versus the actual, are they justified, or do we have any documentation on the basis for that request, or is that all we have is the figure."

Ms. Borchert said she doesn't believe she has gotten the documentation that explains to her why the amount of water that these users have used in the last few years when it's been hot and dry needs necessarily to be increased in the future."

- Chair Calvert said, "With the exception maybe of the landfill."

Ms. Borchert said, "I'm not even sure I understand that one. I think the landfill's request was like a 50% increase, but they don't use that much water, so I don't know what's different about their air permit than last year, than in the future. I apologize for not having really..... I know, for example, with the Marty Sanchez and the MRC the pumps that pump the water from the reclaimed wastewater to their ponds to them, allow them to use them, have not been working at full capacity. So they are limited by the amount of water that they can get to their facility. That's being upgraded now. So starting this season, the ability to get more water is there, so that could be.... and I do think that I've heard the MRC, in particular, feels they haven't been keeping their sports fields to the shape that they would like to. "

- Chair Calvert said, "My only comment to that is it would be nice for them to be able to do that, but I'm guessing that even the amount we've said we've had in the past, we may not have. It's like it would be nice, but everybody's probably might have to take a little bit of a hit in terms of what they would like to have. That's why you have an overall plan, is you're trying to get everybody a good portion of what they need, but you can't guarantee everybody what they would like to have."
- Chair Calvert continued, "I guess what I would say is I would favor the former. This is something that could be amended but the requested one, I'm not sure. I would like it in there at least as a basis for making decisions, it might be an information point. But until we get documentation on why they think they need more, I would not want it to be any kind of basis for decision-making. We can always amend this, it's a living document, but to me that is a piece of information that would be essential for making a decision on whether we want to have it as a basis for reallocating. The old saying is, you don't ask you don't get, but just because you ask doesn't mean you do. I don't know what's in play here."

Ms. Borchert said it's an interesting idea. It's also an interesting idea to think about that maybe reclaimed wastewater budgets need to be tailored to different climatic conditions. So if we have a year like the one we're expecting this year, the budget might expand. In other less hot and dry years, a lesser budget would be more a reflection of the past. She said, "I do believe irrigators need more water when it's hotter and dryer. It's not just that I believe it, it's a fact. So maybe with a little bit more data that can be gathered over the next few years, that kind of an amendment to define various budgets under various conditions can be done."

- Chair Calvert said, "Right. But if you look at the list, the peak months, everybody there would be wanting a little more for irrigation. Most of these purposes are irrigation type purposes. I don't know how you are going to do anything other than you've already shown in terms of priorities."
- Councilor Dominguez said in the interest of time, and to be honest, he hasn't had a chance to look at this thoroughly, and there are a lot of questions he might have after he looks at it, but he doesn't want to hold it up at this point. He said he and Councilor Rivera will be meeting with the Country Club tomorrow, which may or may not have an impact. He said staff has done a good job

collecting data and in getting public input. He said this may be one of those things where we just start and adjust as we go forward, because there are so many unknown variables. He thinks it would be hard to press any absolute decisions right now.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to accept the plan with the recommendation that we make the requested wastewater portfolio graph as an informational item or as part of an index.

**DISCUSSION:** Chair Calvert said Claudia is trying to emphasize the 3-4 things which might have changed since the last time we saw it, and this is one of the pieces of information we have yet to see. He said it is a complex and thorough document, most of which you have seen and the reasons she is focusing on these specific pieces, and trying to get some input. He said that doesn't mean that anything we decide tonight is final, because it still has to go to the City Council. So, you can think about it and ask more questions in the interim, but trying to get a first take on our thinking on this. He said, "What you said on this particular piece, I would agree with as well."

Councilor Dominguez said staff has heard the Committee's and Council's priorities clearly, and they have built that in. He said, "Now having said that, there may be questions I might want to ask at Council to make sure that it's on the record and that it's tied together."

Chair Calvert reiterated that Ms. Borchert is pointing out things you might want to consider and ponder a little bit before Council. He said, "Even if we don't come up with an exact termination here, at least we know those things we want to hear about."

**CLARIFICATION OF THE MOTION BY THE CHAIR:** Chair Calvert said, "The motion, as I understood it was to accept this and to consider, in terms of this particular graft 'Current Requested' that is basically an information item, but not one to be used for decision making." Councilor Dominguez said that captures the intent of the motion, for now, noting it may change when it gets to the Council.

**CONTINUATION OF DISCUSSION:** Chair Calvert asked if our priorities already are indicated in some of these graphs.

Mr. Borchert said, "Your priorities and allocations are absolutely in the graphs. The question is what to we do next in terms of, for example, the one that has 5 stars 'Seek grants and low cost loans to implement the recommendations herein that have 5 stars.' These are more about what do we do next to implement, I call them, related but peripheral actions around reclaimed wastewater."

Councilor Dominguez said, "With regard to what you are calling *2020s Reclaimed Wastewater Portfolio*, I'm comfortable with how the Southwest irrigated parks are prioritized, only because I think it would be different if we had parks there, obviously, but we don't know what the future holds in terms of agreements that we may be able to come up with Tierra Contenta itself, and/or the public schools. It hinges on our ability to find capital funds to build these things. So, I'm comfortable with that, especially given that this is something that can always be amended and will be updated potentially as time goes by."

Councilor Dominguez continued, "With regard to the Implementation Actions, I'm almost of the opinion that maybe that needs to have a second round here at the PUC. Because I see where uses are a priority, but the next steps, I assume that staff has looked at it and said in order to make sure these priorities become a reality, we feel these are the logical steps in making that so. But again, I haven't really looked at this closely enough to be able to make that determination."

Chair Calvert said, "My question also on that Claudia is.... I know some of the people that were participating didn't necessarily agree with our priority on the uses. Do their priorities on implementing actions support our priority on the uses, or their priority on the uses."

Ms. Borchert said, "Their priority on the uses was already digested and resulted in those graphs you were looking at earlier. In these implementing actions, that kind of separation between potential interests is not that pronounced, and so it doesn't play out so much."

Chair Calvert said, "The priorities that we established, these are the implementing actions for those and not for their own ideas of what the priorities and uses should be."

Councilor Dominguez said, "I don't know if it's a step further, like secure necessary water and environmental permits is not for uses outside of the priorities we've established."

Ms. Borchert said, "Then you're on page 34, and that implementing action only relates to using reclaimed wastewater for the City's future potable water supply needs, on the previous page. So the environmental permits there are basically to find out what we need to do in order to make that a reality."

Councilor Dominguez said, "It's not outside the priorities that...."

Ms. Borchert said, "No, but water supply ranked high, so all those are fours and fives, because the ranking of the potable water supply was high."

Chair Calvert said this item is also scheduled for the Finance Committee on May 20, 2013, and it doesn't go to the Council until May 29, 2013, and asked if this is still the schedule.

