



# Agenda

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**PUBLIC UTILITIES COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
WEDNESDAY, MAY 2, 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 APRIL 4, 2007 PUBLIC UTILITIES COMMITTEE MEETING

**INFORMATIONAL ITEMS**

6. Update on Current Water Supply Status. (Michael Gonzales)
7. Update on Solid Waste Division (Bill DeGrande)
8. Update on Commercial Rate Structure. (Gary Martinez)
9. Update on Conservation Effectiveness. (Dan Ransom)
10. Update on PNM Revised Cost Accounting of South Pacheco 11 Underground Project. (Robert Gallegos)

**CONSENT CALENDAR**

11. Request for Approval of Amendment No. 1 to Legal Services Agreement with Montgomery & Andrews PA for an Additional \$50,000 for Legal Services Regarding Ferguson Well. (Maureen Reed)
12. Request for Approval of Contract Amendment No. 2 for Advantage Asphalt and Seal Coating, LLC for an Additional \$270,00 for City Wide Utility Restoration Bid # 06/13/B. (Edwin Lovato)

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PUBLIC UTILITIES COMMITTEE  
May 2, 2007**

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<b>REQUEST FOR APPROVAL TO INDEFINITELY SUSPEND THE SOLID WASTE DIVISION INCENTIVE PROGRAM</b>	<b>Approved [amended]</b>	<b>2-6</b>
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<b>A REQUEST FOR APPROVAL FOR FIRE PROTECTION SERVICES UNDER PROVISIONS OF SFCC, SECTION 25-1.11 BY KARL SOMMER FOR THE LEXUS OF SANTA FE PROJECT LOCATED ON CERRILLOS ROAD</b>	<b>Approved [amended]</b>	<b>9-12</b>

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
<b>A REQUEST FOR WATER SERVICE AND SEWER SERVICE UNDER PROVISIONS OF SFCC, SECTION 22-6.2 AND SECTION 2 5-1.11 BY MICHAEL TAVELLI AND THOMAS TAVELLI FOR A MIXED USE DEVELOPMENT REQUIRING 4.7 AFY OF WATER. THE PROPERTY IS LOCATED IN THE HISTORIC AGUA FRIA VILLAGE</b>	<b>Approved [amended]</b>	<b>12-17</b>
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**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC UTILITIES COMMITTEE  
May 2, 2007**

**1. CALL TO ORDER.**

A meeting of the Public Utilities Committee was called to order by Councilor Miguel Chavez, Chair, at approximately 5:15 p.m., on May 2, 2007, in the Council Chambers, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

Roll call indicated the presence of a quorum as follows:

**MEMBERS PRESENT**

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

**OTHERS ATTENDING**

Galen Buller, City Manager  
Kyle Harwood, Assistant City Attorney  
Stephanie Trujillo, Public Utilities  
Melessia Helberg, Stenographer

**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**

Councilor Bushee said she has to leave early, and would like to rearrange the agenda to hear the discussion items first.

**MOTION:** Councilor Bushee moved, seconded by Councilor Trujillo, to approve the agenda as amended.

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

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

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to approve the following consent agenda.

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

#### **CONSENT CALENDAR**

- 11. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEGAL SERVICES AGREEMENT WITH MONTGOMERY & ANDREWS PA FOR AN ADDITIONAL \$50,000 FOR LEGAL SERVICES REGARDING FERGUSON WELL. (MAUREEN REED)**
- 12. REQUEST FOR APPROVAL OF CONTRACT AGREEMENT NO. 2 FOR ADVANTAGE ASPHALT AND SEAL COATING, LLC, FOR AN ADDITIONAL \$270,000 FOR CITY WIDE UTILITY RESTORATION BID #06/13/B. (EDWIN LOVATO)**
- 13. REQUEST FOR APPROVAL OF BID NO. 07/43/B TO CEMENTEC, INC., FOR A VOLUMETRIC MIXER FOR \$58,229.00. (JAMES RODRIGUEZ.**
- 5. APPROVAL OF MINUTES FOR THE APRIL 4, 2007 PUBLIC UTILITIES COMMITTEE.**

The following correction was made to the minutes:

Members Excused: "Councilor Patti J. ~~Trujillo~~ Bushee."

MOTION: Councilor Trujillo moved, seconded by Councilor Dominguez, to approve the minutes of the meeting of April 4, 2007, as corrected.

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

#### **DISCUSSION ITEMS**

- 14. REQUEST FOR APPROVAL TO INDEFINITELY SUSPEND THE SOLID WASTE DIVISION INCENTIVE PROGRAM. (BILL DEGRANDE)**

Bill DeGrande said at the last Public Utilities meeting the Committee asked him to see if he could reach compromise with the staff concerning the incentive program. He has been working to develop a compromise between management and the staff, and some progress has been made. He said things have changed within the Division in terms of attitude. There are visible changes in the yard, and staff is doing the requested work above and beyond the routes. The workers have asked a representative to present their side this evening.

**Ralph Lopez, 15 years with Solid Waste.** Mr. Lopez said there have been several meetings, the employees have met with management and a committee has been formed, with four people who are the most senior employees. They discussed the issues, and after discussion the employees understand what Mr. DeGrande wants of them, what needs to be fixed, and what needs to be done. He said they have had several meetings with the rest of the employees and management, and everyone has agreed to clean up yards, keep trucks maintained, and to do their job in a professional manner. He said they are asking for teamwork and for everyone to be part of a whole Division, and not just commercial or residential or management. He said they will be working together with management and supervisors.

Mr. Lopez said Mr. DeGrande will develop an agenda every week, and it will be up to the supervisors to ensure everyone stays at least one day a week for eight hours to do what needs to be done in the yard or on the trucks or "whatever and stuff." The guys have agreed to do this. They have asked Mr. DeGrande to let them try this for six months. If it can't be worked out within that time, they have agreed to do away with the program.

