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Arroyo Flood Control Authority
Regular Meeting Minutes
February 25, 2010**

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1. Call to Order and Roll Call

Chair Saiers called the Regular Board Meeting to order at 10:02 a.m. Thursday, February 25, 2010. Roll was noted as follows:

Directors present:	Chair Janet Saiers Director Ronald D. Brown Director Danny Hernandez Director Daniel Lyon
Director excused:	Director Tim Eichenberg
Others present:	John Kelly, Executive Engineer Attorney David Kramer, of Robles, Rael & Anaya Staff Other attendees on file at AMAFCA

A quorum was present. Mr. Kramer attended on behalf of Attorney Marcus Rael, Jr., who was ill.

2. Approval of Agenda

Director Lyon made a motion to approve the agenda. Director Hernandez seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. **Thursday, March 25, 2010, 10:00 a.m. – Regular Meeting**
- b. **Thursday, April 22, 2010, 10:00 a.m. – Regular Meeting**
- c. **Thursday, May 27, 2010, 10:00 a.m. – Regular Meeting**

There were no changes to the proposed meeting schedule. Mr. Kelly noted that the Calabacillas Arroyo Interpretive Sign unveiling will be at 11:30 a.m. on Friday, March 12, 2010. This has been confirmed with the Mayor's Office. Invitations will go out next week to those involved in the project.

4. Appointments to Boards and Committees

- a. **MRCOG Board of Directors (includes Executive Board July – Dec. 2010)**

Chair Sairs appointed Director Lyon to the MRCOG Board of Directors, including the Executive Board July 2010 through December 2010. He accepted the appointment.



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b. MRCOG Metropolitan Transportation Board

Chair Saiers appointed herself to the MRCOG Metropolitan Transportation Board.

c. MRCOG Water Resources Board

Chair Saiers appointed Director Hernandez to the MRCOG Water Resources Board. He accepted the appointment.

d. Personnel and Salary Committee

Chair Saiers stated that the Board as a whole may consider certain personnel matters in the coming year. For general personnel matters, she appointed Directors Brown and Hernandez to the Personnel and Salary Committee. Both agreed to serve.

e. Real Estate Committee

Chair Saiers stated that, depending on the location of the property in question, the Director whose district the property lies in would be on the Real Estate Committee for that property. One or more other Directors would also visit the property, depending on the level of interest.

5. Items from the Floor / Public Comment

There were no speakers from the floor.

Chair Saiers expressed the sympathies of the Board to Irene Jeffries, the AMAFCA Business Manager, on her husband's recent passing. She also noted that former Director Linda Stover had recently undergone surgery and was recuperating at home.

6. Approval of Minutes

a. January 28, 2010

Director Hernandez made a motion to approve the minutes of the January 28, 2010 Regular Board Meeting. Director Lyon seconded the motion, which passed (4-0).

b. February 4, 2010

Director Lyon made a motion to approve the minutes of the February 4, 2010 Special Board Meeting. Director Hernandez seconded the motion, which passed (4-0).



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7. Financial Matters

a. Approval of January 2010 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the January 2010 Expenditure Report. She answered a question from the Chair, stating that the Bank Reconciliation lists only the funds in the checking account, versus the amount in the checking account plus the State Short Term Fund. In response to a question from Director Lyon, Ms. Jeffries stated that the mileage rate is 50 cents a mile. Mr. Kelly noted that the state legislature set it at the federal rate for the prior year. In January 2009 the federal rate was 50 cents a mile.

Director Brown made a motion to approve the January 2010 Expenditure Report. Director Hernandez seconded the motion, which passed (4-0).

b. Local Government Investment Pool Reserve Primary Fund – Update

Ms. Jeffries stated that AMAFCA had received at \$320,163.95 distribution from the Local Government Investment Pool Reserve Primary Fund, including the portion due to the special Agency & Area-Wide Account. The distribution was allocated to the appropriate fund accounts. AMAFCA's balance in the reserve contingency fund is now \$79,692.