Ms. Borchert said yes, noting it also will go to the Water Conservation on May 14, 2013.

Chair Calvert said, hopefully there is enough time, with this new information, if you have questions if you're on one of the Committees you can get them resolved there, or contact Ms. Borchert and get them resolved before it goes to Council.

Councilor Dominguez asked to get this item sent to him electronically, and Ms. Borchert said she will do so.

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

**31. REQUEST FOR APPROVAL OF RESOLUTION NO. 2013- \_\_\_\_\_. A RESOLUTION IN SUPPORT OF A WATER CONSERVATION CAMPAIGN FOCUSING ON VOLUNTARY OUTDOOR IRRIGATION (COUNCILOR IVES, COUNCILOR RIVERA AND COUNCILOR DIMAS). (LAURIE TREVIZO) Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13**

Laurie Trevizo presented information from her Memorandum of May 1, 2013, with attachments, to the Public Utilities Committee/Finance Committee/City Council, which is in the Committee packet. Please see this Memorandum for specifics of this presentation. Ms. Trevizo said the request is for the approval of the Resolution rather than approval of the campaign which is draft form. She introduced the members of the Committee in attendance.

Councilor Ives said what this represents is an acknowledgment that the first step in increasing conservation is to pursue any and all voluntary efforts possible in the community, which is tied into a strong marketing campaign. He noted Ms. Trevizo presented the marketing and outreach strategy to the Council. This represents another step in the process. He said you heard Mr. Carpenter's report with regard to the water supply status, noting the best way to meet shortened supplies through conservation efforts. He said this is an appropriate way for the City to respond to dwindling supplies.

Councilor Ives continued, saying today a report was issued from Senator Udall's office as the result of the conference he helped to sponsor along with the Water Resources Research Institute called "Hard Choices Adapting Policy and Management to Water scarcity." He said, "Part of that report is that all arid municipalities should improve efficiency to prudently prepare for future shortages in times of drought and climate change. In an emergency where there are no savings, and the response is rationing of existing supply, citizens tend to support strong efficiency measures. We have benefitted from a great deal of work in this area, and this Resolution is another step in that process, especially as we head into leaner and drier years coming."

**MOTION:** Councilor Dimas moved, seconded by Councilor Dominguez, to approve this request.

**DISCUSSION:** Councilors Rivera and Dimas asked to be added as cosponsors of the Resolution.

Chair Calvert said this is even more important, because outdoor irrigation drives peak demand in the summer when we will be at our worst, supply-wise. He said he would request in this campaign that you be careful with things we have used in the past, noting Albuquerque uses the 1-2-3, 3-2-1, which are good for guidelines, but people sometimes end up watering whether or not it is necessary. He said part of the information needs to be to water when you need to and not because you are allowed to water. We need to make sure we get that message out as well.

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

32. **REQUEST FOR APPROVAL OF BILL NO. 2013- \_\_\_\_ . AN ORDINANCE RELATING TO WATER CONSERVATION; AMENDING SECTION 25-4.2 SFCC 1987, TO REMOVE THE EXPIRED COMMERCIAL WATER RATE ADJUSTMENT PROVISIONS; AND CREATING A NEW SECTION 25-4.3 SFCC 1987, TO ESTABLISH COMMERCIAL WATER USER REBATE REGULATIONS. (COUNCILOR IVES). (LAURIE TREVIZO) Public Utilities Committee 05/01/13; Finance Committee 05/20/13; City Council (Request to Publish) 05/29/13; and City Council (Public Hearing) 06/26/13.**

Laurie Trevizo presented information regarding this matter from her Memorandum of May 1, 2013, with attachments, to the Public Utilities Committee, which is in the Committee packet.

Chair Calvert said, "I personally think this is a much better approach. It conforms to our practices we have done with residential in offering rebates, and certainly more easily quantifiable and rewards appropriate behavior I think, instead of treating things as exceptions and variances, it sets a policy and a pro-active approach to water conservation in the commercial sector as well.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Dimas, to approve this request.

**DISCUSSION:** Councilor Dominguez asked if this is a budget neutral proposal, noting there is no fiscal impact.

Ms. Trevizo said there is an FIR in the packet, and most of the funds for this program are generated from the Water Conservation levy of \$4 to \$5, which is on everyone's water bill each year in April, which is to be used solely for rebates, and that is how those funds are used.

Chair Calvert said this is another drain on this fund and it might run out sooner, but we don't know. We only offer rebates until we run out of money.

Councilor Dominguez said he wants to be sure we only offer rebates until we run out of money, and asked how much money is in the fund.

Mr. Snyder said there is approximately \$300,000 in the fund annually, but we only spend the amount of money we have. He said about 2 years ago, we ran out of funds and had to suspend the program temporarily until we started collecting the fees. He said there is about \$300,000 in the fund, noting it is getting replenished this month.

Councilor Dominguez asked if we anticipate more people applying for rebates than funds available for the program.

Mr. Snyder said no, noting it is hard to project what will come in, but it is another drain on the resource and "we will have to keep an eye on it and evaluate it."

Chair Calvert said these likely will be considerably larger type rebates than those we have been giving in the other program.

Ms. Trevizo said the Chair is correct, however the water savings would be much greater as well.

Mr. Snyder said there is a constant stream of residential requests that come in throughout the year and he expects that to continue. He said we have never "hit" on this sector, and it is a larger hit per application, but we're in a sector on which we have not focused previously. He said it is a win-win for everybody and the key is that we need to monitor the program and how fast the funds are drawn down and present options to the Committee if there is a need to increase the levy and how to move forward in the future.

Councilor Dominguez said this is one of the cases where the money is well spent and the results are beneficial to the City in terms of water conservation.

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

- 33. REQUEST FOR APPROVAL OF BILL NO. 2013- \_\_\_\_\_. AN ORDINANCE RELATING TO THE MUNICIPAL RECREATION COMPLEX (MRC), CITY SPORTS FIELDS AND LEAGUE FEES; REPEALING ARTICLE 23-7 SFCC 1987, AND ADOPTING A NEW ARTICLE 23-7 SFCC 1987, TO ESTABLISH REGULATIONS AND FEES AT THE MRC; ADOPTING A NEW SECTION 23-4.1 SFCC 1987 TO ESTABLISH REGULATIONS AND FEES FOR CITY SPORTS FIELDS, OTHER THAN MRC SPORTS FIELDS; AND CREATING A NEW SECTION 23-4.13 SFCC 1987 TO ESTABLISH A VOLUNTARY SPORTS MAINTENANCE FUND (COUNCILOR DOMINGUEZ, COUNCILOR RIVERA AND COUNCILOR DIMAS) (ISAAC PINO AND MELISSA BYERS) Parks and Open Space Advisory Committee (approved) 02/19/13; Public Works Committee (approved) 04/08/13; Parks and Open Space Advisory Committee 04/16/13; Public Utilities Committee 05/01/13; Finance Committee 04/29/13; City Council (Request to Publish) 05/29/13; and City Council (Public Hearing) 06/12/13.**

An amendment sheet to the Substitute Bill regarding this matter, submitted by Councilor Dominguez, is incorporated herewith to these minutes as Exhibit "3."