Chair Chavez said the agenda asked for approval to indefinitely suspend the Solid Waste Division Incentive Program. He asked Mr. DeGrande if this is what he is asking, or will there be some sort of hybrid or modified incentive program.

Mr. DeGrande said when the packet was put together, this is where this stood. However, as it stands this evening, after the meetings, we probably will develop a modified program.

Chair Chavez asked if this means some employees will work a four-hour day and finish their routes as quickly as possible, still get paid for an eight-hour day and go home early.

Mr. DeGrande said it does not.

Chair Chavez asked how the incentive program will work now, compared to how it worked before.

Mr. DeGrande said as initially conceived, the incentive program was supposed to foster team work where everybody helped everybody, on the routes, in the yards, maintenance, and everything, but this isn't how it has worked for the past few years. The last few years they would go through their route as quickly as possible and go home.

Chair Chavez asked if this practice under the new program will stop.

Mr. DeGrande said it will. Mr. DeGrande said it is not just going to be one day a week. If they have to stay three days or five days a week, they have agreed to do so to get the job done, but they guarantee one day a week. He said it will be up to him, and if he asks them to stay, they have agreed to stay, noting he has plenty of work to be done right now. His position this evening, is to allow them the six months to see if they can do it, if they can't the program will be ended, not suspended.

Chair Chavez asked what is the incentive.

Mr. DeGrande said the incentive is for them to go home early on days when everything that has to be done is done. They don't get to go home individually, but only when everything is done, all the routes.

Chair Chavez said then they still will go home and will be paid for the work they've done and not for an eight-hour day if they only work one-half day.

Mr. DeGrande said this is correct.

Councilor Heldmeyer expressed concerned about the six months, and asked how wedded the two sides are to the six months, commenting this is a long time.

Mr. DeGrande said if the Committee wants a shorter period, it can be discussed, and he will present it to the workers.

Councilor Heldmeyer would be more comfortable with three to four months, with the assumption that it might not be completely worked out by then, but there would be some indication of the direction it is going.

Mr. Lopez said that would be fine. He said they have already started working on a lot of these things, including assembling carts, cleaning the yards, washing trucks, maintenance and such. He would have to check with the other members of the committee, noting two members are in attendance.

At the request of Councilor Heldmeyer, Mr. Lopez left the podium to speak with the other members of the committee with regard to the shortened time frame.

Councilor Heldmeyer asked to what extent does this interact with eventually rebalancing the routes.

Mr. DeGrande said it plays right into that. He said eventually, through attrition, the routes will be extended and balanced for both commercial and residential, noting pickup dates may change. At some point, the program will be less generous than it is now, simply because the routes will be longer.

Mr. Lopez said, after speaking with the other members of the committee in attendance, all agree to the four-month time period. He said there is a lot of work to be done, especially in the back yard. He said under the incentive program, they work all holidays, noting the other departments don't work holidays, and this is part of the incentive which falls into play for the Solid Waste Division. He said this Division is unique because refuse has to be picked up every day.

Councilor Heldmeyer said there is a lot of redundancy in personnel in this Division which is much higher than most cities, therefore that ought to balance out as well. She said we have more people for the job than needed for the job to be done.

Councilor Bushee believes it's worth giving it a try. She said one of her concerns revolved around safety and rushing as a factor. She asked about training. She said her constituency calls have subsided on trash pickup concerns. She is really relieved, and believes everybody is working hard to this end. She complimented Mr. DeGrande for his efforts in taking on a tough job, and she hopes this action will be a trend for the future.

Mr. DeGrande said he will be discussing, in his informational report, that regular safety meetings have been reinstituted, new safety vests and hard hats have been purchased for all employees, and everyone has been issued all required safety equipment and then some. He said OSHA will be coming in to teach a lockout tagout class in the next two weeks. He said he is as concerned about safety as this Committee, and he is trying to make everything as safe as possible.

Councilor Bushee suggested it is necessary to educate the public as well.

MOTION: Councilor Bushee moved, seconded by Councilor Heldmeyer, that the Committee approve the proposed new Teamwork Incentive Program for the next four months with the program as outlined by Bill DeGrande, and the program will be reevaluated in four months.

DISCUSSION: Councilor Dominguez said he doesn't want to set either side up for failure with a shortened time period, and he wants reassurance that the four months will be enough time. He said he wants to know now if it could take five or six months to get a good grip on things.

Mr. DeGrande said he believes the four months will work, and it is close to the goal to have 95% of the City automated, which is one of the driving forces behind this.

Chair Chavez said we can let management and the team have the time that they need, and if the four months is insufficient, or there are a few things which still need more work, Mr. DeGrande can advise the Committee at that point. He said we want a progress report in four months, and we can then evaluate what is left to be done.



Chair Chavez said there also is a concern about public safety as you're out doing your job. He has received complaints about the speed of some of the vehicles, in this as well as other departments. He said you need to be focused on what is happening around you in picking up the trash.

Chair Chavez said, with regard to working on holidays, he asked Mr. DeGrande about his proposal where most of the routes would be picked up on the day after the holiday, so the workers can spend holidays with their families, without losing time and money from their paycheck.

Mr. DeGrande said he is still looking at that, and would like to see that come into play. It may not work for every section of the Division, because there are some commercial routes which require pickup six days a week, but it can work for residential. He said he will come back with a plan.

Councilor Bushee would like the program in writing in four months.

Mr. DeGrande said he can do so. He said the union will have some interface in terms of holidays and the contract requirements for two consecutive days off. He said this Division has always been unique in that it is a six-day a week operation, but not the whole Division. He said this will have to be considered in each section of the Division.

Mr. DeGrande said he is not, and has never been, a fan of the incentive program, but the Division is driven to provide service. If this is the way he can do it, then he is going to give it a try.

Councilor Trujillo said he is glad labor and management are talking, and he supports going forward for the four months.