In response to a question from Chair Saiers about the amount that has been reimbursed, Ms. Jeffries stated that AMAFCA has received payments to date totaling \$627,311 out of the \$707,003 initially reserved in the LGIP, or 89% of the funds in the pool on September 15, 2008.

c. Investment Report for January 2010

For information. Ms. Jeffries stated that the interest paid by LGIP is low because LGIP has switched to safer investments, which pay a lower interest rate. The rate in January was 0.0349%.

d. Financial Recap January 16, 2010, through February 15, 2010

Ms. Jeffries presented the Financial Recap for January 16, 2010 through February 15, 2010. She stated that transfers were made from the Operating Fund to the Contingency Fund and Building & Yard Improvement Fund, per the budget. In the Construction Fund, \$1.08 million was transferred to the Agency & Area-Wide Maintenance special account. The Debt Service Fund shows the February bond interest-only payments.



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e. Financial Forecast February 16, 2010, through March 15, 2010

Ms. Jeffries presented the Financial Forecast for the period February 16, 2010, through March 15, 2010. Most of the money transferred into the Agency & Area-Wide Maintenance special account prior to February 15, 2010, was moved to the State Short-Term Fund.

Director Brown made a motion to approve the Financial Forecast. Director Lyon seconded the motion, which passed (4-0).

8. Legal

a. Status Report

Attorney David Kramer referred to Marcus Rael's memo to brief the Board on the status of various legal matters. He recommended that the discussion of agenda item 8b be in closed session.

b. IRS Audit Manager's Conference

Director Hernandez made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," sixth edition, 2008, to discuss potential litigation. Director Brown seconded the motion.

Chair Saiers stated that the closed session would be for purposes of discussion only, regarding potential litigation. The motion passed (4-0), on a roll call vote.

Chair Saiers closed the meeting at 10:22 a.m., inviting Ms. Jeffries to remain in the closed session.

Director Brown made a motion that the meeting be re-opened. Director Hernandez seconded the motion, which passed (4-0), on a roll call vote.

Chair Saiers reopened the meeting at 11:05 a.m. She stated that the Board had taken no specific action during the closed meeting, but had discussed potential litigation.

Director Hernandez made a motion that the Board accept IRS findings number 1, 2 and 3. Director Brown seconded the motion, which passed (4-0).



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Director Hernandez made a motion that the Board also accept IRS finding number 4. Director Brown seconded the motion, which passed (3-1). Director Lyon voted against the motion.

9. Personnel Matter

Director Hernandez made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* sixth edition, 2008, to discuss a personnel matter. Director Brown seconded the motion.

Chair Saiers stated that the closed session would be for purposes of discussion only, regarding a personnel matter. The motion passed (4-0), on a roll call vote.

Chair Saiers closed the meeting at 11:07 a.m.

Director Hernandez made a motion that the meeting be re-opened. Director Lyon seconded the motion, which passed (3-0), on a roll call vote. Director Brown had briefly left the room at the time of the vote, but returned shortly thereafter.

Chair Saiers reopened the meeting at 11:21 a.m. She stated that the Board had taken no action during the closed meeting, but had discussed a personnel matter.

Chair Saiers called a brief recess at 11:22 a.m. The meeting resumed at 11:25 a.m.

10. Notification of On-Call Services Task Orders

Mr. Kelly noted that three on-call services task orders had been issued in the past month, as described in his memo. There were no questions.

11. Unser Detention Dam Project – Consideration of Engineering Services Agreement with Wilson and Company

Kurt Wagener, AMAFCA Field Engineer, introduced Mario Juarez-Infante and Tyler Ashton, of Wilson and Company.

Mr. Wagener stated that the Board had approved the selection of Wilson and Company for the Unser Detention Dam Project at the January 28, 2010 Board meeting. Since that time, staff had negotiated the contract with Wilson and Company.



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He noted that, as it is difficult to predict this far ahead of time the amount of effort that will be required to address comments from the Office of the State Engineer, an amendment to the agreement will be negotiated once OSE comments are received. This is similar to how AMAFCA handles Federal Emergency Management Authority reviews.

Mr. Wagener noted that tasks in the agreement include all submittals and approvals as required by the OSE for a jurisdictional dam. Upon OSE approval, an amendment will be negotiated for construction engineering services through final completion. He recommended approval of the agreement for \$173,770.00.

Director Hernandez made a motion that the Board approve the agreement with Wilson and Company to provide Design and Construction Management Engineering Services for the Unser Detention Dam on a time and materials basis not to exceed \$173,770.00, plus New Mexico Gross Receipts Tax. Director Brown seconded the motion.

In response to a question from Director Brown, Mr. Wagener confirmed that each element of the agreement is based on "time and materials, not to exceed" with the exception of the 65% Design Geotechnical Report, which is on a "lump sum" basis. He also stated the dam may be able to be designed in such a way that it is non-jurisdictional, in which case OSE approval would not be required.

