



Agenda

CITY CLERK'S OFFICE

DATE 5/30/12 TIME 2:00

SERVL BY [Signature]

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**PUBLIC UTILITIES COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
WEDNESDAY, JUNE 6, 2012
REGULAR MEETING – 5:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE MAY 2, 2012 MEETING

INFORMATIONAL ITEMS

6. Status Report on the Environmental Services Division. (Cindy Padilla)
7. Update on Current Water Supply Status. (Victor Archuleta)
8. Drought, Monsoon and Water Resource Management Update. (Rick Carpenter)
9. Perry Water Rights Purchase Update. (Marcos Martinez and Dale Lyons) **VERBAL**

CONSENT – INFORMATION ITEMS

10. Spring Reservoir Management, Estimated Reservoir Storage and Santa Fe River Target Flows. (Alan Hook)

CONSENT – ACTION CALENDAR

11. Request for approval of Amendment No. 3 to the Professional Services Agreement with Alpha Southwest for the amount of \$183,918.75 Inclusive of NMGR. (Mike Gonzales and Bill Huey)

PUC – 6/6/12
FC – 6/18/12

CC – 6/27/12

12. Request for approval of a Professional Services Agreement with Great Southwest Meters for Water Meter Calibration services for the total amount of \$108,187.50 inclusive of NMGRT. (Mike Gonzales)

PUC – 6/6/12

FC – 6/18/12

CC – 6/27/12

13. Request for approval of Amendment No. 2 to the Professional Services Agreement with Chavez Security for Source of Supply for \$348,589.12 exclusive of NMGRT. (Mike Gonzales and Bill Huey)

PUC – 6/6/12

FC – 6/18/12

CC – 6/27/12

14. Request for approval of a Professional Services Agreement with Padilla Industries for the construction of the new McClure Reservoir Stream Gage – RFB ‘12/19/B for the amount of \$93,558.25 exclusive of NMGRT. (Dale Lyons)

PUC 6/6/12

FC – 6/18/12

CC – 6/27/12

15. Request for approval of a sole source Professional Services Agreement for Automation Electric to complete the remaining scope for the Water Utility Energy Efficiency Project and to perform additional critical work as part of the Municipal Watershed Management for the amount of \$36,783.75 Inclusive of NMGRT. (Dale Lyons)

PUC – 6/6/12

FC – 6/18/12

CC – 6/27/12

16. Request for approval of procurement under Cooperative Price Agreement – Purchase of Refuse Containers for the Environmental Services Division: Wastequip, Inc. for \$36,157.00. (Cindy Padilla)

FC – 5/21/12 Approved

PUC – 6/6/12

CC – 6/13/12

17. Request for approval of award of Bid No. ‘12/25/B, CIP # 944 and approval of contract with TLC Company Inc. for the FY 2012/2013 Wastewater Division Publicly Owned Treatment Works Repair, Replacement and Extension Contract. (Stan Holland)

PUC – 6/6/12

FC – 6/18/12

- CC – 6/27/12
18. Request for approval of Bill No. 2012-_____. An Ordinance Amending Section 14-8.13(B)(3) SFCC 1987 to Clarify How Water Usage of Existing Structures or Uses May Be Applied to Development Water Budgets for Proposed Structures and Uses. (Councilor Calvert) (Matthew O'Reilly and Brian Snyder)
- WCC – 6/12/12
PLANNING COMMISSION – 6/7/12
PUC – 6/6/12
FC – 6/18/12
CC – 6/27/12 (Request to Publish)
CC – 7/25/12 (Public Hearing)
19. Request for approval of Amendment No. 3 to the contract with Sub Surface Contracting, Inc. – Bid # '09/43/B for FY 12/13 City Wide Water Utility Construction & Repair to extend the contract period for one (1) additional year and increase by the amount of \$400,000.00 Exclusive of NMGR. (Bill Huey)

DISCUSSION ITEMS AND ACTION ITEMS

20. Request for approval of Bill No. 2012-_____. An Ordinance Amending Section 25-1.8 SFCC 1987 Relating to the Fluoride Ion Level in the City Water Supply. (Councilor Calvert) (Alex Puglisi)
- FC – 6/4/12
PUC – 6/6/12
CC – 6/13/12 (Request to Publish)
CC – 7/11/12 (Public Hearing)
21. Request for approval of Bill No. 2012-_____. An Ordinance Amending the Title of chapter XXI From Solid Waste to Environmental Services; Amending Exhibit B of Chapter XXI SFCC 1987 to Establish an Annual 3.2% Rate increase, For Four Years, For Residential Curbside Service, Commercial Non-Compacting Rear-Loading Service, Light Commercial Non-Compacting Rear-Loading Service, Commercial Non-Compacting Front-Loading Service, Commercial Compacting Front-Loading Service, Commercial Non-Compacting Roll Off Service, Commercial Compacting Compactor Roll-Off Service and Residential Large Item Service; and Making Such Other Changes As Are Necessary. (Councilor Calvert) (Cindy Padilla)
- FC – 6/4/12
PUC – 6/6/12
CC – 6/13/12 (Request to Publish)
CC – 7/11/12 (Public Hearing)
22. Request for discussion and direction on managing flows to the Santa Fe River below the City of Santa Fe Wastewater Treatment Plant during peak irrigation months for the 2012 irrigation season. (Kathleen Garcia)

