



Agenda

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**PUBLIC UTILITIES COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
WEDNESDAY, JANUARY 17, 2007
5:15 PM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FOR THE DECEMBER 6, 2006 PUBLIC UTILITIES COMMITTEE MEETING

INFORMATIONAL ITEMS

6. Update on Current Water Supply Status. (Michael Gonzales)
7. Update on Solid Waste Division Operations Including Condition of Commercial Fleet. (Bill DeGrande)
8. Status Report on River Check-Off Program. (Claudia Borchert)
9. Additional Information on Water Utility Redelivery Customers. (Claudia Borchert)
10. Water Update – 3rd Quarter 2006. (Rachel Wexler)
11. Update on Weather Stations and Computerization of Park Irrigation. (Daniel Ransom and Fabian Chavez)
12. Review of Compliance of Ordinance SFCC 1987 25-2.6B – Retrofit of Properties with More Than Three Rentals. (Daniel Ransom)

CONSENT CALENDAR

13. Request for Approval of a Professional Services Agreement Between the City of Santa Fe and Norman Guame, P.E., for the Amount of \$20,000 Plus NMGRT. (Kyle Harwood)
14. Request for Approval of Award for RFP No. 07/27/P to Environmental Engineering & Technology, Inc. for Engineering Services for the Phase III Residuals Handling Improvement Project at the Canyon Road WTP. (Brian Snyder & Gary Martinez)
15. Request for Approval of Award for RFP No. 07/28/P to Weaver General Construction Company for Construction Management Services for the Phase III Residuals Handling Improvement Project at the Canyon Road WTP. (Brian Snyder & Gary Martinez)

DISCUSSION ITEMS

16. A Request Under Provisions of Ordinance 2006-60 for an Increase in City Water and Sewer Service by Linda Tigges on Behalf of the Santa Fe Youth Shelter. (Antonio Trujillo)
17. A Request Under Provisions of Ordinance 2006-60 for City Water Service for a Dance Studio in the Traditional Agua Fria Village by Mr. Michael Roybal. (Antonio Trujillo)
18. Request for Approval of Bill No. 2007-_____. An Ordinance Creating a New Rate Schedule 10 of Exhibit B, Chapter 25 SFCC 1987 Establishing a Special Charge for All Water Service Customers in Order to Fund Water Conservation Programs. (Daniel Ransom) (Councilor Calvert)
19. Request for Approval of Bill No. 2007-_____. An Ordinance Amending Chapter 21 SFCC 1987, Sanitation, Regarding Penalties and Enforcement for Violations. (Bill de Grande and Jeanne Price) (Councilor Ortiz)
20. Consideration of Bill No. 2007-_____. An Ordinance Repealing Appendix E SFCC 1987 and Creating a New Appendix E SFCC 1987 Granting to Public Service Company of New Mexico, the Right, Privilege and Non-Exclusive Franchise to Locate, Construct, Maintain and Operate in the City of Santa Fe, State of New Mexico, as Now or Hereafter Constituted, A System of Works for the Transmission and Distribution of Electricity for Use By the City and the Inhabitants Thereof. (Robert Gallegos & Nann Winter of Sheehan, Sheehan & Stelzner)
21. Request for Approval of Resolution No. 2007-_____. A Resolution Authorizing and Approving Submission of an Executed Agreement for Financial Assistance to the New Mexico Environment Department,

Construction Programs Bureau, to Plan, Design and Construct an Effluent Water Line From the Santa Fe Wastewater Treatment Plant to the Tierra Contenta Subdivision Area. (Nick Schiavo) (Councilor Chavez)

- a. Request for Approval of a Budget Increase for the Amount of \$50,000 to Business Unit/Line Item No. 52469.572960.

MATTERS FROM THE CITY ATTORNEY

Executive Session:

1. Presentation and Discussion of Threatened or Pending Litigation Regarding Aamodt, Pursuant to §10-15-1(H)(7) NMSA 1978. (Kyle Harwood)

DISCUSSION ITEMS (CONTINUED)

15. Consideration and Possible Action Regarding Aamodt. (Kyle Harwood)

ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: FEBRUARY 7, 2007

ADJOURN

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January 17, 2007**

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APPROVING SUBMISSION OF AN
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ENVIRONMENT DEPARTMENT,
CONSTRUCTION PROGRAMS BUREAU,
TO PLAN, DESIGN AND CONSTRUCT
AN EFFLUENT WATER LINE FROM
THE SANTA FE WASTEWATER
TREATMENT PLANT TO THE TIERRA
CONTENTA SUBDIVISION AREA**

**REQUEST FOR APPROVAL OF A
BUDGET INCREASE FOR THE
AMOUNT OF \$50,000 TO BUSINESS
UNIT/LINE ITEM NO. 52469.572960.**

Approved

27-28

MATTERS FROM THE CITY ATTORNEY

Executive Session:

**PRESENTATION AND DISCUSSION OF
THREATENED OR PENDING
LITIGATION REGARDING AAMODT
PURSUANT TO §10-15-1(H)(7) NMSA 1978**

Removed from agenda

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DISCUSSION ITEMS (CONTINUED)

**CONSIDERATION AND POSSIBLE ACTION
REGARDING AAMODT**

Removed from agenda

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MATTERS FROM THE STAFF

Information/Discussion

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MATTERS FROM THE COMMITTEE

Information/Discussion

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NEXT MEETING: FEBRUARY 7, 2007

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ADJOURN

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**MINUTES OF THE
CITY OF SANTA FE
PUBLIC UTILITIES COMMITTEE
January 17, 2007**

1. CALL TO ORDER

A meeting of the Public Utilities Committee was called to order by Councilor Miguel Chavez, Chair, at 5:15 p.m., on January 17, 2007, in the Council Chambers, City Hall, Santa Fe, New Mexico.

MEMBERS PRESENT

Councilor Miguel Chavez, Chair
Councilor Patti J. Bushee
Councilor Carmichael Dominguez
Councilor Karen Heldmeyer
Councilor Ronald Trujillo

OTHERS ATTENDING

Galen Buller, Public Utilities Department Director
Kyle Harwood, Assistant City Attorney
Melessia Helberg, Stenographer

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

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

3. APPROVAL OF AGENDA

Mr. Buller said staff would like to postpone #14 and #15 on Consent and #20 on Discussion to the meeting of February 7, 2007. Chair Chavez said staff has a memorandum for the Committee, and this item will be postponed to the next meeting to allow the Committee to review the Memo and suggest any details which might be missing and how the ordinance works with the Franchise Agreement.

Chair Chavez would like to move #19 to the top of the Discussion Agenda, allow Councilor Ortiz to present any changes, and permit brief public comment.

Mr. Harwood asked to cancel the executive session, under Items from the City Attorney, regarding Aamodt. He said parties had a deadline to prepare a document by Friday, but he had not received that as of today. He would like to keep the Executive Session on the Council

Agenda for January 31, 2007, provided the document is available at that time, functionally by-passing this Committee. He apologized, but reiterated that he has no document to review and doesn't believe the executive session will be necessary.

Responding to the Chair, Mr. Harwood said the governmental parties did approve the Aamodt settlement agreement last May, which calls for a cost sharing agreement. It is the latest draft of that cost sharing agreement he had hoped to present to the Committee this evening and to the Council on January 31st for briefing. At that time, he can walk the Councilors through the details of how the City ultimately will execute the contract, noting he doesn't anticipate the City will need to execute the contract on January 31st.

Councilor Bushee asked why Item #13 is on the agenda when it can be administratively approved as long as it is less than \$20,000.

Mr. Harwood said it is an agreement for \$20,000 more, but there already are existing contracts with Mr. Gaume, and this would be outside that limited authority of the City Manager under the Procurement Code.

Councilor Bushee asked if Item #19 is moved in front of the informational items. Chair Chavez said no. Councilor Bushee would like that to be done. Chair Chavez said staff is waiting here for those items, but he will defer to the Committee.

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo to hear Item #19 first before any other items, and to approve the agenda as amended.