Melissa Byers reviewed the proposed amendment sheet [Exhibit "3"] and her Memorandum of April 11, 2013, to the Finance Committee, which is in the Committee packet. Please see this memorandum for specifics of this presentation. Ms. Byers noted the amendment sheet which was passed out this evening [Exhibit "3"].

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve this request.

**DISCUSSION:** Councilor Dominguez said he hopes to get unanimous support on this bill.

Councilor Rivera asked to be added as a sponsor of the bill, and Councilor Dimas said he should have been added as a cosponsor.



Chair Calvert said, as he said at Finance, he is fine with the bill as it stands. However, he personally, would like to see the kids and their parents take more responsibility for the maintenance of the fields on an "as you use them basis." He said sports are fun, but another part of sports programs are the lessons you learn about responsibility, sportsmanship, lessons integral to these kinds of programs. He said we had a discussion tonight about recycling. He said one of Councilor Trujillo's pet peeves that there isn't recycling during practices and games at the sports fields. He said what we have done here, in general, is to reduce fees, moreso for the adults, although they weren't paying them anyway. He said across the board we reduced what everybody has to pay. He is advocating for the leagues, teams and individuals to clean things up as they go through the season. The field should be ready for the next use when they leave. He said staff will have to do things such as mowing and restriping the lines and such. In terms of the litter, he thinks that could be part of the responsibility and investment of the people using the fields in this program.

Chair Calvert said, "I'm going to keep advocating for this, I don't know if I'll get any support for that, but I think it's a golden opportunity for us to instill responsibility as part of this program, as well as accomplish some of the other goals which are a function of this Committee which is increased recycling."

Councilor Dominguez said, as the main sponsor, he "absolutely, 100% agrees with you and I will be working with staff to find a way to legislate that. Hopefully, by the time this gets to Council, which may not be until the first meeting June, only so that I can have a little bit more time to work on that piece."

Councilor Dimas said this is good idea, but he doesn't know how we could legislate that, and that's going to take some real thought as to how to mandate something like that, and what the penalties would be, and who would make the judgment on how clean the field has to be. He thinks there will be problems in terms of legislating this.

Councilor Rivera asked if there is a way we could make that part of the permit itself, administratively, instead of adding it to the bill and possibly complicating the issue further.

Councilor Dominguez said he would be a little reluctant to go that far right now, although it is a possibility. He said one of the things he has thought about would be, at the very least, to require that each League set up recycling bins and collect all that recycling material to turn into staff at the end of the season. It is just an idea, and he hasn't had time to vet it or put it on paper, but something along these lines.

Chair Calvert said the City and that Division would make the bins available, but they will need the help of the teams, parents and everybody to use them appropriately. He said the bins would be collected each night and replenished with new containers as needed.

Councilor Dominguez said he would like to have the chance to work out those details, commenting it is amazing what incentives can do and perhaps there is an incentive which would be a reward in terms of the permit fee.

Chair Calvert said he would be willing to work with Councilor Dominguez in this regard to getting this done.



Councilor Dimas said, "I don't want to be the wet rag in this whole thing, but the difficulty will be that you have several games and several teams will play one after another. So if you have one team that is collecting it after one game, it ties up the other team from getting on the field if they're out there collecting this stuff, so I think you will have logistic problems.

Chair Calvert said he doesn't think this will impact what is happening on the field.

Councilor Dimas said it may not, but clearing the stands from one team to another would.

Chair Calvert reiterated that we will need the cooperation of the parents, kids and the PA announcer asking for cooperation, and it is an opportunity on which he would like to try to capitalize.

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

**34. REQUEST FOR APPROVAL OF RESOLUTION NO. 2013- \_\_\_\_ . A RESOLUTION DIRECTING STAFF TO TERMINATE THE AGREEMENT BETWEEN SERVICE LINE WARRANTIES OF AMERICA (SLWA) AND THE CITY AS SOON AS THE CONTRACT PERMITS (COUNCILOR BUSHEE). (BRIAN SNYDER) Public Utilities Committee 05/01/13; Finance Committee 05/20/13; and City Council 05/29/13**

Councilor Dominguez asked if this is an item which should be discussed in executive session.

Chair Calvert said, "I don't think so. I don't think it needs to be at this point. I guess what I would recommend, having discussed this with both legal and utility staff, unless Brian has newer information, I think that we've gotten some correspondence, particularly from one law firm which Geno has responded to, but I think that currently the opinion of staff is that there isn't a cause for termination any sooner than the renewal period at this time. So there is no time crunch, and staff would like have some time to, maybe if you will, into the weeds a little more on how this is being administered before we take any action on this. So, my recommendation would be to postpone this for one meeting to allow staff to have the opportunity to do some of that research into how this being administered, some of which is information we didn't have when we passed this in the first place."

**MOTION:** Councilor Dominguez moved, seconded by Councilor Dimas, to postpone this item to the next meeting, of the Committee on June 6, 2013.

**DISCUSSION:** Councilor Dominguez asked Mr. Martinez if he will have that information by then.

Mr. Martinez said, "Yes, Councilor Dominguez, we hope to have that information by then."

Mr. Snyder said, "If there are specific items you would like us to look into, please let us know, otherwise we will do our best to pull together information that we think will be representative of what's going on."

Chair Calvert said one of his concerns is there was a statement from the law firm on behalf of its client about how it's being administered, and we have to determine if that is in fact the case and not just opinion. He said, "In Casa Solana where a lot of the sewer lines are clay pipe, auguring is only going to cause further damage and it's certainly not going to do anything permanently to remedy the problem. And so I think we have to look at that. If that is how it's being administered and if there is no chance for amending how they administer it, then I might be in favor of rescinding as well, but I think we have to make sure we're not just taking one person's side of the description of how it's being done, and get both sides and an accurate description."

Councilor Dominguez said, "For the record, Mr. Chair, and just so that staff knows that. My two concerns are one, similar to yours that we follow the process or a process, and two, that the City is as protective as they can be against anything threatened or otherwise."

**Steve Long, General Counsel**, said, "Chairman Calvert, I appreciate you wanting to take some time to study this. I'm Steve Long. I'm General Counsel for Caitco Drainworks. I'm not here to..."

Chair Calvert said, "Sorry, sir, but this isn't a public hearing."

Mr. Long said, "I would just like if I could to give the Council some information that I think would be helpful, not on legal issues, but just on the plumbing aspects of this thing."

Chair Calvert said, "I think you had that in that letter, and I'm not sure we don't have that information already."

Mr. Long said, "I don't think the letter covers all of the plumbing issues that are involved in all of our..."