23. Request by Stacy Community Property Trust for the City of Santa Fe to enter into a Memorandum of Understanding (MOU) with Santa Fe County and Stacy Community Property Trust to provide their property, located outside the presumptive city limits, with a city master water meter and for the County Wastewater Collection System to discharge into the City wastewater system. (Brian Snyder and Marcos Martinez)

PUC – 6/6/12

FC – 6/18/12

CC – 6/27/12

MATTERS FROM THE PUBLIC

MATTERS FROM THE CITY ATTORNEY

ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: WEDNESDAY, JULY 3, 2012

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

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PUBLIC UTILITIES COMMITTEE MEETING
Wednesday, June 6, 2012

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END OF CONSENT CALENDAR DISCUSSION		

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

REQUEST FOR APPROVAL OF BILL NO. 2012- ____.
AN ORDINANCE AMENDING SECTION 25-1.8 SFCC
1987, RELATING TO THE FLUORIDE ION LEVEL IN
THE CITY WATER SUPPLY

Approved w/direction to staff 7-9

REQUEST FOR APPROVAL OF BILL NO. 2012- ____.
AN ORDINANCE AMENDING THE TITLE OF CHAPTER
XXI, FROM SOLID WASTE TO ENVIRONMENTAL
SERVICES; AMENDING EXHIBIT B OF CHAPTER XXI,
SFCC 1987, TO ESTABLISH AN ANNUAL 3.2% RATE
INCREASE, FOR FOUR YEARS, FOR RESIDENTIAL
CURBSIDE SERVICE, COMMERCIAL NON-COMPACTING
REAR-LOADING SERVICE, LIGHT COMMERCIAL NON-
COMPACTING REAR-LOADING SERVICE, COMMERCIAL
NON-COMPACTING FRONT-LOADING SERVICE,
COMMERCIAL COMPACTING FRONT-LOADING
SERVICE, COMMERCIAL NON-COMPACTING ROLL
OFF SERVICE, COMMERCIAL COMPACTING
COMPACTOR ROLL-OFF SERVICE AND RESIDENTIAL
LARGE ITEM SERVICE; AND MAKING SUCH
OTHER CHANGES AS ARE NECESSARY

Approved 10

REQUEST FOR DISCUSSION AND DIRECTION
ON MANAGING FLOWS TO THE SANTA FE RIVER
BELOW THE CITY OF SANTA FE WASTEWATER
TREATMENT PLANT DURING PEAK IRRIGATION
MONTHS FOR THE 2012 IRRIGATION SEASON

No action/direction to staff 10-13

REQUEST BY STACY COMMUNITY PROPERTY
TRUST FOR THE CITY OF SANTA FE TO ENTER
INTO A MEMORANDUM OF UNDERSTANDING
(MOU) WITH SANTA FE COUNTY AND STACY
COMMUNITY PROPERTY TRUST TO PROVIDE
THEIR PROPERTY, LOCATED OUTSIDE THE
PRESUMPTIVE CITY LIMITS, WITH A CITY MASTER
WATER METER AND FOR THE COUNTY
WASTEWATER COLLECTION SYSTEM TO
DISCHARGE INTO THE CITY WASTEWATER SYSTEM

Approved 13-18

MATTERS FROM THE PUBLIC

None 18

MATTERS FROM THE CITY ATTORNEY

None 18

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**MINUTES OF THE
CITY OF SANTA FE
PUBLIC UTILITIES COMMITTEE
Wednesday, June 6, 2012**

1. CALL TO ORDER

A meeting of the Public Utilities Committee was called to order by Councilor Christopher Calvert, Chair, at approximately 5:00 p.m., on Wednesday, June 6, 2012, in the Council Chambers, City Hall, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

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

OTHERS PRESENT:

Brian Snyder, Public Utilities Director
Stephanie Lopez, Public Utilities
Marcus Martinez, Assistant City Attorney
Melessia Helberg, Stenographer

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

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

3. APPROVAL OF AGENDA

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve the Agenda as published.

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

4. APPROVAL OF CONSENT AGENDA

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

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

CONSENT – INFORMATIONAL CALENDAR

- 10. SPRING RESERVOIR MANAGEMENT, ESTIMATED RESERVOIR STORAGE AND SANTA FE RIVER TARGET FLOWS. (ALAN HOOK)**

CONSENT – ACTION CALENDAR

- 11. *[Removed for discussion by Councilor Dominguez]***
- 12. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH GREAT SOUTHWEST METERS FOR WATER METER CALIBRATION SERVICES FOR THE TOTAL AMOUNT OF \$108,187.50, INCLUSIVE OF NMGR. (MIKE GONZALES). PUC 06/06/12; FC 06/18/12; and CC 06/27/12.**
- 13. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CHAVEZ SECURITY FOR SOURCE OF SUPPLY FOR \$348,459.12, EXCLUSIVE OF NMGR. (MIKE GONZALES AND BILL HUEY) PUC 06/06/12; FC 06/18/12; and CC 06/27/12.**
- 14. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH PADILLA INDUSTRIES FOR THE CONSTRUCTION OF THE NEW McCLURE RESERVOIR STREAM GAGE – RFP '12/19/B FOR THE AMOUNT OF \$93,558.25, EXCLUSIVE OF NMGR. (DALE LYONS). PUC 06/06/12; FC 06/18/12; and CC 06/27/12.**
- 15. REQUEST FOR APPROVAL OF A SOLE SOURCE PROFESSIONAL SERVICES AGREEMENT FOR AUTOMATION ELECTRIC TO COMPLETE THE REMAINING SCOPE FOR THE WATER UTILITY ENERGY EFFICIENCY PROJECT AND TO PERFORM ADDITIONAL CRITICAL WORK AS PART OF THE MUNICIPAL WATERSHED MANAGEMENT FOR THE AMOUNT OF \$36,783.75, INCLUSIVE OF NMGR. (DALE LYONS). PUC 06/06/12; FC 06/18/12; and CC 06/27/12.**

16. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT — PURCHASE OF REFUSE CONTAINERS FOR THE ENVIRONMENTAL SERVICES DIVISION; WASTEQUIP, INC., FOR \$36,157.00. (CINDY PADILLA) FC 05/21/12 Approved; PUC 06/06/12; and CC 06/27/12.**
17. **REQUEST FOR APPROVAL OF AWARD OF BID NO. '12/25/B, CIP #944 AND APPROVAL OF CONTRACT WITH TLC COMPANY, INC., FOR THE FY 2012/2013 WASTEWATER DIVISION PUBLICLY OWNED TREATMENT WORKS REPAIR, REPLACEMENT AND EXTENSION CONTRACT. (STAN HOLLAND). PUC 06/06/12, FC 06/18/12 and CC 06/27/12.**
18. *[Removed for discussion by Councilor Calvert]*
19. **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE CONTRACT WITH SUB SURFACE CONTRACTING, INC., BID #09/43/B FOR FY 12/13 CITY WIDE WATER UTILITY CONSTRUCTION & REPAIR TO EXTEND THE CONTRACT PERIOD FOR ONE (1) ADDITIONAL YEAR AND INCREASE BY THE AMOUNT OF \$400,000 EXCLUSIVE OF NMGR. (BILL HUEY)**

5. APPROVAL OF MINUTES FOR THE MAY 2, 2012 MEETING

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the meeting of May 2, 2012, as submitted.

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

Councilor Rivera arrived at the meeting

INFORMATIONAL ITEMS

6. STATUS REPORT ON THE ENVIRONMENTAL SERVICES DIVISION. (CINDY PADILLA)

Cindy Padilla presented information from her Memorandum of June 6, 2012, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

The Committee commented and asked questions as follows:

- Councilor Dominguez asked with regard to curbside recycling, what happens to the old containers.

Ms. Padilla said about 50% do return the old containers, and the City has a contract to recycle those old containers.

- Councilor Dominguez asked, with regard to #3, how long has it taken to get this position filled.

Ms. Padilla said the first candidate selected accepted the position, and then his current employer increased his salary to keep him, so they had to reinterview.

- Councilor Dominguez asked how long the first round took.

Ms. Padilla said it took about 3 months.

- Councilor Dominguez asked for a copy of the Community Food Assessment draft, and Ms. Padilla said she would provide that to him and the members of the Committee.

- Councilor Dominguez said he will email the other questions he has to Ms. Padilla.

- Councilor Rivera asked the cost of each recycling container.

Ms. Padilla said about \$5 each, and each resident has 2 containers.

- Councilor Rivera said then about 50% are replaced in the first year.

Ms. Padilla said she it is a very small percentage, and hopes the numbers increase with more education, noting she will keep better tracking on those numbers.

- Councilor Rivera would like to track the reason recycle bins are returned.

- Ms. Padilla said most of them are broken, and they will track that information.

- Councilor Calvert said the damage rate has decreased with the newer bins, noting his first was brittle plastic, but the new ones fare a little better.

- Councilor Trujillo said his bin was stolen.

- Councilor Trujillo said one of the obstacles to increasing recycling are those who are doing no recycling at all. He asked if there is a way the City could keep track of those so we can do a targeted mailing and educate them on the benefits of recycling.

Ms. Padilla said that can be done with the recycling crews, noting they will have a YouthWorks apprentice this summer who will be working on recycling among other things. She said they also are developing a new pamphlet which will be mailed to the residents, and later they will be sending out a refrigerator magnet that talks about recycling.

7. UPDATE ON CURRENT WATER SUPPLY STATUS. (VICTOR ARCHULETA)

Victor Archuleta reviewed the update to the Weekly Water Report for the week of May 20, 2012, which is in the Committee packets, noting we are at 62% of total capacity.

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

Rick Carpenter presented information from his Memorandum of May 23, 2012, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

Chair Calvert said this seems to highlight the need for permanent up-stream storage.

Mr. Carpenter said yes, having stored San Juan/Chama water in upstream reservoirs is one of the ways that a diverse portfolio helps us "hedge our bet against dry seasons." He said the main stem flow with native Rio Grande rights are going to be tested toward the end of the year, San Juan/Chama rights will not be tested as long as we have stored water.

Responding to Councilor Dominguez, Mr. Carpenter said there is a different criteria for the Buckman project, and it is based on cfs. He said there is a graduated threshold to cease diversions, noting it is anything under 200 cfs, which is very low, noting the River has never been that low. He said this is more of a physical diversion constraint than it is a legal constraint, and at that point we can't divert the water. He said at 300 cfs there are curtailment restrictions, but we would still be able to divert San Juan/Chama Water.

Councilor Dominguez noted the BDD was shut down last year for a period of time, and asked if that has been resolved.

Mr. Carpenter said that was associated with ash from the Las Conchas fire and they were shut down about 31 days so they could test the ash and deal with the solids handling, but it had nothing to do with lack of water in the River. He said this was the worst possible case for this project, and it performed as it should have.