The motion passed (4-0).

12. South Diversion Channel Baffle Chute Storm Water Quality Facility – Final Design Consideration of Amendment No. 4 to Engineering Services Agreement with WHPacific

Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, gave a brief history of the agreement with WHPacific, Inc., for the South Diversion Channel Water Quality Features Project for Reconnaissance Study/Concept Development, Design and Construction Engineering Services. The South Diversion Channel Baffle Chute Storm Water Quality Facility was chosen as the second highest priority water quality structure along the South Diversion Channel.

Mr. Daggett stated that previous amendments to the agreement provided for the preliminary engineering design and design surveying (Amendment 2), and 65% design (Amendment 3) of the water quality facility. The 65% design detail was done to reduce the cost of the project, and to provide the necessary detail to obtain the Corps of Engineers' approval of the design. All of the tasks associated with these amendments have been completed.

He stated that Amendment 4 of the agreement with WHPacific provides for engineering services for final design through the bid and award phase of the South Diversion Channel Baffle Chute



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Storm Water Quality Facility. This will complete the design phase of the project. The fee for Final Design will be based on time and materials, not to exceed \$86,051.00. The fee for the Bid and Award Phase will be a lump sum of \$11,009.00. Construction Engineering is also included, with the fee to be negotiated upon completion of the final design and assessment of the project's construction schedule. This is an approximately \$3.8 million project. Value engineering was done to reduce the construction costs, which requires a slope easement from the New Mexico Department of Transportation.

Mr. Daggett added that a formal request for grant of easement was made to NMDOT on January 28, 2010. This request was heard and approved at the NMDOT Transaction Committee meeting on February 17, 2010. The Committee forwarded it to the State Highway Commission with a recommendation for approval. The Commission was expected to approve the grant of easement at their February 25, 2010 meeting.

Director Lyon made a motion that the Board approve Amendment Four to the Agreement with WHPacific (formerly ASCG) for Final Design and Bid and Award Phase Services for the I-25 Baffle Chute Storm Water Quality Facility in the amount of \$97,060.00 plus New Mexico Gross Receipts Tax. Director Brown seconded the motion, which passed (4-0).

13. Paseo del Norte/Coors Pond Project – Consideration of Agreement for Granting of Easements, and Construction, Maintenance, Transfer and Assumption of the Paradise Storm Drain Project

Lynn Mazur, AMAFCA Development Review Engineer, stated that construction plans for the AMAFCA bid lot covering drainage improvements on the Paseo del Norte/Coors Road Way Improvements Project had been delivered to the New Mexico Department of Transportation. Construction is expected to begin in June. The primary elements of the AMAFCA bid lot were the subject of an agreement between NMDOT and AMAFCA dated October 27, 2009. In addition to submittal of construction plans, the subject agreement obligates AMAFCA to accept easements and prepare a plat.

She stated that the project will construct improvements to drainage facilities west of Coors Boulevard in the shopping center just north of Paseo del Norte, and along Paradise, delivering storm water via a pipe under Coors to the Paseo del Norte/Coors Pond. When the shopping center was developed, a drainage easement was granted to the City of Albuquerque for two detention pond facilities, identified as the Apartment Pond and the Movie Pond, and associated storm drain outfalls. Most of the construction for the proposed improvements will be in this existing easement or City right-of-way, but some additional easement from Price REIT, the shopping center owner, is required.



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Ms. Mazur stated that the City will maintain the facilities after completion of construction. The existing City easement will be vacated and a new easement, encompassing the existing easement and the proposed City easement, will be granted by plat.

She added that the proposed agreement has been reviewed by City and AMAFCA legal counsel and staff. It is currently being reviewed by Price REIT. She requested approval of the agreement "substantially the same as attached," stating that if Price REIT requests significant changes, the revised sections will be brought to the Board for their approval.

Discussion followed. Director Brown noted that the only benefit to Price REIT under the agreement is that the City will maintain the facilities, which are currently their responsibility. Ms. Mazur noted that the ponds will be retained for detention facilities with water quality ported risers. Brad Bingham, Section Head of the City of Albuquerque Department Hydrology Department, stated that the pond accepts upstream storm flows from City right of way and that the City will maintain both ponds in better condition than they are currently.

