



# Agenda

CITY CLERK'S OFFICE

DATE 5-14-08 TIME 10:30

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**PUBLIC UTILITIES COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
WEDNESDAY, MAY 21, 2008  
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 2, 2008 PUBLIC UTILITIES COMMITTEE MEETING
6. MATTERS FROM THE COMMITTEE

**INFORMATIONAL ITEMS**

7. Update on Current Water Supply Status. (Victor Archuleta)
8. Water Budget Administration Office Report. (Amanda Martinez)
9. Presentation of the 2008 Water Division 10 Year Financial Plan. (Gary Martinez & Red Oak Consulting)
10. Spring Reservoir Management and Storage Capacities. (Alan Hook)

**CONSENT CALENDAR**

11. Request for Approval for the Purchase of One (1) 31 CUBIC-YARD High Compaction Automated Sideloaders from Trucks West, Inc for the Total Amount of \$209,080.63. (Bill deGrande)
12. Request for Approval of Amendment No. 1 for Sub Surface Incorporated for \$500,000 Exclusive of NMGR for the City Wide Utility Construction and Repair Contract. (Bill Huey)

13. Request for Approval of State Land Office Right of Way Agreement with BDDDB and Payment of State Land Office Fee for Right of Way Lease for the Amount of \$55,854.74. (Rick Carpenter)
14. Request for Approval of Contract Amendment No. 2 to the Professional Services Agreement with Cooney, Watson, Inc. for the Amount of \$42,550 Exclusive of NMGR. (Rick Carpenter)
15. Request for Approval of Amendment No. 2 to the Legal Services Agreement with Kirkpatrick & Lockhart Preston Gates Ellis, LLP for the Amount of \$45,000 Exclusive of NMGR for the Buckman Direct Diversion Project. (Rick Carpenter)
16. Request for Approval of Amendment No. 5 to the Legal Services Agreement with Hawkins, Delafield & Wood for the Amount of \$69,500 Exclusive of NMGR Buckman Direct Diversion Project Special Counsel Services. (Rick Carpenter)
17. Request for Approval of Amendment No. 7 to the Legal Services Agreement with Modrall Sperling, PA for the Amount of \$50,000 Exclusive of NMGR for the Buckman Direct Diversion Project. (Rick Carpenter)
18. Request for Approval of Amendment No. 2 to the Legal Services Agreement with John Beinvenu, Rothstein & Donatelli for \$20,000 Exclusive of NMGR for Legal Services Regarding the *Board of Regents of the New Mexico School of the Deaf vs. City of Santa Fe*. (Marcos Martinez and Frank Katz)
19. Request for Approval of Amendment No. 2 to the Legal Services Agreement with Alletta Belin, Belin & Sugarman for \$20,000 Exclusive of NMGR for Legal Services Regarding the *Board of Regents of the New Mexico School of the Deaf vs. City of Santa Fe*. (Marcos Martinez and Frank Katz)
20. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Amending Resolution No. 2002-25 Regarding Membership of the Santa Fe Water Conservation Committee to Include Two Additional Members. (Randy Sugrue) (Councilor Calvert)
21. Request for Approval for Sewer Service Under the Provisions of SFCC, Section 22-6.2 by Liaison Planning Services on Behalf of Chaparral Investment Properties for the Proposed Office/Warehouses on the 4.135 Acre Parcel of Land Located at 5935 Agua Fria Road. (Stan Holland)
22. Request for Approval for Sewer Service Under the Provisions of SFCC, Section 22-6.2 by Dennis Hernandez for the Hernandez Family Transfer to Subdivide an Existing 1.693 Tract of Land Located Within the Agua Fria Traditional Historic Village Into Five (5) – 1/3 Acre Parcels as Part of a Family Transfer. (Stan Holland)