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

4. APPROVAL OF CONSENT CALENDAR

The following Consent Calendar was approved:

- 13. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND NORMAN GAUME, P.E., FOR THE AMOUNT OF \$20,000 PLUS NMGR. (KYLE HARWOOD)**
- 14. REQUEST FOR APPROVAL OF AWARD FOR RFP NO. 07/27/P TO ENVIRONMENTAL ENGINEERING & TECHNOLOGY, INC., FOR ENGINEERING SERVICES FOR THE PHASE III RESIDUALS HANDLING IMPROVEMENT PROJECT AT THE CANYON ROAD WTP. (BRIAN SNYDER & GARY MARTINEZ) *This item was removed from the Agenda and postponed to the next meeting of the Committee.***

- 15. REQUEST FOR APPROVAL OF AWARD FOR RFP NO. 07/28/P TO WEAVER GENERAL CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE PHASE III RESIDUALS HANDLING IMPROVEMENT PROJECT AT THE CANYON ROAD WTP. (BRIAN SNYDER & GARY MARTINEZ)** *This item was removed from the Agenda and postponed to the next meeting of the Committee*

MOTION: Councilor Heldmeyer moved, seconded by Councilor Trujillo, to approve the Consent Calendar as amended.

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

- 5. APPROVAL OF MINUTES DECEMBER 6, 2007, PUBLIC UTILITIES COMMITTEE MEETINGS.**

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to approve the minutes of the Public Utilities Committee of December 6, 2007, as submitted.

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

DISCUSSION ITEMS

- 19. REQUEST FOR APPROVAL OF BILL NO. 2007-____. AN ORDINANCE AMENDING CHAPTER 21 SFCC 1987, SANITATION, REGARDING PENALTIES AND ENFORCEMENT FOR VIOLATIONS (COUNCILOR ORTIZ). (BILL DE GRANDE AND JEANNE PRICE)**

A copy of City of Santa Fe Fiscal Impact Report No. 1417, is incorporated herewith to these minutes as Exhibit "1."

Councilor Matthew Ortiz reviewed the proposed ordinance. He said the amendments to the ordinance holds people accountable for putting out their trash bags and loose trash on the curb when it isn't pickup day, noting staff advised there weren't sufficient enforcement mechanisms to go after some of the violating properties. He never intended that people with automated trash pickup who put the trash receptacles on the curb the night before would result in a violation. He wants increased automated trash service for those areas which can have it, and for those areas where we can't, we need to have some sort of accountability for residents who leave their trash out at all times of the week with the expectation that the City will pick it up on that day. It is a health hazard in the summer, and unfair to the neighbors and the public all year round. He said this only adds an administrative fee, noting all of the other enforcement provisions are already in place and remain the same.

Councilor Ortiz said he is amenable to any reasonable changes by this Committee, but he doesn't want to see this practice continued.

Bill DeGrande, Director, Solid Waste Management, said in the areas mentioned, this has been an ongoing problem for years. He said it is a problematic area, composed of owner-occupied condominiums, rented condominiums and apartment complexes. He has been unable to issue citations in the past which "hold up," because of the constant turnover of residents in that particular area. He believes by using the administrative method in the same manner as the water company, we will get to the person who pays the bill, instead of trying to track the owner. He said he believes this is the best method to handle this issue, noting they will begin with warnings and then proceed from there.

Public Comment

Jose Garcia, Torreon, said he lives in one of the oldest neighborhoods in the City. He has a problem with the trash, saying some of the neighbors have as much as ten bags out on any day. He asked if he is paying ten times less then they pay for trash pickup. He said when he works the day shift he has to be out of his house by 5:00 a.m., and he puts his garbage out before 6:00 a.m., which is the same issue many of the working class have. He said he lives on a narrow street with people parked on both sides of the street, which makes it difficult to pick up the trash.

Rick Martinez, 725 Mesilla Road, said he supports Mr. Garcia's remarks on trash pickup. He said many times people put out trash early in the week and it just sits there. He puts his trash out at his mom's the day before about 4:00 p.m., because he can't get to her house early in the morning before he goes to work. He hopes this won't impact him. He said people who work the night shift, can't get up in the morning and put their garbage out. He said, with regard to the automated trash bins, a lot of people don't take those in and leave them curbside all the time. He said the City needs to stress that trash bins need to be brought in.

Councilor Bushee said she has concerns. She asked Councilor Ortiz if he would be willing to wait until there is a rewrite of the existing ordinance. This ordinance was written before the automated trash pickups and mostly references bags and such.

Chair Chavez said he was under the impression that perhaps everything won't be automated and there may be some distinction.

Mr. DeGrande said the intention is to automate every single household. Some will be what is referred to as semi-automated, and they will have carts, but it may take a two-man crew – one to move the cart to the smaller automated truck for smaller streets and problematic areas. He can't tell people exactly when their neighborhood will be automated because they are automating by routes. He said every single home will have a cart.

Councilor Chavez asked if this will totally eliminate the plastic bags. Mr. DeGrande said it will not. He said that leads to the issue of how to deal with excess refuse which leads to the

question of volume-based billing or “pay as you throw.” He said we may issue a second cart and charge a lesser price, or issue tags for bags which are purchased, or do a combination of the two.

Councilor Bushee said she drove down Old Pecos Trail today and the trash was still there at noon. The calls from her District have been about the City not picking up trash for weeks. She believes we need to address this more comprehensively, noting it is more complicated than just penalizing the citizens. She said a lot of the people on the west side in her District, do not have the automated pickup receptacles. She said there are times of the year, such as when you are raking leaves, that there are excess bags and how to deal with those.

Councilor Bushee is also concerned about the City’s ability to do enforcement on this. She is concerned about the approach. She would like staff to work with the sponsor to come back with more detail as to what is being targeted here. She believes it is premature to throw in a penalty, when we’re barely picking up the trash bags.

Councilor Trujillo asked when the City will be entirely automated. Mr. DeGrande said the initial plan was to have the City fully automated by July 1st, and the problematic areas two months after that. However, the efforts to continue have come to a halt because of the snow storms. He said there are seven people off today, and he is short 6 employees. He said it looks like everything will be delayed for 60 days to September 1st and two months after that for semi-automated, and it probably won’t be complete until December.

Councilor Trujillo said he understands what Councilor Trujillo is trying to do, but he did receive a lot of emails today about this. He said he puts his trash out at 8:00 p.m., so he can go to work early in the morning. He would like to look at changing the 6:00 a.m. time on the day of pickup. However, there is a problem with people putting trash out two days early. He believes staff needs to look at this more closely and tweak the times and days.

Councilor Ortiz agrees with some of the Committee’s sentiments regarding a more comprehensive approach, saying he isn’t a member of this Committee. He was confronted with an issue about people who are being disrespectful and unaccountable for when they place their trash on the curb. He said currently there is a 6:00 a.m. provision. He said we have never had the enforcement capability and the problem is only escalating. He believes this will start holding the City to a higher standard for trash pickup as well, because if we are holding the public accountable, then we need to hold our Solid Waste crew accountable as well. He said because of his experience where trash wasn’t picked up for three weeks because of the snow, he was tempted to introduce a bill which provides that the City will rebate customers who have been adversely affected by the City’s failure to collect the solid waste. He believes the administrative fines will catch people’s attention as well as providing a way to deal with absentee landlords.

Councilor Ortiz said it was never his intention that people couldn’t put out their trash receptacles the day or night before pickup. He did want to bring this up so people will realize it isn’t right just to put trash out anytime because the City hasn’t enforced the law on the books as it exists now. He is more than willing to work on a comprehensive overhaul, and would welcome

the suggestions from this Committee to do this. He is here seeking a solution to this problem which is a flagrant disregard of the City's ordinance, which is intolerable.

