



# Albuquerque Bernalillo County Water Utility Authority

Albuquerque/Bernalillo  
County  
Government Center  
One Civic Plaza  
Albuquerque, NM 87102

## Agenda

*Councilor Klarissa Peña, Chair*  
*Commissioner Debbie O'Malley, Vice Chair*  
*Mayor Richard J. Berry*  
*Councilor Pat Davis*  
*Commissioner Maggie Hart Stebbins*  
*Commissioner Wayne Johnson*  
*Councilor Trudy E. Jones*  
*Trustee Pablo Rael*

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Wednesday, August 23, 2017

5:00 PM

Vincent E. Griego Chambers

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1. **CALL TO ORDER**
2. **INVOCATION/PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES - June 21, 2017**
4. **PROCLAMATIONS AND AWARDS**
  - A. **Quarterly Employee Awards**
5. **PUBLIC COMMENT**
6. **ANNOUNCEMENTS/COMMUNICATIONS**
  - A. **Next Scheduled Meeting - September 20, 2017**
7. **INTRODUCTION (FIRST READING) OF LEGISLATION**
  - A. [R-17-15](#) Amendment to the Approved Operating and Capital Implementation Program of the Albuquerque Bernalillo County Water Utility Authority for the Fiscal Year Ending June 30, 2018  
*\*Immediate Action Requested*
  - B. [R-17-16](#) Rescinding Floor Amendment No. One to R-17-9 Appropriating Funds for Operating the Albuquerque Bernalillo County Water Utility Authority for Fiscal Year Beginning July 1, 2017 and Ending June 30, 2018  
*\*Immediate Action Requested*
8. **CONSENT AGENDA**

*(Any Board Member may request that a Consent Agenda item be placed under Approvals)*

- A. [R-17-12](#) Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Carnuel Water Systems Improvement Project Phase 2b
- B. [R-17-13](#) Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Advanced Metering Infrastructure Project Phase 4c
- C. [R-17-14](#) Authorizing the Removal of Certain Uncollectable Accounts from the Water Authority's Accounts Receivable Records FY2013 and Prior
- D. [C-17-24](#) Appointment to the Technical Customer Advisory Committee
- E. [C-17-25](#) Approving Service Connection Agreement for Water and Sewer Service with Taco Cabana of El Paso, Inc. at 10200 Coors Blvd. Bypass NW

**9. APPROVALS**

- A. [R-17-15](#) Amendment to the Approved Operating and Capital Implementation Program of the Albuquerque Bernalillo County Water Utility Authority for the Fiscal Year Ending June 30, 2018
- B. [R-17-16](#) Rescinding Floor Amendment No. One to R-17-9 Appropriating Funds for Operating the Albuquerque Bernalillo County Water Utility Authority for Fiscal Year Beginning July 1, 2017 and Ending June 30, 2018

**10. OTHER BUSINESS**

- A. [OB-17-8](#) Water Report

**11. ADJOURNMENT**

***Visit Our Website at [www.abcwua.org](http://www.abcwua.org)***

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Authority Office as soon as possible before the meeting date at 289-3100 or by the TTY at 1-800-659-8331.



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Meeting Date: August 23, 2017  
Staff Contact: Mark S. Sanchez, Executive Director

**TITLE: Quarterly Employee Recognition Awards**

**ACTION: Information Only**

**SUMMARY:**

The Water Authority recognizes with an award employees who have done something extraordinary for the Water Authority each quarter. Nominations can come from a fellow Water Authority employee or supervisor. A committee meets to discuss and evaluate the nominees and make recommendations on the final employees to be recognized.

The following employees are receiving recognition awards for contributions to the Water Authority above-and-beyond and for the example they have set for fellow employees:

Frank Bailey Edmund Cianchetti	\$275 + 4 hours each	Frank and Edmund are recognized for saving ratepayers almost \$38,000 by seeking alternative sources for rolling bed trailers at the soil amendment facility.
Clifford Duldulao	\$200	Clifford is recognized for going above and beyond in implementation of database virtualization and streamlining of database processes, which reduced cost, manpower and improved disaster recovery.
Rudy Apodaca Cruz Padilla	\$250 each	Cruz and Rudy are recognized for taking the initiative in implementing replacement of old-fashioned sodium bulb lighting with high-efficiency LED throughout the Southside Water Reclamation Plant, earning the utility a \$27,450 rebate from PNM.
Leonard Aragon Joshua Towery	\$400 + 8 hours each	Leonard and Joshua are recognized for their initiative in devising a way to build berms around critical facilities at the Alameda Bridge Diversion Structure to prevent flooding of intake equipment during recent high river flows. Their resourcefulness ensured the Water Authority could continue to treat and deliver surface water during a high-demand period.

Ross Pino Ernesto Padilla	\$200.00 each	Ross and Ernesto are recognized for going above and beyond their normal duties to prepare the San Juan Chama Water Treatment Plant to transition to the new Maximo work order system.
Ron Montano Edward Chavez Michael Williams	\$200.00 each	Ron, Ed, and Mike are recognized for going above and beyond their normal duties to repair a vital piece of equipment at the surface-water treatment plant. By completing the repair themselves instead of bringing in a contractor as would typically be done on a job like this, these employees saved ratepayers about \$30,000.
Benjamin Zimmerman Mason Liang Shawn Hardeman	\$100.00 each	Ben, Mason and Shawn are recognized for their quick action in extinguishing an abandoned campfire along the river near the Southside Water Reclamation Plant, preventing a potentially catastrophic bosque fire.
Henry Salazar John Lovato Trevor Currier Gerald Duran Javier Baca	\$100.00 each	These individuals are recognized for their respective roles in implementing an innovative LED lighting upgrade program for older groundwater well and pump station facilities.
Joseph Herrera - Hernandez	\$400.00 + 8.0 hours	Joseph is recognized for his quick action in engaging his emergency lights to provide traffic control and help two young children safely cross the street and avoid a fatality in the wake of an accident that disabled the traffic lights at a busy intersection.
Erin Keck	\$400.00 + 8.0 hours each	Erin is recognized for the summer internship she initiated for students enrolled in the Job Mentor Program, which consisted of a six-week introduction to the Water Authority and opportunities to observe numerous job functions and staff over the course of the summer. She coordinated this while maintaining her usual schedule, going above and beyond to ensure a life changing experience for these students.

#### FISCAL IMPACT:

None. The award amounts are budgeted yearly.

# Memo

**To:** Mark Sanchez, Executive Officer  
**From:** Judy Bentley, HR Manager, Committee Chair *JB*  
**Date:** 7/20/2017  
**Re:** FY17 Fourth Quarter Employee Recognition Awards

**NOTE: GROSS UP AMOUNTS**

The Employee Recognition Review Committee Convened on July 18<sup>th</sup>, 2017 to review nominations for the Fourth Quarter Awards. The Committee consisted of: In attendance; Judy Bentley (Chair), Mark Kelly, Charles Leder, David Morris, Jim Olsen, David Price, Cody Stinson, John Stomp and Hobert Warren. Not in attendance but scored: Stan Allred, Katherine Yuhás. The committee reviewed all the nominations and selected 23 employees to receive awards. The committee is recommending the following:

NAME	EMP#	AMOUNT	HOURS
Frank Bailey	23918	\$275.00	4.00
Edmund Cianchetti	28534	\$275.00	4.00
Clifford Duldulao	31773	\$200.00	
Rudy Apodaca	27463	\$250.00	
Cruz Padilla	4152	\$250.00	
Leonard Aragon	3752	\$400.00	8.00
Joshua Towery	33690	\$400.00	8.00
Ross Pino	13256	\$200.00	
Ernesto Padilla	29611	\$200.00	
Ron Montano	24096	\$200.00	
Edward Chavez	27323	\$200.00	
Michael Williams	28598	\$200.00	
Benjamin Zimmerman	25098	\$100.00	
Guangyong Liang	33628	\$100.00	
Shawn Hardeman	28341	\$100.00	
Henry Salazar	18563	\$100.00	
John Lovato	24906	\$100.00	
Trevor Currier	33722	\$100.00	
Gerald Duran	29872	\$100.00	
Javier Baca	33523	\$100.00	
Joseph Herrera-Hernandez	33645	\$400.00	8.00
Erin Keck	33788	\$400.00	8.00
<b>Totals:</b>		<b>\$4,650.00</b>	<b>40.00</b>

Approved: \_\_\_\_\_

Mark Sanchez, Executive Director

**HUMAN RESOURCES**

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Meeting Date: August 23, 2017

Staff Contact: Frank Roth, Senior Policy Manager

**TITLE: R-17-12 – Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Carnuel Water Systems Improvement Project Phase 2b**

**ACTION: Recommend Approval**

**SUMMARY:**

This resolution authorizes the Water Authority to submit an application for financial assistance and project approval for \$1 million to the New Mexico Finance Authority (NMFA) for the Carnuel Water System Improvements Project. This funding would construct waterlines in the Phase 2b project area which is in the defined High Priority area. If the project and funding are approved by the NMFA, the project would be ready to bid and could be completed in approximately one year.