23. Request for Approval of Sewer Service Under the Provisions of SFCC, Section 22-6.2 by the Santa Fe County Growth Management Department for Extending City Sewer Service to Existing Communities Within the Agua Fria Traditional Historic Village. The County Currently has Five (5) Active Projects for Sewer Extensions. (Stan Holland)
24. Request for Approval of Bill No. 2008-\_\_\_\_\_. An Ordinance Amending Sections 22-9.1, 22-9.7 and 22-9.10 SFCC 1987 Regarding Industrial Pretreatment Regulations and Procedures. (Costy Kassisieh) (Councilor Dominguez, Councilor Calvert and Councilor Trujillo)
25. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Aiming to Reduce the City of Santa Fe's "Carbon Footprint". (Councilor Ortiz) (Nick Schiavo)
26. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Supporting the Use of Renewable Energy at the City of Santa Fe Wastewater Treatment Plant. (Nick Schiavo) (Councilor Calvert)
27. Request for Approval of Resolution No. 2008-\_\_\_\_\_. A Resolution Directing City Staff to Develop a Program to Reduce Disposable Bag Use. (Katherine Mortimer) (Councilor Calvert, Mayor Coss and Councilor Wurzbarger)

#### **DISCUSSION ITEMS**

28. Request for Approval for Water and Sewer Service Under the Provisions of SFCC, Sections 22-6.2 and 25-1.11 by Lois and William Mee (Daughter and Son-in-Law) on Behalf of Arthur and Amanda Montoya for a Proposed Family Transfer/Lot Split for the Property Located Within the Agua Fria Traditional Historic Village at 2101 and 2111 Camino Samuel Montoya Adjacent to Rufina Street. (Stan Holland)

#### **MATTER FROM THE PUBLIC**

#### **MATTERS FROM THE CITY ATTORNEY**

#### **MATTERS FROM STAFF**

**NEXT MEETING: WEDNESDAY, JUNE 4, 2008**

**ADJOURN**

SUMMARY INDEX  
PUBLIC UTILITIES COMMITTEE  
May 21, 2008

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
CALL TO ORDER	Quorum	1
APPROVAL OF AGENDA	Approved	
APPROVAL OF CONSENT AGENDA	Approved	
CONSENT CALENDAR LISTING		
<b><u>INFORMATIONAL ITEMS</u></b>		
UPDATE ON CURRENT WATER SUPPLY STATUS	Information/discussion	
WATER BUDGET ADMINISTRATION OFFICE REPORT	Information/discussion	
PRESENTATION OF THE 2008 WATER DIVISION 10-YEAR FINANCIAL PLAN	Information/discussion	
SPRING RESERVOIR MANAGEMENT AND STORAGE CAPACITIES	Information/discussion	
MATTERS FROM THE PUBLIC	None	
MATTERS FROM THE CITY ATTORNEY	None	
ITEMS FROM STAFF	None	
MATTERS FROM THE COMMITTEE	Information/discussion	
NEXT MEETING: WEDNESDAY, JUNE 4, 2008		
ADJOURN		

**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC UTILITIES COMMITTEE  
Wednesday, May 21, 2008**

**1. CALL TO ORDER**

A meeting of the Public Utilities Committee was called to order by Councilor Rebecca Wurzbarger, Chair, at approximately 5:15 p.m., on May 21, 2008, in the Council Chambers, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Rebecca Wurzbarger, Chair  
Councilor Christopher Calvert  
Councilor Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

**OTHERS PRESENT:**

Galen Buller, 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 Calvert moved, seconded by Councilor Romero, to approve the Agenda as published.

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

**4. APPROVAL OF CONSENT AGENDA**

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the following consent agenda.

