



Agenda

CITY CLERK'S OFFICE

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**PUBLIC UTILITIES COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 7, 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 JANUARY 17, 2007 PUBLIC UTILITIES COMMITTEE MEETING

INFORMATIONAL ITEMS

6. Update on Current Water Supply Status. (Michael Gonzales)
7. Update on Solid Waste Division. (Bill DeGrande)

CONSENT CALENDAR

8. 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)
9. 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)
10. Request for Approval of Amendment No. 6 to the Legal Services Agreement Between the City of Santa Fe and Rodey, Dickason, Sloan, Akin & Robb, P.A. for \$50,000 plus NMGR. (Rick Carpenter)

11. Request for Approval of a Cost Sharing Agreement with Southwest Lifestyle Concepts LLC for the Amount of \$20,000 Plus NMGR for the NW Quadrant Tank Evaluation. (Gary Martinez & Robert Jorgensen)
12. Review and Recommendation of Approval of Initial Phase of Insurance Acquisition Program Contract with Willis Insurance. (Rick Carpenter)

DISCUSSION ITEMS

13. A Request Under Provisions of Ordinance 2006-60 for Sewer Service for 2252 Manuelito Lane by Delores Hicks. (Stan Holland)
14. Semi-Annual Review of Annual Water Budget. (Claudia Borchert)
15. Request for Review, Input and Direction of Electric Utility Franchise Agreement and Supporting Documents. (Robert Gallegos)
16. Santa Fe River Check Off Program.
 - a.) Discussion of Collection Method of River Check Off Program Through Utility Billing. (Peter Ortega)
 - b.) Request for Approval of Resolution No. 2007-_____. A Resolution Adopting Administrative Procedures for Implementing the Santa Fe River Check Off Program. (Janine V. Johnston)
17. Request for Approval of Ordinance No. 2007-_____. An Ordinance Amending Rule 18A of Exhibit A, Chapter 25 SFCC 1987 Removing the Requirement for Separate Meters for Affordable Rental Dwelling Units. (Councilor Wurzbarger) (Jeanne Price)
18. Request for Approval of Ordinance No. 2007-_____. An Ordinance Amending Chapter 21, SFCC 1987 Regarding Solid Waste Collection Requirements and Enforcement Penalties. (Councilor Ortiz)(Bill De Grande)

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ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: MARCH 7, 2007

ADJOURN

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February 7, 2007**

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REQUEST FOR APPROVAL OF COST SHARING AGREEMENT WITH SOUTHWEST LIFESTYLE CONCEPTS LLC FOR THE AMOUNT OF \$20,000 PLUS NMGR FOR THE NW QUADRANT TANK EVALUATION	Approved	
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**MINUTES OF THE
CITY OF SANTA FE
PUBLIC UTILITIES COMMITTEE
February 7, 2007**

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 this date, 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
Stephanie Trujillo, Public Utilities
Jo Ann G. Valdez, Stenographer

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

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

APPROVAL OF AGENDA

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to move Item 18 (Request for Approval of Ordinance No. 2007-____ Amending Chapter 21, SFCC 1987 SFCC 1987 Regarding Solid Waste Collection Requirements and Enforcement Penalties) (Councilor Ortiz) (Bill DeGrande) on the top of Discussion Items.

VOTE: The motion was passed unanimously by voice vote.

DRAFT: SUBJECT TO APPROVAL

APPROVAL OF CONSENT AGENDA

The following Consent Calendar was approved:

8. **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.**
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12. **REVIEW AND RECOMMENDATION OF APPROVAL OF INITIAL PHASE OF INSURANCE ACQUISITION PROGRAM CONTRACT WITH WILLIS INSURANCE**

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to approve the Consent Agenda.

VOTE: The motion was passed unanimously by voice vote.

APPROVAL OF MINUTES OF JANUARY 17, 2007, PUBLIC UTILITIES COMMITTEE MEETING

Ms. Trujillo noted that the Minutes of the January 17, 2007 Public Utilities Committee Meeting were not ready due to the fact that the Stenographer has been ill. Approval of the Minutes of the January 17, 2007 Public Utilities Committee Meeting was postponed until the March meeting.

INFORMATIONAL ITEMS

6. UPDATE ON CURRENT WATER SUPPLY STATUS (Michael Gonzales)

A copy of "Weekly Water Report, Week Ending February 4, 2007, is incorporated herewith to these minutes as Exhibit "1".

Mr. Gonzales reviewed Exhibit "1".

Chair Chavez asked if there were any questions or comments from the Committee.

Councilor Bushee asked what are we looking at for potential run off down the river; are we going to get any measurements or data. Mr. Buller said they are currently evaluating this issue. He noted that there is 30 inches of snow up there but it is still very early in the winter, therefore they still have the possibility of getting more snowfall. He said they need a little more time to evaluate this. He explained once they evaluate this, the assumption would probably be to release the flow from the reservoir. Councilor Bushee asked when this would be; when will you begin to release. In response, Mr. Buller said he would assume it would probably be in late March. He said they would bring this information to the Committee at the March meeting.

Councilor Heldmeyer said because we've done a better job of bringing the surface treatment plant up to speed, we've been using the surface treatment plant this last period, correct? Mr. Buller said yes. Councilor Heldmeyer asked if we think we're going to have more water, why would it be released into the river rather than treat it and used for consumption, and resting the wells, who made that decision.

Responding to Councilor Heldmeyer, Mr. Buller said the inflow coming into the reservoir right now is pretty even to what the treatment plant can produce based upon the demand that the city currently has, that's not going to change, that's going to be from hereon until the snow pack is done away with, so we're going to see that inflow basically increase as the snow melts down. He said the facility cannot treat over 8 million gallons a day and it cannot treat over what the demand is. Right now the demand is 3.5 million gallons so it is increasing slightly right now because you cannot put it through your system.