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

**15. REQUEST FOR APPROVAL OF WATER AND SEWER SERVICE UNDER PROVISIONS OF SFCC, SECTION 22-6.2 AND SECTION 25-1.11 BY JENNIFER JENKINS, AGENT FOR COUNTRY CLUB GARDEN APARTMENTS AT 5999 AIRPORT ROAD, FOR SERVICE TO A 200 SQ. FT. OFFICE AS PART OF A NEW STORAGE FACILITY (ANTONIO TRUJILLO & STAN HOLLAND)**

Antonio Trujillo said the Memorandum provided by Kathryn Mortimer is in the packet and is self-explanatory.

Chair Chavez noted that Ms. Mortimer's memorandum is the only thing the Committee was waiting for. Mr. Trujillo said that is correct.

Councilor Dominguez reminded the Chair that the Committee also requested that a copy of the Development Plan be provided in advance of the meeting.

Mr. Trujillo said the Applicant is in attendance to answer questions which are specific to the project.

Councilor Dominguez said one of his concerns is how this proposal fits with the Southwest Sector Master Plan. It is his intent and hope that anything which comes before any governing body has some sort of logic and planning need. He said Ms. Mortimer's Memo says the proposal isn't consistent with the Southwest Area Master Plan.

Ms. Mortimer said this is correct, and reviewed the information in her April 23<sup>rd</sup> Memorandum.

Commissioner Dominguez said the reason that part of the community is challenged is because there has not been a consistent land use philosophy applied to it. He understood the Applicant to say that these units would be for commercial use as well. He is having a hard time with that. If this storage was just for tenants, it would be easier for him to consider.

Ms. Jenkins said the original motivation for the storage units was to serve existing residents. The property owner did build some storage just to serve residents and they are full all the time. She said, recognizing there was undeveloped property around the perimeter, this was an opportunity to increase storage for existing residents and also to serve the surrounding neighborhood, with first right to residents. The units are designed to be minimally visible without a lot of impact on streetscape on Airport Road. She noted that the total lot coverage – the total roofed area – is less than 20% and she disagrees with Ms. Mortimer's assessment of the loss of open space. She said a multi-family community in the City could have 40% lot coverage and a commercial project could have 50%. She said there is quite a bit of open space.

Councilor Dominguez asked how this commercial use fits with the residential use.

Ms. Jenkins said it is a matter of impact.

Councilor Dominguez asked why this designation isn't considered in the Southwest Area Master Plan.

Ms. Jenkins said she served on the steering committee which wrote the Master Plan, and she thinks there typically is a common feeling that nobody wants storage, nobody wants it near them nor to look at it. She said storage facilities can be done well or poorly. She said storage is the lowest impact use in many ways with regard to traffic generated and water used. It is the intention to do this right. The property owner doesn't want to have a negative impact on existing apartments, or to detract from the existing quality of life.

Councilor Dominguez asked why it is necessary to have the sewer.

Ms. Jenkins said it is proposed to build a 200 sq. ft. office where people would come to rent a unit, and have a manager there. They are proposing one bathroom to serve the one employee who would be in that office.

Councilor Heldmeyer asked if the 20% is in addition to what currently exists.

Ms. Jenkins said no. She said they are at 20% for the entire site. This is a two-story building of a total of 42,000 sq. ft., with 62 apartment units – a 21,000 sq. ft. footprint.

Councilor Heldmeyer said there will be almost as much lot coverage from the storage facility as the apartments. She said the staff memo says it isn't an appropriate use under the Southwest Sector Plan.

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

EXPLAINING HIS SECOND: Councilor Dominguez said he typically is supportive of opportunities for people to improve their lives. This one is difficult for him "to swallow." If it was just for residents, he would be more accepting. He reiterated that area is very challenging, and the more chances we take, the more challenging it will become. The whole intent, he hopes, is to improve the area.

DISCUSSION: Councilor Bushee asked if the applicant will go forward with storage units and use a well.

Ms. Jenkins said they would just eliminate the bathroom, and the employee would use the existing bathroom at the apartment office. She said the property currently is served by City water and sewer, so there is already fire protection on the property. The applicant received unanimous approval from the EZC for the master plan for this use, because they are in compliance with the commercial node requirements of the extraterritorial zone they are in. They will be going before the EZA for a request for master plan approval. Ms. Jenkins said they debated whether or not to proceed, and it would be nice to have a restroom in the office, but it isn't far to the apartment restrooms.

Councilor Heldmeyer asked if there is fire protection for the apartments. Ms. Jenkins said there is fire protection for the property.

Councilor Heldmeyer asked if the Applicant will be able to extend the fire protection to buildings which aren't there.

Mr. Trujillo said the applicant will not be doing a main extension and the fire protection exists to serve the property, and nothing additional is required.

Councilor Heldmeyer said then there will be no stand pipes or sprinkler systems. Mr. Trujillo said this is correct.

Chair Chavez said he can relate to Councilor Dominguez's concerns. He said there is a lot of demand for these storage units, mostly along Rufina, Airport, and Agua Fria. He said even though this one is an additional use, it isn't stand alone, and it is incorporated into an existing development, and seems to be better in this regard. He said we need to be aware that even though we can push for the Southwest Area Master Plan to be followed, there isn't consistency at this point in the area.

Councilor Dominguez asked if this still has to go to EZA. Ms. Jenkins said yes. Councilor Dominguez noted he is a member of the EZA.

VOTE: The motion was approved on a voice vote, with Councilor Dominguez, Trujillo and Heldmeyer voting for the motion and Councilor Bushee voting against the motion.

EXPLAINING HER VOTE: Councilor Bushee said at first she was against this, but they are going to build it anyway, and an additional water hookup for a bathroom doesn't seem like a bad idea.

**16. A REQUEST FOR APPROVAL FOR FIRE PROTECTION SERVICES UNDER PROVISIONS OF SFCC, SECTION 25-1.11 BY KARL SOMMER FOR THE LEXUS OF SANTA FE PROJECT LOCATED ON CERRILLOS ROAD. (ANTONIO TRUJILLO)**

Mr. Trujillo presented information regarding this request to the Committee.