9. PERRY WATER RIGHTS PURCHASE UPDATE. (MARCOS MARTINEZ AND DALE LYONS)

Mr. Martinez said on April 27, 2011, the Council approved a contract to purchase 65 afy of surface water rights from Beneta Perry. The parties executed the contract on June 7, 2011. The City applied to transfer the water rights on July 22, 2011, and published notice as required. He said several parties filed protests to the City's transfer. He said on May 16, 2012, the OSE held a scheduling conference to set dates to address the issues raised by the protestants. He said Ms. Perry hired independent counsel to represent her in the transfer. He said a hearing is set for December 19, 2012.

Chair Calver asked the reason it takes so long to get a hearing.

Mr. Martinez said among other reasons, the State has only two hearing examiners for the entire State and all transfers that are protested, noting he had asked for a hearing as soon as possible.

Mr. Martinez said the water is being transferred from the Socorro area.

CONSENT DISCUSSION

- 11. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALPHA SOUTHWEST FOR THE AMOUNT OF \$183,918.75, INCLUSIVE OF NMGR. (MIKE GONZALES AND BILL HUEY). PUC 06/06/12; FC 06/18/12; and CC 06/27/12.**

Responding to Councilor Dominguez, Mr. Gonzales said this is for City infrastructure that may be in the boundaries of the County.

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

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

- 18. REQUEST FOR APPROVAL OF BILL NO. 2012- _____. AN ORDINANCE AMENDING SECTION 14-8.13(B)(3) SFCC 1987, TO CLARIFY HOW WATER USAGE OF EXISTING STRUCTURES OR USES MAY BE APPLIED TO DEVELOPMENT WATER BUDGETS FOR PROPOSED STRUCTURES AND USES (COUNCILOR CALVERT). MATTHEW O'REILLY AND BRIAN SNYDER) PUC 06/06/12; PLANNING COMMISSION 06/07/12; WCC 06/12/12; FC 06/18/12; CC 06/27/12 (Request to Publish); and CC (Public Hearing) 07/25/12.**

Matthew O'Reilly said the Ordinance makes a slight modification to when a new user would have "to bring water to offset their water usage under the Ordinance." Mr. O'Reilly explained this change in the Ordinance is to deal with situations where there is a big difference between the water use of the current user, the former user(s), and/or a change in use, as well dealing with a property which has been vacant for a number of years. Mr. O'Reilly gave the example of Wecks which is the 3rd business at one site after being vacant for several years

Councilor Calvert said there are a lot of vacant commercial properties, and we don't want our Ordinance to be a drag on economic recovery. He said he would like to amend the Ordinance to add a review at the end of one year.

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve this request, with the addition of a one year review of the Ordinance.

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

DISCUSSION AND ACTION ITEMS

20. REQUEST FOR APPROVAL OF BILL NO. 2012- ____ . AN ORDINANCE AMENDING SECTION 25-1.8 SFCC 1987, RELATING TO THE FLUORIDE ION LEVEL IN THE CITY WATER SUPPLY (COUNCILOR CALVERT). (ALEX PUGLISI). FC 06/04/12; PUC 06/06/12; CC 06/13/12 (Request to Publish); and CC 07/11/12 (Public Hearing)

Jonathan Phillips, Environmental Compliance, said Mr. Puglisi can't be here this evening. Mr. Phillips presented information regarding this matter from Alex Puglisi's Memorandum of May 29, 2012, with attachments, to the Public Utilities Committee, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

The Committee commented and asked questions as follows:

- Councilor Dominguez said then the recommendation of the Centers for Disease Control (the "CDC") is to eliminate the range and keep it at the lower end of the spectrum, the 0.70 ppm, instead of having a range.

Mr. Phillips said this is correct.

- Chair Calvert said the CDC hasn't made that recommendation formally, and are still discussing it. However, we want to have the change to this Ordinance so we don't have numbers we just have a reference to whatever the CDC sets the standard. He said, that way we can move forward right away with the change.
- Councilor Dimas asked the amount of naturally occurring fluoride in the water.

Mr. Phillips said the level of fluoride in the water is dependent upon its source. For example, the source prior to treatment on Canyon Road is 0.20 ppm, and at the BDD it varies between 0.30 and 0.35 ppm. He said additional treatment may be required to get it to the optimal fluoride level.

- Chair Calvert noted the last sentence in Paragraph 2, says it varies from 0.20 to 0.50 ppm.
- Councilor Dimas asked if the City is mandated by law to have a certain amount of fluoride added to the water, or is that up to the municipality to decide.
- Mr. Snyder said the CDC, EPA and other agencies referenced in the Memorandum, provide a guidance tool and each municipality can adopt its own Ordinance. He said Albuquerque doesn't add fluoride to its water, while Farmington and Santa Fe add fluoride to the water.

- Councilor Dimas asked the cost to fluoridate the water, an estimate.

Mr. Snyder said the budget to add fluoride to the water is \$12,000 for the BDD, \$20,000 for the Canyon Road and other surface water treatment plants. He said the range of fluoridation varies, but the current target is 0.80 ppm.

- Councilor Dimas asked what studies say about fluoridating the water, noting people testified at a recent Council meeting talking about the bad things they believe are happening with adding fluoride to the water. He asked about the good things happening with fluoride in the water, other than dental benefits. He asked if the City could save the money, not add fluoride and leave the water as is.

Mr. Snyder said the positive side largely is the dental, noting they get emails from doctors and dentists testifying to the benefits. He said he doesn't know if there are studies comparing and contrasting the different ranges and what we have naturally occurring. He said there are positives on both sides of the argument. He said a study was done in Alaska looking at this topic. He said there are studies on both sides. He said we have naturally occurring fluoride in our system, 0.20 to 0.50 ppm, and that cannot be removed from the water and we could never expect to get to the zero level of fluoride in our system.

