



Agenda

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**PUBLIC UTILITIES COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
WEDNESDAY, JULY 3, 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 JUNE 5, 2013 PUC MEETING

INFORMATIONAL ITEMS

None

CONSENT – INFORMATION ITEMS

6. Status Report on the Environmental Services Division. (Cindy Padilla)
7. Update on Current Water Supply Status. (Victor Archuleta)
8. Drought, Monsoon and Water Resource Management Update. (Rick Carpenter)
9. Update on emergency replacement for the Hydro Booster Station No. 1 pumps for the amount of \$57,650.02. (James, Cooke and Hobson (JCH). (Victor Archuleta and Mike Gonzales)

CONSENT – ACTION CALENDAR

10. Request for approval of award of Bid No. '13/32/P and the Professional Services Agreement with MWH Americas, Inc. for Public Utilities Rate Evaluation and Financial Services in the amount of \$130,000.00 exclusive of NMGR. (Nick Schiavo and Maya Martinez)

Finance Committee – 7/1/13
Public Utilities Committee – 7/3/13

City Council – 7/31/13

11. Request for approval of Amendment No. 2 to the original PSA for '12/33/B with TLC Plumbing & Utility, Inc. to increase the amount by \$200,000.00 exclusive of NMGR. (Bill Huey)

Public Utilities Committee – 7/3/13

Finance Committee – 7/15/13

City Council – 7/31/13

12. Request for approval of Award of Bid No. '13/37/B for FY 13/14 City Wide Water Utility Construction & Repair Contract to Sub Surface Contracting for \$400,000.00 exclusive of NMGR. (Mike Gonzales, Mike Moya and Bill Huey)

Public Utilities Committee – 7/3/13

Finance Committee – 7/15/13

City Council – 7/31/13

DISCUSSION ITEMS AND ACTION ITEMS

13. Request for approval on amending the City of Santa Fe Utility Billing Administrative Manual Policy No. 15 relating to Credit for High Consumption Due to Unknown Cause. (Peter Ortega)

Public Utilities Committee – 7/3/13

14. Request for approval of Bill No. 2013-_____. An Ordinance relating to Chapter 21 SFCC 1987 Environmental Services; establishing a new Article 21-8 SFCC 1987 to ban the distribution of single-use plastic carry-out bags and establish a fee for paper carry out grocery bags to be imposed by retail establishments. (Councilor Wurzbarger) (Fabian Trujillo)

Public Utilities Committee – 7/3/13

Finance Committee – 7/15/13

City Council – 7/31/13 (Request to Publish)

City Council – 8/27/13 (Public Hearing)

15. Request for approval of New Mexico Clean & Beautiful State Grant FY 2013/2014. (Gilda Montano)

- a. Request for approval of Resolution No. 2013-_____. A Resolution supporting the New Mexico Litter Control and Beautification Act of 1985 which authorizes the use of public funds in the form of grants for the purpose of enhancing local litter control and beautifications programs. (Councilor Trujillo) (Gilda Montano)

Public Utilities Committee – 7/3/13

Finance Committee – 7/15/13

City Council – 7/31/13

16. Pursuant to Resolution No. 2013-33, Request for approval of an option to provide relief from water utility billing for 501(c)(3) local non-profit organizations that use water to provide services to the homeless population in the City of Santa Fe. (Nick Schiavo)

Public Utilities Committee – 6/5/13 (no recommendation)

Finance Committee – 6/17/13 - approved

Public Utilities Committee – 7/3/13

Finance Committee – 7/15/13

City Council – 7/31/13

MATTERS FROM THE PUBLIC

MATTERS FROM THE CITY ATTORNEY

ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: WEDNESDAY, AUGUST 7, 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.