Councilor Heldmeyer said what she sees is that in the last week, you got 3.391 gallons a day from the surface water plant but you also got 2.87 from the Buckman Well Field, so when you say there's only a certain demand on the system right now, right now it is being split roughly evenly between the surface water and the Buckman Well Field. Mr. Buller said this is correct. She asked if there was some reason why, with more water coming into the reservoir, why that couldn't go up to the 8 million gallons. Mr. Buller said there is, and the Buckman Well Field supply, keep in mind that during the winter they must keep it operational at capacity. He explained one of the reasons they have to do this is to keep Las Campanas, that key point that Las Campanas has on Buckman

transmission line, keep that active, because they are continuously pulling from that, so we can't necessarily isolate the Buckman Well Field during the winter time.

Councilor Heldmeyer asked if it is our intention, with a combination of releases, use and inflow, to get to 100% if we can.

Responding to Councilor Heldmeyer, Mr. Buller said their goal is to produce 5,040 acre-feet from the surface water treatment facility this year.

Chair Chavez asked how this would affect the area as the Buckman Diversion project comes on line, will that be a time when they will be able to rest the Well Field a little more. Mr. Buller said this is correct and explained when the Buckman Diversion project comes on line, basically the Buckman Well Field will rest at that time.

Chair Chavez asked if the transmission line servicing Las Campanas would be obsolete. Mr. Buller said no, it would not be obsolete but Las Campanas will have its own source from the Buckman Diversion facility.

Referring to the water coming down from the reservoir to the river, Councilor Trujillo said he would be asking for the fish again. He said this time they will make sure they will not dry out the river like we did last time. He asked about the timeframe. Mr. Buller said it is too early to tell, because they want to do a good evaluation but a good target date is April 1st. He said they are cautious because they want to go into the summer with 100% capacity if they can. He said they had a unique year this year because the reservoir filled up.

Chair Chavez asked Mr. Buller if he is factoring in some seepage and evaporation. Mr. Buller said this is not too much of a factor at this point.

Chair Chavez said this moisture content always intrigues him. He asked Mr. Gonzales how he arrives with the moisture content. Mr. Gonzales said he believes that there is actually a weight that it is related to snow water equivalent. Chair Chavez asked if he had the equipment to weigh this and do everything that he just explained, or is this done by the weather. Mr. Gonzales said he actually pulled this information off from the National Resources Conservation Service website. Chair Chavez asked if they are getting data from our weather station. In response, Mr. Gonzales said it is actually their snow tell sites, there's one above the Santa Fe Lake area and then they have one on mid range towards the canyon.

7. UPDATE ON SOLID WASTE DIVISION OPERATIONS (Bill DeGrande)

Memorandum dated February 7, 2007, with attachments, from William DeGrande, Solid Waste Management Division Director, is incorporated herewith to these minutes as Exhibit "2".

Mr. DeGrande reviewed the information in Exhibit "2".

He reported that the automated expansion has fallen approximately 90 days behind schedule due to reduced staff, however, they have started to assemble carts this week and they will start distributing those carts next week. He mentioned that the storm set them back at least a month. He turned the podium over to Lawrence Garcia, the Special Projects Administrator. He said they are going to try to report on when they will be in certain areas on the automation.

Mr. Garcia gave a status update on the automated collection system. He asked members to refer to the map that was placed in their packet. He noted that the City is broken down into five different districts and each district represents a collection day, Monday through Friday. Mr. Garcia explained when selecting a new area for additional rollouts; districts are examined and geographic areas are selected from each of the districts. This allows them to put a full-five day route in place. He reported that the first roll out has been completed and they are still working a second roll out and they also have a proposed third roll out, which is the beige area. He pointed out that some of the white areas are basically areas that they are going to have to continue the automated collection. There is also some commercial within the white colored areas that is all commercial so it does not give an actual estimate of how many actual streets still have to be automated. He noted that there are a few county facilities within the limits of the City that are on the map. He pointed out that they have not automated anything on Agua Fria at this point but the target date is still September for completion of everything, with the exception of the elderly collection and areas that they are going to have to go in with a semi-automated unit or a smaller automated unit.

Councilor Bushee asked if the white areas still have to be automated. In response, Mr. Garcia said a lot of the white areas on the map are commercial areas but there is some housing that they will have to look at when they roll out Phase 3.

Councilor Bushee said she is still getting calls from little pockets off of W. Alameda. She said it seems to be a matter of waiting and waiting and they are very small pockets. She asked if there was an answer that she could give these people. In response, Mr. Garcia said they have not hit some of these smaller pockets and the reason for this is that the roads are very congested so they will either have to go in with a smaller automated truck or a smaller automated unit. He explained that these are difficult areas that they will have to look at very carefully and they will have to select the proper equipment to do those areas. He said maybe they could request that residents put their cans out on one side of the road so that they can back up into the road. Councilor Bushee asked if they had any other areas that they use a semi-automated truck. In response, Mr. Garcia said no, not at this point. He noted that they have not purchased this equipment but they are looking at this at this time. Councilor Bushee asked when this would happen. Mr. Garcia said they are looking at September or November to complete those smaller areas.

Councilor Dominguez asked when he expects the second roll out to be complete. Mr. Garcia said this should be completed within the next 3 weeks and this is reflected on the map as the blue area and then they will start working on the third roll out.

Councilor Dominguez said some people have brought it to his attention that they would like two carts. He asked if there was any thought about allowing residents to purchase a second cart. He explained that one of the things that has been brought to his attention is that there are two to three generations living in one house, therefore generating a lot of trash. He said the concern is that they are filling up their canister and some bags may fall out of the truck and staff is not picking it up - at least this is what he is being told. He asked Mr. DeGrande what his thoughts on this are. Mr. DeGrande said they have given a great deal of thought to this but they would prefer to get everybody automated before issuing second carts. At that particular point, they will present to City Council and to the Committees, a plan for volume-based billing where people can either get an extra cart or they can get bag tags if they have extra refuse. He said as it stands right now, if someone has extra refuse, they can call his division and a second truck will be sent out to pick those bags up. He said they would prefer that they do not overload the carts because this is what makes the mess.

Councilor Dominguez asked if staff is taking the time to pick up the bags that fall out or if they can even see when this happens.