- Councilor Dimas wants to see a study which differentiates between the 0.70 and the 0.20 and the 0.50 ppm which is the naturally occurring fluoride.
- Chair Calvert said he doesn't know if we need that. He said when he was in graduate school he did a paper on fluoridation of the city water supply which was in the East Bay Utility District. He said the fluoridation of water has been done since 1952, and the standard is the same now as when it started – 1 mg. per liter or 0.70 to 1.20 ppm range. He said one of the things he discovered is that when you fluoridate the water, 95% of the water doesn't go for the intended dental benefits. He said only about 5% is consumed that way, noting water goes for other use – washing dishes, clothes, and into food processing. He said most people today are getting well above the ideal amount per day.

Chair Calvert said, "I think that it would be very safe without going to any effort, like you said, to extract what occurs naturally, it's just not to add any to the water. I think that if somebody decided on their own that they needed more, for whatever reason, there are ways to do that. I think most people get more than the ideal amount. I'm not going to get into a debate if there is such a figure, but if we agree there is an ideal amount, we are getting way more through all sorts of sources already. So I honestly don't think there's really any need to add any with the background that we already have."

- Councilor Dimas said this is exactly where he is going. He said this has been done since 1952 and compared the use of fluoride to the approval of smoking in 1952.

- Councilor Dominguez said the CDC is proposing changes in its recommended level of fluoride in the water. He asked if this is a mandate.
- Chair Calvert said he doesn't believe it is a mandate and it is a "checkerboard" across the United States as to who does and does not fluoridate its water, noting he believes it is left to the local authorities to decide.
- Councilor Dominguez said then it is a recommendation and Chair Calvert said this is correct.
- Councilor Dominguez said the Memo provides, "A secondary standard is a non-enforceable guideline issued by the U.S. EPA to regulate contaminations that may cause cosmetic effects (skin or tooth discoloration) or aesthetic effects (taste, odor and color)..." He asked if we have had complaints or concerns about odor in the water. He said he swears he can smell stuff in the water.

Mr. Phillips said there is no connection between fluoride in the water and odor. He said the EPA sets the standards for ppms.

- Councilor Dominguez said perhaps he is smelling the chlorine in the water.
- Councilor Rivera asked, since this is only a recommendation by the HHS Centers for Disease Control, if the City would be exposed to risk if we go against the recommendation.

Mr. Snyder said he is unaware of any risk, noting there are cities around the nation that do not fluoridate their water. However, staff is willing to research the risk if we had that direction.

- Councilor Rivera said as the Ordinance reads now, we would still need to add fluoride to the water, and asked if he is looking to change that.
- Chair Calvert said, "Yes, I think so. I think what we could do.... for example Albuquerque doesn't fluoridate their water any more. That's a fairly close example of something for us to look to. I don't know why they chose not to. In the case of the study that I was involved with, they put it to an election. I don't think we necessarily really need to do that. But, if we could move this forward with direction to staff to check any concerns that if we altered this to say we simply won't add any, then we could hear that at either the next Committee this goes to, if it goes to one, or at Council."

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to approve this request with a recommendation for staff to look what happens if the City does not fluoridate the water.

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

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

21. **REQUEST FOR APPROVAL OF BILL NO. 2012- _____. AN ORDINANCE AMENDING THE TITLE OF CHAPTER XXI, FROM SOLID WASTE TO ENVIRONMENTAL SERVICES; AMENDING EXHIBIT B OF CHAPTER XXI, SFCC 1987, TO ESTABLISH AN ANNUAL 3.2% RATE INCREASE, FOR FOUR YEARS, FOR RESIDENTIAL CURBSIDE SERVICE, COMMERCIAL NON-COMPACTING REAR-LOADING SERVICE, LIGHT COMMERCIAL NON-COMPACTING REAR-LOADING SERVICE, COMMERCIAL NON-COMPACTING FRONT-LOADING SERVICE, COMMERCIAL COMPACTING FRONT-LOADING SERVICE, COMMERCIAL NON-COMPACTING ROLL OFF SERVICE, COMMERCIAL COMPACTING COMPACTOR ROLL-OFF SERVICE AND RESIDENTIAL LARGE ITEM SERVICE; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CALVERT). (CINDY PADILLA). FC 06/04/12; PUC 06/06/12; CC 06/13/12 (Request to Publish); and CC 07/11/12 (Public Hearing)**

Cindy Padilla presented information regarding this matter from her Memorandum, with attachments, dated June 4, 2012, to the Finance Committee/Public Utilities Committee which is in the packet. Please see this document for specifics of this presentation.

Ms. Padilla said she can provide Jason Mumm's Memo to the Committee.

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

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

22. **REQUEST FOR DISCUSSION AND DIRECTION ON MANAGING FLOWS TO THE SANTA FE RIVER BELOW THE CITY OF SANTA FE WASTEWATER TREATMENT PLANT DURING PEAK IRRIGATION MONTHS FOR THE 2012 IRRIGATION SEASON. (KATHLEEN GARCIA)**

Kathleen Garcia presented information regarding this matter from her Memorandum dated May 29, 2012, with attachments, to the Public Utilities Committee, which is in the Committee packet. Please see this document for specifics of this presentation.

The Committee commented and asked questions as follows:

- Councilor Dominguez said Paragraph 2 on page 2, talks about the Resolution which was approved by the County Commissioners and asked for a copy. Ms. Garcia said it is in the Committee packet.