Councilor Heldmeyer said she got a lot of emails and phone calls about picking up trash timely. She said leaving the carts out all the time is currently against Code, and the City can enforce that. She gets a lot of complaints about illegal short term rentals and illegal B & B's. In these cases, going after the property owners makes sense. There are other cases where property owners have contacted her with regard to their tenants not obeying the law and they don't want to take responsibility. She said there is also the issue of a single driveway used by 4-6-8 people. She said if we do this, we would need to do trash detecting to find out who's putting their trash out too early. She also has heard from people who work night shift, or leave very early in the morning for work.

Councilor Heldmeyer said Santa Fe Solid Waste has always had a love/hate relationship with garbage cans. Some people like to put their garbage in bags, and into a can which seals because of the animals in the neighborhood. She said the pickup crews would prefer these not be used because they have to take an extra step. As we move toward automated or semi-automated, presumably we will have this debate. Some of the people have asked how Solid Waste would feel about them putting the trash out the night before in a sealed can.

Mr. DeGrande the crews would prefer people bag the trash and put it in the can. He said it is problematic for the crews, and some will do it and some will "whine about it forever." There are fewer issues in picking up bags which haven't been ripped open, and the neighborhoods are cleaner. However, he can't answer for every crew, even though he is responsible for them. There are crews that don't like it. It is his job to either make them like it, or make them leave.

Councilor Heldmeyer said this is also a matter of health and safety, observing that she believes most people want to be responsible.

Mr. DeGrande said there is no problem in putting the trash out before 6:00 a.m., or the night before. There is a problem in areas where the trash is out 3-4 days before pickup. It is not so much a problem in the winter, but it is a big problem in the summer.

Councilor Heldmeyer said there are people who are involved in neighborhood feuds and they tend to use the law more as a hammer as opposed to a reasonable approach to the problem, and get angry if the City doesn't use that same hammer.

Mr. DeGrande said two months ago, he, Jeanne Price and Galen Buller met to discuss rewriting the ordinance. He said Councilor Ortiz was reacting to his constituents, and they were responding to his request. The approach still is to rewrite the ordinance in a comprehensive manner and they have begun work on it. He said this issue can be folded in as part of that rewrite.

Chair Chavez asked if there is a green waste pickup program.

Mr. DeGrande said this is one of the programs they are also looking at, and comes “hand in hand” with automation. It frees crews from the manual pickup for the implementation of an increased recycling response and also the implementation of a green waste curbside program. It is in the works, but at this point, it would be premature to discuss how this will be done.

Chair Chavez said Mr. Garcia raised the issue of some sort of volume-based program. He said this is something we are working on, and asked the time frame for that. Mr. DeGrande said they will have some sort of volume-based billing plan before the Committee for its consideration near the end of the automation program.

Chair Chavez asked about families who are going on vacation, and if they can call and make arrangements to leave their garbage out 1-2 days ahead of time.

Councilor Ortiz said if there is a system in place which is easily understood, and a Solid Waste staff which is responsive and consideration when people call Solid Waste, then this could be done. He said this couldn't be put into the existing Code, or even a revision to the Code.

Councilor Ortiz said he has a disabled constituent who has for some time requested special assistance to get the cart from her house to the curb. She called for months for assistance. He said it took an email from him to staff to get this resolved. He thinks none of the Councilors should be in a position where they have to do the simple constituent service things which we should hope and expect the staff to do. He said it isn't that Solid Waste is doing a bad job, but it is a system which is teetering on incompetence. This Committee has an important role to play in resolving these issues. He said because staff has said they are close to having a brand new ordinance, and the Committee thinks the proposed amendment needs more work, he would like to establish a timeline for staff to do this. He reiterated that he wants to see an abatement of this problem.

Chair Chavez asked if there is a problem with staff, weather conditions or a combination of things. He is willing to give staff, especially Mr. DeGrande the opportunity to address these issues. However, he doesn't want to label the workers as incompetent. He would like Councilor Ortiz and Mr. DeGrande to continue to work together to address the issues.

Councilor Ortiz said the City has serious issues which are affecting our constituents and we need to be honest about this, and we should be committed to seeing solutions to the problems which we identify. He said sitting on Christmas trash for three weeks isn't acceptable, even in view of the bad weather. It isn't acceptable to have trash laying on sidewalks. He said the City needs to move to a higher level.

Councilor Bushee asked Mr. Buller to oversee the rewrite of the ordinance. She said the other thing which has to happen is respect for the customer. Along with the lack of service, there is an attitude problem with those who are answering the phones and responding to complaints,

when and if the people can get through to them. She wants City staff to respect those who pay for the service.

She said if necessary, we need to provide more staff and resources to get the issues resolved.

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, that staff do a comprehensive rewrite of the ordinance, taking into account Councilor Ortiz's concerns in a way which fits with how we offer the service now with the automated receptacles, and that the Committee set a deadline of three months for the adoption of the ordinance.

DISCUSSION: Councilor Dominguez thanked Councilor Ortiz for bringing this issue to the table. He believes it will help to address the problems about which many Councilors are hearing. He understands the intent is to address those who are taking absolute advantage of the services the City offers. He said there is a problem with people who leave their trash out for days, sometimes weeks because they aren't responsible.

Responding to Councilor Dominguez, Councilor Ortiz said the timelines proposed by the Committee are completely acceptable, and we can have a rewrite before this Committee of the entire Chapter within one month, and to adopt the ordinance within three months.

Responding to the Chairman, Mr. DeGrande said this timeline works for staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilors Bushee, Dominguez, Heldmeyer and Trujillo.

Against: None

MOTION: Councilor Heldmeyer moved, seconded by Councilor Trujillo, to hear Informational Item No. 7.

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

INFORMATIONAL ITEMS

7. UPDATE ON SOLID WASTE DIVISION OPERATIONS, INCLUDING CONDITION OF COMMERCIAL FLEET. (Bill DeGrande)

A Memorandum dated January 18, 2007, with attachments, to the Public Utilities Committee, from William DeGrande, Solid Waste Management Division Director, is incorporated herewith to these minutes as Exhibit "2."

A copy of "Solid Waste Rolling Stock (vehicles)," is incorporated herewith to these minutes as Exhibit "3."

Bill DeGrande, Solid Waste Management Division Director, reviewed the information in Exhibit "2."

Lawrence Garcia, Special Projects Administrator, reviewed the information in Exhibit "3."

Mr. DeGrande clarified that there are two automated trucks and one front loading truck on order.

Councilor Trujillo asked the replacement criteria for the 1998 crane carriers. Mr. Garcia said because the City is going automated, many of those trucks will become obsolete, so at this point they aren't looking to replace the rear load trucks, the 1998s. He said 2003-2004 front line trucks will be retrofitted to collect commercial by the night crew.

Councilor Trujillo asked the replacement criteria. Mr. Garcia said the industry standard is 7-10 years. He said they service vehicles by hours, and every 3,000 miles the oil is changed. He said with regard to replacement, they look at the amount of money being used for repair and maintenance, and whether it is beneficial to continuing to repair trucks or if they need to be replaced.

Councilor Trujillo would like Mr. Garcia to provide him with the replacement criteria which is used by the City for the 2003 through 2006 vehicles, and the 2000 Peterbilts. He wants this information by hours, by miles and by years. Mr. Garcia will provide this information.

Councilor Chavez asked if the industry standards on these three points are compatible with the standards with which Councilor Trujillo is familiar in the DOT.

Councilor Trujillo said he doesn't deal with dump trucks and it is a totally different fleet. He said the industry standards might be similar, but he wants to review the City's.

Mr. Garcia said he will look at the 7-10 year standard, but he will also look at the mileage on the trucks each year.

Councilor Trujillo also would like to know the original costs of these vehicles and the costs for parts and labor. Mr. Garcia said he only has 1-2 years data in this regard, and he will provide whatever data he has.

Councilor Heldmeyer said the reason she asked for this report, is because she was approached by some people in Solid Waste who told her that all the trucks are old and falling apart and dangerous. She said the commercial trucks are really a mess. Staff had the point of view that trucks should be replaced every three years. She is gratified to see that the trucks being used as front line trucks are three years old or newer, and meet the criteria the Solid Waste staff said they re looking for.