Director Lyon made a motion that the Board approve the *Agreement for Granting of Easements, and Construction, Maintenance, Transfer and Assumption of the Paradise Storm Drain Project*, by and among AMAFCA, the City of Albuquerque, and Price REIT, Inc., substantially the same as attached to the Board memo. Director Hernandez seconded the motion, which passed (4-0).

14. 2010 Legislative Session – Briefing by New Mexico Outsourcing

Mr. Kelly introduced Maurice and Mary Hobson, of New Mexico Outsourcing. He noted that the Governor hadn't taken action on any bills as of February 24, 2010, so there was no late mailout.

Mr. Hobson briefed the Board on the 2010 Regular Legislative Session, answering a number of questions from the Board. He stated that fewer bills were introduced this session, in part because fewer funds were available. The Governor had more messages to the legislature than usual, each resulting in a bill. 17.5% of the bills introduced passed, when the usual rate is closer to 10%.

He noted that the legislature did not finish the budget during the regular session. This was due to the fact that five days before the end of the session, after the House and Senate had each passed their versions of the budget, revenue estimates came in at \$40 million lower than previously forecast. The Legislature will have to further cut the budget in a special session, scheduled to begin March 1, 2010. He anticipated some new taxes including an increase in gross receipts tax, a tax on junk food, and increased state income tax on higher income individuals. Expenditures will also be reduced. The Hobsons will continue to cover the special session for AMAFCA.

In response to a question about SB 182, which would return unexpended capital outlay funds to the state, Ms. Hobson stated that there were amendments to the bill in the House, so there has to



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be concurrence at the Senate. She will check on the status of this bill. Mr. Hobson stated that if the bill is signed, the funds would go back into the state's cash reserves, which would bring the reserves up to almost 5%. This is still extremely low, as reserves are historically at 10-17%. Ms. Hobson stated that if a municipality can prove that a third party agreement is in place already, or that there have been expenditures, or that the construction contract will be underway by July, they can keep the funds and the project will be removed from the list.

Mr. Hobson noted that the intent of the bill was to get stalled projects off the books at the Department of Finance and Administration. This will also clean up completed projects off the books.

In response to a question about how a bill seeking to change the AMAFCA operating mill levy cap would have done this year, and if next year might be better, Mr. Hobson stated there probably would have been a lot of resistance to such a bill. Next year might not be much better, as there is some indication that the recovery is slowing. The state's annual revenues were \$6 billion in 2008. According to recent projections, it will be 2015 before revenues will be back up to \$6 billion.

Chair Saiers stated that agenda item 17 would be heard next.

17. Construction of Unser Boulevard North of and Adjacent to Boca Negra Dam Site – Briefing by Ed Adams, P.E., City of Albuquerque

Mr. Kelly introduced Ed Adams of the City of Albuquerque's Department of Municipal Development, and stated that the City is requesting that AMAFCA consider participating in the acquisition of right of way for Rainbow Boulevard, which will be just north of and adjacent to the Boca Negra Dam. The City is currently assessing the value of the lots. By allowing for a larger dam pool, a smaller spillway could be realized, resulting in a construction savings of \$90,000. Also, a more aesthetic landform design could be used for the dam.

Mr. Kelly stated that the dam H&H submittal is at the Office of the State Engineer for approval. It will probably take six to nine months before full approval is received. The City is under pressure to connect Unser Boulevard and make roadway connections in the area.

Mr. Adams stated that the City Council has directed that timetable for the connection of Unser between Paseo del Norte and the area of the Boca Negra Dam be moved forward. About 50 lots for the Unser realignment have been acquired, with about seven lots and some bulk tracts remaining to be acquired. He anticipated that this will be complete in about 60-90 days. Design plans are 95% complete. The roadway work will be let to bid in late spring or early summer.

He stated that, due to the extremely high volume of traffic on Unser from Volcano Vista High School and the resulting high number of traffic accidents, the City constructed a temporary



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extension of Rainbow Boulevard along the old Atrisco Road alignment. The temporary roadway, which happens to go through the Boca Negra Dam site, has been very successful at reducing congestion and reducing the number of traffic accidents. However, the temporary roadway will have to be moved out of the dam pool before the dam can be constructed.

Using maps of the area, Mr. Adams showed the proposed temporary connection of Rainbow to Unser along the north side of Boca Negra Dam. A portion of the connection can be along an existing residential road right of way, but additional right of way needs to be acquired to complete the connection to Universe/Unser. He estimated the cost of acquisition at about \$400,000.