Councilor Dominguez said in HM-74, Representative Hall is asking the City and County of Santa Fe to ensure that there is sufficient water, and asked what the County is doing to meet that request.

Ms. Garcia said long term, the County is participating in the TEMP 2, but she is unaware of anything specific.

- Councilor Dominguez said then the County has been engaged in discussions, but haven't put water in the river *per se*, and Ms. Garcia said this is correct.
- Councilor Dominguez said he is unsure we need to take action on this item, other than to provide staff with more direction, commenting he has too many questions to take action. He said currently there are 21 options being considered to provide water to the Santa Fe River, 5 of which are downstream of the water treatment plant. He said until the SWAN park is built out we have sufficient water to satisfy all the demands including the 5 options being considered downstream of the treatment plant. He asked, once SWAN is built out, if that water would then be used for the park and we wouldn't be able to meet some of that demand.

Ms. Garcia said as we know, the water supply is a high priority. She said, as part of the TEMP meetings, they looked at the different options and they are speculating whether there will be sufficient water, noting there are only so many pieces of the pie. It is difficult to say what quantity of flow is needed to reach the irrigators, noting the irrigators in La Bajada and La Cienega are the requesters and it will be difficult to say what would be enough. She said it will be reduced for sure.

- Councilor Dominguez asked what the irrigators below us in La Bajada and La Cienega are doing to conserve water and such so they have more water and not rely as much on reclaimed water. He said in terms of priorities, until we have the larger policy discussions on this, his priority would be to have sufficient treated effluent for the SWAN Park. He said he is sensitive to the downstream users and irrigators, but he has no idea what they're doing to be as responsible as possible.
- Chair Calvert said part of the strategy is that some of the water being used for the race track would go away when SWAN came on board. He said the TEMP Plan lets us establish our own priorities. He suggested that staff could look into and see if this could work. He said legally the City has been advised that there are hazards to releasing more water for downstream users, especially at their request. He said we have the water which we were sending to Las Campanas, and asked if the City can allow more water downstream during the peak irrigation season with the very specific understanding that the County and the State will take advantage of this period of time to aid the irrigators to become more efficient and to reduce their overall consumption and to be able to rely on a smaller supply of water.
- Councilor Dominguez said he doesn't disagree with this, and asked if it has to be memorialized in some way.
- Chair Calvert said he is just asking staff to look into that as a suggestion to see whether or not it could work, and if so, for staff to bring it back in some form for this Committee to take action. He said right now, staff is asking for feedback and direction, and this is a suggestion.
- Councilor Dominguez recommended that the City get more clarity in its contractual obligations, such as the Horse Park.

- Councilor Rivera said he understands Bryan Romero wants a decision to be made on this item as soon as possible, because we're already halfway into the months we're talking about.

Bryan Romero said this is correct, and July is the month where we have the lowest releases. He said also we have existing contracts we are honoring, and we would release all water which is not obligated by contract, "but not necessarily indicate that they're obligated. They're just released because they aren't going anywhere else." He said staff is looking for guidance since sometimes in July the flows are reduced to a level where we are hearing complaints from the irrigation community asking for more water. He said this year we are in a unique situation because we have the water from Las Campanas which no longer is contracted.

Mr. Romero said staff is looking for guidance for the releases for the July/August months which are critical to the irrigating farmers downstream to preserve their crops.

- Chair Calvert said staff can decide the appropriate wording to say we probably will have additional water we can release during the short period of time, several years, while the SWAN is being built out, with the understanding that the State and County will assist the downstream users to make their water use more efficient. He thinks this is a fair arrangement in response to the State's request.
- Councilor Dominguez said he has problems with that concept, because of the legal consequences, without a piece of legislation that mandates that with an understanding. We would then get into the whole idea that downstream users will say we have provided this in the past and the City is now obligated to provide it in the future.
- Chair Calvert said he is suggesting that staff come up with the appropriate language which allows this to happen without committing the City for the future and getting us in trouble.
- Councilor Dominguez asked Mr. Martinez if this is possible.

Marcus Martinez, Assistant City Attorney said, "I think we can think about a way to protect the rights of the City ultimately, in the long term, and hopefully, also provide some kind of incidental benefit to the River as well, without, hopefully, indebting ourselves. I'll think about that and make some suggestions to Wastewater."

- Councilor Rivera asked if this will this work for Mr. Romero since he needs definitive direction from this Committee.

Mr. Romero said they start getting these calls in July, and staff is looking for guidance. He said the Plant Superintendent has done a wonderful job in working with the different users to meet the needs. However, La Bajada is pretty far down and it is dry down there sometimes, even though we are releasing water. He doesn't know how much more we would need to release to allow the irrigation to happen.

- Chair Calvert understands this is traditional agriculture, but everybody has to give a little. He asked if they are still “ditch and flood, is that how they water.”

Mr. Romero said he has been there only once, July 2011, and there was no water in the diversion. He didn't visit the fields, but said in most traditional areas we flood irrigate unless there is a special type of reservoir system.

- Councilor Trujillo asked how the beaver dams affect this, noting he has seen it flooded. He asked what the Mayordomos can do about the beavers.

Mr. Romero said when they met with the County, many of the stakeholders were there and those points were brought up. He said it started to get complicated quickly. He said there are pros and cons to what we do, and what is allowed there. He said there are a lot of landowners between the treatment plant and La Bajada, some of which are the BLM, City of Santa Fe, and private stakeholders as well. He said there are many irrigation areas where there is more than one mayordomo. He said, as a Mayordomo himself of one ditch, you are always trying to work with the other Mayordomos to see how you can be the most efficient. He said, unfortunately, the upstream user is always the one who benefits, because by the time you get to the bottom, you very rarely get water, noting he is at the bottom of his ditch.