**SUMMARY INDEX
PUBLIC UTILITIES COMMITTEE MEETING
Wednesday, July 3, 2013**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved	2
CONSENT INFORMATIONAL CALENDAR LISTING		2
CONSENT ACTION CALENDAR LISTING		2-3
APPROVAL OF MINUTES JUNE 5, 2013 MEETING	Approved	3
INFORMATIONAL ITEMS	None	3
CONSENT DISCUSSION	None	3
<u>DISCUSSION AND ACTION ITEMS</u>		
REQUEST FOR APPROVAL OF BILL NO. 2013- ____ . AN ORDINANCE RELATING TO CHAPTER 21 SFCC 1987 ENVIRONMENTAL SERVICES; ESTABLISHING A NEW ARTICLE 21-8 SFCC 1987, TO BAN THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AND ESTABLISH A FEE FOR PAPER CARRY OUT GROCERY BAGS TO BE IMPOSED BY RETAIL ESTABLISHMENTS	Approved [amended]	3-7
REQUEST FOR APPROVAL ON AMENDING THE CITY OF SANTA FE UTILITY BILLING ADMINISTRATIVE MANUAL, POLICY NO. 15 RELATING TO CREDIT FOR HIGH CONSUMPTION DUE TO UNKNOWN CAUSE	Approved w/direction to staff	7-8
REQUEST FOR APPROVAL OF RESOLUTION NO. 2013- ____ . A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH AUTHORIZES THE USE OF PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATIONS PROGRAMS	Approved	8

ITEM**ACTION****PAGE**

PURSUANT TO RESOLUTION NO. 2013-33,
REQUEST FOR APPROVAL OF AN OPTION
TO PROVIDE RELIEF FROM WATER UTILITY
BILLING FOR 501(c)(3) LOCAL NON-PROFIT
ORGANIZATIONS THAT USE WATER TO
PROVIDE SERVICES TO THE HOMELESS
POPULATION IN THE CITY OF SANTA FE

Approved [amended]

9-12

MATTERS FROM THE PUBLIC

None

12

MATTERS FROM THE CITY ATTORNEY

None

12

ITEMS FROM STAFF

None

12

MATTERS FROM THE COMMITTEE

None

12

NEXT MEETING: WEDNESDAY, AUGUST 7, 2013

12

ADJOURN

12

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

OTHER COUNCILORS ATTENDING

Councilor Rebecca Wurzburger

OTHERS PRESENT:

Nick Schiavo, Public Utilities Director
Stephanie Lopez, Public Utilities
Marcus Martinez, Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership present for conducting official business.

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference. The original Committee packet is on file in the Public Utilities Department.

3. APPROVAL OF AGENDA

Chair Calvert said Councilor Wurzburger has requested the Committee to move Item #14 to the top of the Discussion/Action Items Agenda.

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to move Item #14 to the top of the Discussion/Action Items Agenda and to approve the Agenda as amended,.

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

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Dimas moved, seconded by Councilor Rivera, to approve the following Consent Informational Calendar and Consent Action Calendar as presented.

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

CONSENT – INFORMATIONAL CALENDAR

- 6. STATUS REPORT ON THE ENVIRONMENTAL SERVICES DIVISION. (CINDY PADILLA)**
- 7. UPDATE ON CURRENT WATER SUPPLY STATUS. (VICTOR ARCHULETA)**
- 8. DROUGHT, MONSOON AND WATER RESOURCE MANAGEMENT UPDATE. (RICK CARPENTER)**
- 9. UPDATE ON EMERGENCY REPLACEMENT FOR THE HYDRO BOOSTER STATION NO. 1 PUMPS, FOR THE AMOUNT OF \$57,650.02. (JAMES, COOKE AND HOBSON (JCH). (VICTOR ARCHULETA AND MIKE GONZALES)**

CONSENT – ACTION CALENDAR

- 10. REQUEST FOR APPROVAL OF BID NO. 13/32/P AND THE PROFESSIONAL SERVICES AGREEMENT WITH MWH AMERICA, INC., FOR PUBLIC UTILITIES RATE EVALUATION AND FINANCIAL SERVICES IN THE AMOUNT OF \$130,000.00, EXCLUSIVE OF NMGR. (NICK SCHIAVO AND MAYA MARTINEZ) Finance Committee 07/01/13; Public Utilities Committee 07/03/13; and City Council 07/31/13.**
- 11. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE ORIGINAL PSA FOR 12/33/B, WITH TLC PLUMBING & UTILITY, INC., TO INCREASE THE AMOUNT BY \$200,000, EXCLUSIVE OF NMGR. (BILL HUEY) Public Utilities Committee 07/03/13; Finance Committee 07/15/13; and City Council 07/31/13.**

