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Arroyo Flood Control Authority
Regular Meeting Minutes
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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:09 a.m. Tuesday, July 24, 2012. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Bruce M. Thomson Director Daniel F. Lyon
Directors excused:	Director Ronald D. Brown
Others present:	Jerry M. Lovato, P.E., Executive Engineer Attorney Marcus Rael, Jr. Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

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

3. Meetings Scheduled

- a. Thursday, August 23, 2012, 10:00 a.m. – Regular Meeting**
- b. Thursday, September 27, 2012, 10:00 a.m. – Regular Meeting**
- c. Thursday, October 25, 2012, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.

4. Items from the Floor/Public Comment

Mr. Lovato introduced the new Real Estate Manager, Jeffrey Willis, who will begin at the end of July. He stated that Mr. Willis comes to AMAFCA from the City of Albuquerque. Mr. Willis addressed the Board, stating that he looked forward to working with the AMAFCA Board and staff.



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5. Approval of Minutes

a. June 28, 2012 Regular Meeting

Director Lyon made a motion to approve the minutes of the June 28, 2012 Regular Board Meeting. Director Hernandez seconded the motion, which passed (4-0).

6. Financial Matters

a. Approval of June 2012 Expenditures

Irene Jeffries, AMAFCA Finance and Administration Manager, presented the June 2012 Expenditure Report. She noted that the full amount of the property tax collection and the reappraisal fee were listed on the report separately, as requested by the Chairman. There were no questions.

Director Hernandez made a motion to approve the June 2012 Expenditure Report. Director Lyon seconded the motion, which passed (4-0).

b. Investment Report for June 2012

Ms. Jeffries presented the investment report for June 2012. She stated that the New Mexico Office of the Treasurer had recognized a loss in the Reserve Contingency Fund, based on the recommendation of their auditor. Therefore AMAFCA's Reserve Contingency Fund (RCF) balance has been reduced proportionally, with no corresponding increase in the LGIP portfolio. She had adjusted the balance in each fund accordingly in the report of investments.

She stated that the original amount in AMAFCA's RCF had been \$682,697.23. There have been distributions to AMAFCA totaling \$624,486.86. With the loss of \$48,459.39, the new balance in the AMAFCA RCF account is \$9,750.98. The original amount in the RCF for the Agency and Area-Wide account was \$24,306.17. Distributions totaling \$22,115.79 have been made. With the loss of \$1,716.15, the new balance in the Agency and Area-Wide RCF account is \$474.23.

Chairman Eichenberg stated that this action had been expected, although the amount of the loss and the timing of the declaration of loss had not been known ahead of time.

In response to a question from Director Thomson, Ms. Jeffries stated that approximately 98.5% of the starting balance in the Reserve Contingency Fund had been returned to AMAFCA via distributions over the past few years.

No Board action was required.



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c. Financial Recap June 16, 2012, through July 15, 2012

Ms. Jeffries presented the Financial Recap for June 16, 2012 through July 15, 2012, along with a history of AMAFCA's financial reporting to the Board, showing the periods covered and the split to a Financial Recap and Financial Forecast in 1996. She stated that the change to a reporting period from the 16th through the 15th was made in 1997. The change was apparently made to be able to provide the financial information to the Board in time to be included in the Board's information packet mailout, rather than providing the information at the time of the meeting, either verbally or as a handout.

Director Hernandez thanked Ms. Jeffries for the explanation of the history of the reports.

There were no questions, and no Board action was required.

d. Financial Forecast July 16, 2012, through August 15, 2012

Ms. Jeffries presented the Financial Forecast for the period July 16, 2012, through August 15, 2012. She stated that recommended actions in the Construction Fund included payments on the La Presa and Amole Hubbell DMP projects, along with various engineering design invoices. Recommended actions in the Debt Service Fund included payments of principal and interest on the bonds due on August 1, 2012. She had also added a note at the bottom of the report that the dollar amounts are estimates, rounded to the nearest \$1,000.

She requested Board approval of the forecast.

Director Hernandez made a motion that the Board approve the Financial Forecast. Director Thomson seconded the motion, which passed (4-0).

e. Resolution 2012-10, 2012 Final Quarter Financial Reports Ending June 30, 2012

Ms. Jeffries started that the Local Government Division (LGD) had notified AMAFCA that they had approved the budget, pending receipt of the resolution described below. She stated that LGD has a new requirement for the Board to pass a resolution stating that they had reviewed and approved the Fourth Quarter Cash Reports. These reports are used to show that the end of the year cash balances for FY12 equaled the starting balances for FY13 in the budget. The resolution had been approved for use by LGD.