Mr. Kelly noted that the original dam plan utilized an easement on the southerly 50 feet of Lots 13-18, but the dam was redesigned to not use the lots upon feedback from lot owners. This resulted in some lost dam volume and freeboard but the dam size and freeboard was still sufficient. If the dam can be moved back to its original location, it will have greater volume, better aesthetics, and a shorter emergency spillway section.

Responding to a question from Director Hernandez, Mr. Adams stated that the Unser connection from Paseo del Norte to the dam will be built in about six to nine months. The section of Unser alongside of the dam could be built as a part of the Unser extension, but that decision has not been made yet. He wanted to coordinate the alternate alignment of the temporary extension of Rainbow before dam construction begins.

Mr. Adams also showed one possibility for the ultimate alignment of Rainbow and Unser in the dam area, but stated that acquisition of the property for the ultimate alignment of Rainbow is years in the future. The lots he would like to acquire along the north side of the dam will also be utilized in the ultimate alignment of the road.

Mr. Kelly summarized the proposal as AMAFCA would participate 50-50 in the acquisition of the lots, not to exceed \$200,000. He also described the nearby subdivision drainage, including arroyos and storm drains that will lead into the dam. Some neighborhoods are currently served by temporary detention ponds, with financial guarantees from the developers to build the storm drains. Some drainage elements will go under Unser, so those portions will be built when the road is put in.

Brad Bingham, Section Head of the City's Department of Hydrology, stated that the developers' financial guarantees toward the storm drains and dam are due at approximately the time the dam will be built.

Discussion followed. Director Brown supported assisting in acquisition of the lots, noting it is in the public interest to improve both traffic and drainage in the area. Director Lyon also supported AMAFCA's participation. Director Hernandez stated that he also supported the proposal, as



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\$200,000 was not too much to spend to have a more useable dam. He noted this would also result in slopes that were less steep, plus a shorter spillway.

Chair Saiers confirmed that the consensus of the Board was to support participating with the City in the acquisition of lots 13-18, as it is in the best interests of AMAFCA to do so.

Mr. Kelly stated that he would have a draft agreement for the Board's consideration at an upcoming meeting.

Chair Saiers called a brief recess at 12:33 p.m., resuming the meeting at 12:39 p.m.

15. Field Highlights

a. Construction Report

The memo from Kurt Wagener, AMAFCA Field Engineer, contained a summary of current construction projects. There were no questions.

b. Field Report

Mr. Wagener presented a slide show of current projects, answering several questions from the Board.

16. Proposed enXco Solar Power Site by Don Felipe Dam – Briefing by Robb Hirsch, enXco Development Corporation

Ms. Mazur introduced Robb Hirsch, of enXco Development Corporation. She stated this agenda item concerned a possible photovoltaic power generation farm south of Don Felipe Dam. The Pajarito Diversion Channel runs between the two parcels enXco is considering.

Mr. Hirsch stated that enXco is in the planning and acquisition stages of setting up a 2-5 MW photovoltaic farm south of the Don Felipe Dam for the generation of electricity. The Wilkes property has already been acquired through a long-term lease. In determining if it would be feasible to also acquire the Pajarito Southwest 300 LLC property, he wished to know if the Board would support a private roadway crossing of the Pajarito Diversion Channel and its maintenance road. He stated that the crossing would be used both during construction, and during operation and maintenance of the facility. The crossing would be built to AMAFCA standards.

Ms. Mazur asked the Board for direction to proceed with negotiations for the private crossing. She noted that this may be in the form of a lease, possibly with other remuneration rather than financial.



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After discussion, Chair Saiers stated the consensus of the Board was to proceed with negotiations for a private crossing of the Pajarito Diversion Channel.

Mr. Kelly noted that if this were a City crossing, an easement would be granted under the Executive Engineer's authority. However, as enXco is a private entity, the matter was brought before the Board.

18. Sanchez Farm Tributary Storm Drains Projects – Briefing on Proposed Course of Action

Jerry Lovato, AMAFCA Drainage Engineer, introduced Brad Catanach, of the Bernalillo County Public Works Department.

Mr. Lovato stated that AMAFCA is trying to complete the Sanchez Farm Tributary Storm Drains now that the Sanchez Farm Pump Station is complete. The storm drains will direct storm water into the Sanchez Farm Pump Station, where it will be pumped into the Rio Grande.