12. **REQUEST FOR APPROVAL OF AWARD OF BID NO. 13/37/B FOR FY 13/14 CITY WIDE WATER UTILITY CONSTRUCTION & REPAIR CONTRACT TO SUB SURFACE CONTRACTING FOR \$400,000.00, EXCLUSIVE OF NMGR. (MIKE GONZALES, MIKE MOYA AND BILL HUEY) Public Utilities Committee 07/03/13; Finance Committee 07/15/13; and City Council 07/31/13.**

5. **APPROVAL OF MINUTES FOR THE JUNE 5, 2013 MEETING**

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve the minutes of the meeting of June 5, 2013, as submitted.

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

INFORMATIONAL ITEMS

There were no informational items.

CONSENT DISCUSSION

No items were removed from the Consent Agendas for discussion.

DISCUSSION AND ACTION ITEMS

14. **REQUEST FOR APPROVAL OF BILL NO. 2013- _____. AN ORDINANCE RELATING TO CHAPTER 21 SFCC 1987 ENVIRONMENTAL SERVICES; ESTABLISHING A NEW ARTICLE 21-8 SFCC 1987, TO BAN THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AND ESTABLISH A FEE FOR PAPER CARRY OUT GROCERY BAGS TO BE IMPOSED BY RETAIL ESTABLISHMENTS (COUNCILOR WURZBURGER). (FABIAN TRUJILLO) Public Utilities Committee 07/03/13; Finance Committee 07/15/13; City Council (Request to Publish) 07/31/13; and City Council (Public Hearing) 08/27/13.**

A copy of an overview on the Plastic Bag Ordinance is incorporated herewith to these minutes as Exhibit "1."

Nick Schiavo presented information from his Memorandum of May 29, 2013, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

Mr. Schiavo, assisted by Fabian Trujillo, demonstrated the bags that would be banned and those for which a fee will be charged. Mr. Schiavo noted that the plastic produce bags will continue to be available, and no fee will be charged. He said people on WIC or SNAP or other federal assistance will not be charged for the paper bags.

Mr. Schiavo reviewed the information in Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

- Councilor Dimas asked the difference between the produce bags and the other plastic bags.

Mr. Schiavo said in most cases it is the mil. thickness.

- Chair Calvert said it has something to do with public health for meat products and for convenience with product.
- Councilor Dominguez said he is in favor of this proposal, commenting it's been well thought out and congratulated everyone who has advocated for this in the past and currently. He asked if there is anything that would keep an establishment from charging 20¢, and how long does the 10¢ per bag fee stay in effect.
- Mr. Schiavo there is nothing in the Ordinance which would prevent a store from charging more than 10¢ per bag. He said he said the cost could be revisited. He said the intent is that the charge would offer people an incentive to bring the recyclable bags. He said all standard grocery bags are 10¢.
- Councilor Dominguez asked regarding the customer transaction receipt, if we expect establishments to be able to comply with that and put it on the receipt.

Mr. Trujillo said they spoke with most of the grocery stores and they can program that into their machine to show that separately – it is something they can do right now. There isn't an additional cost to the business to do that for the majority of the retail stores.

Mr. Schiavo said a few stores already are paying 5¢ and 10¢ for those who bring in their plastic bags to recycle.

- Councilor Rivera thanked the students at Wood Gormley and Tierra Contenta Charter School who worked on this project under the leadership of Councilor Wurzbarger. He said the BQL Committee and City staff did an extensive study on other ordinances throughout the country and developed a very good ordinance. He thinks it meets the needs of the City. He has several concerns initially, but the Committee seemed to address most of those. He said it took about a year and it is a worthwhile endeavor.

- Councilor Wurzbarger thanked everyone involved in this project, saying it has been a great example of a collaborative approach to develop a policy. She said it took a long time to get here, and started with 150 people coming in and testifying on both sides. She thanked the BQL, the students, in particular Frederick who chaired the committee, and staff including Cindy Padilla, Randall Marco and Fabian Trujillo.