Councilor Heldmeyer asked what kind of fire protection is being requested.

Mr. Trujillo said the fire protection was not specified, but in all likelihood this will mean extension of a water main to provide a fire hydrant.

**Joseph Karnes, Lexus of Santa Fe**, said he believes there is a water main in the street, along with an existing hydrant which is proposed to be used for provision of the fire protection service, noting the property is adjacent to the City limits.

Councilor Heldmeyer asked the applicant if he is looking at a sprinkler system. Mr. Karnes said he doesn't know if there is a sprinkler system in addition to the fire service which is being requested. He offered to call right now and find out. His expectation is that there would be a sprinkler system since it will be a commercial building.

Councilor Heldmeyer asked Mr. Trujillo if there is a sprinkler system, would the City charge a monthly standpipe fee. Mr. Trujillo believes the City will be charging a monthly fee for

a sprinkler system. He explained that he was not here when the previous approval was made, but when people are asking for fire protection and live in the County, they have to pay a monthly fee. Mr. Trujillo said his colleague who dealt with the last request is out of the country right now, and he can't get the answer from him, but he will get the answer soon.

Councilor Heldmeyer observed that the City should benefit when called on to provide services, noting the City isn't getting property tax, impact fees, or any of the benefits of new development. If they are asking for water, the City should benefit.

Mr. Trujillo said the ordinance can be amended to eliminate these kinds of requests, but currently these requests aren't prohibited.

Councilor Heldmeyer said she doesn't want to eliminate it, she wants the City to make money.

Mr. Karnes said he doesn't have the answer, but it is his understanding that payments will be made to the City, which indicates that there will be sprinklers. He said they are not asking for service without expecting to make payments.

Councilor Heldmeyer said there are two kinds of fire protection, one uses sprinklers and stand pipes and there are monthly fees. The other is "let us hook up to your water line, and we'll put in a hydrant or hydrants." They satisfy what the County Fire Marshal wants, but the development is still in the County and the City doesn't benefit from it in any specific way. She recalled a discussion two meetings ago as to whether entities in the County to whom we are providing water for fire protection should be charged a monthly fee. She asked if this policy has been put in place, or if it would be necessary to amend the ordinance to do this.

Mr. Peter Lovato said we do charge a fee, but he is unclear as to what the City charges and would need to research that.

Chair Heldmeyer said we will be getting more of these kinds of requests, noting the City has invested a lot of money in the water system. For the cost of a line, we let people hook up to something which is of great benefit to them, but from which the City sees no benefit.

Chair Chavez said he has concerns where, in effect, the City is incrementally building a fire suppression system in the County a piece at a time. He is concerned about how effective the service might be, and if it is in any way is undermining the integrity of our system in terms of pressure and such.

Mr. Harwood said currently the ordinance which deals with fire protection doesn't specify this policy, but it could be amended to specify the kind of fire service you want this limited to.

Responding to the Chair, Mr. Harwood said since these are discretionary decisions under the ordinance, it could be conditioned that it be one or the other. He said it isn't necessary to do this by ordinance, and it can be done in this process case by case.

Responding to Councilor Heldmeyer, Mr. Harwood said you can specify one kind of fire service or another, but does not recommend getting into the ratemaking part of the process on a case by case basis. Since this is a discretionary decision under the ordinance, you could say yes to fire service, provided it is this type and the attendant fees. Or the ordinance could be amended to provide the only type of fire service that you can have.

Councilor Heldmeyer asked if this could be retroactive, or would they continue to get the service for free.

Mr. Harwood said, from a legal perspective, he does not recommended pursuing a forced retroactive approach, because the contract has been signed, but we could engage these people to see if they want to switch over to the new kind of fire service.

Councilor Dominguez said this needs to go to Council for approval. Mr. Harwood said with PUC approval, it will be placed on the Consent Agenda at Council. He noted this Committee has forwarded things to the Council without recommendations which then are placed on the regular agenda.

Councilor Dominguez said it sounds as if there is research staff can do to determine our options with regard to charging that fee.

Mr. Harwood said this Committee could approve this request and send it to the Council, making sure that at Council staff indicates the kind of fire service and the attendant rules, so you can be comfortable with that whichever service is implicated by the request, and the right rules go along with it.

Councilor Dominguez asked if staff also can do an analysis on the impact on our system, with regard to the concern the Chairman expressed.

Mr. Harwood said it can be done.

Chair Chavez said we need to know how long we can continue to extend our lines for fire suppression without impacting the overall pressure.

Mr. Trujillo said as long as the proposed connection falls within the gravity service area, we have the static pressure to serve, and there is no negative impact. He was just informed that the Applicant will move forward and sprinkle the system, so they will be paying a fee.

MOTION: Councilor Heldmeyer moved, seconded by Councilor Dominguez to recommend approval of a sprinkler type system, and before this goes to Council that the questions of the effect of this particular fire service on the system as a whole be reevaluated by staff, and that information will be in the Council packet, and that all the standard criteria which we apply to these kinds of cases will apply, including the fact that if the City chooses to annex this area, that the Applicant will not oppose annexation.

VOTE: The motion was approved on a voice vote [Absent: Councilor Bushee.]

**17. A REQUEST FOR WATER SERVICE AND SEWER SERVICE UNDER PROVISIONS OF SFCC, SECTION 22-6.2 AND SECTION 25-1.11 BY MICHAEL TAVELLI AND THOMAS TAVELLI FOR A MIXED USE DEVELOPMENT REQUIRING 4.7 AFY OF WATER. THE PROPERTY IS LOCATED IN THE HISTORIC AGUA FRIA VILLAGE. (ANTONIO TRUJILLO)**

Mr. Trujillo presented information regarding this request from his Memorandum in the Committee packets.

Councilor Heldmeyer asked if the Village will ever say yes to anybody again, noting it is the Village's intention to obtain a chunk of the second set of BDD rights from the County, and asked if they ever say yes to anyone.