Chair Calvert said, "That's fine. What I would suggest sir, and I'm sorry I didn't know that you were sticking around for this, but I would suggest you give that information to both Legal and Utilities staff and we will be looking at what points you bring to the argument, and we will also be talking to the people who administer the program, and getting their take on what's going on and how it's administered. And if there's any disagreement, we'll try and resolve that. But I do not think it is appropriate to try and do that at this point. You are welcome to talk to staff and give them the information that you have."

Mr. Long said, "Thank you Chairman Calvert. I know that you all have the best interest of the people of Santa Fe at heart. I think we have all of the information available to you that will help you make a more informed decision."

Chair Calvert said, "And that's why we're postponing to next month to give ourselves the opportunity to do that."

Mr. Long said thank you sir.

Councilor Rivera asked Mr. Martinez, "Did we actually enter into a contract with the company?"

Mr. Martinez said, "We did. To answer your question, yes we did. The City did, after the first Resolution was passed, I think [inaudible]."

Councilor Rivera asked if it is a standard City contract with termination clauses as appropriate, and Mr. Martinez said yes.

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

## **MATTERS FROM THE PUBLIC**

Mr. Long asked if he can speak here and the Chair said yes.

**Steve Long** said, "I'm certainly an amateur at this and I don't know exactly how things are done but I do know that you have the best interest of the people of Santa Fe. I'll just take a brief moment and tell you about some of our concerns with this. It's widely misunderstood exactly what this warranty does."

Chair Calvert said, "Just briefly, two minutes, okay."

Mr. Long said, "First of all, this warranty covers things that are problems outside the house, and that's the only thing that it covers. A lot of problems happen inside the house, and the customer, the resident of Santa Fe doesn't know where their problem is. It would be like me going into my Cardiologist and saying my left anterior descending artery is blocked. Well I don't know that. All I know is I've got chest pain. So we end up in a situation where the plumber comes on site and diagnoses it and finds out it's not something covered by the warranty. What happens is the customer's whole expectations are mixed up there. Secondly, they say that they have a 24 hour hotline and they will get a plumber there within 24 hours. We've been in business in Santa Fe for 14 years. If we took 24 hours to respond to a call, we wouldn't be in business a year. The second thing is, if we contract with them as a Santa Fe plumber, we have to sign a contract that says if there's a dispute between us, we agree to arbitrate this dispute in Pennsylvania. That actually means no Santa Fe plumber can ever get in a dispute with this company, because who can afford to go to Pennsylvania to arbitrate it. And we're rather disappointed that they changed the price. The whole idea, the City wonderfully waived it's royalty on this thing to pass the savings on, and yet the price that came out to the customers was several dollars higher than what they told you it would be. And those are just an example of some of the things we think. We will be glad to work with your staff and fully inform them on this thing and get a report back to you. Thank you very much for your time. If you have any questions, I would be glad to respond.

Councilor Calvert said, "Thank you."

## **MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

## **ITEMS FROM STAFF**

There were no items from staff.

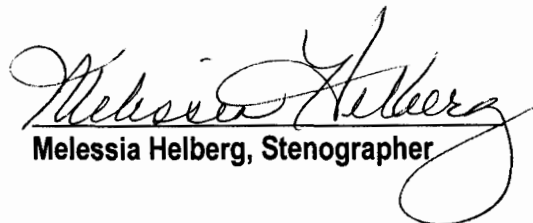
## **MATTERS FROM THE COMMITTEE**

Councilor Dominguez said he will not be at the BDD tomorrow, and Councilor Bushee has agreed to stand in for me.

**NEXT MEETING: WEDNESDAY, JUNE 5, 2013**

## **ADJOURN**

There was no further business to come before the Committee and the meeting was adjourned at approximately 7:45 p.m.

  
\_\_\_\_\_  
Christopher Calvert, Chair  
\_\_\_\_\_  
Melessia Helberg, Stenographer

# memo

**DATE:** April 22, 2013

**TO:** Finance/Public Utilities Committee

**VIA:** Brian Snyder, Public Utilities Department

**FROM:** Michael L. Gonzales, SOS Section Manager  
Bill Huey, Water Division Engineer

*Bks*  
*Bill Huey*  
*Michael L. Gonzales*

---

**ITEM AND ISSUE:**

Award of Bid #13/15/B for FY 12/13 Hospital Tank Coating Application Contract, CIP #3039A to Guaranteed Waterproofing & Construction at compensation not to exceed three-hundred eleven thousand dollars (\$311,000.00) plus tax.

**BACKGROUND AND SUMMARY:**

On April 22, 2013, the City of Santa Fe opened sealed Bids submitted after qualification through a March 14, 2013 Request for Qualifications (13/15/Q). Two companies were judged to have submitted acceptable packages and were asked to bid on this project with bids due Monday, April 22 at 2:00 pm.

Request for Bids, CIP Project #3039A Bid # '13/15/B, FY 12/13 Hospital Tank Coating Application Contract is needed to repair the leakage found in the Hospital Tank after the removal of the polypropylene liner and initial caulking of the concrete joints. Bids were received from Guaranteed Waterproofing & Construction (GWC) and Seal-Co, Inc. The lowest bid was received from GWC for \$311,000.00 plus NMGR.

The Water Division requests that the Bid from GWC be accepted as the winning bid as it was found to be the lowest acceptable response.

The budget for this contract was budgeted in the FY 12/13 Budget under Hospital Tank CIP / Construction business unit/fund number 52355.572970 in the amount of \$311,000.00 plus NMGR.

**ACTION REQUESTED:**

Staff requests review and approval of:

- Award of BID # '13/15/B and Contract to GWC in the amount of \$311,000.00 plus NMGR.
- Forwarding and recommendation of approval of award and contract to the Governing Body for their final consideration and approval.

XC: Stephanie A. Lopez, Office Manager, Public Utilities Department

*Exhibit "1"*

CITY OF SANTA FE  
CAPITAL IMPROVEMENTS PROGRAM

AGREEMENT BETWEEN  
OWNER AND CONTRACTOR

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the CITY OF SANTA FE, herein known as the Owner, and Guaranteed Waterproofing & Construction, herein known as the Contractor.

For the following:

PROJECT: Hospital Tank Coating Application Contract

PROJECT NO.: CIP # 3039A

RECITALS

WHEREAS, the Owner, through its Governing Body, is authorized to enter into a Construction Contract for the project; and

WHEREAS, the Owner has let this Contract according to the established State and Local Purchasing procedures for contracts of the type and amount let; and

WHEREAS, construction of this Project was approved by the Governing Body of the City of Santa Fe at its meeting of \_\_\_\_\_.

The OWNER and the CONTRACTOR agree:

ARTICLE 1  
THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, the Conditions of the Contract (General, Supplementary, and other Conditions), the Specifications, all Addenda issued prior to and all Modifications issued after execution of this Agreement. These documents form the Contract, and all are as fully a part of the Contract as if attached to this Agreement or repeated herein.