Responding to Councilor Dominguez, Mr. DeGrande said they are not taking the time to pick up the bags but they should take the time. He said this goes to the culture of the division and this is what they are going to try to change.

Chair Chavez said when we're talking about recycling, how are we doing as far as keeping that waste stream separate. He said they want to encourage recycling for a lot of reasons and asked how are we doing in that area. Mr. DeGrande said the public is doing very well. He explained that there are some stops where they put the glass in some areas and they won't pick this up. Mr. Garcia said the automated system goes hand in hand with recycling. He noted they have had a large increase in recycling. He said the recycle materials is a voluntary program so at this point they are not forcing anybody to recycle but the automated collection system should bring this up. Chair Chavez mentioned that he has had more requests for recycling bins so this tells him that people are interested in recycling. Mr. Garcia said people could be given additional recycling containers by bringing their water, garbage and sewer bill in.

Councilor Heldmeyer asked Mr. DeGrande when they expect the recycling center to be on line, and how does this relate to them pushing more recycling, especially in commercial. She said she knows SWMA has a Recycling Coordinator position but she has not heard from them. In response Mr. DeGrande reported that SWMA hired someone out of California but she has not started as of yet but he is assuming that she should be on board by the end of the month. He reported that the facility is planning a grand opening sometime in April and they are presently "ironing out" the bugs. He said they would run for about a month before they have an official grand opening.

He explained that they have held back on expanding both commercial and residential recycling because they had no place to take it, but they do now. He said they have talked to several commercial accounts about separating cardboard because this could save them money on how often they would have to be serviced. He indicated that they have talked with the Legislature about recycling during the legislature session and talked to some state facilities about expanding recycling services so they are now start doing some outreach and they hope to coordinate this with the new Recycling Coordinator at SWMA.

Councilor Heldmeyer said Mr. DeGrande has provided the percentages of absenteeism. She asked Mr. DeGrande if he knew how this relates to absenteeism and the City as a whole. Mr. DeGrande said he did not know. Councilor Heldmeyer said this would be a good question to get answered. She said the thing that surprised her about these numbers is that we all know that working on the regular truck can lead to injuries and what she is seeing is higher absenteeism in commercial and in administration and maintenance than what they see in residential.

Mr. DeGrande asked Councilor Heldmeyer to look at the month of December. He noted there are anomalies because people take time off during the month of December due to the holidays but this will not happen next year. He said this would be first come, first served. He explained that they would be changing the policy, especially on the supervisory end. He said he can't have four supervisors on vacation at the same time because it just does not work for them so they will be changing that policy.

Councilor Heldmeyer asked Mr. DeGrande if he had enough redundant positions to cover the level of absenteeism he is having.

Responding to Councilor Heldmeyer said yes, if he is fully staffed. He said the real problem goes to service – if he has a driver he has to put out that is not familiar with the route, they're going to miss streets.

Councilor Heldmeyer asked if there was anything that could be done in terms of GPS–automated directions, that kind of thing that would keep this from being such a big problem.

Mr. DeGrande noted that the previous director purchased a program called "Route Smart", which links with GPS and GIS information however the City's GIS information is very bad so the system can't operate with it. He said part of the problem is how streets are entered into the system and this is all over the city. He noted that they are working with a gentleman at the Water Company who is familiar with the GIS system to try and clean up these things that are hampering them from using the software.

DISCUSSION ITEMS

18. REQUEST FOR APPROVAL OF ORDINANCE NO. 2007-____, AN ORDINANCE AMENDING CHAPTER 21, SFCC 1987 REGARDING SOLID WASTE COLLECTION REQUIREMENTS AND ENFORCEMENT PENALTIES (Councilor Ortiz) (Bill DeGrande)

Councilor Ortiz explained the Ordinance. He said when he was before the Committee last month, he was talking about what he thought was a particular problem, with what he thought was a particular solution, but this Committee decided to table the issue of putting trash out and asked him to do a more comprehensive look at the entire chapter. He noted that staff did most of the work that is in front of the Committee. He referred to the proposed ordinance that was passed out as well as a proposed sheet that was attached to it (the Proposed Amendments to the Bill).

Councilor Ortiz said, as it relates to the two particular items that he introduced that were substantiated that weren't in the bill before, to the time when you can carry it out, in light of the responses he received, he put together a provision that states that you have to have your trash put out, in an acceptable container by 6:00 p.m. He said he put 6:00 p.m. in but he would be welcome to any suggestions that the Committee may have with regard to changing this time.

He said if we're going to hold people accountable for not doing what we ask them to do, with regard to trash, then we should be held accountable too. He said he put in a credit provision that if the customer's solid waste is not collected for two (2) weeks in a four (4) week period, and doesn't rectify the situation within 24 hours of receiving complaints, the customer would be entitled to a 10% credit. He said this credit provision is really to hold the city accountable and put emphasis or priority on not allowing this to happen in the future. He noted that staff has objections to this, and they are well taken objections that they should have an opportunity to address the Committee, as to why they don't think that this credit provision should be considered. He said they are putting faith in the public. He said his sense is that people want basic municipal service and solid waste pickup is a basic municipal service.

Chair Chavez said the Committee will hear from staff and then bring this back to the Committee.

Mr. DeGrande said he fully agrees that if they have a functioning division, they would never have to give the credit out. He said what they object to, is putting this in the Ordinance at this particular time. He said he personally does not have an issue with giving a credit when he is confident that his division is staffed and they've changed the culture of "we're not going to pick it up" in his division, and he needs time to do this. Secondly, the financial impact of this is unknown.

Mr. DeGrande explained that his supervisory staff and management staff has 130 years of combined service in solid waste for private industry and public and therefore

know this business and this town. He reported that they are currently in negotiations in doing a rate study and asked the Committee consider putting this off; the credit provision, until the rate study is completed and they can give an idea of what the impact would be. He said if the Committee passes this provision, in six months, they will have gone through their reserves and they will be running in the red because everybody will be using it. He said they won't be able to prove that they didn't put their trash out and they can't prove that they didn't pick the trash up, so it would be an issue of "he said, she said" so he is asking that the Committee give them additional time until they can prove that they have a functioning division or that they failed.