Councilor Wurzbarger asked that the students be allowed to speak to the Committee.

- Chair Calvert said that would be fine, but he would like to ask some questions first.
- Chair Calvert said he wants to be clear on the definition of a grocery paper bag, noting Section 4(A) provides, *Contains a minimum average of 40 percent post-consumer recycled materials..* He said if he wanted to quibble, then he would say what about a minimum average of 30% and that isn't covered under the ordinance so he could use those. Or on the other extreme, what if it contained 100% post-consumer recyclable materials – would we still not want it, or if we would say that would be satisfactory. He said 4(B) provides they have to display that percentage. He wants to be clear what our intent is in Section 4(A).

Mr. Trujillo said that is the standard definition of those grocery bags.

- Chair Calvert said he understands. He asked if someone could do 41% and hand those out free.

Mr. Trujillo said you could technically read it that way, but it can be amended.

- Chair Calvert said he wants to be sure we have it say what we intend it to say.

Mr. Trujillo said the intent is to charge 10¢ for standard grocery bags, regardless.

- Chair Calvert asked if that really adds anything or, or does it give grounds for evading the spirit and intent of the Ordinance.
- Councilor Wurzbarger said she is friendly to changing that if he feels that would avoid confusing, saying that doesn't interfere with any of the debate they had over 14 months.

There were no objections from staff to doing that.

- Chair Calvert said he is playing "Devil's advocate," commenting that he is in favor of the Ordinance but wants to make sure it doesn't open itself for unintended interpretation.

Mr. Trujillo said it is in the retailer's best interest to take the 10 cents, because it would help them to purchase the bags.

- Mr. Schiavo said legal recommends on page 3, line 1 of the ordinance, putting a period after “or larger” and striking everything that remains.
- Chair Calvert suggested amending, on page 4 of the Ordinance, Section E, line 9, add language with regard to encouraging businesses or organizations to provide free reusable bags and take advantage of free advertising if they want to do so.

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve this request, with the following amendments: (1) on page 3, line 1, add a period after “or larger,” and strike lines 2-4; and (2) on page 4, line 11, delete the word “available,” so it reads, *...make reusable carryout bags free or for sale at the checkout and/or provide boxes for use at the checkout free of charge.*

DISCUSSION: Councilor Calvert said his intent is that it didn't have to be the business where you are purchasing it. An organization, such as Kiwanis or Rotary could put out bags with advertising as a fundraiser. He said any store could advertise.

Councilor Wurzbarger said that would be possible, but the businesses would want control over how many, for example, Kiwanis bags were dropped off. This way they can take free ones from Kiwanis or whomever, but the businesses are the ones providing it.

Councilor Calvert he understands the amendment, and he isn't saying a business would have to take a bag from anybody, or any organization or business could figure out their own way of distributing to get those out there. It could be done at City functions.

Councilor Dominguez asked if he is saying that we add language which would say “and other places.”

Chair Calvert said he isn't limiting it to checkout. He said it is up to the organization if they want to use this advertising mechanism to get free bags out there. It's up to them to figure out how to do it, and we should encourage it, so we aren't limiting how people get these things and the City isn't the only one providing free bags. He said it won't be a requirement, but rather a statement of policy to encourage this.

Councilor Rivera said he has been working at Christa St. Vincent until recently, and knows that “in anticipation of this, that is already happening, and a lot of businesses are already providing free, reusable bags as part of what they're doing so as part of their advertising.”

Councilor Calvert said it doesn't have to go into the Ordinance, but it can be made part of our information campaign – businesses or organizations are encourage to provide this as well.

Chair Dominguez said, as part of the motion, he will give direction to staff to capture that intent as part of the educational campaign in Section 6.

Speaking in favor of the Ordinance

Sophie Ortiz they have come here before to ask you to ban plastic bags in Santa Fe. She thanked the Committee for its support on the ban. She thanked Councilor Wurzbarger "so much." She said today is her birthday and, "I could see no greater gift than to see bags off the streets and out of the lakes."

[inaudible] Rory said she also is part of the Wood Gormley Go Green Club along with Sophie and presented facts on what plastic bags do to the earth.