Councilor Heldmeyer noted a fair amount of redundancy, and asked how often it is necessary to put backup vehicles into the field.

Mr. Garcia said at this point, the backup vehicles have been put into service quite often. They do have a second front load on order which will bring the City to 32% redundancy just with new vehicles. He said the Peterbilts were lemons, and these were some of the concerns being shared by the mechanics. We are putting a lot of money in repair and maintenance on the Peterbilts. He said they got a new shop and are ordering new tools so they can maintain these vehicles better. He is hoping this will keep a lot of the backup vehicles off the road, and keep the front line trucks running.

Councilor Heldmeyer said Mr. DeGrande said earlier that a lot of the trucks, because of the weather, have been involved in accidents. She asked if these are like a “fender bender” in an automobile. Mr. Garcia said it depends, such as when a hydraulic line fails on a truck and it can’t be replaced for a day or two. He said in a vehicle accident it really is had to hurt these vehicles because they are very large, and if hit by an automobile, the automobile will take the brunt of the accident. He said vehicles aren’t really down for accidents, but more for repair and maintenance.

Councilor Heldmeyer said in the past, different Solid Waste Division Directors, have said they aren’t sure the City should be in the roll-off business and it wasn’t cost effect. She said before approving the purchase of new roll-off vehicles, she wants to see a cost/benefit analysis to see if the City should be doing this.

Mr. Garcia said he has been in the industry for 22 years, and the lucrative part of the business is the roll-off business, saying the numbers can be placed, “any which way from Friday.” He said it is difficult to come up with actual numbers on the roll-off, because there are gray areas, such as how much tonnage is being taken to the landfill, and if this is being charged back to the customer. He said when a garbage company starts, it starts with roll-offs because it is very lucrative. He will provide numbers to her in this regard.

Chair Chavez asked, as we increase our recycling efforts and reduce the stream to the landfill, if the numbers will change in the roll-offs. Mr. Garcia said they haul a lot of different types of roll-off materials, from grocery stores to construction and demolition. He said he may reduce the amount of construction and demolition, but if it is hauling to a landfill or a material recovery facility, it will be hauling either way and believes the cost for hauling should be the same. Currently, the City doesn’t have a construction and demolition recycling program, but it is

basically a reduced processing fee, and the cost of the haul stays the same.

Councilor Trujillo asked how many Solid Waste employees have their CDLs. Mr. DeGrande said approximately 20 of the 63 employees, if all positions are filled. Councilor Trujillo asked if other employees would like to get a CDL. Mr. DeGrande said the City just sponsored a CDL class and four of the maintenance workers were in the class, and it now up to them to study and pass the test. Employees are encouraged to get their CDL, because it is an opportunity to move up.

Mr. DeGrande said when the storm hit, the first problem was public information. There was a notice in The New Mexican which said the County of Santa Fe will operate one day late, the City of Albuquerque will operate one day late, and the City of Santa Fe will collect trash on its regular days. He said nobody read the third notice. He said on Monday, 80% of the people who were supposed to put their trash out did not do so. He said on Tuesday, 80% of the people who were supposed to did not, but everybody from Monday did. He said they spent a week on the regular pickup days in trying to catch up and were unable to do so. The next week they used every possible resource, and finally caught up on Friday.

Mr. DeGrande said they received 900 phone calls over the two weeks. He said in his experience in this business, he has never experienced such vituperous calls from constituents. He said conversations began with four letter words, and staff said they didn't have to listen and would hang up. He said it isn't out of disrespect, saying he has three very nice people answering the phones who took some of the most unkind abuse he has ever witnessed.

Mr. DeGrande said with regard to streets being cleared, the second week after the storm he got a call to pick up garbage and the residents said it was clear. He sent a residential, automated truck up the street, and one constituent came around the corner and slid into the truck. By the time he arrived with a rear loading truck, another constituent was stuck into a ditch. When he got out of the truck, another constituent came up the hill and they got stuck. He said they pulled all of those people out of the snow, and then his truck got stuck. He said this went on for two weeks, noting streets which are clear for some people aren't clear for the trucks. They survived by using four-wheel drive pickups, and parking a rear loader in a convenient area and hauling with the four-wheel drive vehicles and emptying automated bins by hand. He spoke about other such instances. He said they made as good an effort as possible, noting they learned a lot of lessons. One is that the City can't plow the residential streets for them, because if you plow the streets, where do you put the snow. If on the side of the road, then residents can't put their carts out nor get their cars out. If it goes to the front of the street, it blocks the street, and people can't get out of the neighborhood. If you plow for pickup, the snow has to be hauled away.

Mr. DeGrande said they will be better prepared if we experience another such snow event. He said they are preparing a snow plan. He will talk with staff to ensure they show the respect that the constituents earn, but that has to go both ways.

Councilor Bushee said she supports staff in most situations. She said the complaints with regard to staff weren't from people who would use four-letter words. She understands staff was working under extreme circumstances, and hopes that can be turned around by the next big event in the community. She thanked Mr. DeGrande for the pickups on Christmas and New Year's.

Councilor Bushee asked Mr. DeGrande to report to Public Works on January 29th, with regard to snow removal plans, and being prepared and such. Mr. DeGrande said he will do so.

Councilor Dominguez said he would like to see it snow again, so we can see all of this preparation in action. What is important is that they are all caught up on all routes. Mr. DeGrande they are not. This is not all because of impassable roads, but it has to do with staffing, reiterating that he has 6 vacancies, and there were 9 people absent on Monday and 7 people today.

Councilor Heldmeyer said she was always treated courteously by staff. However, there was a disconnect between different pieces of information coming from different parts of City Hall, noting Mr. Gurule is working on this to get a single message. She said perhaps the City shouldn't collect refuse on Christmas and New Years, because it is a hardship and confusing, and this is something which probably should be discussed.

6. UPDATE ON CURRENT WATER SUPPLY STATUS (MICHAEL GONZALES)

A copy of the Weekly Water Report for the week ending January 14, 2007, is incorporated herewith to these minutes as Exhibit "4."

Michael Gonzales presented the report which is contained in Exhibit "4."

Responding to the Chair, Mr. Gonzales said the snow was lighter in moisture, but in the lower areas there was more moisture content which is soaking in on a daily basis. He hopes there will be a slower melt and more percolation into the ground.

8. STATUS REPORT ON RIVER CHECK-OFF PROGRAM. (CLAUDIA BORCHERT)

Ms. Borchert reviewed the information in the packet with regard to the River Check-Off Program. Ms. Borchert said this has been a community effort and interdepartmental effort to write the report and to work on the Living River Fund.

Councilor Bushee asked Ms. Borchert if she is advocating for the sign up model. Ms. Borchert said she is not, and believes we should see how the fund does initially, and then add the sign up model as merited. Councilor Bushee said then she is suggesting that the bill payers check off the amount every month. Ms. Borchert said yes, and this is easier, otherwise it is necessary to

reprogram all of the customers. The method proposed is just an additional text to the bill, then the staff will see the checkoff. It is more additional processing work. The other method would require that you go into the customer's bill who is signed up, and reprogram their bill to add the additional expense every month.

Councilor Bushee said that only needs to be done once, and would seem to be easier to do. Ms. Borchert said the J.D. Edwards programming is not done that easily.

Peter Ortega, IT, said the UCIS system is complex. He said this could be done, but right now, staff wants to get feedback on numbers participating. He said staff can set up the checkoff program as proposed by Ms. Borchert. However, to do it as a bill item, it will be necessary to set up programming with IT, which right now is short staffed in IT as well as in the utility billing division. He said it will take 3-4 months to get this "up and running," but currently they are capable of proceeding with the monthly checkoff.

Councilor Bushee asked the timing of this, and does the Committee need to make a decision on this, and will it come back on February 7th as an action item.

Mr. Ortega said they are prepared to collect it right now as just proposed.