Chair Chavez asked Councilor Ortiz if he was able to sit with staff to have dialog and whether or not he knew that these were staff's concerns.

Councilor Ortiz said when they raised this in the mark up session, this issue was brought up and they had this discussion and Lawrence and Bill were very forthcoming with regard to the issues that they are facing. He said there are things that can be done internally and he hopes and expects that they could be done internally. He explained that there are issues with regard to staffing at some of these drivers that are bound out by contracts and they're finding problems with actually hiring someone in these positions. He said these are policy decisions that they can take on themselves when they get those collective bargaining units in front of them. He said he presumed that this would be a problem. He said to say that they would "blow through reserves" in six months is to say that they have a division that is in the verge of disaster. He said he understands that this may have a potential negative financial impact but he hopes that this would raise the bar for those drivers who are doing those routes. He said the problems with unfamiliar streets have been going on for a year now and are unacceptable. He said he thought this provision could provide incentives for the city to improve its performance in trash collection, but he would be open for suggestions on how to do this.

Councilor Heldmeyer said another thing she heard Mr. DeGrande say is, not just that they have a Solid Waste Division that doesn't always pick up solid waste, but she also heard that there is some problems with the credit, in terms of proof. She asked if there were any discussions during the mark up sessions of that. In response, said no, there wasn't but the staff amendments try to address this – that is to go to the Affidavit route. He explained that there is a single process of tracking the kinds of complaints that come in.

Councilor Ortiz said the rate study would not tell them what the fiscal impact is – it will only tell them that this is one way or another way to bill people for solid waste pick up. He said the credit would tell them this.

Councilor Heldmeyer said there are some things that are not clear in the law. She said one of the problems that the Solid Waste people have is people who don't put the trash out early in the morning, and a lot of times you hear complaints that "you usually pick up trash in the afternoon but for some reason today you came at 9:00 and I didn't put the trash out because you usually come in the afternoon." She said in the books, old and

new, there is language that states that they need to put out the trash by 8:00 in the morning. She said the proof isn't so much as to did you have trash or not as it is to whether or not it was put out in a timely fashion. She said this is something that they need to give a little thought to. She said a couple of other things they need to give thought to is talking about, if we pickup the trash within a "X" period of time that it counts as not being picked up. Councilor Ortiz said "right". Councilor Heldmeyer said this doesn't say that.

Councilor Heldmeyer said another problem she has in her district a lot is that the trash gets picked up but the recycling does not. She said she has had streets missed three times in a row. She asked if this differentiates between solid waste and recycling.

In response, Councilor Ortiz said this is only a concept. He explained that he thought about putting something in about recycling but since it is voluntary now, he did not think that they had the same kind of footing to put in the same kind of credit or put in the same requirement. Again, he said he is open to any suggestions this Committee has.

Councilor Heldmeyer said other people's usage may be different but these are things the Committee can flush out. She said she would like to see more discussion about recycling, particularly about multi-family and commercial because it still retains the system.

In response, Councilor Ortiz said with regard to recycling, it is clear that they didn't have the capacity to fully implement recycling before, but now they do. He said another thing they need to think about is how to dispose e-waste, things like batteries, cell phones, computer chips and all the technology that have an environmental impact. He said they have not looked at this. Councilor Heldmeyer said they take these items to the transfer station all the time.

Councilor Bushee said she was looking for a comprehensive amendment list because a lot of what Councilor Ortiz has spoken about is not on the list. She said she likes the credit concept but she just wants to be really clear because all of this will play into the credit concept and the details will matter. She did not feel that people would want to go through the trouble or hassle of filing an Affidavit to get \$10.00, or trade off not getting their trash picked up for \$10.00. She said another aspect is billing – she noted that the city presently has a "bad system", in terms of people getting their complaints in as far as getting their trash picked up.

Responding to Councilor Bushee, Councilor Ortiz said when he was with the Public Utilities Department, he was working towards getting the Utility Department itself, its own billing department. He said the Finance Department would be in charge of doing the credit and then there would have to be an interface with another department on whether or not these charges are legitimate or not. He said he wants to put this in to improve the City's service, and agreed with Councilor Bushee that the majority of the people just want their trash picked up.

Councilor Bushee asked what about those folks that leave for the weekend; do we have a system that we can build in there to inform them that there is now a provision for calling, to inform the city that they will be out of town and they don't have a house sitter, etc. She said she wished there was another incentive to just get the basic service delivered. She would like to make this as user friendly as possible. She said she is sort of looking to Gallen Bueller, because he is still the Public Utilities Director, because she has not seen a real response from him, on what we've been going through the last year, from the organization's perspective as to how and what we could really do to make this work better. She asked how could we make people accountable when the City is not held accountable.

She said she would like to see Gallen Bueller's involvement and understanding, from the perspective of the organization, on how they are going to get there, how are they going to bill it, where they can make progress and improve, and if the city can actually deliver on any kind of reward system when we don't deliver. She explained that some people can't even get through on the phone when they don't get their trash picked up and when they do, they have not always been pleased with who they get on the other end. She said she wants clear responses, in a holistic comprehensive way, on how they can just deliver this basic service.

MOTION: Councilor Bushee moved to postpone this for a month, to the next meeting, and have a report from Gallen Bueller, and anybody else that had thoughts that were not incorporated in here, and the comprehensive amendment page. She said they almost need a separate study session on this, and you cannot leave out staff in the discussions because they're the ones that have to deliver the service.

Chair Chavez said there were other Committee members waiting to speak. He asked if there was a second to the motion or do the other committee members want to wait.

Councilor Dominguez said the motion might be appropriate after they've had some more discussion. He thanked Councilor Ortiz for bringing this to everyone's attention and staff for coming up with the language. He said it was great to have that opportunity, to hold, not only the public accountable for what they are responsible for, but for staff as well. He said he hopes that they appreciate the fact that when they get a call from a constituent, it's probably not the first time that this has happened, it's just gotten to the point where they are upset and fed up with it and they feel that they need to get someone's attention, but when it happens a second time or even a third time, there's really something wrong systemically and he thinks we're all on the same page in terms of trying to get some of that stuff addressed.