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

### **CONSENT CALENDAR**

11. REQUEST FOR APPROVAL OF THE PURCHASE OF ONE (1) 31 CUBIC-YARD HIGH COMPACTION AUTOMATED SIDELOADER FROM TRUCKS WEST, INC., FOR THE TOTAL AMOUNT OF \$209,080.63. (BILL DeGRANDE)
12. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 FOR SUB SURFACE INCORPORATED FOR \$500,000 EXCLUSIVE OF NMGR T FOR THE CITY WIDE UTILITY CONSTRUCTION AND REPAIR CONTRACT. (BILL HUEY)
13. REQUEST FOR APPROVAL OF STATE LAND OFFICE RIGHT OF WAY AGREEMENT WITH BDDDB AND PAYMENT OF STATE LAND OFFICE FEE FOR RIGHT OF WAY LEASE FOR THE AMOUNT OF \$55,854.74. (RICK CARPENTER)
14. REQUEST FOR APPROVAL OF CONTRACT AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH COONEY, WATSON, INC., FOR THE AMOUNT OF \$42,550 EXCLUSIVE OF NMGR T. (RICK CARPENTER)
15. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE LEGAL SERVICES AGREEMENT WITH KIRKPATRICK & LOCKHART PRESTON GATES ELLIS, LLP, FOR THE AMOUNT OF \$45,000 EXCLUSIVE OF NMGR T FOR THE BUCKMAN DIRECT DIVERSION PROJECT. (RICK CARPENTER)
16. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO THE LEGAL SERVICES AGREEMENT WITH HAWKINS, DELAFIELD & WOOD FOR THE AMOUNT OF \$69,500 EXCLUSIVE OF NMGR T BUCKMAN DIRECT DIVERSION PROJECT SPECIAL COUNSEL SERVICES. (RICK CARPENTER)
17. REQUEST FOR APPROVAL OF AMENDMENT NO. 7 TO THE LEGAL SERVICES AGREEMENT WITH MODRALL SPERLING, PA, FOR THE AMOUNT OF \$50,000 EXCLUSIVE OF NMGR T FOR THE BUCKMAN DIRECT DIVERSION PROJECT. (RICK CARPENTER)
18. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE LEGAL SERVICES AGREEMENT WITH JOHN BIENVENU, ROTHSTEIN & DONATELLI FOR \$20,000 EXCLUSIVE OF NMGR T FOR LEGAL SERVICES, REGARDING BOARD OF REGENTS OF THE NEW MEXICO SCHOOL FOR THE DEAF VS. CITY OF SANTA FE. (MARCOS MARTINEZ AND FRANK KATZ)

19. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE LEGAL SERVICES AGREEMENT WITH ALLETTA BELIN, BELIN & SUGARMAN FOR \$20,000 EXCLUSIVE OF NMGRF FOR LEGAL SERVICES, REGARDING BOARD OF REGENTS OF THE NEW MEXICO SCHOOL FOR THE DEAF VS. CITY OF SANTA FE. (MARCOS MARTINEZ AND FRANK KATZ)
20. REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION AMENDING RESOLUTION NO. 2002-25 REGARDING MEMBERSHIP OF THE SANTA FE WATER CONSERVATION COMMITTEE TO INCLUDE TWO ADDITIONAL MEMBERS (COUNCILOR CALVERT). (RANDY SUGRUE).
21. REQUEST FOR APPROVAL FOR SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTION 22-6.2 BY LIAISON PLANNING SERVICES ON BEHALF OF CHAPARRAL INVESTMENT PROPERTIES FOR THE PROPOSED OFFICE/WAREHOUSES ON THE 4.135 ACRE PARCEL OF LAND LOCATED AT 5935 AGUA FRIA ROAD. (STAN HOLLAND)
22. REQUEST FOR APPROVAL FOR SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTION 22-6.2 BY DENNIS HERNANDEZ FOR THE HERNANDEZ FAMILY TRANSFER TO SUBDIVIDE AN EXISTING 1.693 TRACT OF LAND LOCATED WITHIN THE AGUA FRIA TRADITIONAL HISTORIC VILLAGE INTO FIVE (5) – 1/3 ACRE PARCELS AS PART OF A FAMILY TRANSFER. (STAN HOLLAND)
23. REQUEST FOR APPROVAL OF SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTION 22-6.2 BY THE SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT FOR EXTENDING CITY SEWER SERVICE TO EXISTING COMMUNITIES WITHIN THE AGUA FRIA TRADITIONAL HISTORIC VILLAGE. THE COUNTY CURRENTLY HAS FIVE (5) ACTIVE PROJECTS FOR SEWER EXTENSIONS. (STAN HOLLAND)
24. REQUEST FOR APPROVAL OF BILL NO. 2008- \_\_\_\_\_. AN ORDINANCE AMENDING SECTIONS 22-9.1, 22-9.7 AND 22.9.10 SFCC 1987, REGARDING INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES (COUNCILOR DOMINGUEZ, COUNCILOR CALVERT AND COUNCILOR TRUJILLO). (COSTY KASSISIEH)
25. REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION AIMING TO REDUCE THE CITY OF SANTA FE'S "CARBON FOOTPRINT" (COUNCILOR ORTIZ). (NICK SCHIAVO)
26. REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION SUPPORTING THE USE OF RENEWABLE ENERGY AT THE CITY OF SANTA FE WASTEWATER TREATMENT PLANT (COUNCILOR CALVERT). (NICK SCHIAVO)
27. REQUEST FOR APPROVAL OF RESOLUTION NO. 2008- \_\_\_\_\_. A RESOLUTION DIRECTING CITY STAFF TO DEVELOP A PROGRAM TO REDUCE DISPOSABLE BAG USE (COUNCILOR CALVERT, MAYOR COSS AND COUNCILOR WURZBURGER). (KATHERINE MORTIMER)