ARTICLE 2  
THE WORK

The Contractor shall perform all the work required by the Contract Documents for Hospital Tank Coating Application Contract

The work designated as Hospital Tank Coating Application Contract, consists of, but is not limited to repair of new cracks in the concrete, creation of revetments, coating of the interior of the concrete storage tank as specified in the attached technical specifications with either Xypex or Vandex, repair of the concrete tennis court playing surface, and other incidental work as required. The work consists of furnishing all equipment, labor and materials as required by the City of Santa Fe, New Mexico.

Contractor shall be responsible for verifications of all measurements and dimensions for bidding on each subsequent Work Order.

Contractor shall be responsible for all permits, fees, and State and City inspections associated with the construction.

ARTICLE 3  
TIME OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

The work to be performed under this Contract may commenced not later than ten (10) consecutive calendar days after the date of written Notice to Proceed. Substantial Completion shall be achieved no later than One Hundred (100) calendar days after the date of written Notice to Proceed, except as hereafter extended by valid written Change Order by the Owner.

ARTICLE 4  
CONTRACT SUM

The Owner shall pay the Contractor in current funds for the performance of the work, subject to additions and deductions by Change Order as provided in the Contract Documents, the Contract Sum of three hundred thirty six thousand four hundred sixty three thousand dollars and 12/100's (\$336,463.12) inclusive of NMGRT

The Contract Sum is determined as follows:

Base Bid	\$ 311,000.00
Gross Receipts Tax	<u>\$ 25,465.12</u>
TOTAL	\$ 336,463.12

ARTICLE 5  
PROGRESS PAYMENTS

Based upon Application for Payment submitted to the Owner by the Contractor and Certificates for Payment issued by the Owner, the Owner shall make progress payments on account of the

Contract Sum to the Contractor as provided in the Contract documents for the period ending the last day of the month as follows:

Not later than twenty-one (21) days following the end of the period covered by the Application for Payment, ninety five percent (95%) of the portion of the Contract Sum properly allocable to labor, materials, and equipment incorporated in the work and ninety five percent (95%) of the portion of the Contract Sum properly allocable to materials and equipment suitably stored at the site or some other location agreed upon in writing for the period covered by the Application for Payment, less the aggregate of previous payments made by the Owner; and upon substantial completion of the entire work, a sum sufficient to increase the total payments to ninety eight percent (98%) of the Contract Sum, less such amounts as the Owner shall determine for all incomplete work and unsettled claims as provided in the Contract documents.

#### ARTICLE 6 LIQUIDATED DAMAGES

Should the Contractor neglect, refuse, or otherwise fail to complete the work within the Contract Time or any extension in the Contract thereof, the Contractor agrees to pay to the Owner the amount of Five Hundred dollars (\$500) per consecutive calendar days of delay until the work is completed and accepted or until voided pursuant to the provisions of the General Conditions of the Contract, not as a penalty, but as liquidated damages for such breach of the Contract.

#### ARTICLE 7 FINAL PAYMENT

Final payment, constituting the entire unpaid balance of the Contract Sum, shall be paid by the Owner to the Contractor within twenty-one (21) calendar days after all deficiencies to the Contract document that were noted during the Substantial Completion Inspection and listed on the attachment to the Certificate of Substantial Completion have been corrected, and provided the Contract has been fully performed and a final Certificate for Payment has been issued by the Owner. In addition, the Contractor shall provide to the Owner a certified statement of Release of Lien (AIA Document G706A or approved form), Consent of Surety, Warranty from Prime Contractor, Warranties from Suppliers and Manufacturers, training sessions, equipment/operating manuals, and as-built drawings.

#### ARTICLE 8 SCHEDULE

The Contractor shall, within five (5) days after the effective date of Notice to Proceed, prepare and submit five (5) copies of a progress schedule covering project operations for the One Hundred (100) calendar day Contract period. This progress schedule shall be of the type generally referred to as a Critical Path Method (CPM), Critical Path Schedule (CPS), and Critical Path Analysis (CPA), and other similar designations. The CPM shall be used to control the timing and sequences of the project. All work shall be done in accordance with the CPM Planning and Scheduling. A written statement of explanation shall be submitted with the progress schedule. All costs incurred by the contractor to implement the CPM shall be borne by



the Contractor, and are part of their Contract (See Article 4.10, Progress Schedules of Section 00700, General Conditions of the Contract).

ARTICLE 9  
GENERAL AND SPECIAL PROVISIONS

- 9.1 This Agreement shall be governed exclusively by the provisions hereof and by the laws of the State of New Mexico as the same from time to time exist.
- 9.2 Terms used in this Agreement which are defined in the Conditions of the Contract shall have the meanings designated in those Conditions.
- 9.3 The Contractor shall defend, indemnify, and hold harmless the Owner against any and all injury, loss, or damage, including, without limitation, costs of defense, court costs and attorney's fees, arising out of the acts, errors, or omissions of the Contractor.
- 9.4 An enumeration of the Contractor's Liability Insurance requirements appears in the General Conditions of the Contract for construction. Insurance requirements are also described in the Instructions to the Bidder section of the Project Manual. Contractor shall maintain adequate insurance in at least the aggregate maximum amounts which the Owner could be liable under the New Mexico Tort Claims Act and shall provide proof of such insurance coverage to the City. It is the sole responsibility of the Contractor to be in compliance with the law.
- 9.5 This Agreement shall not become effective until: (1) approved by the Governing Body; and (2) signed by all parties required to sign this Agreement.
- 9.6 The Contractor and the Contractor's agents and employees are independent contractors performing professional and technical services for the Owner and are not employees of the Owner. The Contractor and the Contractor's agents and employees shall not accrue leave, retirement, insurance, bonding, use of Owner's vehicles, or any other benefits afforded to employees of the Owner as a result of this Agreement.
- 9.7 The Contractor shall not subcontract any portion of the services to be performed under this Agreement without prior written approval of the Owner.
- 9.8 The Contractor shall maintain detailed time records which indicate the date, time and nature of services rendered. These records shall be subject to inspection by the Owner, the Department of Finance and Administration and the State Auditor. The Owner shall have the right to audit billings both before and after payment; payment under this Agreement shall not foreclose the right of the Owner to recover excessive illegal payments.
- 
- 9.9 The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Owner for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Owner, this Agreement

shall terminate upon written notice being given by the Owner to the Contractor. The Owner's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

- 9.10 The Contractor warrants that the Contractor presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under this Agreement.
- 9.11 The Contractor hereby warrants that the Contractor is in compliance with the Americans with Disabilities Act, 29 CFR 1630.
- 9.12 The Contractor, upon final payment of the amounts due under this Agreement, releases the Owner, the Owner's officers and employees, and the City of Santa Fe from all liabilities and obligations arising from or under this Agreement, including, without limitation, all damages, losses, costs, liability, and expenses, including, without limitation, attorney's fees and costs of litigation that the Contractor may have.
- 9.13 The Contractor agrees not to purport to bind the Owner to any obligation not assumed herein by the Owner, unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.
- 9.14 Notices. Any and all notices provided for hereunder shall be in writing and shall be deemed delivered, given and received when (i) personally delivered, or (ii) 5 days after the same are deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, addressed to the applicable party at the address indicated below for such party or at such other address as may be designated by either party in a written note to the other party.