Mr. Trujillo said if the Village says yes, those requests don't come to the City, so he doesn't know, but he imagines they do.

Councilor Heldmeyer asked if people are allowed to dig their own wells in the traditional Village.

Mr. Trujillo said he does not know, but State statutes provide if they are within 300 feet of supply, then they cannot dig a well, noting the State Engineer governs the digging of wells. The City has ordinances prohibiting connections, or if they are in the wrong zone the City cannot provide service, and we advise the State Engineer that we cannot supply.

Councilor Heldmeyer said this is a very dense development which includes office space. She asked Mr. Kasssieh if the issue is the sewer.

Mr. Kasssieh said he can handle anything, but noted the Applicant's neighbor was denied connection for sewer and water 2-3 Council meetings ago, but this is up to the Council.

Councilor Heldmeyer noted that usually, the motions from this Committee are to approve the sewer, barring technical problems, and then do whatever it is we do on water.

Chair Chavez believes the neighbor's application for sewer was approved, with a condition on the water.

Councilor Heldmeyer said in the traditional Village, the traditional way is to have large lots with one house on them, and the reason the Village system grew as it did. Now, we are being asked to approve a fairly dense urban development in the traditional Village, where neither the Village nor the County will supply water. Once again, it falls to the City to get people "out of this hole." As long as we keep doing this, then the County has no incentive to deal with the issues in this area. Her inclination would be to approve the sewer and deny water.

Councilor Dominguez pointed out that this Committee is not approving the development and this is a request for water and sewer service. He doesn't know what is around this development and would like more information.

**Jim Siebert, 915 Mercer, Santa Fe**, representing the Applicant, said adjoining this property is commercial property on the east, on the south is the Montañño cement company, on the west, immediately adjacent is a vacant tract and next to that is developed housing which is the same density as this one.

Chair Chavez asked if that is the Senior project. Mr. Siebert said no, it is various subdivision lot splits which have happened over the years, beginning in the 1930s, and has been split over time up to the last year, and it is within traditional Village.

Councilor Dominguez asked if adjacent property owners are on City water.

Mr. Siebert said there is a water line and a sewer line directly in front of this property. When the sewer line was put in, all those immediately to the west were given an opportunity to connect, and he believes they have done so. Responding to Councilor Dominguez, Mr. Siebert said this is a "chicken and egg" situation. The County requires a commitment to a water source. Originally, they did have commitment from Agua Fria, but they later found that they couldn't supply under the terms of the County hydrologic ordinances. Therefore, they are requesting a commitment to provide water service, and with that, they can proceed with the plan which has been presented to the Village.

Councilor Dominguez asked the alternative if the Applicant doesn't get City water and can't get Agua Fria or County water.

Mr. Siebert said the alternative is to drill an on-site well, but they couldn't get the density as proposed, although the density is consistent with the plan and the ordinance which recently were adopted by Agua Fria.

Councilor Dominguez asked about the affordable housing commitment.



Mr. Siebert said if the City provides water, then they will be obligated to fulfill all the requirements – affordable housing, water budget, impact fees. Mr. Siebert said the studios are very small, and are only for artisans. He said people living in this compound would have first preference for the studios, but they can't live in the studios.

Councilor Dominguez asked that the Applicant make a presentation.

**Michael Tavelli, Applicant**, said with regard to affordable housing, he has spoken with Ron Pacheco, and will meet the requirements for affordable housing, and offer more than required because it is a good idea. He said this property has been in his family for five generations. He said Agua Fria was going to provide water, but couldn't because of the 100-year requirement to provide water. He had tentative approval from this Committee for sewer last year, but was advised that he had to reapply because of the new rules and regulations. It is his intent to fully comply with everything required. There is a 12-inch line immediately in front of his property, and he prefers to do the subdivision as proposed. He said it is in line with everything adopted over the last year by the Agua Fria Village associations and City Council. It meets the density requirements, and he is donating a piece of land for a park for a trail head on the corner of the property. He said the City passed an ordinance in October which allows the City to provide water if they are in the historical Village.

Councilor Trujillo asked to see the drawings for this project.

*Mr. Tavelli showed the drawings to the Committee members, but did not submit a copy for the record. He identified the surrounding neighbors and described the uses.*

Responding to Councilor Heldmeyer, Mr. Tavelli said he understands the porta potty business is required to remove the waste every week, and there are trucks which haul it to the sewer plant.

Mr. Tavelli said the Council is their last hope.

Councilor Trujillo said Mr. Tavelli is now saying he wants this to be an arts center.

Mr. Tavelli said it won't be restricted to an arts community. He explained there is a tradition in Agua Fria to have businesses and homes together. He said there will be covenants, because he wants to be sure everything meets Code. He said Ron Pacheco, of City Affordable Housing, suggested a live/work project. He said he will offer at least three affordable units.

Responding to Councilor Trujillo, Mr. Tavelli said the park is right on the river, and it would be a trail head to the new trail up the River to the City.

Responding to Councilor Trujillo, Mr. Kassisieh said the Applicant's neighbor was approved by PUC, but was pulled off consent at Council.

Councilor Heldmeyer said the requisite number of affordable units for this project under City Code is 4.5 units, and Mr. Tavelli has said he would be willing to give more. She asked if he would be willing to put that as a condition of approval for water service.

Mr. Tavelli said, according to Ron Pacheco, only two units are required. He said this is based on live/work units. He said Mr. Pacheco said because of this it would be 2.5, and he has agreed to do three units. He said he would be willing to do an additional unit to get City water and water for a total of four affordable housing units.

Mr. Harwood suggested that if the Committee wants to accept this offer and carry it forward, that we suggest that Ron Pacheco bring a draft proposal to the Council.

Councilor Heldmeyer asked what percentage of the overall space is the open space. Mr. Tavelli said it is about 1/4 acre for open space, but is right on the River, noting it meets the County's requirements for public open space. Mr. Tavelli said there are huge lots, 14,000 to 15,000 sq. ft. lots.