**5. APPROVAL OF MINUTES FOR THE APRIL 2, 2008, PUBLIC UTILITIES COMMITTEE MEETING.**

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert, to approve the minutes of the meeting of April 2, 2008, as submitted.

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

Councilor Romero noted in the previous minutes there were several action items and asked how things come back to the Committee.

Chair Wurzburger said she will work with Stephanie to do a "Follow Up" item on the Agenda, and indicate any action items.

Responding to the Chair, Councilor Romero said she will work with the Chair to develop a list of action items.

**INFORMATIONAL ITEMS**

*Councilor Ortiz arrived at the meeting*

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

The Weekly Water Report for the week ending May 18, 2008, is incorporated herewith to these minutes as Exhibit "1."

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

Councilor Trujillo asked the current snowpack level.

Mr. Archuleta said currently the snowpack is at 33 inches at the Santa Fe snowtel site.

**8. WATER BUDGET ADMINISTRATION OFFICE REPORT. (AMANDA MARTINEZ)**

Edward Montoya presented information regarding this matter to the Committee from Amanda Martinez's Memorandum of March 24, 2008, which is in the Committee packet.

Councilor Calvert, referencing language in paragraph 2, "The water consumption for the coinciding address is then monitored annually by WBAO to ensure compliance," asked how this is done.



Mr. Montoya said a report of the water consumption from the water records is done annually, and only looked at once a year.

Councilor Calvert asked how many in Plan B don't fulfill their agreement.

Mr. Montoya said he doesn't have an answer at this time, but he can get that information.

Chair Wurzburger said she would like that at the next meeting.

Councilor Calvert asked, referring to the last paragraph, "Upon the conclusion of the toilet retrofit program....," if we know, by address, which have been retrofitted and which have not by default.

Mr. Montoya said they do know the properties which have been retrofitted and submitted to the Office, but don't keep a record of those which have not been retrofitted.

Councilor Calvert asked if it is possible some have been retrofitted, but we don't know about it.

Mr. Montoya said there is a possibility.

Councilor Calvert asked if a list could be generated by subtracting those which have been retrofitted, if we wanted to target those who haven't retrofitted.

Mr. Montoya said yes.

Chair Wurzburger said this will be pursued as part of the water budget changes at the next meeting.

Councilor Trujillo asked if we consider a fee in lieu for artificial turf in some of the parks.

Mr. Montoya said yes.

Councilor Ortiz said his constituent, Terry Scarborough is building one small bathroom, and she was told by the City that she has to retrofit the equivalent of \$5,000 to \$7,000. He asked if there is any help the City can give her and others who are doing small remodels, and because they are putting in a bathroom they have to go through the whole retrofit program. What options are available to them.

Mr. Montoya said the second option is Option B where they submit their own water budget. Responding to Councilor Ortiz, Mr. Montoya said this is an option for a remodel project.

Councilor Ortiz asked if there is other help or options in these situations.

Mr. Montoya said there are no other alternatives at this time, but staff can start brainstorming for new alternatives.

Councilor Ortiz gave the contact information to Mr. Buller, and asked that someone contact her and give her the information on those options.

**9. PRESENTATION OF THE 2008 WATER DIVISION 10-YEAR FINANCIAL PLAN. (GARY MARTINEZ & RED OAK CONSULTING.**

Gary Martinez said Dr. C. (Kees) W. Corrsmit, Vice President, Financial Affairs, Red Oak Consulting, is in attendance to present the 10-year financial plan, noting Red Oak has been retained to prepare and update the City's Financial Plan for the Water Division.