OWNER

City of Santa Fe  
Sangre De Cristo Water Division  
P.O. Box 909  
Santa Fe, New Mexico 87504-0909

CONTRACTOR

Guaranteed Waterproofing & Construction  
3757 Mt. Valley Way  
Sandy, Utah, 84092  
New Mexico License # 373899

- 9.15 Gender, Singular/Plural. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires.

- 9.16 Captions and Section Headings. The captions and section headings contained in this Agreement are for convenience of reference only, and in no way limit, define, or enlarge the terms, scope and conditions of this Agreement.

- 9.17 This document shall be executed in no less than five (5) counterparts, each of which shall be deemed an original.
- 9.18 Certificates and Documents Incorporated. All certificates and documentation required by the provisions of the Agreement shall be attached to this Agreement at the time of execution, and are hereby incorporated by reference as though set forth in full in this Agreement to the extent they are consistent with its conditions and terms.
- 9.19 Separability. If any clause or provision of this Agreement is illegal, invalid or unenforceable under present or future laws effective during the term of this Agreement, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby.
- 9.20 Waiver. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver be in writing signed by the party making the waiver and addressed to the other party; nor shall any custom or practice which may evolve between the parties in the administration of the terms hereof be construed to waive or lessen the right of either party to insist upon the performance by the other party in strict accordance with the terms hereof. Further, the waiver by any party of breach by the other party of any term, covenant, or condition hereof shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition thereof.
- 9.21 Entire Agreement. This Agreement represents the entire Contract between the parties and except as otherwise provided herein, may not be amended, changed, modified, or altered without the written consent of the parties hereto. This Agreement incorporates all of the conditions, agreements, and understandings between the parties concerning the subject matter of this Contract, and all such conditions, understandings, and agreements have been merged into this written Agreement. No prior conditions, agreement, or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this written Agreement.
- 9.22 Interchangeable Terms. For purposes of all provisions within this Agreement and all attachments hereto, the terms "Agreement" and "Contract" shall have the same meaning and shall be interchangeable.
- 9.23 Words and Phrases. Words, phrases, and abbreviations which have well-known technical or trade meanings used in the Contract documents shall be used according to such recognized meaning. In the event of a conflict, the more stringent meaning shall govern.
- 9.24 Relationship of Contract Documents. The Contract Documents are complementary, and any requirement of one Contract Document shall be as binding as if required by all.
- 9.25 Pursuant to Section 13-1-191, NMSA 1978, reference is hereby made to the Criminal Laws of New Mexico (including Sections 30-14-1, 30-24-2, and 30-41-1 through 30-41-3, NMSA 1978) which prohibit bribes, kickbacks, and gratuities, violation of which

constitutes a felony. Further, the Procurement Code (Sections 13-1-28 through 13-1-199, NMSA 1978) imposes civil and criminal penalties for its violation.

- 9.26 By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the Owner and the Contractor. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

ARTICLE 10  
NEW MEXICO TORT CLAIMS ACT

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

This Agreement is entered into as of the day and year first written above.

ATTEST:

OWNER:


\_\_\_\_\_  
YOLANDA Y. VIGIL, CITY CLERK

\_\_\_\_\_  
DAVID COSS, MAYOR

\_\_\_\_\_  
DATE

APPROVED AS TO FORM:

CONTRACTOR:  
GUARANTEED WATERPROOFING

  
\_\_\_\_\_  
GENO ZAMORA, CITY ATTORNEY

APPROVED:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
MARCOS TAPIA, DIRECTOR  
FINANCE DEPARTMENT

NM TAXATION AND REVENUE  
CRS NO. 03-239666-00-0

CITY OF SANTA FE BUSINESS REG.  
NO. \_\_\_\_\_

EEN	1006597
Employee Name	SCHWENDER, ERIKA B
FLSA covered?	No
Pay Period Ending	04/26/2013
Business Unit	7280000
Union Code	AFSCME

**Release Check**

Employee Signature/Date

~~C. S. R.~~

$$4/2/13$$

SCHWENDER, ERIKA B

Supervisor  
Signature/D  
ate

**CITY OF SANTA FE  
PURCHASING OFFICE  
BID TABULATION SHEET**

## Hospital Tank Coating Application Project

<b>DATE:</b> 04/22/13	<b>GWC Guaranteed Waterproofing &amp; Construction, UT</b>	<b>Seal-Co., Inc., Albuquerque</b>		
<b>BID:</b> #13/15/B				
<b>PREPARED BY:</b> SHIRLEY R.				
<b>ITEM &amp; DESCRIPTION</b>	<b>BID AMOUNT</b>	<b>BID AMOUNT</b>	<b>BID AMOUNT</b>	<b>BID AMOUNT</b>
Base Bid Amount	\$311,000.00	\$331,119.00		
NMGRT	\$25,463.12	\$27,110.37		
Total Bid Amount	\$336,463.12	\$358,229.37		
Resident Veterans Preference		\$304,629.48		
SUBMITTAL REQUIREMENTS				
BID BOND	X	X		
EQUAL EMPLOYMENT	X	X		
NON-SEGREGATED FACILITIES	X	X		
NON-COLLUSION AFFIDAVIT	X	X		
SUBCONTRACTORS LISTING	X	X		
NM RESIDENT PREFERENCE NUMBER				
RECEIPT ADDENDUM #1	X	X		



**City of Santa Fe**  
**Summary of Contracts, Agreements, & Amendments**

**Section to be completed by department for each contract or contract amendment**

1 **FOR: ORIGINAL CONTRACT** ☒ or **CONTRACT AMENDMENT** ☐

2 Name of Contractor Guaranteed Waterproofing & Construction

3 Complete information requested ☐ Plus GRT

☒ Inclusive of GRT

Original Contract Amount: \$336,463.13

Termination Date: 100NTP

☒ Approved by Council Date: Pending

☐ or by City Manager Date: \_\_\_\_\_

Contract is for: Hospital Tank Coating Application

Amendment # \_\_\_\_\_ to the Original Contract# \_\_\_\_\_

Increase/(Decrease) Amount \$ \_\_\_\_\_

Extend Termination Date to: \_\_\_\_\_

☒ Approved by Council Date: \_\_\_\_\_

☐ or by City Manager Date: \_\_\_\_\_

Amendment is for: \_\_\_\_\_

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments) ☐ Plus GRT

☐ Inclusive of GRT

Amount \$ \_\_\_\_\_ of original Contract# \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Total of Original Contract plus all amendments: \$ \_\_\_\_\_