He gave a brief overview of the history of the various components of the project. He also stated that the FY-2008 Project Schedule identified the design and construction of the Sanchez Farm Tributary Storm Drains, a new trunk system, from Five Points along Goff Road and Sunset Road to Arenal. As a part of due diligence in preparing a request for proposal prior to the AMAFCA Board meeting, utility coordination meetings were held.

Mr. Lovato stated that at those meetings, it was determined that the Goff utility corridor includes a 48-inch sanitary sewer interceptor which has had numerous collapses in the past and was recently slip lined. It is not known at this time if the installation of the 96-inch storm drain next to the sewer line will compromise its integrity. The condition of the sanitary sewer line in Sunset Road is unknown at this time. In discussions with the Albuquerque-Bernalillo County Water Utility Authority (ABCWUA), funds for replacement of these lines may not be available for two or three years.

He stated that a preliminary design is required in order to identify all utility conflicts along Goff and Sunset and to address the structural integrity of the existing sanitary sewer. This work will take at least eight months, with the final design to be completed four months after the approval of the design report. If the design report concludes the sanitary sewer will need to be replaced, the report will be used to request funds from ABCWUA. Construction of the trunk system in Sunset will be contingent on funding from ABCWUA if sewer replacement is necessary.

Mr. Lovato recommended this project be moved forward into the design process so that these issues can be resolved, recognizing construction may still be a few years out.



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He added that Bernalillo County is currently designing drainage improvements to serve the Vista Del Rio neighborhood, approximately 150 acres of established residential and semi-rural development with approximately 60 acres of floodplain. The project site is south of Mora Road and Mora Place, east of Isleta Boulevard, north of Blake Road, and west of the Armijo Ditch. The first phase of drainage improvements are expected to cost \$1.5 M and will include construction of curb and gutter and roadway storm drain systems to convey runoff to the Sanchez Farm Pump Station.

Mr. Lovato proposed that AMAFCA partner with Bernalillo County to allow AMAFCA to meet the intent of the Project Schedule to remove floodplain by constructing a project utilizing the Sanchez Farm Pump Station. Bernalillo County is currently completing the preliminary design for the Vista Del Rio Project and could have the final design completed by July 2010. Bernalillo County will act as the contracting agency and will fund the design and construction management of the trunk system and tributary storm drains in the Vista Del Rio neighborhood. AMAFCA will fund the Vista Del Rio construction.

He stated that, if the Board concurs, staff will prepare a scope of work and request for proposals for engineering and design services for the Sanchez Farm Storm Drains along Sunset and Goff Road, and prepare a draft cost sharing agreement with Bernalillo County to fund Vista Del Rio drainage improvements, including new trunk systems, both to be considered by the Board at the next Board meeting.

Discussion followed. In response to questions from the Board, Mr. Lovato stated that these projects are not a part of the Corps of Engineers' project's local fund matching. The projects will drain floodplain from the Sunset, Goff, and Vista Del Rio neighborhoods into Sanchez Farm, which is the low point in the system. From there, water will be pumped into the Rio Grande. If approved by the Board, funding will be reallocated between the two projects to meet the intent of the FY 2010 Project Schedule.

He stated that if the sanitary sewer interceptor needed to be replaced, the cost of the Sanchez Farm Tributary Storm Drains could be \$3.5 – 6.0 million (including participation from ABCWUA). The storm drain portion of the project is estimated to cost around \$1.5 – 2.0 million. Bernalillo County is putting about \$9.0 million into improvements in this area.

After further discussion, Chair Saiers stated that the consensus of the Board was to support the proposed course of action.



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19. Briefing on Corps of Engineers' Southwest Valley Projects

Mr. Lovato introduced Deb Foley and Jerry Nieto, both of the Corps of Engineers, then briefed the Board on the status of the Corps of Engineers' Southwest Valley Projects.

a. Southwest Valley Flood Reduction Project

Mr. Lovato stated that, given the Board's concurrence with accelerating the Los Padillas Gravity Outlet Crossing of Isleta Boulevard portion of the project, staff has executed an on-call task order with Wilson and Company to complete the design of the project. The task order has been modified twice to address a design change to reduce the cost of the project. The design change will replace three box culverts under Isleta with a trapezoidal channel modified to allow a concrete bridge deck to be installed. This will provide over \$500,000 in cost savings, and provide additional space for the dry utilities to be relocated. The 65% design is due February 26, 2010, with the 100% design due in about a month, and planned to go to bid shortly thereafter.