Carol [inaudible] said she is also a member of the Go Green Club, noted 12 million barrels of oil is used to make "that number" of plastic bags.

Sister of Sophie Ortiz said 1 million birds die every year as the result of plastic pollution.

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

Councilor Wurzbarger thanked the students from Wood Gormley who worked hard on this project, and Sophie's father for bringing them to the meetings.

Chair Calvert thanked them for helping to raise our consciousness and reminding some of it that it is your future we're talking about.

13. REQUEST FOR APPROVAL ON AMENDING THE CITY OF SANTA FE UTILITY BILLING ADMINISTRATIVE MANUAL, POLICY NO. 15 RELATING TO CREDIT FOR HIGH CONSUMPTION DUE TO UNKNOWN CAUSE. (PETER ORTEGA) Public Utilities Committee 07/03/13.

Peter Ortega presented information from his Memo of June 24, 2013. Please see this Memo for specifics of this presentation.

Councilor Dominguez said this essentially eliminates the once in a lifetime clause, and applying this one credit for every 36 months, and asked why 36 months was chosen.

Mr. Ortega said it came out of brainstorming, and he has no good reason for it. He said, "It is to stiffen it up so the customer isn't applying every year."

Councilor Dominguez said, as indicated in the Memo, problems have included a tenant letting the water run to "stick it to the landlord." He said he is okay with 3 years for now, with the thought about the tenant/landlord relationship, it is the landlord that has to find a way to manage their tenant so that doesn't happen.

Councilor Rivera said some people may be able to pay a huge utility bill the minute it happens, while there are others that would benefit from the one time fee in the 36 month period. He said it is difficult to lump everyone under the same criteria. He said some in some cities they have a resolution department or a group of people that looks at each situation that comes up and decides whether there should be a discount. He said so it wouldn't just be Mr. Ortega, but a group of people that would meet with a homeowner to decide if this is something that should be discounted. He would feel better if we would move in that direction, because every situation is different. He said Austin has a good bill resolution policy. He doesn't want to hold this up, but it is something we should look at.

Chair Calvert said this proposal makes it more simple to understand and administer. He suggested we should move forward with this, but at some point in the future we could adopt something different that we find better.

Councilor Calvert said in the old policy 6.2.3 provides, *The high month must be at least 20% higher than any other month's consumption in the past 6 months.* He said the revised 6.2.3 provides, *The high month must be at least 200% higher than any other month's consumption.* He asked if this was intended or if this is a typographical error.

Mr. Ortega said it isn't a typo, and this is what they intended. He said the intent is that it would be more than double the normal amount. He said he came up with this after reviewing the policy of Las Cruces, and for them to consider it, it would have to be 200% higher.

Councilor Dominguez asked how many accounts are you looking at.

Mr. Ortega said he doesn't know number off the top of his head. He said an unknown cause is sort of like the last resort.

Councilor Dominguez said there was discussion several years ago about once in a lifetime, and the number of counts that would apply and at that time it was okay, because there were so many with this problem that we wouldn't be able to do it. He said, for him, what Councilor Rivera said makes sense, but he would like to know how many we are considering in a year to make it worthwhile to come up with a new ordinance.

Chair Calvert said there are some compromises here, noting they are allowing it more often than once in a lifetime, but it has to be significant, thus the higher threshold.

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to approve this request with direction to staff to see if they can find a better way to do this that would take individual circumstances into consideration.

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

15. **REQUEST FOR APPROVAL OF RESOLUTION NO. 2013- ____ . A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH AUTHORIZES THE USE OF PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATIONS PROGRAMS. (COUNCILOR TRUJILLO). (GILDA MONTANO) Public Utilities Committee 07/03/13; Finance Committee 07/15/13; and City Council 07/31/13.**

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

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

Councilor Rivera said he and his daughters participated in the Great American Pick-up this summer for an afternoon and it was great experience. He thanked Ms. Montano for her hard work.

Ms. Montano said the Fall cleanup will be in September and she will let everyone know so they can participate.