Councilor Bushee said she believes it would be simpler system to check off at the beginning of each year and be billed a certain amount every month. Mr. Ortega reiterated that he would have to work with IT to determine how soon this could be implemented, and right now he doesn't know.

Councilor Bushee wants answers to these questions, and to bring this item back to this Committee next month as an action item.

Chair Chavez said he doesn't know the timeline.

Councilor Heldmeyer said her understanding, in talking to staff, is that staff is in the process of implementing the new water billing system, making a lot of changes and trying to train people on the new changes. She said if this is how we want to go, which makes sense to her, there are questions.

Councilor Heldmeyer would like to hear from staff with regard to when they think this can be implemented, and we could then make decisions with regard to the kick-off. She said to bring it back might make sense so staff can answer the specific questions. She agrees that it seems to be easier to do a one time check-off. However, it is modeled on PNM's "good neighbor plan."

Councilor Bushee said we want to use the "Blue Sky plan." She said Blue Sky is the one that you check off only once.

Councilor Heldmeyer said this is different and it is modeled on the Good Neighbor Plan, because it is giving a donation. Blue Sky says I am buying energy in a certain way for the rest of my life, and it is a totally different issue. She said it isn't surprising that this would be easier for the computers than a checkoff. However, from the point of view of the consumer, a check-off is easier. She reiterated that she wants information from staff as to when staff would feel comfortable in doing this. She said before Christmas, nobody wanted to talk about it because the new water billing plan wasn't in place and they just didn't know how many problems that would cause. She asked Mr. Ortega if they know anything about that yet.

Mr. Ortega said they don't, and they have only built one cycle, and are in the process of building the second cycle, so they won't have any information on how the new rate structure is doing until the end of the month. He said later in the meeting, Mr. Ransom will be presenting a water conservation fee which will be added. This is another thing for which the billing division is responsible.

Mr. Ortega said then the Committee wants information at the next meeting on the impact of setting up the bill item for a monthly basis and an annual basis.

Councilor Bushee reiterated that she wants an action item at the next meeting that talks about how to do the other model and not on a one month check-off. She wants to vote and move this forward.

Councilor Dominguez agreed, saying we need to move in this direction, rather than having to retrain the public after they have used another system. He wants to hear feedback from the staff.

Ms. Borchert asked, given the next two PUC meetings are two weeks apart and packet items are due in a week, if this can be done for the March PUC meeting. She doesn't think staff will know anything in one week.

Councilor Bushee would like staff to do this.

Mr. Buller suggested dispensing with a packet item, and just bring all the information to the meeting.

Councilor Heldmeyer said the answer at that time might be that staff still doesn't know.

Ms. Borchert said when an ordinance is passed, it directs staff to move forward. She suggested perhaps administrative procedures. She asked if the Committee wants a Resolution adopting the administrative procedures.

Councilor Bushee said we already have a resolution and an ordinance.

Ms. Borchert said the resolution directed staff to prepare a report. She said there was an

ordinance, but it didn't provide how it would be implemented. She asked again, what action the Committee would like staff to take.

Councilor Bushee said staff can talk to legal, but she believes it would have to be the administrative procedures that are attached to the Ordinance and can be in a Resolution form. Ms. Borchert said usually, administrative procedures are adopted by Resolution.

Councilor Bushee said we need to discuss what we mean by "living river," at Public Works.

Chair Chavez said this can be added as a discussion item at the next meeting, but he doesn't know that we will be ready to take action, and he will work on it to see if it's ready for the next agenda.

Ms. Borchert clarified that this will be done as a program/administrative procedures attached to the Resolution adopting those, and it will not be for the packet, "but for the Committee."

Chair Chavez asked how can it be a discussion item if it isn't in the packet, because it needs to be noticed.

Mr. Buller said it can be an agenda item so it is properly notice, but the Resolution might have to be distributed in Committee members' boxes a day or two before the meeting.

Mr. Harwood said it won't be acted on formally until Council, so as long as it makes the Council packet it should be okay.

Ms. Borchert said staff had planned to go to Council with this report, but that probably should wait until the next PUC and then put it on the Council agenda.

9. ADDITIONAL INFORMATION ON WATER UTILITY REDELIVERY CUSTOMERS. (CLAUDIA BORCHERT)

Claudia Borchert reviewed the information attached to her January 9th Memorandum to the Public Utilities Committee.

Councilor Heldmeyer said if we deliver water to the County, and the County uses its pipes to take it to these customers, even if we bill the customer, there may be a problem with the quality of the water. The City knows the quality of the water when it is delivered to the master meter, but what happens after that is not under City control, even though these theoretically are City water customers. The question is whether the City can renegotiate its relationship with these customers in such a way as to change it. One of the possibilities is whether they could become Santa Fe County water utility customers.

Ms. Borchert said staff met this morning to discuss various options, and what needs to be done if there is no change in the contractual agreement. For example, we would need to sample the three delivery customers to determine the water quality situation, as well as to include them in the City's sampling plan. Staff also discussed options. One possibility would be to meet with the County staff to talk about these customers and prepare reports for our respective governing bodies on these customers.

Responding to Councilor Heldmeyer, Ms. Borchert believes it is important to talk to the County about these customers. She believes it could get political, and doesn't know about political outcomes to the potential solutions.

Councilor Heldmeyer said it is important to get the County to show up, and she would like to hear fairly quickly on the general tenor of the conversations, and that might or might not involve an executive session, depending on the tenor of those conversations. This is an informational item and staff is asking for direction. Her direction would be to do this as quickly as possible and come back to this Committee for further direction once staff has some idea of the "lay of the land."

Chair Chavez asked how, in our discussions with the County, we will apply policies in this case to County residents.

Mr. Buller said there is no clear policy, and a lot of these have come as the result of *ad hoc* decisions under the old Section 6, or in the case of Thornburg, under a PRC Order we inherited when we purchased the system from PNM. There may be contractual or other legal obligations to serve these people under the current construct.

Mr. Harwood asked under what provision of the Open Meetings Act is it proposed to do an executive session on this topic.

Councilor Heldmeyer said it involves the sale or exchange of water rights.

Mr. Harwood said that would be a narrow construing of that exemption, and isn't sure it is appropriate.

Chair Heldmeyer doesn't believe two weeks will be enough time for an initial, preliminary meeting.

10. WATER UPDATE – 3RD QUARTER 2006. (RACHEL WEXLER)

Rachel Wexler reviewed the information attached to her Memorandum of November 278, 2006.

Councilor Heldmeyer said the Memorandum is dated at the end of November, and at that

time, all of the data hadn't been collected for July through September. Ms. Wexler said this is correct. Councilor Heldmeyer asked how much lag time there is in the data. Ms. Wexler said there is as much as a six months lag in some of the rainfall data from the National Weather Service, so they are impeded by access to that particular data. She said some of the data is collected locally. In other places, the wells are monitored by U.S.G.S. She said there is an asterisk explaining exactly to the most finite detail why the information isn't available.

There was a gap in the tape here. The stenographer apologizes for the loss of this data. A new tape was inserted as soon as it was realized the tape wasn't recording.

11. UPDATE ON WEATHER STATIONS AND COMPUTERIZATION OF PARK IRRIGATION. (DANIEL RANSOM AND FABIAN CHAVEZ)

Fabian Chavez presented information regarding this matter to the Committee.

12. REVIEW OF COMPLIANCE OF ORDINANCE SFCC 1987 25.2.6(B) – RETROFIT OF PROPERTIES WITH MORE THAN THREE RENTALS. (DAN RANSOM)

Mr. Ransom presented information regarding this matter to the Committee.

DISCUSSION ITEMS

16. A REQUEST UNDER PROVISIONS OF ORDINANCE 2006-60 FOR AN INCREASE IN CITY WATER AND SEWER SERVICE BY LINDA TIGGES ON BEHALF OF THE SANTA FE YOUTH SHELTER. (ANTONIO TRUJILLO)

Antonio Trujillo presented information regarding this matter to the Committee, noting that Youth Shelters wants to go from office to a transitional residential unit.