**City of Santa Fe**  
**Summary of Contracts, Agreements, & Amendments**

**5 Procurement Method of Original Contract:** (complete one of the lines)

RFP# 13/15/B Date: April 22, 2013

RFQ ☐ \_\_\_\_\_ Date: \_\_\_\_\_

Sole Source ☐ \_\_\_\_\_ Date: \_\_\_\_\_

Other \_\_\_\_\_

**6 Procurement History:** \_\_\_\_\_  
example: (First year of 4 year contract)

**7 Funding Source:** Water CIP **BU/Line Item:** 52355.57297

**8 Any out-of-the ordinary or unusual issues or concerns:**  
none  
(Memo may be attached to explain detail.)

**9 Staff Contact who completed this form:** \_\_\_\_\_

Phone # \_\_\_\_\_

**10 Certificate of Insurance attached.** (if original Contract) ☐

**Submit to City Attorney for review/signature**

Forward to Finance Director for review/signature

Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

**To be recorded by City Clerk:**

Contract # \_\_\_\_\_

Date of contract Executed (i.e., signed by all parties): \_\_\_\_\_

Note: If further information needs to be included, attach a separate memo.

**Comments:**



# SUMMARY - POTABLE WATER USE RESTRICTIONS

	NON-EMERGENCY	EMERGENCY
	NORMAL Green	WARNING Orange
		CRISIS Red

RESOURCES	Supply & Demand	Supply & Demand	Supply & Demand
AUTHORITY	City Code Chapter XXV	City Manager (based upon supply/demand data from Water Division Director)	City Manager (based upon supply/demand data from Water Division Director)

## WATER RATES

Rate	Seasonal Tiered Rates	Seasonal Tiered Rates	Seasonal Tiered Rates
Surcharges	None	None	None

## PLANTING

Warm Season Grasses	Allowed	Allowed; Comply with 2 days/Week by Address (odd-Tues.&Sat./even-Wed.&Sun.)	Prohibited
---------------------	---------	---	------------

Cool Season Grasses or Kentucky Blue Grass	Prohibited	Prohibited	Prohibited
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All Other Plant Materials	Allowed	Discouraged; Comply with 2 Days/Week by Address (odd-Tues.&Sat./even-Wed.&Sun.)	Prohibited
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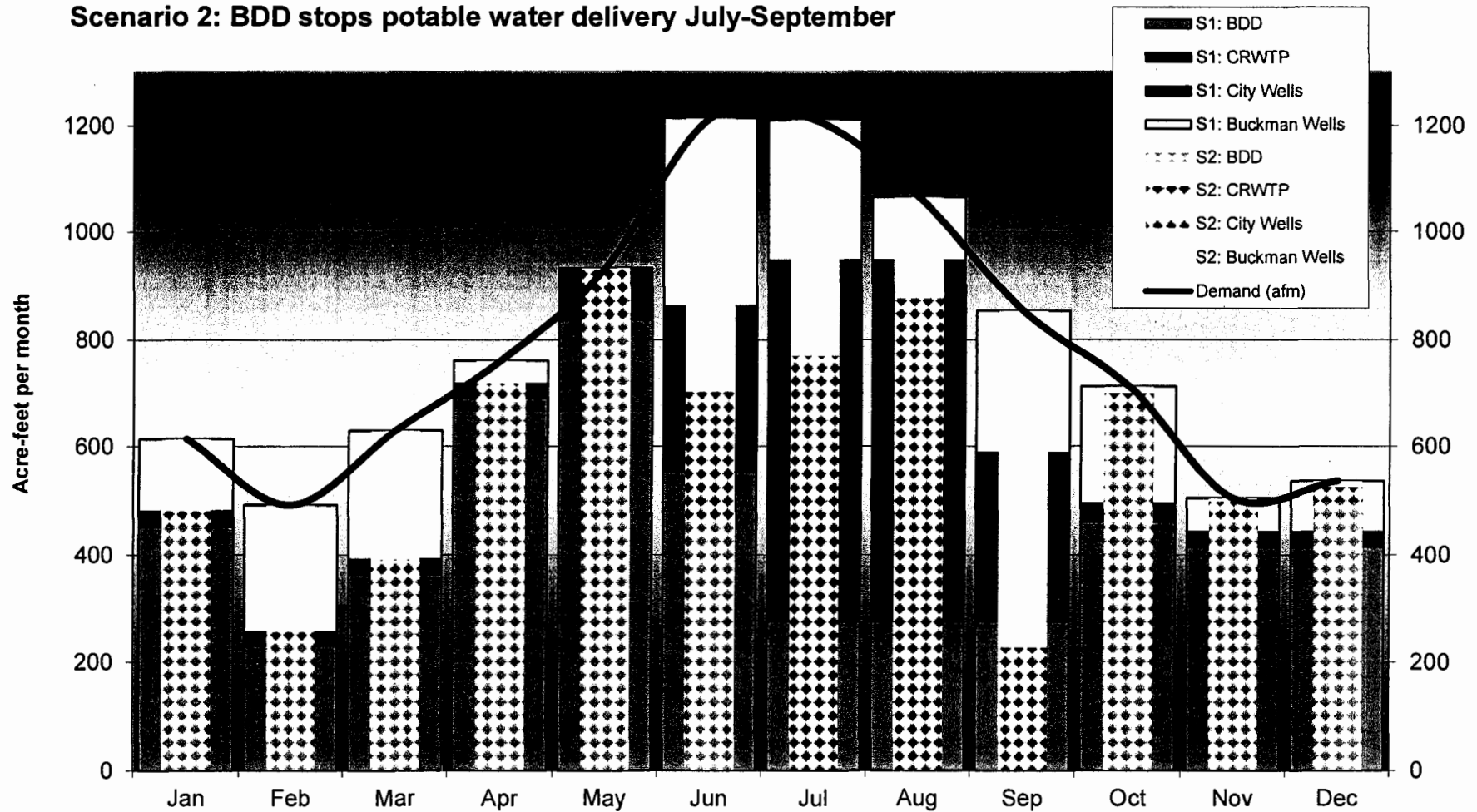
## IRRIGATION - RESIDENTIAL & COMMERCIAL

Days of Week Watering Using Potable Water May 1 – October 31	Prohibited 10AM-6PM; Maximum 3 Days <u>Recommended</u>	Prohibited 10AM-6PM; 2 Days/Week by Address (odd-Tues.&Sat./even-Wed.&Sun.)	Prohibited
--	--	---	------------

Exhibit "2"