The community of Carnuel mostly obtains their water from private wells and disposal through septic systems and is in urgent need of a central public water and wastewater system. In addition, the Carnuel community's private wells are shallow and often co-exist in the same areas with poorly functioning, aging septic systems which have led to nitrate contamination in many of the wells. Moreover, the Carnuel community has seen a serious decline in the quality of water coming from private wells and in some areas it does not meet the mandates of the Safe Drinking Water Act.

In November 2008, the Water Authority and the Carnuel Mutual Domestic Water Consumer Association entered into an agreement for the Water Authority to act as fiscal agent and extend water infrastructure using federal and state grants and loans.

The extension of the water system to the Carnuel community is an eight-phase project which will connect about 800 existing households. Phase 1 extended water service from an existing Water Authority reservoir to the High Priority area; the project was completed in November 2010. Phase 2a, which includes a 387,000 gallon water tank, was completed in September 2015. The water tank provides water storage capacity, fire flow protection, and redundancy to the project area. Phase 3a continued the extension of the water distribution lines through the High Priority area; this project was completed in September 2016.

The Water Authority will own and operate the system. Residents who connect to the system will pay Water Authority Ordinance rates and fees. System expansion is guided by the Bernalillo County Tijeras Canyon/Carnuel Plan which identifies priority areas for water and wastewater service.

**FISCAL IMPACT:**

Total project cost is estimated to be \$1,000,000. The Water Authority will be required to provide a 25% local match or \$250,000. The loan component will be financed through water connection fees.

# ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-17-12

1 **RESOLUTION**  
2 **AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION**  
3 **FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO**  
4 **FINANCE AUTHORITY FOR THE CARNUEL WATER SYSTEMS IMPROVEMENT**  
5 **PROJECT PHASE 2B**

6 WHEREAS, the Albuquerque Bernalillo County Water Utility Authority  
7 (“Borrower”) is a qualified entity under the Drinking Water State Revolving Loan Act,  
8 Sections 6-21A-1 et seq., NMSA 1978 (“Act”), and the Albuquerque Bernalillo County  
9 Water Utility Authority Board (“Governing Body”) is authorized to borrow funds and/or  
10 issue bonds for financing of public projects for benefit of the Borrower and the public;  
11 and

12 WHEREAS, the New Mexico Finance Authority (“Authority”) has instituted a  
13 program for financing of projects from the Drinking Water State Revolving Loan Fund  
14 created under the Act and has developed an application procedure whereby the  
15 Governing Body may submit an application (“Application”) for financial assistance from  
16 the Authority for drinking water projects; and

17 WHEREAS, the Governing Body intends to undertake acquisition, construction  
18 and improvement of the Carnuel Water Systems Improvement Project Phase 2b  
19 (“Project”) for the benefit of the Borrower and its customers; and

20 WHEREAS, the application prescribed by the Authority has been completed and  
21 submitted to the Governing Body and this resolution approving submission of the  
22 completed Application to the Authority for its consideration and review is required as  
23 part of the Application.

24 NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
25 ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY:

26 Section 1. That all action (not consistent with the provision hereof) heretofore  
27 taken by the Governing Body and the officers and employees thereof directed toward  
28 the Application and the Project, be hereby ratified, approved, and confirmed.



1           Section 2. That the completed Application submitted to the Governing Body be  
2 hereby approved and confirmed.

3           Section 3. That the officers and employees of the Governing Body are hereby  
4 directed and requested to submit the completed Application to the Authority for its  
5 review and are further authorized to take such other action as may be requested by the  
6 Authority in its consideration and review of the Application and to further proceed with  
7 arrangements for financing the Project.

8           Section 4. All acts and resolutions in conflict with this resolution are hereby  
9 rescinded, annulled, and repealed.

10          Section 5. This resolution shall take effect immediately upon its adoption.

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Meeting Date: August 23, 2017

Staff Contact: Frank Roth, Senior Policy Manager

**TITLE: R-17-13 – Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Advanced Metering Infrastructure Project Phase 4c**

**ACTION: Recommend Approval**

**SUMMARY:**

This resolution authorizes the Water Authority to submit an application for financial assistance and project approval for \$2,385,610 to the New Mexico Finance Authority (NMFA) for the Advanced Metering Infrastructure Project. Approximately 19,681 meters, in selected cycle routes throughout the metro Albuquerque area, will be retrofitted with Advanced Metering Infrastructure (AMI) Flexnet devices. The customer benefits of the AMI devices consist of streamlined high bill investigations, detection of tampering of meters to protect the customer, accurate information, faster customer service, and flag and alert continuous usage.

Phase 4c will continue the progress made by the Water Authority to convert old mechanical meters to AMI meters. Approximately 76,000 meters have been converted to AMI. About 48% of total monthly water revenue is processed through the AMI system. It is estimated that Phase 4c will increase total monthly water revenue by 5% with the completion of Phase 4c. AMI implementation has also helped the utility decrease apparent water loss from 2.2% in 2012 to 0.5% in 2016 by decreasing meter inaccuracies and data handling errors. In addition, AMI was reduced outstanding bill meter work orders from 5,400 to less than 100 per month. Moreover, AMI has reduced the amount of inoperable meters from 3,000 to approximately 20 per month which saves \$500,000 in annual operation costs associated with reading the meters.

**FISCAL IMPACT:**

The total project cost is \$2,385,610. The Water Authority is providing a \$1,885,610 match. This match will be covered by the \$2 million that was appropriated in the approved FY18 CIP Budget – R-17-10. NMFA is providing \$500,000 in grant funding for the project.

# ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-17-13

1 **RESOLUTION**  
2 **AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION**  
3 **FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO**  
4 **FINANCE AUTHORITY FOR THE ADVANCED METERING INFRASTRUCTURE**  
5 **PROJECT PHASE 4C.**

6 WHEREAS, the Albuquerque Bernalillo County Water Utility Authority  
7 (“Borrower”) is a qualified entity under the Drinking Water State Revolving Loan Act,  
8 Sections 6-21A-1 et seq., NMSA 1978 (“Act”), and the Albuquerque Bernalillo County  
9 Water Utility Authority Board (“Governing Body”) is authorized to borrow funds and/or  
10 issue bonds for financing of public projects for benefit of the Borrower and the public;  
11 and

12 WHEREAS, the New Mexico Finance Authority (“Authority”) has instituted a  
13 program for financing of projects from the Drinking Water State Revolving Loan Fund  
14 created under the Act and has developed an application procedure whereby the  
15 Governing Body may submit an application (“Application”) for financial assistance from  
16 the Authority for drinking water projects; and

17 WHEREAS, the Governing Body intends to undertake acquisition, construction  
18 and improvement of the Advanced Metering Infrastructure Project Phase 4c (“Project”)  
19 for the benefit of the Borrower and its customers; and

20 WHEREAS, the application prescribed by the Authority has been completed and  
21 submitted to the Governing Body and this resolution approving submission of the  
22 completed Application to the Authority for its consideration and review is required as  
23 part of the Application.