Responding to Councilor Dominguez, Mr. Trujillo said the property is adjacent to Airport Road. He said the Planning & Land Use Dept. looks at the property contiguity to the City boundary. He said in the analysis, they state that the property is not contiguous to the City, but contiguity could be achieved by utilizing Airport Road.

Chair Chavez asked, with regard to using Airport Road for continuity, if the City owns Airport Road.

Mr. Buller said the City owns pieces of Airport Road.

Councilor Heldmeyer said the City has responsibility for Airport Road, but it's not all in

the City. Mr. Buller said Planning and Land Use looked at this and apparently, the right parts are in the City for this particular one to be annexed through the use of that part of Airport Road which the City owns.

Chair Chavez said another annexation we're working on is for a parcel and a portion of Airport Road, but not the whole corridor.

Councilor Heldmeyer said the only case we're discussing is 4435 Airport Road. Mr. Trujillo said this is correct. He said there are two cases, but only one analysis was done and it is included in both cases.

Councilor Heldmeyer said what Youth Shelters wants to do is to go from having an office on this site, to an office plus a transitional residential unit. Mr. Trujillo said this is correct.

Chair Chavez said it would seem that this would be a change in use.

Youth Shelter & Family Services, Executive Director Karen Rowell, said currently no one is living on site, and it houses the administrative offices and counseling center. Many years ago there was a youth shelter at this site, but it was moved to County land. She said there is an error in the packet materials because it says two youth currently are living there, but there is no one residing at this site. Ms. Rowell said they would like to house homeless youth there in a transitional living program, and the reason for this request for the rezoning of the property.

Responding to the Chair, Ms. Rowell said there would be four one-bedroom units, and three two-bedroom units, which would be new. In one of the existing structures which will stay, there will be four bedrooms, and each of those bedrooms would house one youth, for a total of 14 youth on the property. She said the front building would remain and would be office space and a community kitchen.

Responding to Councilor Dominguez, Ms. Rowell reiterated the location and size of the residential units.

Councilor Heldmeyer asked if this property is contiguous to the part of Airport Road which has been annexed into the City.

Richard MacPherson, Planning & Land Use, said the property is adjacent to Airport Road. He said contiguity can be achieved by using the Airport Road right-of-way for approximately 100 ft. west of the current City boundary. It is within 100 ft. of City property.

Councilor Heldmeyer asked again if this is the part of Airport Road which has been annexed. Mr. MacPherson said he will have to find out.

MOTION: Councilor Heldmeyer moved, seconded by Councilor Bushee, to approve this request, with the proviso that if this property is contiguous to the part of Airport Road which is in

the City, that they begin annexation proceedings to move this lot into the City, and if it is not, then the applicant accepts the condition that they will not oppose annexation if it occurs.

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

Ms. Tigges said what this suggests is a new policy allowing “shoestring” annexations, and asked if this is the intent of the Committee.

Councilor Heldmeyer said it is. She said when the City annexed that portion of Airport Road, it was “shoestring” annexation. If this property is contiguous to it, then it isn’t “shoestring” annexation.

Ms. Tigges said then the Committee’s intention is that the road has been annexed which is a different thing than the City having jurisdiction.

Councilor Heldmeyer said no. There is a section of Airport Road which has been annexed, and a section which has not been annexed. We don’t know whether this particular section has been annexed, so we can’t make a motion which does only one thing, because we don’t know the situation. This is a bifurcated motion. In the interim, staff will find out whether or not it is contiguous to the portion of Airport Road which is in the City. She said this Committee has been taking a strong stand that if you’re contiguous to the City you must annex.

Responding to Mr. Harwood, Chair Chavez said this should go to the Council and be placed on the consent agenda.

Mr. MacPherson said in looking at the map, this portion of Airport Road is in the County, but the site is within 100 ft. of City property.

Councilor Heldmeyer said she is comfortable with her motion, and would like staff to double-check this before it goes to Council.

17. A REQUEST UNDER PROVISIONS OF ORDINANCE 2006-60 FOR CITY WATER SERVICE FOR A DANCE STUDIO IN THE TRADITIONAL AGUA FRIA VILLAGE BY MR. MICHAEL ROYBAL. (ANTONIO TRUJILLO)

Antonio Trujillo presented information regarding this matter to the Committee.

Michael Roybal, Applicant, said they determined that there is a water main on his property and he wants to do this dance studio for public use. It will be a ballroom dance studio and he wants to integrate with the schools. He has an approved plan from the County for a single family residence and a dance studio. The plans have been approved, and now he only lacks the water.

Councilor Heldmeyer said she sees the letter from the County, but no reasons given for not doing this. Mr. Trujillo said neither the County nor the Historic Agua Fria water users have infrastructure near the property, and it would require a main extension on their behalf, and would be cost prohibitive for the applicant to extend that.

Councilor Heldmeyer understands, but the City built this road in the County at City expense, and now, because we built this road, all these people want to develop along this road, they are all going to come to the City for water because the County won't provide it. She said we keep "shooting ourselves in the foot."

Mr. Trujillo said there is a provision in the ordinance, so that the City can say either yes and no.

Councilor Heldmeyer said this property will always be in the traditional village. She asked if all the properties along Rufina are in the same situation. Mr. Trujillo said if they are on the north side of Rufina, and fall in this area, then he believes so. This is what the analysis by the Planning & Land Use Department provides.

Councilor Heldmeyer asked how many properties do we expect to see developed along this road in the near future. Mr. Trujillo said staff hasn't done an inventory, nor an analysis on who does and does not have water service, so staff doesn't know.

Chair Chavez said this is different because the applicant is requesting service through that main line. He asked if there is language in the ordinance with regard to the Traditional Village, which speaks to the extension of water lines.

Mr. Trujillo said there is a provision which allows the request to be heard by the Committee. This does not require a main extension, only a simple service connection.

Chair Chavez asked if main line extensions are still open for debate in the Traditional Village. Mr. Trujillo said the main line extension which would be required to serve the property would be required on behalf either of the County or the Traditional Village water system. He said the City does have a main line which runs through Mr. Roybal's property.

Councilor Heldmeyer said Mr. Roybal's letter says that crews have discovered that a city water line already runs across this property, and asked if that is horizontally or vertically. Mr. Trujillo said the water main runs across the front of the property on Rufina Street.

Chair Chavez asked if it is in the easement between Rufina and the sidewalk or curb and gutter actually in that property. Mr. Trujillo said as far as staff knows, it is in an easement through his property.

Councilor Heldmeyer asked if the intent is to turn this into a recreational facility, a nightclub, a bar or such.

Mr. Roybal said the County wouldn't allow him, nor would he want, to do any kind of nightclub. He said this is basically a school of ballroom dance which doesn't permit any kind of smoking or drinking. It would be a community school.

Chair Chavez asked if it will be instructional in nature or will there be big dance parties, competitions and such. Mr. Roybal said it would be instructional and they would have dance parties which would be non-alcohol, no smoking. He would like to integrate northern New Mexico music and instruction in dances such as the *rancheras* and *cumbias* which we dance in New Mexico, and have a place for the community to go dance this music, as well as to have ballroom music and salsa music for kids and swing music and such.

Chair Chavez asked if he has been able to satisfy any zoning and parking requirements and such. Mr. Roybal said yes, it is large enough to allow for that. Chair Chavez asked the parking requirements required by the County. Mr. Roybal doesn't know, but the County did approve the plan for the use, but did not specify anything on parking.

Councilor Heldmeyer asked the proposed water budget. Mr. Trujillo said the water budget established is .20 afy for this use, noting the house was not addressed, nor did the applicant request water for the house.

Mr. Roybal said he was planning on drilling a well, but Robert Jorgenson recommended that he come to the City first because the State is shying away from issuing permits to dig wells.

Mr. Roybal said he isn't planning on building the residence, he is only planning to do the studio. However, the County permit allows a residence and a studio. Responding to the Chair, Mr. Roybal doesn't know the planned size of the residence.