SUMMARY - POTABLE WATER USE RESTRICTIONS (CONTINUED)					
	NON-EMERGENCY	EMERGENCY			
	NORMAL Green		WARNING Orange		CRISIS Red
Projections	Supply - Unrestricted Demand	Supply - 10% Short of Demand (Based on 1 Initial Filling Only)	Supply - 30% Short of Demand (Based on 1 Initial Filling Only)	Supply - 50% Short of Demand (Based on 1 Initial Filling Only)	
AUTHORITY	City Code Chapter XXV	City Manager (based upon supply/demand data from Water Division Director)	City Manager (based upon supply/demand data from Water Division Director)	City Manager (based upon supply/demand data from Water Division Director)	
IRRIGATION - PUBLIC SPACES					
Parks, Public School Athletic Fields and Roadside Landscaping	Allowed	Reduced by 35%	Based upon evapotranspiration (ET) to maintain health of plants		
MISC. OUTDOOR USE					
Vehicle Washing with Positive Shut-Off Nozzle	Yes	Yes	No		
Water Features	Allowed	Allowed	Prohibited		
CONSTRUCTION					
Building Restrictions	None; Must comply with WBAQ	None; Must comply with WBAQ	None; Must comply with WBAQ		
Filling (Indoor and Outdoor)	Allowed	1 Initial Filling Only	Prohibited		
SALES OF POTABLE WATER OUTSIDE SERVICE AREA					
Sales At Potable Water Filling Station	Allowed	Allowed	Prohibited		

**Scenario 1: BDD continues to divert all summer**  
**Scenario 2: BDD stops potable water delivery July-September**





### **DROUGHT PREPAREDNESS OUTREACH**

As the drought continues to make front-page news across the state, the City Water Division is taking steps to raise public awareness about what people need to know and how they can be better prepared.

### **DROUGHT EMERGENCY CAMPAIGN IN PLACE**

The City Water Division has planned for additional outreach education and public awareness, including the ability to roll out within 24 hours a public drought emergency campaign that includes both traditional and social media, as well as grassroots efforts.

Later this month, the Water Conservation Office is introducing a new interactive website [www.savewatersantafe.com](http://www.savewatersantafe.com) to give customers the information they need and tools and tips necessary to survive a drought.

It is a one-stop shop for water restrictions, regulations, ordinances, water conservation tips, rebates, water resource monitoring, drought monitoring and "how to" guides from a variety of sources, including the Office of the State Engineer and the Governor's Drought Task Force.

The roll out of the website is planned to address the beginning of the hottest and driest times of the summer. In addition, there will be a Drought Survival Guide newspaper insert (SFNM and JN) printed the last Sunday of May.

### **EFFECTIVE COMMUNICATION**

Should emergency drought restrictions be necessary, successful implementation of the regulation depends on effective communication with the public. We will alert the public, promote understanding and keep the public regularly informed through local media and initiate public discussion when appropriate

**Messaging will convey that:**

1. The water management condition is real
2. Reductions in water demand are necessary
3. The possible restrictions will realistically correspond to the severity of the situation
4. All customers need to become involved if restrictions are imposed
5. The City is effectively managing the existing water supply and decision makers have a variety of options available to meet demand

**COMMUNICATION INFRASTRUCTURE**

Public awareness and on-going communication platforms are already in place and can be utilized immediately, including:

- Drought Webpage
- News Paper Insert – Drought Survival Guide
- News Releases
- News Articles
- Interviews on radio and television programs
- Public Service Announcements on Public Radio for May, June, July and August
- Daily Am and Pm Prime Time Radio Ad spots to be aired on Santa Fe's 6 major radio stations throughout the summer
- Twitter Announcements
- Facebook Announcements
- Post Signs and Notices (city hall, libraries, community centers and other public places)
- Santafe.com Website
- Customer Bill Inserts
- Print Ads in Santa Fe New Mexican, Journal North, SF Reporter, GreenFire Times, Round-the-Roundhouse and Hometown News.
- Weekly Radio Show
- Business Outreach
- Additional Water Compliance Staff
- Streamlined Coordination with other City Departments, including Parks.



**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO SUBSTITUTE BILL NO. 2013-\_\_**  
**(Leagues/City Sports Fields)**

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**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Substitute Bill No. 2013-\_\_:**

1. On page 6, line 15, *delete* "(1)"
2. On page 6, lines 19 and 20, *delete*:
  - "(2) Seventy-five dollars (\$75.00) per field per day.
  - (3) Thirty dollars (\$30.00) per hour for lighting, per field, as needed."
3. On page 8, line 5, *insert* the following provision:

"F. *Noncompliance*. A league or school that does not comply with the requirements of Article 23-7 SFCC 1987 shall not be granted a permit to use sports fields at the MRC."
4. On page 9, line 23, *delete* "(a)"
5. On page 10, lines 2 and 3, *delete*:
  - "(b) Seventy-five dollars (\$75.00) per field per day.
  - (c) Thirty dollars (\$30.00) per hour for lighting, per field, as needed."
6. On page 11, line 12, *insert* the following provisions:
  - "D. *Noncompliance*. A league or school that does not comply with the requirements of Section 23-4.12 SFCC 1987 shall not be granted a permit to use city sports fields.
  - E. *Priority of Use of City Sports Fields, other than the MRC Sports Fields*. City sports fields shall be prioritized for youth league and school use."

Respectfully submitted,

\_\_\_\_\_  
Carmichael Dominguez, Councilor

ADOPTED: \_\_\_\_\_  
NOT ADOPTED: \_\_\_\_\_  
DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

<p align="center"><b>ACTION SHEET</b></p> <p align="center"><b>PUBLIC UTILITIES COMMITTEE MEETING OF 05/01/13</b></p> <p align="center"><b>ITEM FROM FINANCE COMMITTEE MEETING OF 04/29/13</b></p>
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**ISSUE:**

21. Request for Approval of an Ordinance Relating to City of Santa Fe Sports Fields; Creating a Distinction between MRC Sports Fields and other City of Santa Fe Sports Fields; Amending Article 23-7 SFCC 1987 to Separate Requirements for MRC Sports Fields and other City Sports Fields and Making such other Changes as are Necessary; Creating a New Section 23-4.12 SFCC 1987 to Establish Regulations, Fees and Rates for City Sports Fields, other than MRC Sports Fields, Including a Reduced Fee for Youth Leagues and Schools; and Creating a New Section 23-4.13 SFCC 1987 to Establish a Voluntary Sports Field Maintenance Fund. (Councilor Dominguez) (Isaac Pino and Melissa Byers)

**Committee Review:**

Parks and Open Space Advisory Committee (approved)	02/19/13
Public Works (approved)	04/08/13
Parks and Open Space Advisory Committee (approved)	04/16/13
Public Utilities (scheduled)	05/01/13
City Council (request to publish)	05/08/13
City Council (public hearing)	06/12/13

Fiscal Impact – Yes

**FINANCE COMMITTEE ACTION:** Approved as Discussion Item

**SPECIAL CONDITIONS OR AMENDMENTS**

Approved with amendments.

**STAFF FOLLOW-UP:**

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT		X	
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		
CHAIRPERSON DOMINGUEZ			