16. **PURSUANT TO RESOLUTION NO. 2013-33, REQUEST FOR APPROVAL OF AN OPTION TO PROVIDE RELIEF FROM WATER UTILITY BILLING FOR 501(c)(3) LOCAL NON-PROFIT ORGANIZATIONS THAT USE WATER TO PROVIDE SERVICES TO THE HOMELESS POPULATION IN THE CITY OF SANTA FE. (NICK SCHIAVO) Public Utilities Committee 06/05/13 (no recommendation); Finance Committee 06/17/13 (approved); Public Utilities Committee 07/03/13/ Finance Committee 07/15/13; and City Council 07/31/13.**

Mr. Schiavo presented information, including the options, from his Memorandum of June 25, 2013. Please see this Memo for the specifics of this presentation.

Chair Calvert said then Mr. Schiavo is recommending either Option 2 or Option 3, and Mr. Schiavo said that is correct.

Councilor Dominguez asked if the \$58,000 is the lost revenue to the City.

Chair Calvert said the impact in the worst case scenario would be item #5 with a \$77,000 impact.

Mr. Schiavo reiterated his concern that when you give something away, the \$77,000 would go up over time because they're not getting the fee back.

Responding to the Chair, Mr. Schiavo the said 15 agencies chosen are receiving shelter plus care funding through CDBG.

Chair Calvert said the reason we're funding these is because we think they run a good operation, and the reason we're limiting the benefit to those. He asked if the Resolution indicates we've limited it to these groups because of that criteria. He said if this is our intent, we need to state that, otherwise others will come forth for funding.

Councilor Dominguez said he would agree with that as a cosponsor.

Mr. Schiavo asked if that is a change to the Resolution or something they need to bear in mind.

Councilor Dominguez would like a "whereas" that states that in the Resolution.

Chair Calvert said there needs to be a "whereas" as to how we selected those people who are eligible.

Mr. Schiavo said when staff looked at it, we spoke with Terrie Rodriguez who told us there are 300-400 non-profits in Santa Fe.

Chair Calvert said this Resolution limits it to organizations that provide relief to the homeless population, but not all of the 300-400 do that. He said if we are going to stick with the FIR, then we need to include the rest of the qualification, otherwise the FIR is inaccurate. He wants to be very clear about the limitations.

Marcos Martinez said the legal analysis he did provides an exception to anti-donation clause only if the City is donating to entities providing for care and maintenance to indigents. Otherwise it would be a violation of the anti-donation clause if the City donated to an entity that did anything other than providing for the indigent, which is the purpose of this Resolution.

Chair Calvert said, in terms of the options, he agrees with staff and he doesn't care whether we choose Option 2 or Option 3. He said, otherwise, it sends the wrong message to these groups and to the public, because we're in a drought and asking everybody to conserve water. He might want to go one step further and ask for another amendment which requires them to undergo a water audit and implement recommendations of a reasonable cost, to be sure they aren't wasting water.

Councilor Dimas asked if there is any way to determine the usage prior to doing this, and study it for a year, and then we would be able to determine if they are abusing this privilege and not trying to conserve. He said perhaps we could add a provision that if they're not conserving 10-20%, then we will cut them off from using this benefit.

Mr. Schiavo said they do have records for the past 5-10 years, so they can see what they have been using on average.

Chair Calvert said if they serve more homeless people, that might be a good justification for the consumption to increase. He doesn't have a problem in doing the water audit and follow-up, but they would need to document any increase.

Councilor Dimas said he believes we can make that determination at that point, noting they can show how many people to whom they have provided service, and if it is a significant number, that could be taken into consideration and continue to provide this benefit. There should be consequences for abusing this benefit.

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve this request with direction to staff to draft 2 amendments before it goes to Finance/Council: 1) Language in the resolution that speaks to the anti-donation clause and the indigent status, and 2) language requiring an initial audit to qualify and an annual review of the consumption for continued qualification, as another "Therefore be it Resolved" clause in the Resolution.

DISCUSSION: Councilor Dimas asked how far back should the initial audit go – 3 years or 5 years. He doesn't want to make it so difficult that it takes a long time for staff to get the information.

Mr. Schiavo said we need first to determine how many people they have been serving and then go back a reasonable number of years, 3-5 years.