Kathryn Raveling gave a history of the purchase of the water company, saying through that experience, she understands what needs to be in the Plan and how to product revenues sufficient to meet bond covenants.

Dr. Corrsmit reviewed "2008 Financial Plan Update," for the Sangre de Cristo Water Division, dated May 21, 2008, which is contained in the Committee packet. Please see this document for specifics of Dr. Corrsmit's presentation.

Councilor Calvert asked, regarding the Capital Improvement Plan, if one of the categories includes the existing delivery system.

Dr. Corrsmit said it contains only the projects that cost money, and could include something added to an existing project, but it is mostly new construction.

Councilor Calvert asked if it includes, for example, line replacement.

Dr. Corrsmit said it does not include existing assets.

Councilor Calvert noted that the recommendation is "Annual revenue increases needed at 5.6%," and asked for how many years.

Dr. Corrsmit said they have 8-9 years of forecast, so this is year after year after year. He said the history is that inflation has been running at 2½ to 3%, and for the past year has been somewhat higher, which is why he increased the assumption by ½ to 1% more than two years ago.

Councilor Calvert asked how this will look in years 8-9 for the average water bill.

Dr. Corrsmit said with the 5.6%, in 8-9 years, it would be roughly 65% higher than the current bill. He said he can do a calculation for a precise number.

Councilor Calvert would like to have that calculation.

Dr. Corrsmit said it sounds like he wants a table which shows what is in the average monthly bill, but taking our [inaudible].

Councilor Calvert would like to see something other than zeros in the chart, excessive use rate or category, as another category. He said some people don't care what water costs, and will use whatever they want to use. He thinks there should be some sort of extra "oomph" to it, and believes we could develop one everyone could agree on.

Dr. Corrsmit said then Councilor Calvert would like to see a rate structure where those that use more aren't being subsidized by those that use less. This is one of the big questions which is done in a cost of service study, where you study this and get the latest available data. The principle is "dear to his heart," because he has also been a proponent of cost of service, which means no one subsidizes anybody else.

Chair Wurzbarger, said with regard to the assumptions, is the assumption that the rate increases are covering all of these costs, and we don't think we will get funds from the federal government. The assumption is we're funding this ourselves.

Dr. Corrsmit said actually there are grants and loans. However, grants are becoming increasingly more extinct, and he can't give a lot of hope that will change in the near future.

Chair Wurzbarger said the only hopeful thing we have is the possibility of the Rural Loan Fund, and asked if that is reflected in this, or is it assumed that primarily the City is paying itself.

Dr. Corrsmit said it is in the plan.

Councilor Trujillo requested the plan on disk.

Councilor Calvert said the totals in Table 1 don't add up.

Dr. Corrsmit said the total figures at the bottom include inflation.

Chair Wurzbarger asked staff to clarify those numbers.

Dr. Corrsmit said he will look into that and he will get back to the Committee through staff.

Chair Wurzbarger thanked Dr. Corrsmit for his work.

## **10. SPRING RESERVOIR MANAGEMENT AND STORAGE CAPACITIES. (ALAN HOOK)**

A copy of "2008 – McClure and Nichols Estimated Total Storage and Spring Flood Prevention Releases," is incorporated herewith to these minutes as Exhibit "2."

Alan Hook presented information regarding this matter from his Memorandum of May 21, 2008 and Exhibit " 2."

Councilor Trujillo asked if the Fishing Derby for kids is a possibility, and if so, how long it would take to get ready.

Mr. Hook spoke with Game & Fish and they already have trout reserved for the possibility that the Santa Fe River would have water. Game & Fish is working on the cutthroat trout project at McClure, and part of that project is catching the rainbow trout already there, so those could be put in the river given the flows, if this is the Committee's wish.

Councilor Trujillo asked if this will be ready by the 31<sup>st</sup>.

Mr. Hook said yes.

Chair Wurzbarger asked how to proceed with the Fishing Derby as an option since we will have the water and we have the fish, is a Resolution needed.

Mr. Buller said he needs to work with Mr. Hook and the State.