24 NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
25 ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY:

26 Section 1. That all action (not consistent with the provision hereof) heretofore  
27 taken by the Governing Body and the officers and employees thereof directed toward  
28 the Application and the Project, be hereby ratified, approved, and confirmed.

1           Section 2. That the completed Application submitted to the Governing Body be  
2 hereby approved and confirmed.

3           Section 3. That the officers and employees of the Governing Body are hereby  
4 directed and requested to submit the completed Application to the Authority for its  
5 review and are further authorized to take such other action as may be requested by the  
6 Authority in its consideration and review of the Application and to further proceed with  
7 arrangements for financing the Project.

8           Section 4. All acts and resolutions in conflict with this resolution are hereby  
9 rescinded, annulled, and repealed.

10          Section 5. This resolution shall take effect immediately upon its adoption.

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Meeting Date: August 23, 2017  
Staff Contact: Stan Allred, Chief Financial Officer

**TITLE: R-17-14 – Authorizing the Removal of Certain Uncollectable Accounts from the Water Authority’s Accounts Receivable Records FY2013 and Prior**

**ACTION: Recommend Approval**

**SUMMARY:**

This legislation provides information to support a request to the Board authorizing the removal of uncollectable accounts greater than four (4) years old totaling \$97,281.91. This item was presented to the Audit Committee of the Water Authority on August 15<sup>th</sup>.

**FISCAL IMPACT:**

Since 1965, pursuant to NMSA 1978, § 3-37-7, New Mexico municipalities have been expressly permitted to write off uncollectable debt. Counties and political subdivisions like the Albuquerque Bernalillo County Water Authority (Water Authority) may use the same process as a municipality to write off uncollectable debt through the procedure set forth in state law. This process will avoid an excessive accrual of accounts receivable while also accurately report the financial position of the Water Authority and comply with state debt-collection law. Further, the Water Authority should not represent to its customers, either in invoices or in any demand, that any amounts the customer owes that was accrued more than four years prior to the demand is legally collectible.

The Chief Financial Officer (CFO) of the Water Authority states that:

- a) a utility account or any unsecured account services have been incurred;
- b) diligent efforts were made to collect the utility account or unsecured account and to locate the debtor;
- c) that the utility account or unsecured account has been uncollectable for a period of more than four years; and
- d) that in his opinion the utility account or unsecured account is uncollectable.

Staff recommends authorization to remove the uncollectable accounts as shown in Exhibit A.

**Attachments:**

Resolution  
Exhibit A

# ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-17-14

1 **RESOLUTION**

2 **AUTHORIZING THE REMOVAL OF CERTAIN UNCOLLECTABLE ACCOUNTS FROM**  
3 **THE WATER AUTHORITY'S ACCOUNTS RECEIVABLE RECORDS FY2013 AND**  
4 **PRIOR.**

5 WHEREAS, Pursuant to NMSA 1978 § Section 3-37-7, pertaining to the  
6 determinations of uncollectible accounts and their removal from accounts receivable, the  
7 Chief Financial Officer (CFO) has submitted herewith a list of accounts receivable which  
8 were incurred in providing Water Authority services and owed to the Water Authority; and

9 WHEREAS, the CFO states that diligent efforts have been made to collect these  
10 accounts receivable commensurate with the amounts due; and

11 WHEREAS, the CFO has determined that these accounts receivable are  
12 uncollectible and have been uncollectable for more than four years; and

13 WHEREAS, the uncollectable accounts receivable have been deemed "time  
14 barred debt", defined as any debt that is not enforceable in a judicial proceeding because  
15 the applicable statute of limitations has run; and

16 WHEREAS, because this debt is legally uncollectible, it is not a "donation" to a  
17 private party in violation of the anti-donation clause of the New Mexico Constitution, N.M.  
18 Const. Art. IX, Section 14; and

19 WHEREAS, an allowance for doubtful accounts has been recorded on the Water  
20 Authority financial records which is more than sufficient to cover the uncollectable  
21 accounts; therefore, there will be no impact on the current fund balances.

22 NOW THEREFORE, BE IT RESOLVED BY THE WATER AUTHORITY:

23 The Water Authority Board Members, agree that the Water Authority's  
24 uncollectable accounts receivable in the amount of \$97,281.91 as shown in Exhibit A  
25 which is attached hereto and by this reference and made part hereof shall be removed  
26 from the Water Authority's accounts receivable records as uncollectable in accordance  
27 with provision NMSA 1978 § Section 3-37-7.

[+Bracketed Material+] - New  
[-Bracketed Material-] - Deletion

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Meeting Date: August 23, 2017  
Staff Contact: Frank Roth, Senior Policy Manager

**TITLE: C-17-24 – Appointment to the Technical Customer Advisory Committee**

**ACTION: Recommend Approval**

**SUMMARY:**

The Technical Customer Advisory Committee (TCAC) was established in 2006 to assist in and facilitate public review and discussion of Water Authority policies, plans and programs. The TCAC was established as a professional/ technical group of volunteers to represent the five core functional areas of operating a water and wastewater utility. This group is intended to provide outside expertise in best practices and private sector applications for continuous business improvement.

At the June 2017 meeting, the Chair announced that there was a vacancy on the committee and that an online application was posted for customers who may be interested in serving on this technical committee. Board members were informed that if they know of anyone interested that they should apply on the Water Authority's website. In addition, a notice was placed on the Water Authority website's front page.

Qualified nominations were compiled and forwarded to the Chair, who through this communication is forwarding the nomination to the Board for confirmation. Amy Miller is recommended for confirmation. Below is a summary of the nominee's background.

Amy Miller

Amy Miller has more than 15 years of public affairs, issue management, communications, governmental affairs, strategy development and implementation experience including relationship development with political and business leaders and advocacy organizations. She currently serves as the External Affairs Director for The Nature Conservancy's New Mexico Chapter. In her new position, she develops and implements strategies for energy, climate change, and urban programs to achieve the Conservancy's goals through interaction with elected officials, agencies and the corporate sector. Amy previously worked at PNM for 14 years, most recently serving as the Director of Community and Local Government Engagement, where she worked on regulatory and environmental policy issues as well as on community engagement. Prior to her time at PNM, she served as the Director of Public Relations for Rick Johnson & Company and the Communications Manager for Plains Electric Generation and Transmission Cooperative. She graduated from the University of New Mexico, where she received a Bachelor's degree in Sociology and Journalism and a Master's degree in Public Administration.

A total of three applicants were received through the online application. The other two applicants are listed below. However, only Ms. Miller's experience is consistent with the category of non-profit water management advocacy/education.

- Patricia Cotterell, retired from federal government in fields of fleet management and customer service
- Luis Aguirre, water treatment plant coordinator for City of Santa Fe

**CURRENT MEMBERS:**

<b>Member</b>	<b>Category</b>	<b>Term Expiration</b>
Ege Richardson	Water System Engineering	6/2019
Michael Hightower	Water Resource Planning	6/2019
Amy Ewing	Water Resource Planning	4/2018
Dave Hill	Financial/Business Management	3/2018
Scott Verhines	Water System Engineering	3/2018
Janie Chermak	Resource Economics	10/2018
Andrew Bernard	Landscape Architecture	12/2018
Melissa Armijo	Customer Service / Stakeholder Engagement	5/2019
Vacant	Non-profit Water Management Advocacy/Education	

**FISCAL IMPACT:**

None



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Meeting Date: August 23, 2017

Staff Contact: Kristopher Cadena, Principal Engineer, Utility Development

**TITLE: C-17-25 – Service Connection Agreement for Water and Sewer Service with Taco Cabana of El Paso, Inc. at 10200 Coors Blvd. Bypass NW**

**ACTION: Recommend Approval**

**SUMMARY:**

Taco Cabana of El Paso, Inc. desires to connect to existing water and wastewater infrastructure located at 10200 Coors Blvd. Bypass NW. The proposed development is a Taco Cabana restaurant to be located within an existing retail center. The development is located outside of the Water Authority's fully developed service area, but within the City of Albuquerque. No additional infrastructure requirements are needed to provide water and wastewater service to this property other than a service agreement approved by the Water Authority Board.