He stated that AMAFCA is in negotiations with the Corps of Engineers to ensure that the hydraulics of the trapezoidal section are approved. The design will be used in determining the amount of utility relocation and utility coordination needed. The Albuquerque-Bernalillo County Water Utility Authority will design and fund the relocation of the sanitary sewer lines and water line. Qwest, PNM, and the New Mexico Gas Company will begin relocating their lines in the coming weeks.

Mr. Lovato stated that the Project Cooperation Agreement (PCA) between the Corps of Engineers, Bernalillo County, and AMAFCA, executed in 2008, will have to be modified in order to allow construction of this project to be creditable to the local sponsor share of the Southwest Valley Flood Reduction Project. Currently, only design work is creditable.

Ms. Foley stated that the Corps must initiate any modifications to the PCA. When the PCA was executed, the Corps had no authority to have construction costs creditable. Now they do, but the PCA has to be amended. It usually takes about three months to process the review and approval of a modification through the Pentagon. She has asked that they expedite the process. The modification of the PCA needs to be executed by all parties before a contract to construct the Los Padillas Gravity Outlet Crossing can be awarded.

Mr. Lovato noted that the Corps of Engineers continues to work on the final design of the South Valley Flood Reduction Project Phase I, which includes widening the Los Padillas Drain, excavation of the channel through the Miranda Property, and the connection between the Los Padillas and Isleta Drains. Federal funding for FY 2010 is available; the project was not funded for FY 2011 in the President's budget. Both AMAFCA and Bernalillo County have the local matching funds available for Phase One. Both local sponsors have forwarded their funding



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concerns to the congressional delegation, requesting funding for the project in the next federal budget.

After discussion, consensus of the Board was to support completion of the design, and modification of the PCA to allow construction costs of the Los Padillas Gravity Outlet Crossing to be creditable towards the local sponsors' share. The local sponsors will sign the modification after approval by the Pentagon.

Ms. Foley stated she would send a copy of the proposed modification to the PCA, which is already being reviewed by the Pentagon, to staff for their review.

b. Black Mesa Project

Mr. Lovato stated that the contractor on the Black Mesa – Three Dam Outlet Project (Phase I) is substantially complete. The outlet pipe to the Rio Grande is in place and the contractor is addressing asphalt paving and punch list items. It was funded via the Corps' 593 Program. The cost share for the 593 Program is a 25/75 (Local/Federal) split. The Corps of Engineers has billed AMAFCA for the completed work in accordance with the PCA dated June 4, 2004.

He noted that the outlet to the river is a little less than half of the complete Black Mesa – Three Dam Outlet Project. The intent of the project was to connect three AMAFCA dams (McCoy, Raymac, and Don Felipe) to a single outlet pipe that would run across the valley floor to the Rio Grande. The pipe has been installed from the river to Coors Boulevard. The project is lacking the pipe manifold that would be installed in Coors Boulevard and the pipe connections to each dam. The design for the pipe manifold and the connections to the dams is about 70% complete.

He stated that the plan lacks utility information and does not address utility conflicts, although the suggested corridor includes fiber optic lines, sanitary sewer lines, sanitary force mains, water lines, and high pressure gas lines.

Mr. Lovato noted that the federal funding source for the project, the 593 Program, has a cap of \$50 million. To date, all of this funding has been spent or obligated. During the 2007, 2008, and 2009 federal budget process, AMAFCA requested that the 593 Program cap be increased by \$25 million, but it has not been increased. Both local sponsors (AMAFCA and Bernalillo County) have funding available, but the federal government does not.

He requested input and guidance concerning the construction of the Three Dam Outlet project, noting that there is no federal funding, and it is therefore questionable that there will be any Corps effort to complete the design or build another phase of the construction project. As it stands, the pipe from Coors to the river will have to be mothballed until a dam can be connected to the pipe.



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Mr. Lovato noted that, currently, water is entering the valley floor from the last two uncontrolled arroyos in Albuquerque. The arroyos are located along both sides of the McCoy Dam. An outlet from the McCoy Dam to the outlet pipe to the river would allow several other projects to be built, diverting those flows to the McCoy Dam.