Councilor Dominguez said one of the questions he had, had to do with the timing of when you can put containers out. He thinks it would be more appropriate to have residents put their trash out later rather than at 6:00 p.m. the day before. Only because during the summer time it doesn't get dark until 9:00 p.m. and it could be unsightly and

to him it seems to make a little more sense, so hopefully we can get some of that language incorporated in there.

He said the other thing that he had was making the provision regarding recycling, and when people are allowed to put recycling out, make it consistent with solid waste.

With regard to the rebate, he said he understands that it is very difficult to change a culture in an organization. He asked Mr. DeGrande what has been done to change the culture and if he had any idea when he thinks that some of that could really take a turn. He said he did not think it would be realistic to implement this now given the fact that we are in the middle of transitioning to automated service.

Responding to Councilor Dominguez, Mr. DeGrande said they intended to kick off their change mode in January, but they lost a month due to the storm, so they started in February. He explained that one of the first things they did was tell the employees that they don't run the division, their supervisors do. He indicated that if they ask staff to stay past their route time, they have to stay. He said management has real issues with the incentive program because that's what spread the culture. He said it used to be a program that functioned very well but during the last 12 or 14 years, it's just been totally out of control.

Councilor Dominguez asked when the program was implemented. Mr. DeGrande said it was in place when he started and that was 13 years ago.

Councilor Dominguez asked if he knew the rationale behind this. Mr. DeGrande said the rationale behind this is that all their crews have to work every holiday and there would be some way to compensate them, other than the direct pay they get. He said it is his feeling that the division should not have to work every holiday, you would just move the pick up day down a day. He said they could spend times with their families when it is important.

Councilor Dominguez asked what kind of discussions have taken place to implement these adjustments or some of these logistical types of changes. Mr. DeGrande said they have had discussions among staff about how they approach their jobs. He said his staff would be a lot more efficient out on the street if they worked 8 hours a day, instead of rushing to go home at four. It also goes to safety and injury because they get in so much of a hurry. He said right now they're just trying to get them to do their jobs.

Councilor Dominguez asked if this type of culture is consistent with other municipalities. In response, Mr. DeGrande said no and noted that many municipalities have gotten rid of these incentive programs a long time ago. He mentioned that the City of Albuquerque did it two years ago.

Councilor Dominguez said one of the common complaints he gets from constituents is the tone of voice they are receiving on the other end of the phone. He asked what kind of customer service training the employees receive. Mr. DeGrande said

they train in-house for phone etiquette. He said customer relations is an issue out on the routes and they have disciplinary actions in place to deal with this. He said they have a lot of young people who just don't care and are short-tempered. He explained as hard as they try to tell the employees that they serve the public, in many cases they feel that the public has to serve them. Councilor Dominguez said this goes both ways because he knows that the public can be brutal as well. He thanked Mr. DeGrande for being honest because he understands that changing a culture is not easy to do in any organization.

With regard to people who go out of town or on vacation, Councilor Trujillo asked Councilor Ortiz if they are going to put into effect that people can call Solid Waste to inform them that they will be out of town and they will be putting their trash out a few days earlier than the normal pick up.

Councilor Ortiz said this could be an option. He said he hopes they could put a system in place that would allow residents to put trash out on another day. He explained that the concept is really what he is going for and the details still need to be flushed out. He said this would come before this Committee again because it hasn't been published for public comment so if the Committee needs more time, that's fine. He said he had some concerns about customer service and asked how many more calls does the City have to get, or how long do they have to wait. He said there are some collecting bargaining issues that Mr. DeGrande is referring to, but the reality is if those problems are brought to Council as a whole, they can work on addressing these while working on the language of the Ordinance.

Councilor Trujillo asked if they are going to have to wait until the City is fully automated. Councilor Ortiz said some of the language in the Ordinance could pass through the normal channels. He said they would like some time to work out the kinks. Councilor Trujillo thanked Councilor Ortiz and staff for addressing this issue.

Councilor Heldmeyer said some of the issues that have been referred to, as collective bargaining issues have never been in the collective bargaining agreement, which is rather strange and something that a lot of us have asked for in the last couple of year. She said this is something that should be discussed. She said she is hearing from Councilors that a combination of stricter rules but flexibility when necessary is what they are talking – that if somebody goes out of town or people who put trash out for their elderly parents the day before, etc. She said this is coupled with the fact that sometimes it is difficult to get good customer service from the 2200 line but some of these could be resolved by putting some of these functions on line where people wouldn't have to go through an operator to do it.

She said the one place she doesn't want to see flexibility is illegal businesses, illegal short-term rentals who are already abating paying commercial trash rates because they are claiming not to be a business. She explained the other sort of consolation of things she sees, is stricter rules. She did not want to make it difficult for people to figure out how and when they have to put their trash out. She said there is no real reason to be

absolute sticklers with the rules. She thinks this is something that should be talked about with the writer of the bill.

MOTION: Councilor Trujillo moved, seconded by Councilor Dominguez, to hear this at the next Public Utilities Committee meeting.

DISCUSSION: Councilor Bushee asked that the motion include a request to get a report from the Public Utilities Director, with his suggestions.

VOTE: The motion was passed unanimously by voice vote.

13. A REQUEST UNDER PROVISIONS OF ORDINANCE 2006-60 FOR SEWER SERVICE FOR 2252 MANUELITO LANE BY DELORES HICKS. (Costy Kassisieh for Stan Holland)

A Memorandum of January 26, 2007 from Stan Holland of the Wastewater Management Division to the Public Utilities Committee was included in the members' packets. Mr. Kassisieh also distributed additional information on this request. He presented the request. He explained that Delores Hicks lives on 2252 Manuelito Lane in Agua Fria, which is part of the historical village. The applicant has requested consideration for domestic sewer service to serve four (4) lots. Mr. Kassisieh reported that the applicant is required to extend the main line, and according to the new Ordinance, the main line extension for sewer means an extension with an 8-inch or greater diameter but the problem is that they cannot do it via gravity so they cannot put in an 8-inch line which means they will have to put in a low-pressure system.