Councilor Heldmeyer asked if the County knows what Mr. Roybal is doing on this site.

Mr. Roybal said they do know what he is doing. It is permitted for a house, with a combination dance studio with a living residence in it, but they didn't specify any parking requirements. He said there is an existing building of 2,700 sq. ft., and the permit is based on that.

Chair Chavez asked Mr. Roybal if he would agree to a water budget which identified a specified amount of acre feet of water. Mr. Roybal said certainly.

Mr. Trujillo said it is for a specified acre foot of water per year. The application submitted requests .20 afy for commercial use for a total of 2,500 sq. ft.

Chair Chavez asked if he feels this consistent with what the intended use. Mr. Trujillo said they will have two small rest rooms, and a small kitchen area, and believes the .20 afy is appropriate for that use.

Councilor Bushee asked if the City could do an Option B so it runs with the land, in the event the use changes. She asked if the applicant could do a lot split or a family lot split and change the use. She said we don't want the water use to increase. She asked if there were other conditions of approval imposed by the County.

Mr. Roybal said there are conditions of limited use, and alcohol can't be served or sold.

Chair Chavez asked about hours of operation.

Mr. Roybal said right now the area is desolate, and there is nothing around him, and he is in the middle of Victor Montoya's concrete plant.

Councilor Bushee said the people in the area are concerned about traffic, and asked if there are restrictions in this regard. Mr. Roybal said no. He said the site is .65 acres so he can't do a lot split.

Responding to Councilor Bushee, Mr. Roybal said he sought the living unit and his intention was to be able to stay there if he had to.

Councilor Bushee asked how many students there will be, and if there are fire requirements. Mr. Roybal said he is sure there will be fire requirements, but he hasn't really reviewed the dance part of the building.

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

DISCUSSION: Councilor Bushee said in the past we used ask that the applicant not oppose annexation.

Mr. Harwood said this is in the ordinance.

Councilor Bushee said this is in the Village, so he can't deal with annexation. Mr. Harwood said annexation is exempted in the Village. Councilor Bushee asked if there is any particular language we include for the Traditional Village. Mr. Harwood said no. The provision in the ordinance for the Traditional Village are the letters which are in the packet.

Councilor Bushee wants to build in conditions with regard to an Option B, so that the amount of water calculated by staff will run with the land, and if there is any change in use, they have to come back to the City.

Mr. Harwood said it isn't monitored like other Option B's, but aside from issues of enforcement and monitoring the changes in the land use, the City's position as legal matter, is that it is only for the use and the amount of water which is applied for. He said even if Mr. Roybal wants to build a home, he hasn't listed that as a use, and that amount of water demand hasn't been

calculated. The limit of this approval is only for what he is requesting which is .20 afy for 2,500 sq. ft. commercial use.

Councilor Bushee said the County didn't say anything about parking and such, and asked about calculating parking. She wants to ensure that what has been calculated is adequate for the applicant but doesn't go beyond those uses. She said if Mr. Harwood feels the language which is built in is adequate, and no additional conditions are needed, then she is fine with that.

Mr. Harwood said the language of the application and the language of the resulting contract is sufficiently clear.

Responding to Councilor Bushee, Mr. Trujillo said he is comfortable with the water calculation, and he can provide more information on the calculation.

Responding to Councilor Bushee, Mr. Harwood said Option B is where a developer wants to petition a lower than average water use to which it will commit to being monitored. If someone doesn't choose to access that part of the system, then for the bulk of the request we use averaging and they are not strictly monitored. The whole principle is some will use less and others will use more, and this averages about the right number which needs to be offset. If she is asking if we can force the applicant to apply for an Option B, the City hasn't done this before, but perhaps could as a matter of contract.

MOTION: Councilor Heldmeyer moved to postpone this item until the next meeting because there are too many unanswered questions, and the applicant come back at that time with the requested information. THE MOTION DIED FOR LACK OF A SECOND.

Councilor Heldmeyer wants more information about this enterprise, and what it looks like from the County's point of view in terms of what it will be.

Responding to the Chair, Mr. Trujillo said the plat is already recorded and the easement is reflected.

VOTE: The motion was passed on a voice vote, with Councilors Bushee, Dominguez and Trujillo voting in favor of the motion, and Councilor Heldmeyer voting against.

18. REQUEST FOR APPROVAL OF BILL NO. 2007- _____. AN ORDINANCE CREATING A NEW RATE SCHEDULE 10 OF EXHIBIT B, CHAPTER 25 SFCC 1987 ESTABLISHING A SPECIAL CHARGE FOR ALL WATER SERVICE CUSTOMERS IN ORDER TO FUND WATER CONSERVATION PROGRAMS (COUNCILOR CALVERT). (DANIEL RANSOM)

Councilor Heldmeyer asked the target date for putting this into effect. Mr. Ransom said this was started in 2006, so at that time the dates indicated in the packet were doable. It is still

doable, but if it passes, it can be done in May.

Councilor Heldmeyer said if we go forward with the change in check-off, if it makes sense to do this programming and the check-off programming at the same time.

Peter Ortega said we are talking about two different things, and this is complicated and we need to focus on one thing at a time. He said we are looking at changing more than 300 bill items, different sizes of meters. He said one program is for water conservation fees. He said there would be no saved effort to do the two changes at the same time.

Councilor Heldmeyer said in talking with Councilor Calvert, what isn't here is making the water conservation fee apply not only to water customers but to everyone within the City of Santa Fe and water customers outside the City. She said we want everyone to conserve water whether or not they are on the City system. If they pay this water conservation fee, they would be eligible for the conservation programs offered by the City.

MOTION: Councilor Heldmeyer moved to recommend approval of this request, with the addition that the City charge a water conservation fee to every address within the City of Santa Fe, both commercial and residential, and that staff work to develop the appropriate fees for people who are not water customers.

DISCUSSION ON THE UNSECONDED MOTION: Mr. Harwood said a number of other legal issues in billing address locations which currently are in the billing system.

Councilor Heldmeyer said we bill people who aren't on our sewer system for a standby sewer fee. The City bills every residential address in the City for trash, whether or not they put out any trash. She said in her discussions with Councilor Calvert, and his discussions with staff, there have been times in the past where we have not limited the conservation fee to water company customers.

Mr. Harwood said this is beyond the extent of what was noticed here, because it is listed as water service customers. He said a number of legal issues as well pragmatic issues were raised.

Mr. Harwood said then Councilor Heldmeyer is asking for a conservation fee to be set for non-water customers within the City limits, and would these people be providing the same information that they're eligible for conservation rebates as other customers.

Councilor Heldmeyer said yes.

Mr. Ransom said some of the problems would include knowing who these people are, as well as the City's procedures which provide that the conservation rebate is made on the water bill. If people have no water bill, we would have to revamp the system, observing this would be a great deal to pay \$5 to get back more than \$200.

Councilor Heldmeyer said the idea is to encourage conservation by well owners and people on the City system.

THE MOTION DIED FOR LACK OF A SECOND.

Councilor Bushee said she sees things on education on which she works directly in her State job, so she may abstain.

Councilor Bushee said for the overall program, she wanted to see some rebates for landscaping and other issues, such as those in Albuquerque. Mr. Ransom said the packet does include proposed water conservation strategies, including rebates for ET controllers and moisture sensors, as well as fish and irrigation audits which are directed toward outdoor irrigation.

Councilor Bushee said she is speaking of rebates such as in Albuquerque. Mr. Ransom said staff can investigate the rebate for xeriscaping, noting this is one of the most expensive rebates, and would involve the necessity for more staff. Councilor Bushee wants this information, saying she has asked for this for some time. Mr. Ransom will provide this information, noting that they are learning that a lot of people who have converted are still using the same amount of water due to inefficiencies in irrigation systems.

Councilor Bushee wants to see data with regard to how many hot water recirculators have been rebated, high efficiency washing machines and such, and whether the trend is growing or decreasing. She wants to know the efficacy of programs already in place.