Councilor Trujillo asked staff to contact Representative Varela who cosponsored this last year as well as Public Works to cut the grass along that section where we had it last year.

Mr. Hook said that is one of the recommendations, noting they looked at different options, one of which was to hold it at Alto Park during the River Festival.

Councilor Trujillo asked if it could be held downstream, noting up here there are places which would hold a lot of water.

Chair Wurzbarger said she doesn't want to do this level of work at this Committee, and in concept we agree that we need to do this.

Mr. Buller said last year there was no resolution, only guidance from the committee, noting this is for flood control anyway and it is a timing issue.

Councilor Calvert asked the flow required for sustaining the fish, and if the water could be let out more gradually.

Mr. Hook said about 3 cfs is needed, depending on the location, but he will check with Game & Fish to be sure. He said given the amount of water, it would be difficult to do both the fishing derby and the more gradual release.

Councilor Romero said we said our suggestions will be broad, because the goal is two major

release events to prevent flooding. She said it would be great to maximize the fishing experience, but that is whenever and wherever it works best, rather than trying to figure out all the timing which to her is at a micro level. Her encouragement is to do what is most appropriate, and leave it to staff to work through the logistics and not go through any of the timing issues.

Councilor Trujillo would like to ask Game & Fish to tag 10 fish like last year for prizes for the kids.

## **DISCUSSION ITEMS**

**28. REQUEST FOR APPROVAL FOR WATER AND SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTIONS 22-6.2 AND 25-1.11 BY LOIS AND WILLIAM MEE (DAUGHTER AND SON-IN-LAW) ON BEHALF OF ARTHUR AND AMANDA MONTOYA FOR A PROPOSED FAMILY TRANSFER/LOT SPLIT FOR THE PROPERTY LOCATED WITHIN THE AGUA FRIA TRADITIONAL HISTORIC VILLAGE AT 2101 AND 2111 CAMINO SAMUEL MONTOYA ADJACENT TO RUFINA STREET. (STAN HOLLAND)**

Stan Holland presented information from his Memorandum of May 9, 2008, which is in the Committee packets. He said he checked with the County and the Village, and County water is not available and Agua Fria Village water is not available because they have no water lines in the area.

Responding to the Chair, Mr. Holland said his understanding is that the soonest water would be close to the Applicant would be 2011.

Councilor Calvert said nobody has a problem with the sewer service, but it is the water and where it will come from. The last time we did this, we asked for a letter from the County that it would at least consider subtracting the water from its allocation from the City.

Chair Wurzbarger recalled we sent such a letter and asked Marcus Martinez if we received a response from the County.

Marcus Martinez said he is not aware that the City has received a response.

Councilor Calvert said we also asked for an acknowledgment of the letter from the County.

Councilor Romero asked what the Village of Agua Fria feels about this proposal.

**William Mee, resident of Agua Fria Village and President of the Village Association**, said they are starting a master plan for their area. He said they had a presentation from the Agua Fria Community Water Association and they are trying to expand the system to serve the Village boundaries. However, it will be 2011 before there is a line in the area.

Chair Wurzbarger asked the Applicant if there is a reason they can't wait until 2011.

**Lois Mee, Applicant**, said her mother and father, Amado and May Montoya are subdividing the property for the rest of the grandchildren. This particular piece is the last piece adjacent to Rufina Street. She said by law or regulation, if property is within 200 feet of public utilities, you must connect to public utilities, and there is City water and sewer on Rufina. She said the County sent a letter to her telling her that in order to approve the lot split and family transfer, the County needs a letter of commitment from the City that she can obtain those services based on that regulation. Also, the piece of property is smaller than .75 acres, so it can't have a well and septic on it, so it would have to have some type of public utilities to get those services. She said her nephew will be receiving the property, and he is in the process of either purchasing a mobile home or building on the property once he receives the warranty deed and everything is approved.

Councilor Wurzbarger asked if there is a projected water use for this request.

Mr. Holland said no.

Responding to the Chair's question as to whether or not the City received a response from the County, Gary Martinez said he recalls there was a question that if the City allocated County water, then the County would subtract it from its current allocation from the City. He said it went to the RPA and it died there, and never went anywhere else.