Responding to Councilor Heldmeyer, Mr. Siebert said he can bring everything in writing to the City Council, as well as to do the standard agreement for affordable housing as discussed by Mr. Harwood.

Chair Chavez said the City has been told that, even though this development is not in the City and will never be annexed because it is in the traditional Village, we can apply our ordinances with this extension of water and sewer – affordable housing, impact fees and GRT during construction. He asked if there are other fees to which the City is entitled.

Mr. Harwood said the ordinance that governs requests such as this one, provides that the rules and regulations for water service will be extended to the provision of water, if approved – rates, UECs, water use restrictions, fugitive water and such – similarly for wastewater. There is a specific section of City Code which provides that for projects receiving water and wastewater, the affordable housing shall apply. He said we have discussed other things which might apply, and in applying those, we have to sort out the appropriate vehicle, and determine whether we would trip over any legal obstacles. The Impact Fee system is set up by statute, so he needs to do an analysis in this regard. He noted this is really a research question.

Chair Chavez said this is another contradiction, because we haven't been very successful with annexation, because people in the urban area are concerned about density, which is one of the strongest arguments against the City's interest in annexation. So, here we are compounding that problem a little more.

Mr. Siebert suggested one way to deal with that issue, would be to get some sort of provisional commitment for water and sewer service from the City, subject to the Applicant going through the regular approval process – the Agua Fria Development Review Committee and the County Commission – and if he receives approval, then he would come back to the City

for the official approval of the application for water, which would include some of the things discussed this evening.

Chair Chavez said the affordable units are not subject to impact fees. He asked Mr. Harwood if he can research this between now and the next Council meeting.

Mr. Harwood said he can begin the process, but if an Ordinance amendment is needed, there would be significant time to impose it.

Chair Chavez asked Mr. Harwood if he is uncomfortable with the conditions of approval on this particular case.

Mr. Harwood said, as he understands the proposal, it is to forward this to Council, along with an affordable housing proposal with the higher than average number. He said the only three rule set which would apply – water and rules attendant to water service; sewer and the rules applying to sewer; and the additional offer above the typical affordable housing program. Then it would need to go to the Council for approval, but it wouldn't be executed until the other approvals are in hand.

Mr. Siebert said this is correct.

Mr. Harwood said he can research the impact fees issues with Mr. Liming.

Chair Chavez asked how we can enforce our ordinances in the traditional Village.

Mr. Buller said in this case the City doesn't enforce it as we would enforce an ordinance, but we enforce it as a contract.

Mr. Harwood said it becomes, as a matter of contract, the City's right to terminate the contract. He said it is a different world outside the City and it is literally a contract right which the City is enforcing. Responding to the Chair, Mr. Harwood said covenants are creations of the developer and the homeowner's association, which is different from a contract between the City as a utility contract, so the City is ½ of the agreeing parties.

Chair Chavez asks what happens if they exceed the 4.78 afy in any one year.

Mr. Harwood said the rights and responsibilities under the contract would allow the City to terminate the contract if they exceed that. He said the contract is only for the amount for which they applied. He said as a matter of implementation, the City would work with the folks on how to manage that, and if the water budget consistently was being exceeded, a revision would be required. It is a complicated set of issues, and is not unlike site budgets in town.

Chair Chavez asked the City's policy on main line extensions.

Mr. Trujillo said if the main line extension is approved by the Governing Body, then it is allowed, noting there are no main line extensions without Governing Body approval.

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the extension of water and sewer service with the condition that the affordable housing units are incorporated as discussed by Councilor Heldmeyer, that the City captures all fees referred to by Councilor Chavez, and that it will go to Council, and if approved by the Council, it will await the other approvals, and only after the approvals are received, would the contract be executed.

DISCUSSION: Mr. Siebert pointed out that they still have to go through the process itself, and in that process, the project may change, for example, become less dense or have less studios. At that point they would have to come back to finalize the water and sewer service contract.

Chair Chavez said the contract would contain the details, such as the number of affordable units, and whatever applicable fees for which the City would be eligible.

Mr. Harwood understands these would go forward together. He said the City has usually taken the application on its face, so it is the number of units and the total site water budget. If the project changes in a way that the Applicant wants to do less, we have usually considered that a lesser included approval. If it becomes more, then it would have to come back for approval.

Councilor Dominguez asked the number of affordable units for this project.

Chair Chavez and Councilor Heldmeyer said it is four.

Mr. Siebert agreed.

VOTE: The motion was approved on a voice vote, with Councilors Dominguez and Trujillo voting for the motion and Councilor Heldmeyer abstaining [Absent: Councilor Bushee].

EXPLAINING HER ABSTENTION: Councilor Heldmeyer said she is abstaining until she sees the actual approvals.

## **INFORMATION ITEMS**

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

A copy of the Weekly Water Report for the week ending April 29, 2007, is incorporated herewith to these minutes as Exhibit "1."

Mr. Gonzales reviewed the information in Exhibit "1."

Responding to a question, Mr. Gonzales said currently they are releasing 10.5 cfs or 7 million gallons per day. There will be no check dams, but there will be ponding. They are working to create an environment where if there are variations or deviations there will still be fish in the River.

Responding to Councilor Heldmeyer, Mr. Gonzales said it was a surprise to everyone when the 200 fish were released into the River, but there was water in the River, and those fish are doing well. On Friday, May 11<sup>th</sup>, there will be additional stocking of fish for the fishing derby on Saturday, May 12<sup>th</sup>. He said there have been discussions with Fish & Game, and this line of communication is now open, and both parties are communicating so something like this won't happen again.

## **7. UPDATE ON SOLID WASTE DIVISION (BILL DEGRANDE)**

Mr. DeGrande presented the information contained in his Memorandum of May 2, 2007.

Chair Chavez asked, with regard to the automated expansion, if we can get something out on public access television through Joe Abeyta as part of the public information campaign.

Mr. Buller said Mr. Abeyta will do that and will need to coordinate that with Mr. DeGrande.