Mr. Lovato stated that staff would like to complete the design and possibly construct the connection to McCoy Dam. This would allow three projects on the FY 10 Project Schedule, the McCoy Channels A & B, the Johnniece Storm Drain, and the South Johnniece Storm Drain Projects, to proceed as planned. Connecting an outlet pipe to the McCoy Dam is vital to protect life and property that is currently exposed to the only two uncontrolled arroyos on the west side. An outfall pipe to the McCoy Dam will allow the McCoy Channels to be built, which will control the arroyos and divert their flows into the McCoy Dam.

He noted that funds are available in the budget for the design of the connection to McCoy Dam. The project is expected to cost \$6.8 M. As the cap on the 593 Program has been reached, federal funding for construction is uncertain at this point. Design changes might bring the cost down a little.

Chair Saiers summarized that it is in AMAFCA's best interest to see this dam outlet built, so AMAFCA and Bernalillo County might have to forgo federal matching funds in order to see it built.

Ms. Foley stated that the Corps has indeed hit the cap on the 593 Program. They cannot participate in even the design for this portion of the project until they receive more funding authorization. The normal vehicle for this is the Water Resource Development Act, passed every few years. The most recent was in 2007. The new bill is in progress, but the earliest it could pass is November 2010. That would be past the deadline for FY 11 funding. Funding the project in FY 2012 might be possible, assuming the authorization bill is passed and the cap is raised in November.

Discussion followed. Responding to questions from the Board, Ms. Foley said she did not know if the PCA was written only for Phase I or for the entire project. She did not know if the design costs would be creditable toward the local sponsor match. Mr. Lovato noted that, if the design is begun soon, construction might happen in the 2012-2013 timeframe. Ms. Foley stated that by then, the 593 Program cap may have been raised and the Corps might have construction funding available. Mr. Lovato stated that, in that case, the completed design would be turned over to the Corps. Completing the design now would save about 18 to 24 months in the construction process.

In response to a question from Chair Saiers, Mr. Lovato stated that the design would probably cost \$200,000 - \$250,000 via a Request for Proposals. He requested reallocation of those funds from construction to design.



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After further discussion, consensus of the Board was that it was in AMAFCA's best interest to proceed with the design, and have the design ready when construction funding becomes available. If possible, this will be included in the local sponsor match, but the design should be done now whether or not it can be included in the local sponsor match.

Ms. Foley will check the existing agreement to determine if the design costs will be creditable.

20. AMAFCA 2010 Board Election Resolution – Discussion on Proposed Changes to Wording

Ms. Jeffries presented a draft Board Election Resolution, incorporating some minor changes as recommended by Attorney Rael.

Ms. Jeffries stated that the Election Schedule had also been changed pursuant to Mr. Rael's advice. The precinct boundaries are checked early on in the election process, the deadline to challenge nominating petitions was added, and the Board's review of the Certificate of Nomination was moved to the July Board meeting to allow time for the challenge and appeal process. Nominating petitions are due on the fourth Tuesday in June (June 22, 2010), per the AMAFCA enabling legislation (72-16-11).

After brief discussion, the Board decided that the revised Election Schedule should be included as an exhibit to the Election Resolution unless Attorney Rael recommended against it.

Mr. Kelly stated that the draft Election Resolution will be brought to the Board for their review at the March meeting, and for adoption at the April Board meeting.

21. Unfinished Business

a. Don Felipe Dam and Raymac Dam Watershed DMP Public Meeting

Ms. Mazur stated that the Don Felipe Dam and Raymac Dam Watershed DMP Public Meeting had been tentatively scheduled for Tuesday, March 16, 2010, at 6:00 p.m. at Pajarito Elementary School. A notice will be printed in the paper after the date is confirmed next week.

22. New Business

a. Calabacillas Arroyo Interpretive Signage – Date for Unveiling

Mr. Kelly stated that the Calabacillas Arroyo Interpretive Signage Unveiling will be Friday, March 12, 2010 at 11:30 a.m. A class at a local elementary school has been invited to take part in



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the first "scavenger hunt" looking for certain historical artifacts in the "fossil layers" of the arroyo artwork. The Mayor is expected to speak, and there will also be a speaker from the AMAFCA Board.

Mr. Kelly noted two newspaper articles were included in the Board's handout, including a profile of Attorney Christina Anaya of the Robles, Rael & Anaya firm.

23. Adjourn

There being no further business to come before the Board, Chair Saiers adjourned the meeting at 1:54 p.m.

Ronald D. Brown, Secretary-Treasurer 3/25/10

Recorded by Pam Woodruff, Secretary to the Executive Engineer