- Councilor Trujillo said he was at La Bajada last week and the Santa Fe River was completely dry, but there is some kind of diversion near there and asked the source.

Mr. Romero said he saw a diversion, and his understanding is that it comes from our treatment plant.

Chair Calvert said he would like the information requested as soon as possible, but at least by the next meeting.

- 23. REQUEST BY STACY COMMUNITY PROPERTY TRUST FOR THE CITY OF SANTA FE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH SANTA FE COUNTY AND STACY COMMUNITY PROPERTY TRUST TO PROVIDE THEIR PROPERTY, LOCATED OUTSIDE THE PRESUMPTIVE CITY LIMITS, WITH A CITY MASTER WATER METER AND FOR THE COUNTY WASTEWATER COLLECTION SYSTEM TO DISCHARGE INTO THE CITY WASTEWATER SYSTEM. (BRIAN SNYDER AND MARCOS MARTINEZ). PUC 06/06/12; FC 06/18/12; AND CC 06/27/12.**

Brian Snyder presented information regarding this matter from his Memorandum of May 29, 2012, with attachments, to the Public Utilities Department, which is in the Committee packet. Please see this information for specifics of this presentation.

The Committee commented and asked questions as follows:

- Chair Calvert said there are letters from the County and the Agua Fria Community Water systems saying they don't have the water, but every time we do this we get the same letter. He asked if there will be a plan for them to provide water in these areas. He asked if there is knowledge that they ever intend to do that.

Mr. Snyder said he is unaware of any intention to provide water into this service area, noting they are surrounded by the City. He said the Agua Fria Community Water System has its own well, tank and pump system. However, due to the proximity of their existing system to this property, they are unable to provide this service. He is unsure what their service area encapsulates.

- Chair Calvert noted the County is looking at expanding its water system and they are looking at places like Eldorado. He asked if they ever considered expanding service to the subject site.

Mr. Snyder said he has no knowledge that they are planning to do so.

- Mr. Martinez said it is his understanding they have no intention in serving this area surrounded by the City.
- Chair Calvert noted on page 3 of the first MOU it talks about Metering Requirements. He said in the other MOU on page 3 of 8, it discusses Billing and Payment, and asked if this will be one bill to the County. He is unclear how that will work.

Mr. Romero said currently, with Harry's Roadhouse, they give us the meter reads and the City issues a bill to the County based on the meter reads, noting wastewater is based on the meter reads. He is unclear how it will be billed.

- Chair Calvert said the County becomes our customer, and we are sending one bill to the County. However, on page 3, Item 7 Service Fees provides, "The County agrees to pay the City the sum of the City's monthly service fee for wastewater services provided to each hook-up to the Utility System under SFCC §22-7.1..." He said it will always be updated to the most current rate in the ordinance.
- Chair Calvert said it would add more clarity if we specify that there will be only one bill.
- Chair Calver said on page 2, Item 1(a) provides, "The County will accept ownership and shall maintain the Utility System only if the following conditions are met:..." He asked to what part of the wastewater system this applies.

Mr. Romero said it is to the point that it ties to the public main line, the already owned system of the City, and the County would own its infrastructure and responsible for maintaining it.

- Chair Calvert said in the second MOU, under Recitals in Item A, it talks about owners, but it doesn't define owners like the first one did, and believes this needs to be done – each MOU should stand on its own.
- Chair Calvert asked, in Section #D, page 1 of 8, where we reference the Santa Fe Homes Program, if we need the additional verbiage from the first MOU when referenced Santa Fe Homes and included more verbiage about it.

Mr. Martinez said he can include the additional language.

- Chair Calvert note Item G at the top of Page 2 of 8, provides, "The property owner shall disconnect and abandon all existing wells.." He asked if the City gets any kind of credit for this in any of the basins.

Mr. Martinez said no the City doesn't get any kind of credit other than the general good of having fewer straws in the aquifer.

- Chair Calvert said page 2 of 8, Item P provides, "The County shall be the customer of the City. The Developer shall be the County's customer." He said on page 3 of 8, under Item 3, it says, "The City will bill the County on a monthly basis based on the quantity of water used..." He said then this will be a master bill situation, and there won't be individual billings. However Item 4 talks about meters, but we will require individual metering for conservation and other purposes.

Mr. Snyder said this is correct.

- Chair Calvert asked if that should be stated or if it is it clear by some reference.

Mr. Martinez said he will add the clarifying language and make that specific.

- Chair Calvert said on page 4 of 8, Discontinuation of Service, it says, "The City may discontinue service consistent with SFCC §25-4.1, Exhibit A, Rule 9." He asked if this is our drought restrictions, or what does that Section reference.
- Mr. Martinez said it does not relate to drought restrictions and is in regard to metered service, so this would be some sort of violations of our rules and regulations, and the reason we would discontinue service.
- Councilor Rivera asked Ms. Jenkins what kinds of residential homes will these be.

Jennifer Jenkins said the property owners are not developers, and are interested only in creating a subdivision creating residential lots which they likely will sell to builders. She said they inherited the property and are trying to take the necessary steps so the property is developable.

- Councilor River asked if they currently are in the Agua Fria Village.

Ms. Jenkins said they are in the traditional Historic Village.