Mr. DeGrande said this would be great and spoke about the other public information efforts in this regard.

Councilor Dominguez asked what are "lockout tagout" procedures.

Mr. DeGrande said if there is a truck which is not supposed to be on the road, then we put locks on the truck so people won't take the truck. It also has to do when people get out of trucks to dump at the landfill, if they are going to clean behind the blade of their vehicle, they have to take the key out of the ignition so the blade has no chance to crush them, the PTL has to be off. All of these are part of the lockout tagout procedures which go to safety.

## **8. UPDATE ON COMMERCIAL RATE STRUCTURE. (GARY MARTINEZ)**

Gary Martinez acknowledged the assistance of Jason Mumm in his efforts, noting he was the primary person responsible for the new water rate schedule. Mr. Mumm feels responsible for repairing the issues, so he is helping us through this.

Mr. Martinez said because of some of the issues which were brought up by certain commercial customers, staff felt it was a small subset of commercial customers fitting a certain profile – they were all small meters less than one inch for the most part, with large flow volumes.

At the last PUC meeting, staff advised the Committee that it is looking at a proposed administrative solution. Staff didn't recommend calculating new rates for the customers. Staff is proposing to either require customers to apply for a change of use and install larger meters based on capacity requirements, paying the additional UEC consistent with City or ordinance, or in most cases where a larger meter isn't necessary, make an administrative adjustment for billing purposes which would place the customer in the rate schedule for a larger meter.

Mr. Martinez said, based on these concepts, an analysis was done of the commercial accounts less than 1 inch over the past twelve months. For customers who were consistently 50% or more of their assigned tier one level, we administratively assigned a rate schedule to put them below that threshold by less than 50%, rather than 100% over. The preliminary results show this change would impact 390 accounts and would cost the City approximately \$93,000 annually in revenues. Customers receiving this administrative adjustment most likely would continue to exceed the tier one allotment, but not as much as currently. Staff will be running an additional analysis to reduce tier two values even more, with a more aggressive rate schedule reassignment. These would cost more in lost revenues, but we don't have those numbers.

Mr. Martinez said if the PUC approves this general approach, the next steps will be to fully determine the impact on Water Division Revenues and then return with the information and our recommendation of how to implement the policies.

Councilor Heldmeyer asked if there is a provision in the City's ordinance permitting administrative adjustments.

Mr. Harwood said Mr. Martinez is presenting some of Jason's recommendations, and we need to take the substance of those recommendations and fit them back into the ordinance. He said there is nothing preventing people from getting a new meter if it is justified, saying the engineering section doesn't let people do it if it isn't justified. This portion of Jason's recommendation is inherently administrative. However, assigning one meter schedule to another will need to be examined. Responding to the Chair, he said he is unsure of the fiscal impact of these recommendations.

Chair Chavez said the 5-6 businesses which were adamant about this were more focused on the fix which they saw, which was simply changing the meter, but there was a cost in doing that and they have to bear that cost. They didn't want to do that. He asked if there is an indication of those in this group. Mr. Martinez said he doesn't, but once they focus on a particular group, such as laundromats, ice plants and such, that is a starting point and opens the door to everyone else with the same issue or concern. He reiterated how the 390 businesses were identified. He stressed that he just got this information about 5:00 p.m., so he hasn't had a chance to evaluate the data provided by Mr. Mumm.

Councilor Heldmeyer asked the types of businesses we are discussing, noting Councilor Bushee commented that there are some businesses where she expected to see an increase in billings, and that was good. The other question is whether the conservation office can work with

some of these businesses so they can decrease usage, noting the ice plant, for example, is another issue. She said the whole point of raising rates was, at certain levels of usage, that the rates might encourage people to conserve, but is unsure whether that has happened.

Mr. Martinez said it has raised the awareness. He has had calls from some commercial users who have expressed concerned about the increase in bills, but have indicated they are looking at changing toilets, changing dishwashing techniques, and implementing other things to save water, so the awareness is great and will make positive change. However, that won't satisfy everybody, but it has created an awareness.

Responding to the Chair, Mr. Martinez reiterated that the next step will be to evaluate the information, and have a good discussion with Mr. Harwood, Legal and Jason to develop some appropriate ideas and solutions. He said he can work with Legal to determine what would be needed to accomplish these.

Chair Chavez asked if there is an urgency to get this done, noting the lack of attendance this evening regarding this issue.

Mr. Buller said he was concerned there would be another tier of users which would hit with the summer growing season, so they were trying to have a proposal by the next PUC meeting, and at the latest by the first meeting in June.

Chair Chavez asked that this be placed on the next agenda as a discussion item, noting that he will be absent for that meeting, and Councilor Heldmeyer will be chairing that meeting.

## **9. UPDATE ON CONSERVATION EFFECTIVENESS. (DAN RANSOM)**

Daniel Ransom reviewed the information in his memorandum of April 23, 2007.

Chair Chavez said, with regard to the bluffs at Tierra Contenta, the retrofits are supposed to apply to homes or subdivisions constructed after 1992. If this is the case, the Bluffs already are required to do low flow toilets, and asked why it is on the retrofit list.

Mr. Ransom said this list contains only those which are compliant. He said many don't have a formal name and might have a management company, or are owned by an individual.

Chair Chavez said many restaurants are serving water whether or not it is requested.

Mr. Ransom said he has a draft letter to send to all restaurant owners and managers in this regard, noting the City offers the table tents and restroom signs free of charge. Responding to the Chair, Mr. Ransom said they are required to either have a table tent or have the information available to the customer.

Chair Chavez would like information on public television as well.

Councilor Heldmeyer asked about the water track software and asked why this can't be done with our regular billing information.

Mr. Ransom said it is extremely difficult to extract conservation information with the current software. He said the new software will enable tracking individual programs as well as individual customer use information.

Councilor Heldmeyer observed that some people engage in water saving activities in order to use that water elsewhere, and the reason she wants to see actual numbers.