Chair Chavez asked that the discussion focus on the request for approval for a new rate schedule.

Councilor Bushee said she is debating whether or not we want that new rate schedule, and the reason she wants this information.

Councilor Dominguez asked when this program ended. Mr. Ransom said the Memorandum says that in 2002 a program charge was instituted, twice yearly for two years, which raised approximately \$750,000, and is projected that by the end of this year we will be out of funds for rebates. He said the charge was made in 2003 and 2004.

Councilor Dominguez asked if these fees are less than originally charged. Mr. Ransom said yes. There is a new category, multi-family and these rates have been updated based on water consumption and meter size. Previously it was \$5 for all users and this proposes to modify this to reflect the large water users, and it also includes commercial which is by meter size.

Councilor Dominguez said there are apartment units which have individual meters, and it isn't just one meter for the entire complex.

Mr. Ransom said the multi-family generally has been on a master meter. We are finding

that there are multiple units on that meter, and we are doing by the average use of the meter sizes, so it incorporates water use, but we really don't know how many people are on the meter.

Commissioner Dominguez commented on the advertising campaign, noted some of the radio stations are proposed, but the dates begin in November 2006, and asked what happened here. Mr. Ransom said the contracts have been started, but just took a little longer, but those actually will begin within the next week and are funded.

Councilor Dominguez assumes that part of the program will be to implement some other kinds of rebates. Mr. Ransom said this is only a proposed list, and all of the programs would have to go through the Committee process for approval. This is just to give an idea of where we can go. He said there are existing rebates which staff would like to continue, as well as an advertising campaigns staff would like to continue.

Responding to the Chair, Mr. Harwood said the fee applies to all customers. He said whether a private well is metered, depends on the permit issued by the State Engineer.

Councilor Bushee said the question remains of how much of the funds generated by the conservation fee go to administration. Mr. Ransom said in the past, the fees haven't paid for staff or anything else, and have been used exclusively for approved water conservation programs. There is a separate budget for staff, operation and maintenance.

Responding to Councilor Bushee, Mr. Buller said he supposes the next budget could contain \$200,000 for conservation programs. However, this is how it was done historically as long as we've had this program.

Councilor Bushee would like the program scaled back. She reiterated she wants more discussion.

Chair Chavez suggested sending this back to the Water Conservation Committee, noting that Committee spent a lot of time on this and the reason this ordinance is before this Committee.

Councilor Bushee wants it to come back here with more details on the programs and choose what we want to do.

Councilor Trujillo asked if the Conservation Committee could be asked to break this out by priorities based on the \$200,000 proposed.

Mr. Buller said this can be done based on the prioritization.

Chair Chavez asked if staff can quantify some of this. Mr. Ransom said he has no problem in doing this.

Chair Chavez spoke about the things which have been successful in the program,

including the rainbarrels, and the front loading washing machine. Mr. Ransom said the washing machine is the most successful program based on cost and benefit. The hot water circulators and rainbarrels do not really save enough water to include in the figures. He said the requests for rainbarrels are down a lot.

Councilor Dominguez wants to know that we are taking full advantage of current programs, before allocating additional funds for an extended program on which we really don't have an analysis.

Councilor Heldmeyer wants information from the State Engineer's conservation office for some of the data it's been collecting in terms of conservation and what does and doesn't work, noting they have been working in this area.

Councilor Bushee would like Mr. Ransom to distinguish between programs which save water and those which are popular.

MOTION: Councilor Trujillo moved, seconded by Councilor Dominguez, to send this back to the Water Conservation Committee to get its priorities, information on what has and hasn't worked, and then bring it back to this Committee at the March meeting.

DISCUSSION: Councilor Heldmeyer said she would like Councilor Calvert to discuss with the Committee, the issue of charging the fee to people in the City limits who aren't water customers.

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

- 20. CONSIDERATION OF BILL NO. 2007-____. AN ORDINANCE REPEALING APPENDIX E SFCC 1987 AND CREATING A NEW APPENDIX E, SFCC 1987, GRANTING TO PUBLIC SERVICE COMPANY OF NEW MEXICO, THE RIGHT, PRIVILEGE AND NON-EXCLUSIVE FRANCHISE TO LOCATE, CONSTRUCT, MAINTAIN AND OPERATE IN THE CITY OF SANTA FE, STATE OF NEW MEXICO, AS NOW OR HEREAFTER CONSTITUTED, A SYSTEM OF WORKS FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY FOR USE BY THE CITY AND THE INHABITANTS THEREOF. (ROBERT GALLEGOS & NANN WINTER OF SHEEHAN, SHEEHAN & STELZNER.)**

This item was postponed to the next meeting of the Committee.

- 21. REQUEST FOR APPROVAL OF RESOLUTION NO. 2007-____. A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN EXECUTED AGREEMENT FOR FINANCIAL ASSISTANCE TO THE NEW MEXICO ENVIRONMENT DEPARTMENT, CONSTRUCTION PROGRAMS**

BUREAU, TO PLAN, DESIGN AND CONSTRUCT AN EFFLUENT WATER LINE FROM THE SANTA FE WASTEWATER TREATMENT PLANT TO THE TIERRA CONTENTA SUBDIVISION AREA (COUNCILOR CHAVEZ). (NICK SCHIAVO)

- A. REQUEST FOR APPROVAL OF A BUDGET INCREASE FOR THE AMOUNT OF \$50,000 TO BUSINESS UNIT/LINE ITEM NO. 52469.572960.**

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

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

MATTERS FROM THE CITY ATTORNEY

Executive Session:

- 1. PRESENTATION AND DISCUSSION OF THREATENED OR PENDING LITIGATION REGARDING AAMODT PURSUANT TO §10-15-1(H)(7) NMSA 1978. (KYLE HARWOOD)**

This item was removed from the agenda.

DISCUSSION ITEMS (CONTINUED)

- 15. CONSIDERATION AND POSSIBLE ACTION REGARDING AAMODT. (KYLE HARWOOD)**

This item was removed from the agenda.

MATTERS FROM THE STAFF

Chair Chavez said Item #20 was postponed, but he understands Robert Gallegos has an action plan to share with the Committee.

Mr. Gallegos said staff was asked to prepare a response to PNM on its letter to the City on the Franchise, and to do an evaluation of the proposed undergrounding ordinance, facility plan ordinance and the Franchise agreement to ensure that these are consistent.

Chair Chavez said Mr. Gallegos will coordinate this and bring it back to the Committee at the next meeting.

MATTERS FROM THE COMMITTEE

Councilor Heldmeyer said there was a case which was supposed to be on this agenda and was not. That case involved a church and school in the County that wants water for fire protection. Two meetings ago, there was a discussion about the two kinds of fire protection – one for which people pay and the one in the County for which people don't pay. She has spoken to Gary about this, and believes the City needs some sort of policy that if people are going to request fire protection, that they pay for it. Otherwise, we are just extending our water lines out into the County. She would like information from staff as to how to deal with this when this case comes before the Committee.

Mr. Buller said staff has discussed this, and it will be done.

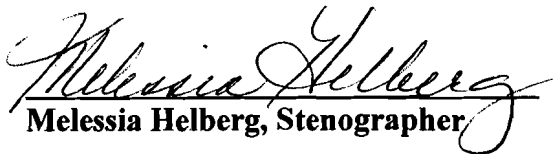
Chair Chavez asked, as the City extends its water service, doesn't the City have to ensure there is adequate pressure in the lines. If not, will the City be held responsible for situations which happen because there wasn't adequate pressure. Unidentified staff said he doesn't think so, he believes it is dependent on the approvals. If they're asking for fire protection and it's not there, then it wouldn't be subject to approval. The pressure on distribution has to be there for any approval to take place.

NEXT MEETING: FEBRUARY 7, 2007

ADJOURN

There being no further business to come before the Committee, and the Committee having completed its agenda, the meeting was adjourned at 9:00 p.m.


Miguel Chavez, Chair


Melessia Helberg, Stenographer