- Councilor Rivera asked if it would be possible for them to request to be annexed.

Ms. Jenkins said Ms. Stacy went to the meetings and requested that her property be included, so it is a bit of a donut hole which is on the far western edge of the village.

Ms. Jenkins said the first order of business, in addressing the availability of utilities, was to go to the Board of County Commissioners and request to be removed from the village. She said they were unable to get it on an agenda to be heard, so they hit a brick wall. They then started the process with the County and City to become part of the presumptive City limits and annexation was their first choice, but they couldn't get heard on the matter of being removed from the village.

- Responding to Councilor Rivera, Ms. Jenkins said the Traditional Agua Fria Village is immune to annexation, reiterating that annexation was their first choice.
- Councilor Dominguez said then the County says it can't provide water.

Ms. Jenkins said the County said they can't provide the infrastructure for water, and neither can the Association.

- Councilor Dominguez said they won't allow the City to annex them to provide that infrastructure for them. He said since we can't annex, what happens to any taxes or revenue generated.

Ms. Jenkins said the GRTs generated from construction activities would be County revenues. However, with respect to the water connections, they would be required to pay all the City fees and revenue would be generated from the customer base as well.

- Councilor Dominguez said the City has an agreement with the County to annex, excluding the Historic Village. He asked if this was after Agua Fria was designated a Traditional Historic Village.

Ms. Jenkins said no, it was prior to 2008, noting the Settlement Agreement with the County was signed in May 2008, and they finished the redrawing of the Agua Fria Village boundaries in late 2006 or early 2007.

- Councilor Dominguez said then we knew when we did the Annexation Agreement that this parcel was part of the Traditional Historic Agua Fria Village, and Ms. Jenkins said yes.

Ms. Jenkins said the Village reached out to the neighboring community and said anyone wanting to be in the Village to petition them and they would make them a part of the Village. She understands part of that endeavor was in anticipation of the annexation/

- Councilor Dominguez said it has been the first time he's seen one of these requests in some time, and asked what we have done in the past.

Mr. Snyder said it has been quite some time since we have had one of these, noting there have been piecemeal requests from Agua Fria, and where it was approved, the City already had infrastructure there.

Stan Holland said what they have been doing with Agua Fria Village is to recognize the prior written agreements in Agua Fria, noting a lot of sewer lines have been put in as part of Agua Fria phases 1, 2 and 3. He said we have been allowing them to connect if it just involves a simple service connection from the house to the public main line. However, where a public main line extension is involved, we have "flat out said no, unless you can show us that there was something there prior." He said people are connecting out there. He said this particular development will require a public main extension, and the reason it was stopped, commenting if it had stayed as one property and one house it would have been no problem. He said the only one that has come out of this is Harry's Roadhouse on the Old Las Vegas Highway – the only one which has been recognized and approved. He said the Santa Fe County Fairgrounds started the process, but fell off the radar screen. He said this is the third one that has come in for water and sewer service under the Settlement Agreement.

- Councilor Dominguez asked the zoning.

Ms. Jenkins said in Agua Fria Village, if they have municipal water and sewer, the maximum density is 3 houses per acre so it is equivalent to an R-3 zoning.

- Councilor Dominguez asked if there is an intention to come in for amendments to that.

Ms. Jenkins said it is the zoning, so everything they have laid out will be in compliance with that, noting Agua Fria Village doesn't provide for density that exceeds that, and they believe it is an appropriate use of the property and will be the least dense "thing over there frankly, but we are comfortable with that."

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the MOU with Santa Fe County and the MOU with the Stacy Community Property Trust, as presented.

DISCUSSION: Councilor Dominguez said one reason he is in favor of this, is because he doesn't fair for the City to limit or restrict a person's ability to do something just because the County or the Village Association won't cooperate.

Councilor Rivera said he has a hard time with people that apply to be part of the Village in order to escape all of the rules the City has, but when they need to be bailed out, they come to the City. He said he feels for the people that inherited the land, and wishes they could do something with it, but thinks their next fight should be with the County to be released, or through the village to be released for annexation where we

can take full advantage of providing the water, as well as benefit from the GRTs. He said he will vote no on the motion.

Chair Calvert said he also has mixed feelings, commenting staff has done a good job to avoid any costs by the City in doing this. He shares some of Councilor River's concerns, and this sort of "piecemeal, pick along the borders of the Village and eventually we'll have another ring around the village of those that are on the boundaries where we serve." He said at some point the County needs to weigh in with a definitive plan on how they think this should play out over time. He said if this is going to continue, perhaps we should share 50-50 in the GRTs on some of these projects, because we have to maintain the lines once these people are hooked-up to the City system.

VOTE: The motion was approved on a voice vote, with Councilors Dimas, Dominguez and Trujillo voting in favor of the motion and Councilor Rivera voting against.

MATTERS FROM THE PUBLIC

There were no matters from the public.

MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

ITEMS FROM STAFF

There were no items from staff.

MATTERS FROM THE COMMITTEE

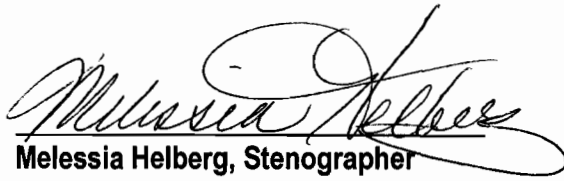
There were no matters from the Committee.

NEXT MEETING: TUESDAY, JULY 3, 2012.

ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at 6:45 p.m.

Christopher Calvert, Chair



Melessia Helberg, Stenographer