Councilor Heldmeyer asked if they have worked out the requisite protection for the city in case the low-pressure system doesn't work. In response, Mr. Kassisieh said yes and referred to the recommendations that were made. (The Water and Wastewater Review Team recommends that if the City sewer service is approved, a private low-pressure sewer system shall serve the four lots and that the four lots shall collectively share responsibility for the private sewer system. This information shall be recorded on the plat for the lot split. They also requested that this be forwarded to the Governing Body for their consideration if this is approved.)

Councilor Heldmeyer asked if the system malfunctioned; would it possible that this would affect the city system. Mr. Kassisieh said no, it would not affect the city's system and explained if they had problems with their pumps or anything, the City Water Division would assist them and charge them for it like they have in the past for other developments. Councilor Heldmeyer asked if there would be a written contract stating this. In response, Mr. Kassisieh said yes the legal department is working on a contract for all their customers to sign.

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

DISCUSSION: Chair Chavez asked about creating a transitional area or buffer around the traditional historic village. He said if these requests keep coming to the Committee, are we able to take on the additional wastewater and is the facility up to standard and upgraded so that we can accommodate more inflow.

Responding to Chair Chavez, Mr. Kassisieh said they can handle up to 13 million gallons a day and he is only getting 5 million gallons.

VOTE: The motion was approved unanimously by voice vote.

14. SEMI ANNUAL REVIEW OF ANNUAL WATER BUDGET

Ms. Borchert explained the Ordinance that adopted the Annual Water Budget requires that staff report to the Committee twice a year on the Annual Water Budget. She reviewed the Annual Water Budget Report for February 2007. This is incorporated herewith to these minutes as Exhibit "3". Ms. Borchert said as long as demand exceeds supply, the toilet retrofit program is still necessary to keep the system supply viable.

Councilor Bushee asked Ms. Borchert if she analyses how many toilets are left to retrofit. Ms. Borchert said no, but she believes about one-third of what was estimated by the city are left to retrofit. Mr. Ransom noted that they estimate that there are about 20-25% of residential toilets left. He mentioned that there are about 600 toilets that are being changed out at two multi-family complexes. He offered to bring this number back to the Committee if they would like.

Councilor Bushee asked if they have calculated the number for system losses. In response, Ms. Borchert said it is generally about 10% and noted that they are in the process of doing their annual calculation of water. She said in this case it is included in the customer demand number. Councilor Bushee requested a system loss breakdown. She said she would like to see the review redone so that the Committee can get an accurate picture.

MOTION: Councilor Bushee moved, seconded by Councilor Heldmeyer, to forward this request to Council, without recommendation.

DISCUSSION: Councilor Heldmeyer said when she looks at the water report, she sees that the biggest drop in use was between 2003-2004 and this may be due to the fact that they stopped giving portable water to Las Campanas. She said the thing that is so frustrating is that we do things that we are not getting feedback on whether or not they are working. She asked what is it that we are doing that is working and not working. She would like to see some kind of report on whether or not the retrofits are working on next month's agenda. She would also like to see a listing of the multi-family complexes that have retrofitted and those that need to be retrofitted. Direction was given to staff to answer these questions at the next meeting.

VOTE: The motion was approved unanimously by voice vote.

15. REQUEST FOR REVIEW, INPUT AND DIRECTION OF ELECTRICITY UTILITY FRANCHISE AGREEMENT AND SUPPORTING DOCUMENTS (ROBERT GALLEGOS) NANN WINTER

Mr. Gallegos introduced Nann Winter, attorney with Sheenan, Sheenan & Stelzner who is assisting the City with the Electrical Utility Franchise Agreement. Memorandum, with attachments, from Robert M. Gallegos of the Public Utilities Department to the Public Utilities Committee was distributed. A copy is hereby incorporated to these minutes as Exhibit "4".

Mr. Gallegos said back on January 17th, the Committee gave them direction to provide some additional feedback on where they are with the electrical franchise. He referred to the three documents that were included with the memo in the members' packets. He said they would like to get direction on proceeding with this bill and also consideration of a sponsor for the bill as they move forward.

Ms. Winter gave a brief history of her background. She mentioned that in 2004, she was retained by the city to help city staff develop two documents as it concerns its relationship with the Public Service Company of New Mexico. The first document was a Franchise Agreement between PNM and the city. Ms. Winter explained that a Franchise Agreement is essentially a "giant easement" that allows PNM to occupy the city's rights of way, owned by the city and free title, to put in their utility lines and utility service boxes. The second document that she was retained by the city to work on, is the electric facility plan. She explained that the facility plan details the major electric transmission projects that PNM will be putting in the City, regardless of where they are located and the facility plan will guide PNM and the city with respect to the approval process that are necessary for PNM to place those utilities in the city.

Ms. Winter reported that they met pretty regularly with representatives of PNM and they have come to a 95-97% consensus on a Franchise Agreement document. She noted that Leonard Sanchez, Chief Counsel for PNM drafted a letter on January 8, 2007 where he identified several issues that remain unresolved and warrant further discussion. She said she addressed the concerns and a copy of her response letter to Mr. Sanchez dated February 2, 2007 is included with the Memorandum. She summarized the four issues that Mr. Sanchez had concerns about. (These are listed in his letter that was attached to the Memorandum from Robert M. Gallegos). She said they have had a meeting of the minds with PNM on these four issues, however, there still needs to be a meeting with PNM to refine the language that goes around these issues.

Ms. Winter said this has been outstanding for many years. She recommended that it would be at the City's best interest to resolve this document at the earliest moment possible, preferably before the Legislature concludes its business.

Councilor Bushee said Ms. Winter mentioned that the City was in agreement with PNM with regard to not placing utility lines in parks. She asked Ms. Winter if she meant to include parks, open space and trails.