Chair Wurzbarger said she doesn't remember that coming to the RPA during the years she sat on that board. She said if it needs to go there, she will ensure that it gets to the RPA, and depending on the decision this evening, she will get an answer.

Chair Wurzbarger said there is a standard water allocation amount for an affordable housing unit of .21 afy. She asked if we have ever entertained a request, such as this one, and put a restriction on it which could be tied to the unit.

Marcus Martinez said he doesn't know that we've ever made a restriction.

Chair Wurzbarger asked if that can be done legally.

Marcus Martinez said it is something which we could contractually agree to, or require the land owner to do, if we had an agreement.

Mr. Holland said the Applicant's request for water service is only for the one lot which is adjacent to Rufina.

**MOTION:** Councilor Romero moved, seconded by Councilor Calvert, to approve this request on the condition that the Applicant submit a water budget by the time this goes to the Council.

**DISCUSSION:** Councilor Calvert said submitting a water budget doesn't get to the issue of how we work this out with the County.

**FRIENDLY AMENDMENT:** Councilor Romero proposed to amend the motion to include the requirement that the City receive, prior to consideration by the City Council, a letter from the County indicating its agreement to deduct this amount of water from its water use agreement with the City. **The amendment was friendly to the second.**

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

## **MATTERS FROM THE PUBLIC**

**David Groenfeldt, Director, Santa Fe Watershed Association**, said the Association's interest and that of many people in Santa Fe, is to bring the Santa Fe River back to life. The pricing mechanism is the single most powerful tool we have to incentive water conservation and that is critical to the revival of the River. He wanted to underscore the importance of looking at the plan for rate structure with an eye toward water conservation and freeing up water for a living river. It is critical and this is a great opportunity to build some incentives for conservation into the rate structure.

## **MATTERS FROM THE CITY ATTORNEY**

None.

## **ITEMS FROM STAFF**

None.

## **MATTERS FROM THE COMMITTEE**

Councilor Calvert said he would like, in the rate structure, some thought to be given to an excessive use category. He said at some point the use is excessive and some people will use just as much as they want because they can afford it. He said perhaps this is punitive, but he wants to send a message.

Councilor Calvert asked if the rate structures include an increase for UEC.

Mr. Gary Martinez said it does not.

Councilor Calvert said he heard on the campaign trail that new growth needs to pay for itself. The area where new growth pays for itself is through the UEC charge.

Mr. Gary Martinez said this is true. However, this is a complete separation from that. He said the Finance Plan does not supplement growth. He said the UEC is something we need to look at, but he is unsure this is the appropriate time.

Chair Wurzburger said right now isn't the time to do this, but the direction to staff is to take a look at excessive use as part of the process, and she agrees with Councilor Calvert that we need to look at the UEC variable at the appropriate time.

Councilor Romero said we don't want everyone to pay for the indiscretion of others. She said she hauls her own water to a City-owned park to be sure the things she plants live. She wants to be sure that our policy is clear that it really is excessive use and that we're clear how it's excessive, but we don't want it to be punitive to the point where our parks are dying.

#### **NEXT MEETING: WEDNESDAY, JUNE 4, 2008.**

Chair Wurzburger said we have been working hard on the water budget and getting the water laws in one place. This will be a primary agenda item for discussion at the next meeting.

Chair Wurzburger told Gary Martinez that she wants staff to start thinking how we deal with the issue of commercial accounts, the size of the meter, small business and such, in the rate structure, and she wants to revisit that.

Councilor Romero would like a "cheat sheet" for the acronyms we are using, and would like issues from previous meetings to be on the agenda.

Chair Wurzburger would like to schedule Claudia Borchert's report at the next meeting, as well as Costy's items, and anything from Solid Waste. Anything regarding energy can be done at the second meeting in June.

#### **ADJOURN**

There being no further business to come before the Committee, and the Committee having completed its agenda, Councilor Romero moved, seconded by Councilor Calvert, to adjourn. The motion was approved unanimously on a voice vote, and the meeting was adjourned at 6:18 p.m.

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**Rebecca Wurzburger, Chair**



*Melessia Helberg*  
**Melessia Helberg, Stenographer**