As a condition of service, the owner will be required to:

- Comply with the ordinances, resolutions, plans, and regulations of the Water Authority
- Obtain concurrent water and wastewater service
- Pay the Utility Expansion Charge (UEC) at the rates that are imposed at the time of a service connection
- Pay the Water Supply Charge

**FISCAL IMPACT:**

None

**SERVICE CONNECTION  
AGREEMENT**

Taco Cabana (10200  
Coors Blvd. Bypass  
NW)

Taco Cabana of El Paso Inc.  
6270 Elk View Road  
Larkspur, CO 80118

**Albuquerque Bernalillo County Water Utility Authority**, a New Mexico political subdivision ("Water Authority") and Taco Cabana of El Paso, Inc., whose address is 6270 Elk View Road, Larkspur, CO, 80118, agree as follows:

**1. Recitals**

- A. Taco Cabana of El Paso, Inc. ("Owner") is the owner of that certain property located at 10200 Coors Blvd. Bypass NW (Legal Description: Tracts M-1-B-1 and M-1-B-2 Seven Bar Ranch Town of Alameda Grant Projected Sections 5,6,7, and 8, Township 11 North, Range 3 East, NMPM, City of Albuquerque, Bernalillo County, New Mexico) ("Property"), more particularly described and as shown in the Serviceability Statement for the Property. The Serviceability Letter for the Property reflecting request for service referred to in this Agreement is attached hereto as **Exhibit A** and incorporated herein by reference.
- B. The property is located outside the Water Authority's Service Area within the region previously serviced by New Mexico Utilities, Inc.
- C. Owner desires to connect to existing water and waste water infrastructure with a 6" fire line, 1" water service, and 6" sanitary sewer service.
- D. Water service to the Property will be taken from the existing 12" waterline in Seven Bar Loop Road. Additionally, the existing 6" waterline currently on the property will be removed to the back of curb, capped in place, and easement vacated. Wastewater service to the Property will tie into the existing private sanitary sewer line to the north west of the property. Installation of services shall be performed under the standard tapping permit or mini-work order process.
- E. All developments located outside of the Water Authority's service area will be assessed a Water Supply Charge (WSC) as provided in the Water Authority's Water and Sewer Rate Ordinance for the development of new water resources, rights and supplies necessary to serve the development.

**2. Service**

- A. Owner shall comply with the Water Authority's Water and Sewer System

Expansion Ordinance, as amended from time to time. Connection for water service shall require concurrent sewer service connection to the Water Authority's wastewater system.

- B.** Owner shall pay Utility Expansion Charges ("UECs") at the rates that are imposed at the time of a service connection, as provided in the Water Authority's Water and Sewer Rate Ordinance, as amended from time to time.
  - C.** Owner shall pay all outstanding Pro Rata assessments in full at the time of service application.
  - D.** Pursuant to Water Authority Resolution No. R-05-13, Owner agrees that it shall incorporate water conservation guidelines that shall achieve water usage of seventy-five (75) gallons per capita per day.
- 3. Termination.** If construction of the Connection to the waterline and sanitary sewer modifications by Owner has not been completed and accepted by the Water Authority within seven (7) years of the effective date of this Agreement, this Agreement shall automatically terminate, and the Water Authority and Owner shall have no further rights, obligations, or liabilities with respect to this Agreement, unless otherwise agreed in writing.
- 4. Indemnification.** Owner will indemnify and hold harmless the Water Authority and its officials, agents, and employees from any claims, actions, suits, or other proceedings arising from the acts or omissions of Owner, its agents, representatives, contractors, or subcontractors, or arising from the failure of Owner, its agents, representatives, contractors, or subcontractors to perform any act or duty required of Owner herein. The indemnification by Owner will not extend to the negligent acts of the Water Authority.
- 5. Representations and Warranties of Owner.** Owner represents and warrants that:
  - A.** Owner is validly existing under the laws of the State of New Mexico.
  - B.** Owner has all the requisite power and authority to enter into this Agreement and bind Owner under the terms of the Agreement; and
  - C.** The undersigned officer of Owner is fully authorized to execute this Agreement on behalf of Owner.
- 6. Notices.** Any notice to be given under this Agreement will be in writing and will be deemed to have been given when deposited in the United States Mail postage prepaid addressed:

If to the Water Authority:  
Mark S. Sanchez  
Executive Director  
Albuquerque Bernalillo County  
Water Utility Authority  
One Civic Plaza, Room 5012  
Albuquerque, New Mexico 87102

If to Owner:  
Taco Cabana of El Paso, Inc.  
Attn: Mel Sloan  
6270 Elk View Road  
Larkspur, CO 80118

- 7. Assignment.** This Agreement will not be assigned without the prior written consent of the Water Authority and Owner.
- 8. Miscellaneous.** This Agreement will be governed by and interpreted in accordance with the laws of the State of New Mexico. The headings used in this Agreement are for convenience only and shall be disregarded in interpreting the substantive provisions of the Agreement. This Agreement binds and benefits the Water Authority and their successors, assigns, and transferees and the Owner and their successors, assigns and transferees. Time is of the essence of each term of this Agreement. If any provision of this Agreement is determined by a court of competent jurisdiction to be void, invalid, illegal, or unenforceable, that portion will be severed from this Agreement and the remaining parts will remain in full force as though the invalid, illegal, or unenforceable portion had never been a part of this Agreement.
- 9. Integration; Interpretation.** This Agreement contains or expressly incorporates by reference the entire agreement of the parties with respect to the matters contemplated by this Agreement and supersedes all prior negotiations. This Agreement may only be modified in writing executed by both parties.
- 10. Approval.** This Agreement is subject to the approval of the Board of Directors of the Water Authority and will not become effective until approved by the Water Authority.
- 11. Effective Date.** The effective date of this Agreement is the date last entered below.

In Witness Whereof, the parties hereto have executed this Agreement on the dates entered below.

**Albuquerque Bernalillo County  
Water Utility Authority**

**Owner**

By: \_\_\_\_\_  
Mark S. Sanchez  
Executive Director

By: \_\_\_\_\_  
Mel Sloan, CEO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF Colorado                    )  
  ) ss.  
COUNTY OF Douglas                )

          This instrument was acknowledged before me on this \_\_\_\_ day of  
\_\_\_\_\_, by Mel Sloan, CEO of Taco Cabana of El Paso, a Texas Corporation,  
on behalf of said company.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

STATE OF NEW MEXICO                )  
  ) ss.  
COUNTY OF BERNALILLO            )

          This instrument was acknowledged before me on this \_\_\_\_ day of  
\_\_\_\_\_, by Mark S. Sanchez, Executive Director of the Albuquerque  
Bernalillo County Water Utility Authority, a political subdivision of the State of New Mexico,  
on behalf of said political subdivision.

\_\_\_\_\_  
Notary Public

—  
My Commission Expires:

\_\_\_\_\_

March 24, 2017

**Chair**

Klarissa J. Peña  
City of Albuquerque  
Councilor, District 3

**Vice Chair**

Debbie O'Malley  
County of Bernalillo  
Commissioner, District 1

Richard J. Berry  
City of Albuquerque  
Mayor

Pat Davis  
City of Albuquerque  
Councilor, District 6

Maggie Hart Stebbins  
County of Bernalillo  
Commissioner, District 3

Wayne Johnson  
County of Bernalillo  
Commissioner, District 5

Trudy E. Jones  
City of Albuquerque  
Councilor, District 8

*Ex-Officio Member*  
Pablo R. Rael  
Village of Los Ranchos  
Board Trustee

*Executive Director*  
Mark S. Sanchez

*Website*  
[www.abcwua.org](http://www.abcwua.org)

Hiram Crook  
Mark Goodwin & Associates, PA  
PO Box 90606  
Albuquerque, New Mexico 87199

**RE: Water and Sanitary Sewer Serviceability Letter #170217**  
**Taco Cabana at Cottonwood**  
**10200 Coors Blvd. NW**  
**Zone Atlas Map: B-13**

Dear Mr. Crook:

**Project Description:** The subject site is located on the northwest corner of Cottonwood Dr. and Seven Bar Loop Rd. within the City of Albuquerque. The property consists of approximately 11.3 acres and is currently zoned SU-1 for commercial use. The property lies within the Pressure Zone 1W in the Corrales trunk. The request for information indicates plans to construct a new Taco Cabana in the southwest corner of the site. The request is also based on the utilization of private onsite sanitary sewer.

