



City of Las Cruces®

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Council Action and Executive Summary

Item # 7Ordinance/Resolution# 16-088For Meeting of _____
(Ordinance First Reading Date)For Meeting of October 5, 2015
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING A VARIANCE TO ORDINANCE NO. 1814 ALLOWING CONSTRUCTION WORK BETWEEN THE HOURS OF 6:00 P.M. AND 7:00 A.M. FOR THE DRILLING AND DEVELOPMENT OF WATER WELLS 29, 31, AND 32 BECAUSE OF URGENT PUBLIC NECESSITY.

PURPOSE(S) OF ACTION:

Variance request.

COUNCIL DISTRICT: 4		
<u>Drafter/Staff Contact:</u> Carl Clark <i>CC.</i>	<u>Department/Section:</u> Utilities/Regulatory Environmental Services /Technical Support	<u>Phone:</u> 528-3548
<u>City Manager Signature:</u>	<i>Daniel Quila</i>	

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On July 17, 2000, the City Council passed Ordinance No. 1814, amending Section 19-131 of the Las Cruces Municipal Code, allowing for more effective enforcement of the construction restrictions. Ordinance No. 1814 prohibits specified construction, repair or demolition work between the hours of 6:00 p.m. and 7:00 a.m. if the work disturbs the comfort or repose of others except in case of urgent public necessity as determined by the City Council.

On December 4, 2014, the New Mexico Environment Department approved Special Appropriations Project Grant 14-1737-STB to drill replacement Water Wells 29, 31, and 32. The design and bidding phase of the well drilling project is completed, the resolution awarding the contract to the well drilling company will be taken to the Las Cruces Utilities Board at the October 15, 2015, meeting.

Past experience has shown that allowing the well drilling and development process to take place on a 24-hour basis delivers a well that is more efficient and productive in its water yields. By not allowing a variance request to take place, the City runs the risk of possibly having a final product that is troublesome in nature and may have poor water production yields, which affects all its

(Continue on additional sheets as required)

residents. Therefore, staff is seeking a variance to Ordinance No. 1814 for the duration of the project, which is approximately 270 calendar days for all three well drillings.

The contractor will attempt to perform the majority of the construction between the hours of 7:00 a.m. and 6:00 p.m. However, due to the nature of well drilling, some phases of construction must be performed between 6:00 p.m. and 7:00 a.m. Specifically, phases including the well drilling, electric logging, setting screen casing assembly, gravel packing, well development, and production testing. Such construction work may disturb the comfort or repose of residents living adjacent to the construction sites at Well 29, located at 1125 West Hayner Avenue; Well 31, located at 1901 Isaacks Lane; and Well 32, located at 975 South Mesquite Street. The contracts for this project do require the use of sound abatement blankets during these phases of construction that will take place during the hours of 6:00 p.m. to 7:00 a.m.

SUPPORT INFORMATION:

1. Resolution.
2. Attachment "1", Memorandum to Robert Garza, City Manager from Carl Clark, Las Cruces Utilities Regulatory & Environmental Services/Technical Support Section Administrator.
3. Attachment "2", Site Map of Wells 29, 31, and 32.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the resolution and authorize a variance to Ordinance No. 1814 for the drilling and developing of Water Wells 29, 31, and 32, allowing the well drilling contractor to work between the hours of 6:00 p.m. to 7:00 a.m.
2. Vote "No"; this will reject the resolution and not authorize a variance to Ordinance No. 1814. This action will cause the drilling and development of each well to take place during the hours of 7:00 a.m. to 6:00 p.m., which could potentially result in wells that are troublesome in nature and may have poor water production yields.
3. Vote to "Amend"; this could cause staff to renegotiate the contract and possibly result in an increase of construction costs.
4. Vote to "Table"; this could delay the project and possibly result in an increase of construction costs.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance No. 1814.

(Continue on additional sheets as required)

RESOLUTION NO. 16-088**A RESOLUTION AUTHORIZING A VARIANCE TO ORDINANCE NO. 1814 ALLOWING CONSTRUCTION WORK BETWEEN THE HOURS OF 6:00 P.M. AND 7:00 A.M. FOR THE DRILLING AND DEVELOPMENT OF WATER WELLS 29, 31, AND 32 BECAUSE OF URGENT PUBLIC NECESSITY.**

The City Council is informed that:

WHEREAS, on July 17, 2000, the City Council passed Ordinance No. 1814, amending Section 19-131 of the Las Cruces Municipal Code, allowing for more effective enforcement of the construction restrictions; and

WHEREAS, Ordinance No. 1814 prohibits specified construction, repair or demolition work between the hours of 6:00 p.m. and 7:00 a.m. if the work disturbs the comfort or repose of others except in case of urgent public necessity as determined by the City Council; and