**10. UPDATE ON PNM REVISED COST ACCOUNTING OF SOUTH PACHECO 11 UNDERGROUND PROJECT. (ROBERT GALLEGOS)**

Robert Gallegos reviewed the information in his memorandum of April 25, 2007.

Councilor Heldmeyer asked why the cost recovery is over one year, when the life span of these facilities is a lot longer than that.

**Gerard Martinez, PNM, Director of Market Services** said the underground tariff filed with and approved by the PRC, allows PNM to recover excess costs between one and seven years, and allows PNM to recover carrying costs associated with the excess costs, so it is a judgment call. He said when PNM has a relatively small project, it prefers to collect over a short time period for two reasons. First, it minimizes the carrying costs, the second is that these things are cumulative, so in the future we don't know whether there will be other riders in the City. What happens is that the riders pancake and the carrying costs and the proportion of carrying costs increase, so PNM usually recovers over a short period.

Councilor Heldmeyer wants to see an analysis of that data.

Chair Chavez asked if PNM has to go to the PRC for final approval of the cost differential, once the City makes its decision.

Mr. Martinez said this is correct, and detailed that process which PNM currently is pursuing, based on the City Council's direction to PNM at its March 28, 2007 meeting to install this portion of the line underground. Last week, PNM filed an Application with the PRC to allow it to recover the excess costs from residents from within the City, and is pending before the PRC.

Responding to the Chair, Mr. Martinez said every rider which has been proposed to the PRC by PNM has been approved, noting there is also a pending request for Santa Fe County. He explained that any party can intervene, and spoke about the Rio Rancho interventions.



Councilor Dominguez said he was under the impression that this decision was made already. If it is above ground currently, it stays above, and if below, will stay below, and any new stuff is underground because of some of the City's policies.

Mr. Martinez said this is correct, and reiterated the Council's direction to PNM with regard to South Pacheco 13, which was to install only underground that portion along Yucca where there are no current lines.

Responding to Councilor Dominguez, Mr. Martinez said South Pacheco 13, is the second project presented to the Council on March 28<sup>th</sup>, and that is the line paralleling St. Francis. He said Councilor Dominguez will have to talk to City staff about the determination on that line.

Responding to Chair Chavez, Mr. Martinez said there is a notice requirement and PNM is required to publish a notice of the rate filing in a newspaper of general circulation.

Mr. Gallegos said staff is reporting this evening the revised PNM costs on South Pacheco 11, as directed by the Governing Body. With regard to South Pacheco 13, which also was considered on March 28<sup>th</sup>, the decision of the Council was unclear to him. He said some new facts have come into play today, and he will be rereading the minutes and watching the video of the Council meeting to make a recommendation about bringing that back for reconsideration.

Chair Chavez said then Mr. Gallegos feels that the Council minutes and the video of the meeting did not give him a clear understanding of what the Governing Body had authorized, whether above ground or underground.

Mr. Gallegos said this is correct and what is in his memorandum. However, he received new information today about Councilor Ortiz's motion which he would like to consider, then re-review the minutes and the video, and then make a decision as to whether this needs to come back to the Council.

## **ITEMS FROM STAFF**

### **Update on Kopy Kaps**

Peter Lovato said 5 Kopy Kaps were delivered on Monday. He has been working with them for two days, and he and the staff agree that they are not acceptable to the City. The setup is not user-friendly and causes confusion, and only accepts military time. He said during set-up is the only time you can see the actual read of the meter. It shows, for example, a consumption of six, but it is really sixty – shows in tens. He thought it would have a reset counter, but that can't be done. If it is reset, you start again from square one.

Councilor Heldmeyer said the two options are to either get back with the manufacturer and wait for a response, or if it is thought is not going to be useful, we can see if someone else

can do it. However, to do this, we need to look at the contract, and see if these have been provided as agreed.

Mr. Lovato said staff will reject them and give reasons for the rejection. He said currently, Datamatic doesn't offer another model, noting this is just a prototype currently.

Mr. Lovato said he is asking for direction from the Committee – to continue with the project, or just discontinue the Kopy Kaps and research to see if we can find them elsewhere, and continue with the Firefly project. He said we are midway with that projecting, noting that Fireflies have been installed in 17,000 of the City's 30,000 meters.

Staff said the Firefly contract was contingent on providing the Kopy Kaps. He said they are trying to deliver, and brought six of the hundred, knowing we wouldn't be totally satisfied and things would have to change. They wanted the City to use them, test them and then give feedback. They would then provide 100 of what we wanted. He said they are well aware of the issues, and really wanted out feedback.

Councilor Heldmeyer doesn't want to drag this out further, but she is willing to wait for weeks, and to continue installing Fireflies for two more weeks. In the interim, staff will respond to the company and suggest modifications.

Responding to the Chair, staff said it would take at least a month to six weeks to generate the 100 updated Kopy Kaps.

Councilor Heldmeyer would rather have Datamatic to make the changes, and retest the prototype before ordering 100 of these.

Staff said the company is really trying to work with the City to get this right, and understand they put staff "behind the 8-ball."

Chair Chavez wants this item on the next agenda as a discussion item, possibly to take action on the Firefly contract.

## **MATTERS FROM THE COMMITTEE**

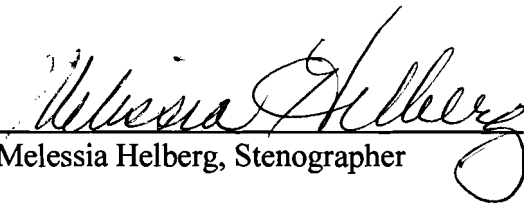
Councilor Heldmeyer asked if Agua Fria have a watermeister. Yes. Ramon Romero.

**NEXT MEETING: May 16, 2007**

## ADJOURN

There being no further business to come before the Committee, and the Committee having completed its agenda, the meeting was adjourned at 7:49 p.m..

  
Miguel Chavez, Chair

  
Melessia Helberg, Stenographer