**Service Connection Agreement:** As this development is outside the existing service area, a Service Connection Agreement must be executed between the owner and the Water Authority. The developer shall coordinate with the Utility Development Section of the Water Authority in order to execute this Service Connection Agreement.

**Water Supply Charge:** All developments located outside of the Water Authority's service area will be assessed a Water Supply Charge (WSC) as provided in the Water Authority's Water and Sewer Rate Ordinance for the development of new water resources, rights and supplies necessary to serve the development. The WSC shall not be used for reimbursement of master planned facilities.

**Existing Conditions:** Water infrastructure in the area consists of the following:

- 12 inch PVC distribution main (project #26-4193.94-97) along Seven Bar Loop Rd.
- 12 inch PVC distribution main (project #26-4193.94-97) along Cottonwood Dr.

Sanitary sewer infrastructure in the area consists of the following:

- Eight inch PVC collector line (project #26-4193.94-97) ending at the intersection of Cottonwood Dr. and old Airport Av.
- 24 inch PVC interceptor line (project #26-4193.91-92) along Coors Blvd. Bypass
- Eight inch PVC collector line (project #26-4193.92-99) on 10000 Coors Blvd. Bypass property.

**Water Service:** New metered water service to the property can be provided via routine connection to the existing infrastructure along Seven Bar Loop Rd. and Cottonwood Dr. Service is also contingent upon compliance with the Fire Marshal's instantaneous fire flow requirements. Water service will not be sold without adequate fire protection. Water service will only be sold in conjunction with sanitary sewer service.

**Sanitary Sewer Service:** Can be provided via routine connection to the existing onsite private infrastructure. All food service establishments must install a grease trap upstream of the domestic private sewer connection prior to discharge into the public sanitary sewer lines.

**Cross Connection Prevention:** Per the Cross Connection Ordinance, all new non-residential premises must have a reduced pressure principle backflow prevention assembly approved by the Water Authority and installed at each domestic service connection at a location accessible to the Water Authority. All new fire line services to fire protection systems shall be equipped with a reduced pressure principal backflow prevention assembly approved by the Water Authority and Fire Marshal having jurisdiction at each service connection. A double check valve assembly approved by the Water Authority and Fire Marshal having jurisdiction may be installed instead of a reduced pressure backflow prevention assembly provided the fire protection system contains ANSI/NSF Standard 60 or 61 water piping throughout the entire fire protection system, the fire sprinkler drain discharges into atmosphere, and there are no reservoirs, fire department connections, connections from auxiliary water supplies, antifreeze nor other additives. The Water Authority requests that all backflow (containment) devices be located above ground just outside the easement or roadway right-of-way. Contact Cross Connection at 289-3439 for more information.

**Fire Protection:** From the request for availability the instantaneous fire flow requirements for the project are 1500 gallons-per-minute. As modeled using InfoWater™ computer software, the fire flow can be met. Analysis was performed utilizing the 12 inch distribution main located in Seven Bar Loop Rd, it is from this location that fire prevention can be taken. Any changes to the proposed connection points shall be coordinated through Utility Development. All new required hydrants as well as their exact locations must be determined through the City of Albuquerque Fire Marshal's Office and verified through the Utility Development Office prior to sale of service.

**Easements:** Exclusive public water and sanitary sewer easements are required for all public lines that are to be constructed outside of any dedicated rights-of-way. A minimum width easement of 20 feet is required for a single utility and 25 feet for water and sewer both within the same easement. Easements for standard sized water meters need to be five feet by five feet and include the length of the water service if located on private property. For larger meters that require a meter vault, a 35 feet by 35 feet easement is required. Actual easement widths may vary depending on the depth of the lines to be installed. Acceptable easements must be documented prior to approval of service.

**Pro Rata** not owed and the property can utilize the services available upon completion of the requirements of this statement to connect to water and sanitary sewer.



**Design and Construction** of all required improvements will be at the developer / property owner's expense. Improvements must be coordinated through the Water Authority Mini Work Order process. Construction must be performed by a licensed and bonded public utility contractor.

**Costs and Fees:** In addition to installation and construction costs, any new metered water services will be subject to both water and sanitary sewer Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the ordinances and policies in effect at the time service is actually requested and authorized.

**Water Use:** All new commercial developments shall be subject to the requirements for water usage and water conservation requirements as defined by the Water Authority, particularly the Water Waste Ordinance (O-07-13), Water Conservation Large Users Ordinance and Water Conservation Water by Request Ordinance.

**Closure:** This letter only provides details of infrastructure that is available and potential precursors to development for the proposed development. For service to be provided, a Board approved service connection agreement must supplement this serviceability, therefore causing this serviceability to be in effect for a period of one year upon approval of the service connection agreement. Under no circumstances does this serviceability commit to service without the above mentioned conditions. Changes in the proposed development may require reevaluation and should be brought to the attention of the Utility Development Section of the Water Authority as soon as possible.

Please feel free to contact the Mr. Kristopher Cadena in our Utility Development Section at (505) 289-3301 or email at [kcadena@abcwua.org](mailto:kcadena@abcwua.org) if you have questions regarding the information presented herein or need additional information.