Responding to Councilor Bushee, Ms. Winter said yes, anything that was declared not to be right of way.

Councilor Bushee asked where does this leave us for future lines, as far as the city having any say, not just in parks, open space and trails. Ms. Winter said the Facility Plan dictates a city approval process for PNM placing facilities.

Councilor Bushee asked if someone could give her a refresher on the process from here on. Ms. Winter explained that the Facility Plan contemplates a series of different city reviews including a historic committee review, engineering design and environmental considerations and a series of regulatory and administrative processes that are already in place where PNM makes application, proposes a facility and there are several hearings designed to look at where PNM is putting in their facilities.

Councilor Bushee asked at what point do we involve the city committees and council as a whole.

In response, Ms. Winter said Mr. Gallegos might be in a better position to answer this. Councilor Bushee asked for a copy of the procedures and process of the Facility Plan. Mr. Gallegos said there are a couple of minor issues to work out, then they will start approval of that document through the process. He said they are looking for some guidance on moving it forward. Councilor Bushee said she would like to see the all the documents and contractual agreements (draft facility plan and franchise agreement) to consider them as a package.

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez that they have a draft franchise agreement and supporting documents by the next meeting for the Committee to consider.

DISCUSSION: With regard to PNM not putting overhead lines through the parks, Councilor Trujillo asked if there was a setback as to where PNM will put lines. He asked if they have the right-of-way, would they put them along the corners, for example. In response, Mr. Gallegos said if the right of way is adjoining the parks as far as it is defined, or is on the side of park, yes PNM would be allowed to put lines in those areas. He said this document specifically excludes open space and trails as part of right of ways.

Councilor Trujillo asked about the Railyard. Councilor Heldmeyer noted that the Railyard is putting everything underground. Mr. Gallegos said he is not aware of any new routes in the Railyard that PNM would be choosing through the Railyard, or at least to the Baca area.

Councilor Trujillo asked that staff look to see if there can be a set back to keep the lines away from as many parks as possible.

Councilor Heldmeyer said there was an issue that was brought up to the former City Manager. She noted that PNM put in some ugly galvanized metal supports against several of wooden poles. She said she was told by PNM that this was cheaper to do this and therefore this is what they have to do. She said maybe they could work this out in the Franchise Agreement. She asked staff if they were given any direction from the prior City Manager. Mr. Gallegos said staff was not given direction on this particular issue from the prior City Manager but it would be an issue for the Facility Plan. He offered to look into this.

Councilor Heldmeyer asked where do we talk about what the city pays PNM for electricity. Ms. Winter said this issue is not issued in any of these documents. She noted that there is a tariff on file with the Public Regulations Commission.

Councilor Bushee would like to see the Franchise Agreement go before the Public Land Use Committee as well.

Chair Chavez offered to be the sponsor on the Bill to get the ordinance drafted and moved through the process.

Friendly amendment: Councilor Heldmeyer asked that they look into the issue of these metal boxes.

The amendment was considered friendly to the maker.

VOTE: The motion passed unanimously by voice vote.

16. SANTA FE RIVER CHECK UP PROGRAM - PETER ORTEGA

a) Discussion of Collection Method of River Check Off Program through Utility Billing. (Peter Ortega)

Mr. Ortega said they are prepared to propose three options for the collection method of the River Check Off Program. He reviewed the three options. Option 1 is the volunteer donation, kind of like the Good Neighbor Fund. Option 2 is where someone could simply make a donation at the Cashier's Office and specify what the donation is for. The third option is a recurring method, which could be set up for a period of time.

Mr. Ortega reported that they were asked how this would affect the customer's bill if they didn't pay their voluntary contribution and the answer to that is that it won't affect the customer's account or collection method.

Councilor Bushee said she had hoped for more answers on the fund collection method. She said they asked billing staff to see if they could do the one time check off method.

Councilor Bushee suggested that the name be the "Santa Fe River Fund". She said Santa Fe does not have a living river yet. She would like a follow up of what has already been passed on this. She asked if this could be done by Earth Day or implemented by June 2nd – she asked if this is realistic. Mr. Ortega said yes and noted that there are other administrative procedures that need to be accommodated.

Janine Johnston said staff has been working on the administrative procedures for the River Check-Off Program. She noted that they have drafted a resolution to specify how exactly things will be done. She noted that billing is willing to implement the monthly check off and the continuous method.

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo that staff come back to the next meeting with a sample bill with the administrative guidelines already worked out, as a separate item. Councilor Bushee suggested that they call the fund the "Santa Fe River Fund". Councilor Trujillo seconded the motion.

Ms. Johnson said she wants to bring up some other issues beyond the collection method. She noted that the Committee received a memorandum that suggests how much the program would cost. She said she did not think the \$5,000 would cover what she thinks they need to do in terms of public outreach and education. Councilor Bushee said they would be amazed what Joe Abeyta could do for very little money in terms of helping them to promote this.

Ms. Johnson said Ms. Borchett would be reporting on the administrative costs that could come out of the fund. Ms. Borchett will be suggesting how these funds could be used.

Ms. Borchett said she needs clarification on the preferred fund collection method first. Councilor Bushee thought that the one-time check off collection method is probably the easiest to implement and clearest to those who want to contribute.

With regard to the reoccurring collection method, Mr. Ortega suggested that an application be included with this because there may be some question as to whether or not the person checked off the box.

Councilor Heldmeyer said she liked the idea of separating out the application for the fund. She said it is important that the public outreach be as clear as possible and be very clear on what this money will be used for, which means periodic updates to the public.

Ms. Borchett recommended that administrative costs associated with the purchase and transfer of water rights (contract review, water right validity review, transaction costs) be used from the fund, as authorized by the River Check-Off program resolution.

Friendly amendment: Councilor Bushee accepted a friendly amendment to include Ms. Borchett's recommendation.

VOTE: The motion passed unanimously by voice vote.

- b) **Request for approval of Resolution No. 2007-_____. A Resolution adopting Administrative Procedures for Implementing the Santa Fe River Check Off Program (Janine V. Johnston)**

This item was discussed above.