WHEREAS, on December 4, 2014, the New Mexico Environment Department approved Special Appropriations Project Grant 14-1737-STB to drill replacement Water Wells 29, 31, and 32; and

WHEREAS, the design and bidding phase of the well drilling project is completed, the resolution awarding the contract to the well drilling company will be taken to the Las Cruces Utilities Board at the October 15, 2015, meeting; and

WHEREAS, past experience has shown that allowing the well drilling and development process to take place on a 24-hour basis delivers a well that is more efficient and productive in its water yields; and

WHEREAS, by not allowing a variance request to take place, the City runs the risk of possibly having a final product that is troublesome in nature and may have poor water production yields, which affects all its residents; and

WHEREAS, the Contractor will attempt to perform the majority of the construction between the hours of 7:00 a.m. and 6:00 p.m., however, due to the nature of well drilling, some phases of construction must be performed between 6:00 p.m. and 7:00 a.m.; and

WHEREAS, these phases include the work of well drilling, electric logging, setting screen casing assembly, gravel packing, and well development and production testing; and

WHEREAS, such construction work may disturb the comfort or repose of residents living adjacent to the construction sites at Well 29, located at 1125 W. Hayner Avenue; Well 31, located at 1901 Isaacks Lane; and Well 32, located at 975 S. Mesquite Street; and

WHEREAS, the contracts for this project do require the use of sound abatement blankets during these phases of work that will take place during the hours of 6:00 p.m. to 7:00 a.m.; and

WHEREAS, staff is seeking a variance to Ordinance No. 1814 for the duration of the project, which is approximately 270 calendar days for all three of the well drillings.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT City Council approves the variance to Ordinance No. 1814 allowing construction work between the hours of 6:00 p.m. and 7:00 a.m. for the drilling and development of Wells 29, 31, and 32, in order to ensure that the City of Las Cruces receives the most efficient and productive water wells possible.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the

accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 20__.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Levatino:	_____



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INTER-DEPARTMENTAL MEMORANDUM

TO: Robert Garza, P.E., City Manager

FROM: Carl Clark, P.E., RES/TS Administrator *CC.*

DATE: September 15, 2015

SUBJECT: Drilling and Developing Replacement Water Wells 29, 31, and 32, Project No. 14-15-129, (SAP: 14-1737-STB) - **Variance to Ordinance No. 1814**

Staff is requesting your approval to move forward with a variance request to the City Council, in order to allow the drilling and development process to take place outside the normal working hours of 7:00 am to 6:00 pm for Water Wells 29, 31, and 32. Ordinance No. 1814 prohibits erection, repair or demolition of work other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of urgent public necessity.

Water Wells 29, 31, and 32 are located in various residential areas throughout the City. Certain well drilling phases require continuous and uninterrupted drilling that will take up to 24-hours to complete, this makes it necessary to seek a variance to Ordinance No. 1814. Ordinance No. 1814 amended Section 19-31 of the Las Cruces Municipal Code, allowing for more effective enforcement of the construction restrictions.

Past experience has shown that allowing the well drilling and development process to take place on a 24-hour basis delivers a well that is more efficient and productive in its water yields. By not allowing a variance request to take place, the City runs the risk of possibly having a final product that is troublesome in nature and may have poor water production yields, which affects all its residents. In order to help minimize the noise and disturbance caused by the well drilling and development process, the contract requires that the awarded contractor provide noise abatement blankets during these phases of construction that will take place during the hours of 6:00 p.m. to 7:00 a.m.

Therefore, I am hereby requesting that staff be allowed to move forward with a variance to Ordinance 1814 from the City Council at the October 5, 2015 meeting.

Approved
Robert Garza, P.E.
City Manager

Not Approved
Robert Garza, P.E.
City Manager

cc: Jorge Garcia, Ph.D., P.E., Utilities Director *JG*





**Wells 29, 31 & 32
Vicinity Map**



October 17, 2014





City of Las Cruces®

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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of October 8, 2015
 (Ordinance First Reading Date)

For Meeting of October 5, 2015
 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING A VARIANCE TO ORDINANCE NO. 1814 ALLOWING CONSTRUCTION WORK BETWEEN THE HOURS OF 6:00 P.M. AND 7:00 A.M. FOR THE DRILLING AND DEVELOPMENT OF WELLS 29, 31, AND 32 BECAUSE OF URGENT PUBLIC NECESSITY.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Carl Clark</i>	528-3548	9/17/15
Department Director	<i>James Aragon</i>	528-3512	9/18/15
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2078	9/18/15
Management & Budget Manager	<i>[Signature]</i>	541-2106	9/18/15
Assistant City Manager/COO	<i>[Signature]</i>		9/22/15
City Attorney	<i>[Signature]</i>	Ext 2128	23 Sept 2015
City Clerk - Interim	<i>[Signature]</i>	x2116	9/25/15