Sincerely,



Mark S. Sanchez  
Executive Director

Enclosures: Infrastructure Maps (2)  
f/ Serviceability Letter 170217



170217



**Legend**

 Site Location

**Water Pipe**

— <all other values>

**SUBTYPE**

— Distribution Main

— Drain Line

— Hydrant Leg

— In Zone Transmission

— Out Zone Transmission

— SJC Transmission

— Sleeve

— Well Collector Line

— Well Wash Line

0 500 1,000 Feet

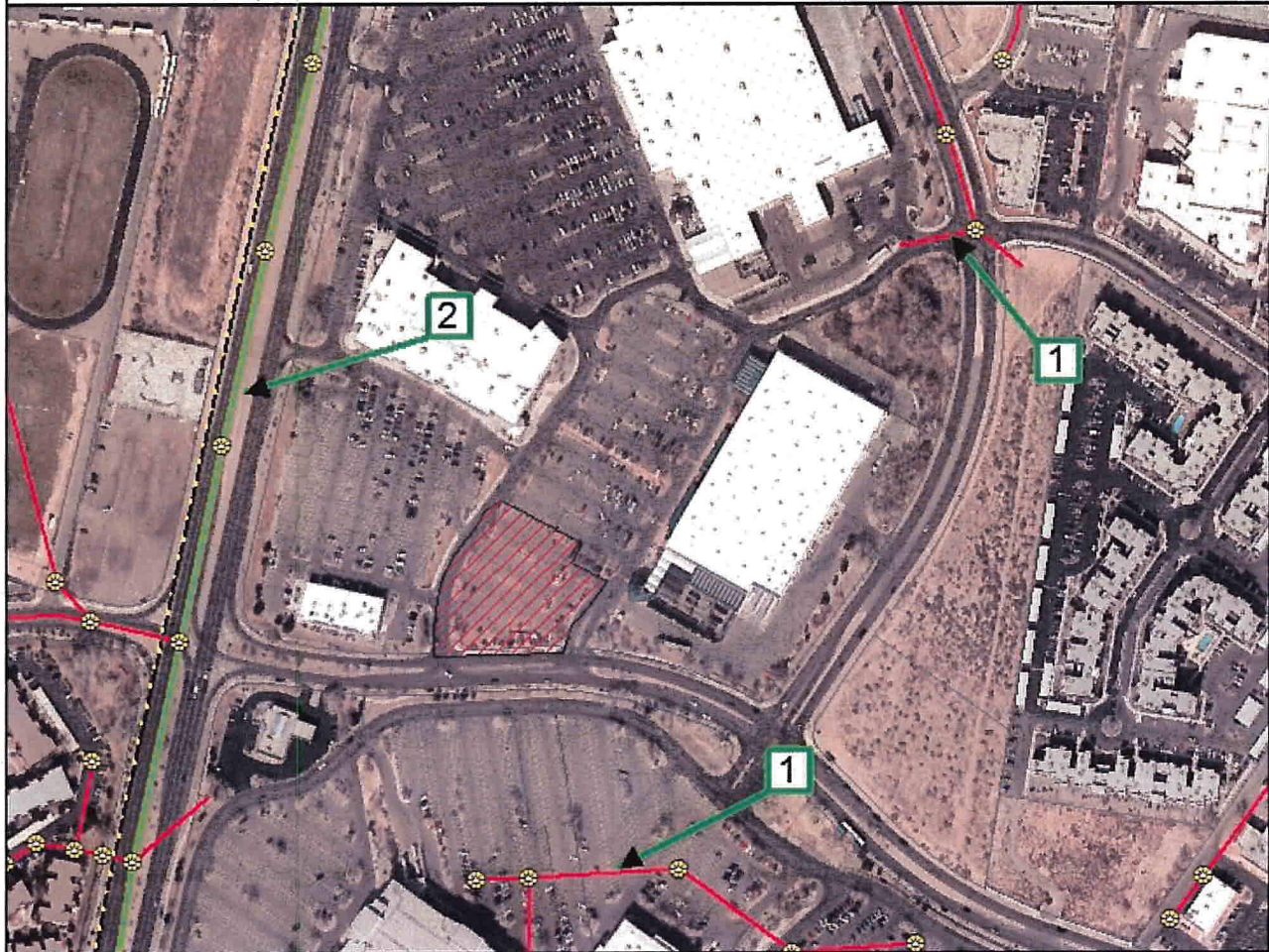
 -- Water Infrastructure Map Keyed Notes:

1. --- 12" PVC Distribution Main





170217



**Legend**

 Site Location

**Sewer Pipe**

— <all other values>

**SUBTYPE**

— COLLECTOR

— FORCE MAIN

— INTERCEPTOR

— VACUUM LINE

0 625 1,250 Feet



 -- Sanitary Sewer Infrastructure Map Keyed Notes:

1. --- 8" PVC Collector Main

2. --- 24" PVC Interceptor Main

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Meeting Date: August 23, 2017  
Staff Contact: Mark S. Sanchez, Executive Director

**TITLE:** R-17-15 – Amendment to the Approved Operating and Capital Implementation Program of the Albuquerque Bernalillo County Water Utility Authority for the Fiscal Year Ending June 30, 2018

**ACTION:** Approval – Immediate Action is Required to Approve on August 23<sup>rd</sup>

**BACKGROUND:**

The Water Authority stopped adding supplemental fluoride in 2011 based on the lack of agreed upon science at the federal level. During this period only naturally occurring fluoride remained in the drinking water. The naturally occurring levels averaged between 0.4 mg/L and 0.5 mg/L depending on the season and blend of water. In 2015, the United States Environmental Protection Agency (USEPA) and Centers for Disease Control (CDC) finalized the guideline for fluoride in drinking water. Up to this point, there was no consistent science which both agencies agreed upon. In 2015, the United States Public Health Service and the Centers for Disease Control established final guidelines for optimal public water fluoridation.

**SUMMARY:**

During the adoption of the Fiscal Year 2018 Operating Budget, a policy amendment was adopted by the Governing Board directing staff to resume supplement fluoridation. This legislation provides the necessary appropriations in the FY18 Operating and Capital Implementation Program (CIP) budgets.

**FISCAL IMPACT:**

This action requests Board approval of the proposed amendment to the FY18 Operating and Capital Implementation Program (CIP) to appropriate funds for fluoride chemicals and accompanying equipment.

The amendment reallocates a combination of excess fund balance and savings from chemical expenses based on power savings by bringing new solar power projects online

The \$500,000 increase includes funding for the following:

- Increase of \$250,000 for chemicals; and
- Increase of \$250,000 in the transfer to CIP; and
- The creation of a CIP special project to purchase fluoride equipment.

Approval of this legislation is consistent with the policy adopted by the Governing Board.

# ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-17-15

**1 RESOLUTION**  
**2 AMENDMENT TO THE APPROVED OPERATING AND CAPITAL IMPLEMENTATION**  
**3 PROGRAM OF THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY**  
**4 AUTHORITY FOR THE FISCAL YEAR ENDING JUNE 30, 2018**

**5** WHEREAS, during the adoption of the Fiscal Year 2018 Operating Budget, a policy  
**6** amendment was adopted by the Governing Board directing staff to resume supplement  
**7** fluoridation;

**8** WHEREAS, the Operating and Capital Implementation Program is governed by  
**9** the requirements established under Section 2-1-8, 2006, which provides for amendments  
**10** to the approved program; and

**11** WHEREAS, appropriations for the Fiscal Year ending June 30, 2018 that were  
**12** previously approved under R-17-9 and R-17-10 require an amendment to appropriate  
**13** additional funds for the cost of fluoride chemicals and accompanying equipment required  
**14** to supplement the drinking water provided to the general population.

**15** THEREFORE, BE IT RESOLVED BY THE WATER AUTHORITY:

**16** Section 1. That funds in the amount of Two Hundred Fifty Thousand Dollars  
**17** (\$250,000) are hereby appropriated in the Chemicals-SJCWTP Program, Fund 21, for  
**18** Fiscal Year 2018.

**19** Section 2. That funds in the amount of Two Hundred Fifty Thousand Dollars  
**20** (\$250,000) are hereby appropriated in the transfer to the Capital Implementation Program  
**21** Fund 28 for Fiscal Year 2018.

**22** Section 3. That funds transferred from Fund 21 to Fund 28 will be designated  
**23** for fluoride equipment.

**24**

**25**

**26**

**27**

**28**

[+Bracketed Material+] - New  
[-Bracketed Material-] - Deletion



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Meeting Date: August 23, 2017  
Staff Contact: Mark S. Sanchez, Executive Director

**TITLE:** R-17-16 – Rescinding Floor Amendment No. One to R-17-9  
Appropriating Funds for Operating the Albuquerque Bernalillo  
County Water Utility Authority for Fiscal Year Beginning July 1, 2017  
and Ending June 30, 2018

**ACTION:** Approval - Immediate Action is Required to Approve on August 23<sup>rd</sup>

**SUMMARY:**

During the adoption of the Fiscal Year 2018 Operating Budget, a policy amendment was adopted by the Governing Board directing staff to resume supplement fluoridation. This legislation would repeal the amendment and not require supplemental fluoridation.

**FISCAL IMPACT:**

This legislation would save \$250,000 in operating expenses and \$250,000 in capital spending.

# ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-17-16

1 **RESOLUTION**  
2 **RESCINDING FLOOR AMENDMENT NO. ONE TO R-17-9 APPROPRIATING FUNDS**  
3 **FOR OPERATING THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY**  
4 **AUTHORITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING**  
5 **JUNE 30, 2018**

6 WHEREAS, at the May 17, 2017 administrative meeting of the Albuquerque  
7 Bernalillo County Water Utility Authority governing board ("Water Authority board"),  
8 Floor Amendment No. One to R-17-9 ("Appropriating Funds for Operating the  
9 Albuquerque Bernalillo County Water Utility Authority for the Fiscal Year Beginning July  
10 1, 2017 and Ending June 30, 2018) was duly passed on a vote of 3-2; and

11 WHEREAS, Floor Amendment No. One, as passed, stated, "On page 3, line 3,  
12 insert the following:

13 "Section 6. Based on the savings in power and chemicals, supplemental fluoride  
14 will be added to achieve the national guideline established by the Centers for Disease  
15 Control and the U. S. Environmental Protection Agency."; and

16 WHEREAS, the Water Authority board, having subsequently taken up the issue  
17 of supplemental fluoride in R-17-15, deems it appropriate to rescind Floor Amendment  
18 No. One to R-17-9;

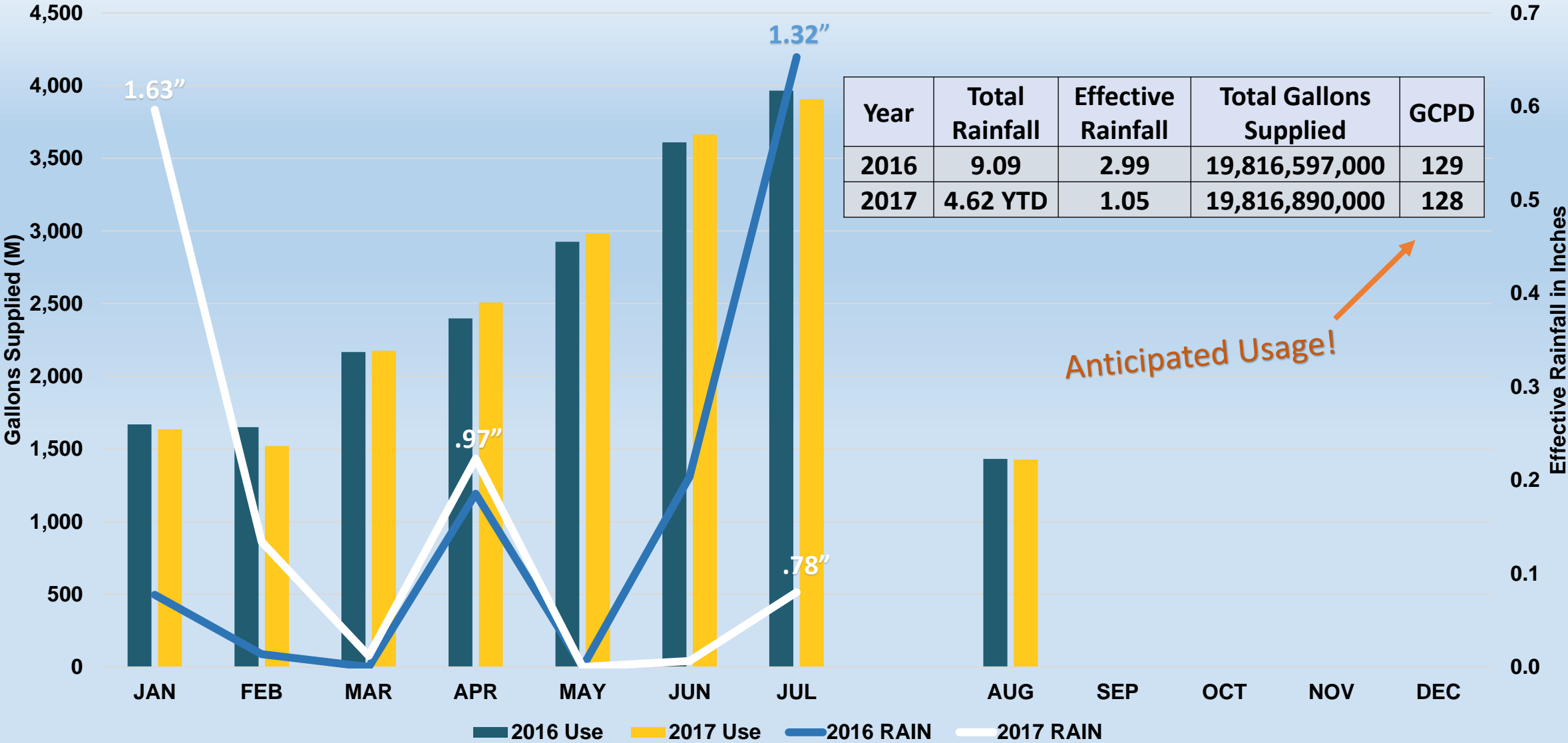
19 BE IT RESOLVED BY THE WATER AUTHORITY:

20 Section 1. Floor Amendment No. One to R-17-9 be and hereby is rescinded and  
21 deemed to be of no effect.

22  
23  
24  
25  
26  
27  
28

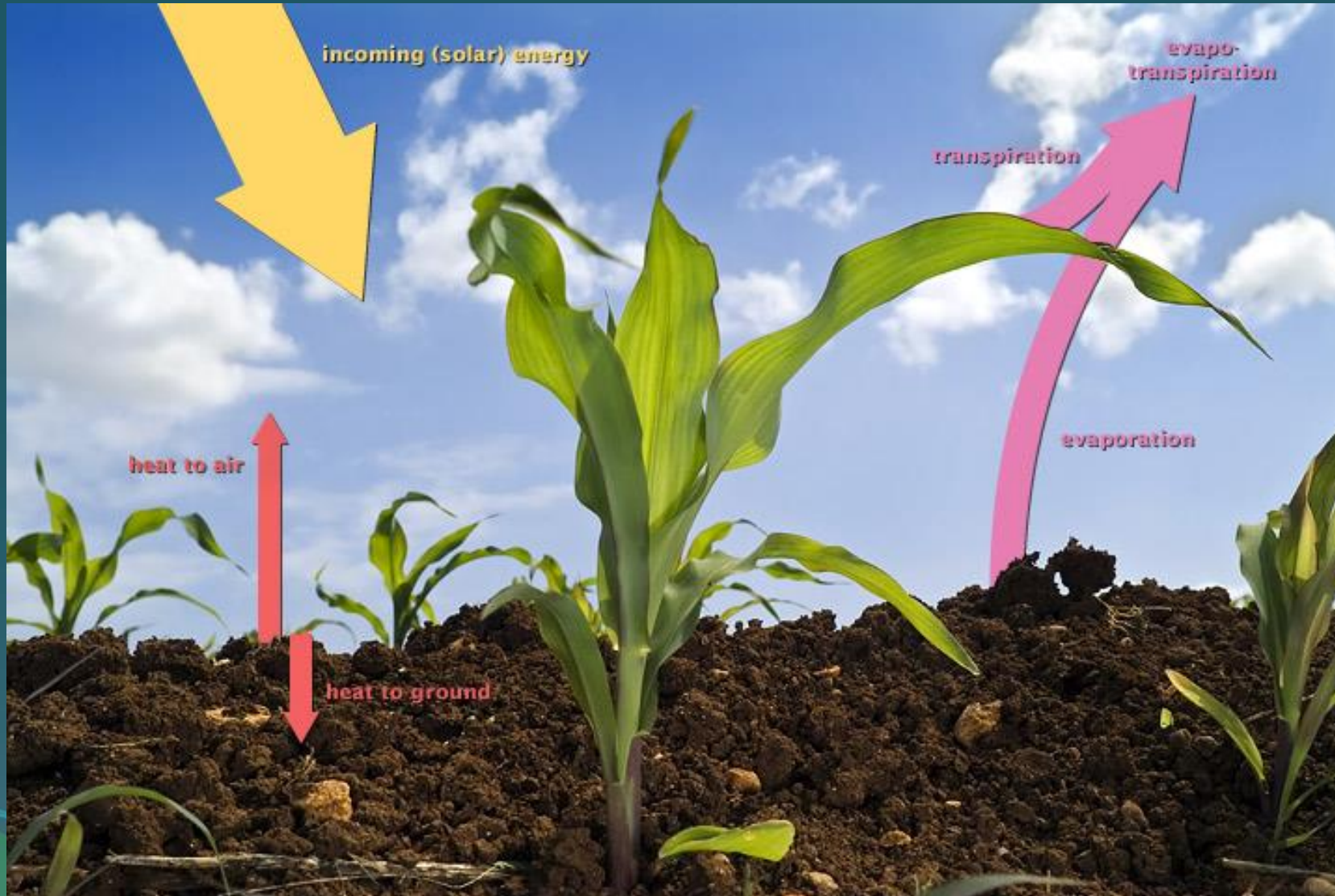


# Water Distributed and Effective Rainfall - 2016/2017



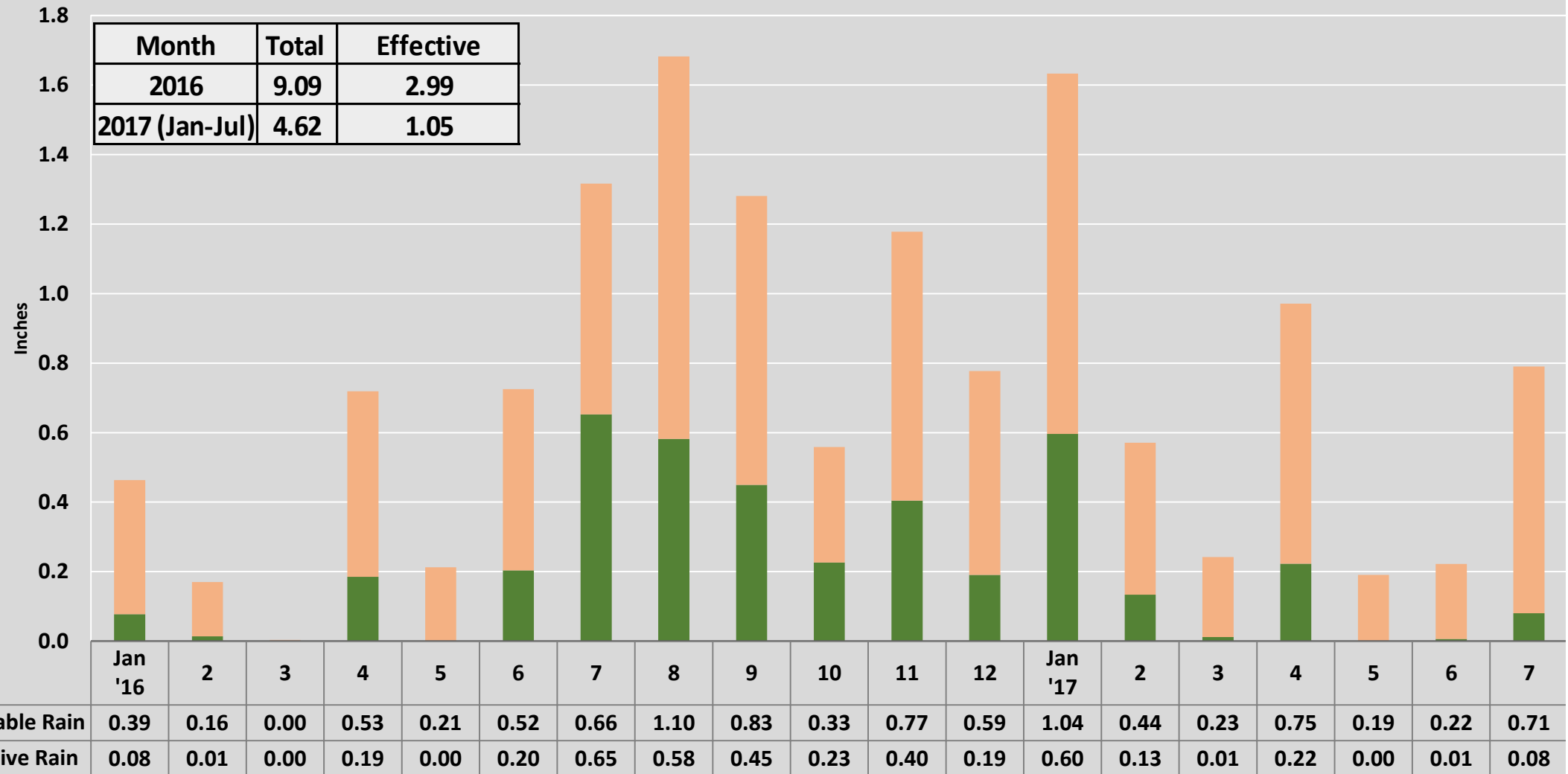
Anticipated Usage!

# Landscape irrigation Needs

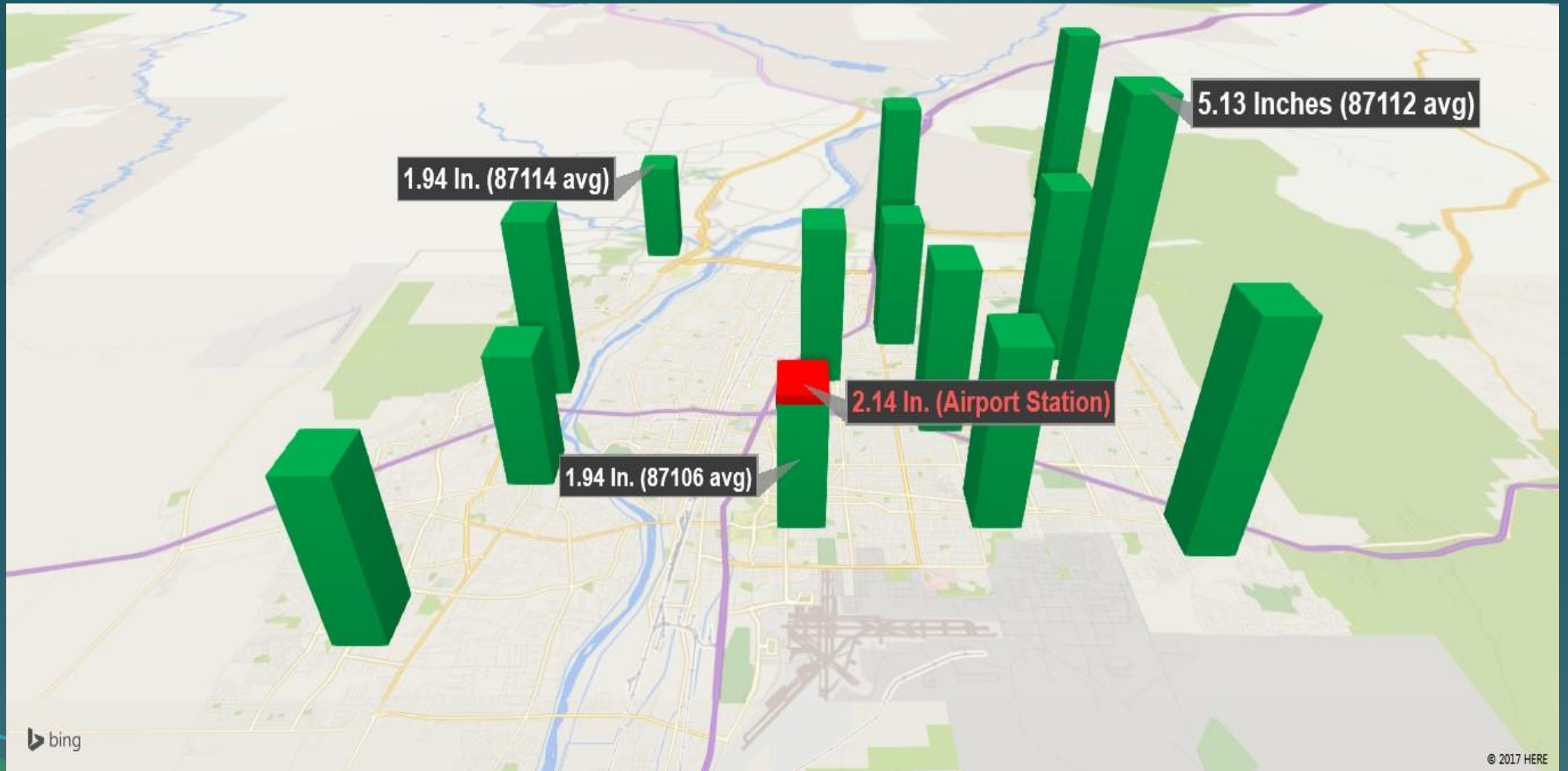




## Rainfall - Effective vs Unuseable Rainfall



# Distribution of Effective Rainfall for Landscapes



# 3 Month Precipitation Outlook