17. **REQUESTING APPROVAL OF ORDINANCE NO. 2007-_____. AN ORDINANCE AMENDING RULE 18A OF EXHIBIT A, CHAPTER 25 SFCC, 1987 REMOVING THE REQUIREMENT FOR SEPARATE METERS FOR AFFORDABLE RENTAL DWELLING UNITS. (Councilor Wurzburger) (Jeanne Price)**

A memorandum from Jeanne Price to the Public Utilities Committee and the proposed ordinance were distributed in the members' packets. She noted that Councilor Wurzburger introduced this for the purpose of discussion. The bill would remove the separate meter requirement for affordable rental housing. The bill, as written, would only apply to projects funded through the federal low-income housing tax credit program or department of housing and urban and development programs. Ms. Price said there are multitudes of issues that are brought up with this kind of bill and part of this is, does it encourage some of the water conservation the city wants to see.

Chair Chavez asked to hear from staff and then he will bring it back to the Committee.

Ms. McCormick said in the Affordable Housing Program there is a rental provision that only covers 15% of new rental units so they are looking at this for any units that will be financed using federal low income housing tax credits or department of housing and urban development programs. She explained that dwelling units for rent, which have been certified by the city's office of affordable housing as meeting the definition of affordable rent as defined in Section 26-1.5 SFCC 1987, are exempt from this requirement provided that they meet the following requirements; each building has a separate meter and each dwelling unit in that building meets the definition for affordable rent and the owner agrees, in writing, to comply with the affordable rent limit for a period no less than 30 years from the first date of occupancy of the building.

With regard to the billing portion of this, Mr. Ortega said the billing gets complicated when there are master units. He said this creates a lot of problems. He said people wouldn't be able to be conscious of how much water they are using with master units.

Mr. Jorgenson said he ran some numbers on the infrastructure and utility expansion charge, average construction costs and overhead fees that a developer of an apartment unit would have to pay. He said this would not include any plumbing to the dwelling. He reported that the cost for a 1-½ inch meter service connection is estimated at \$12,600 and \$1400 for a 5/8-inch connection.

He noted that they are working on a contract with the Santa Fe Civic Housing Authority on Gallegos Lane. They are getting ready to put in 32- 5/8 inch meters and get rid of their master meter. He said it would be a management headache for somebody who is not individually metered.

Mr. Ransom said one thing that has not been mentioned is that leaks in a multi-family unit go undetected and therefore they are wasting a lot of water because of these leaks and the fact that these leaks are hard to find. He noted that they find out this information while conducting water audits. He said water conservation is a huge issue here.

Ms. McCormick said their office did not have a strong feeling on whether or not to implement master or separate meters. Councilor Heldmeyer said she did not see much advantage to doing this given that we are already subsidizing these projects by not having them retrofit.

MOTION: Councilor Bushee moved, seconded by Councilor Heldmeyer to deny this request.

Councilor Trujillo asked if the rates per gallon were different with a master meter. In response, Mr. Ortega said this depends where it falls under. If it falls under commercial it goes on the size of meter and if it is multi-family, it goes with the number of units. He asked if having one master meter is common practice. Ms. McCormick said this varies from builder to builder in terms of how they want to handle this with regard to tax credit projects.

Councilor Dominguez said he thought that this was an attempt to move towards mobility and hopefully not compromise water conservation. He said maybe there is an opportunity to do that but he did not think that this Committee is interested in this possibility.

VOTE: The motion passed unanimously by voice vote.

MATTERS FROM THE CITY ATTORNEY

There were no items from the City Attorney.

ITEMS FROM STAFF

There were no items from staff.

ITEMS FROM THE COMMITTEE

Councilor Trujillo said staff gave Councilor Dominguez disks and he would like to get some next time.

Councilor Bushee asked how long they plan on reducing customer service hours at the Water Division for training purposes. In response, Mr. Ortega said they plan to have those hours indefinitely due to high staff turnover. He explained in order to provide any kind of training for employees; they have to do this after 3:00 p.m. He said they are not closing the cashier's office or other sections of the Water Division. Councilor Bushee thinks this is really a bad move as far as customer service goes.

Councilor Bushee spoke on a recent press release that went out about people shutting off their water meters. She said the public is not aware that they could be fined \$200 for shutting off the water on the street and nobody knows that they cannot do this without the City's permission.

Responding to Councilor Bushee, Mr. Ortega said it is not that easy to turn off the water at the meter and they can break the meter. He said he did not have staff on call to do this.

Mr. Martinez said they have staff that goes out to take care of this problem for people. He said they do not want to see anybody tampering with these meters.

Mr. Buller said he believes that there is a state law that states that it has to be a certified operator who can turn off the meter. He said the other part is that the city would like to have control of their own system and they also have to take health and safety into consideration.

Mr. Martinez said they could let the public know about this. Councilor Heldmeyer said it would be good to have an emergency plan when things get bad, or the temperature goes below a certain number. She suggested that staff provide a report to the Committee on the number of requests they had during this last snowstorm.

Councilor Trujillo said they need to look at things like who is going to pay for damages due to the water, if the city does not come out immediately to shut off the water meter, in the event of a water break or something like this.

Mr. Ortega said another concern is theft for those individuals who are turned off for non-payment.

NEXT MEETING: March 7, 2007

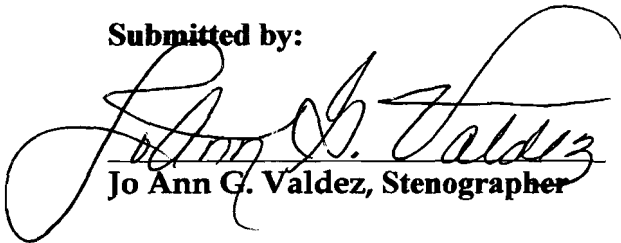
ADJOURNMENT

There being no further business to come before the Committee, and the Committee having completed its agenda, the meeting adjourned at 8:45 p.m.

Approved by:


Councilor Miguel Chavez, Chair

Submitted by:


Jo Ann G. Valdez, Stenographer