Chair Calvert said staff already knows how many people they are serving because they gathered that information in screening the entity for eligibility.

Councilor Dimas said making a determination of the water usage to the number of people served would help to gauge what the water used per a certain number of people, and if it keeps increasing at that rate.

FRIENDLY AMENDMENT: Councilor Calvert asked to amend the Motion to add the standard one-year review of the Ordinance so we can see how it is working. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

Councilor Dimas said the more homeless people we have, the more revenue the City would be losing.

Councilor Dominguez said he would defer to staff to determine if there is sufficient data to determine the cost per person served, and make sure that information is available by the time this goes to the Council.

FRIENDLY AMENDMENT: Councilor Dominguez said he would like to go with Option #3, because of its impact on youth shelters. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

CLARIFICATION OF THE MOTION BY THE CHAIR: Chair Calvert said, "So, we're recommending approval of Option #3; to put language in the Resolution that speaks to the anti-donation clause and who qualifies for the program; to put language in the Resolution requiring the entity to undergo an initial water audit to qualify with annual reviews of the water usage; an annual review of the Resolution; and with direction to staff to articulate the data they have with regard to the water use history of the entity."

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

MATTERS FROM THE PUBLIC

There were no matters from the public.

MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

ITEMS FROM STAFF

There were no matters from staff.


MATTERS FROM THE COMMITTEE

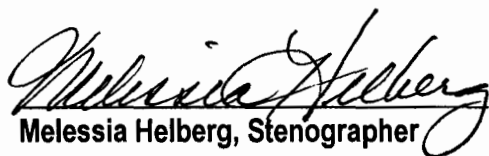
There were no matters from the Committee.

NEXT MEETING: WEDNESDAY, AUGUST 7, 2013

ADJOURN

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


Christopher Calvert, Chair


Melessia Helberg, Stenographer

Plastic Bag Ordinance

Brief overview: plastic checkout bags would be banned and there would be a fee of \$0.10 for a large paper bag.

I tried to think of it in terms of questions

1. Which bags would be affected by the ordinance?
 - a. Plastic bags at the checkout counter from the grocery store, clothing store
 - b. Bags for produce, bulk foods, meat, dry cleaner, takeout food, and small paper bags.
2. How does this ordinance compare with other cities?
 - a. Austin, TX banned both paper and plastic
 - b. DC and LA those cities keep the fee
 - c. Current draft calls for our local business to keep the fee with no reporting requirement – least stringent
3. How have the bans affected other cities?
 - a. LA has seen a 94% reduction in plastic bag use and 30% in paper
 - b. Seattle which has had their ordinance in effect for a little over year has had great compliance – no fines levied
 - c. Polling results from DC stores – they've also had an ordinance in place over a year:
 - i. 58 % neutral
 - ii. 22 % happy
 - iii. 12 % negative
 - iv. 8 % no comment

Elizabeth "1"

4. How will this affect low income?

- a. Ordinance provides for a fee waiver for those who have a federal assistance card such as WIC, SNAP

5. Feedback from local stores:

- a. Ace Hardware – Believes that a \$0.10 fee that the business can keep is reasonable; thinks people will adapt after some months
- b. Albertsons call Claire Murphy 505-884-2558; not available
- c. Big Joe Rick c De Baca; currently, 50% customers bring their own bags; “cost of paper gone up so happy to keep fee”
- d. Trader Joes – will support anything; already adapted in other cities where there is a similar ordinance
- e. Smiths (Daniel) – owned by Kroger; Stores effected by bans in other cities have already adapted; “prefers to keep the bag fee”
- f. Five and dime ok with the current draft version per Fabian
- g. Rancho Viejo Village Market - in the county; will go with the flow

It sounds like the business community will not be negatively impact from a financial perspective because they can keep the fee. We’ve been told that it costs about \$0.07/ paper bag.

6. How much will this cost the City to implement?

- a. Send information through the City’s utility billing flyer
- b. Provide free reusable bags – 10,000 for \$9k – Austin Example
40,000 bags for 1M people
- c. Printing of In-Store Messaging – Seattle Example