Director Thomson made a motion that the Board pass and adopt Resolution 2012-10, *2012 Final Quarter Financial Reports Ending June 30, 2012*, and authorize the Chair and Secretary to sign. Director Lyon seconded the motion.



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Responding to a question from Chairman Eichenberg, Ms. Jeffries stated that she prepares the report each quarter on AMAFCA forms in the format required by LGD, using the dollar amounts generated from AMAFCA's accounting system. These reports are then sent to LGD for their review.

In response to a question from Director Hernandez, Ms. Jeffries stated that the reports are prepared quarterly and sent to LGD. The Board will be required to approve the Fourth Quarter Cash Report each fiscal year, to ensure that the ending cash balances match with the beginning cash balances of the final budgets.

The motion passed (4-0) on a roll-call vote, as Director Brown was not at the meeting.

7. Legal

a. Status Report

Attorney Marcus Rael, Jr., stated that his memo briefed the Board on the status of various legal matters, answering questions from the Board.

Chairman Eichenberg stated that the discussions of a pending litigation matter and a personnel issue would be in two separate closed sessions.

b. Closed Session – Pending Litigation

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*," seventh edition, 2010, to discuss a pending litigation matter. Director Thomson seconded the motion, which passed (4-0), on a roll call vote. Director Brown was absent.

Chairman Eichenberg closed the meeting at 10:31 a.m.

At 11:05 a.m., Director Hernandez made a motion that the meeting be re-opened, stating a pending litigation matter was discussed in the closed session, and that no decisions were made. Chairman Eichenberg seconded the motion, which passed (4-0), on a roll call vote.

Chairman Eichenberg reopened the meeting at 11:06 a.m. He reiterated that no decisions were made in the closed session, although direction was given to AMAFCA's attorney.



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c. Closed Session – Personnel Issue

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*,” seventh edition, 2010, to discuss a personnel issue. Director Lyon seconded the motion, which passed (4-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 11:06 a.m. Director Hernandez briefly left the meeting near the end of the closed session.

At 11:23, Director Lyon made a motion that the meeting be re-opened, stating a personnel issue was discussed in the closed session, and that no decisions were made, but the matter was referred to the Executive Engineer. Director Thomson seconded the motion, which passed (3-0), on a roll call vote, Director Hernandez being absent at the time of the vote.

Chairman Eichenberg reopened the meeting at 11:23 a.m. Director Hernandez re-joined the meeting at 11:24 a.m.

8. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Lovato highlighted significant activities of the past month, which were further discussed in his memo to the Board. Between the memo and the further information given in the meeting, he covered the following:

- **Corps of Engineers (COE) – Southwest Valley Flood Reduction Project (SWVFRP) Phase I:** The COE has directed their contractor to address the construction deficiencies along the Los Padillas Extension discussed during the public meeting held June 22, 2012. The local sponsors have concerns that the work being done currently does not meet the lines and grades shown on the plan set, and has sent a letter to the COE outlining AMAFCA's concerns. A meeting will be held to discuss the OMRR&R. Maintenance of the irrigation portion of the project is still unresolved.

In response to a question from Director Thomson, Mr. Lovato stated that no response to his letter to the Corps of Engineers had been received to date. Responding to questions from Director Hernandez, Mr. Lovato stated that the local sponsors are unable to determine if the project has been built correctly until they receive the as-builts, and are trying to avoid accepting an incorrectly built project. However, the way it is written, the Project Cooperation Agreement (PCA) may require it.



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Southwest Valley Flood Reduction Project (SWVFRP) Phase II: The COE has drafted the second amendment of the PCA to address the remaining funding available for the project. AMAFCA and Bernalillo County are advocating for the remaining work to be designed and constructed by the local sponsors.

Calabacillas Arroyo: The COE Hearing Officer traveled to Albuquerque for the Jurisdictional Determination Appeal on May 2, 2012. AMAFCA staff, Attorney Rael, COE staff and the COE attorney met on the site and conducted the appeal. No additional information had been received.

Change of Command Ceremony: A change of command ceremony was conducted July 13, 2012. Lieutenant Colonel Antoinette A. Gant has assumed command of the Albuquerque District.

- **City of Albuquerque (COA) – Boca Negra Dam:** AMAFCA has issued six addendums on the project. The current bid date is August 9, 2012. An RFP has been prepared to address the Office of the State Engineer Dam Safety Bureau's concern with the Emergency Action Plan for the dam.

Channel Road Along North Diversion Channel: COA held a public meeting to discuss the project on July 16, 2012. Kurt Wagener, AMAFCA's Field Engineer, attended the meeting on behalf of AMAFCA.

AO Expo New Mexico: Staff has continued to maintain the temporary check dams to address bacteria from nuisance flows. Expo New Mexico has not responded to AMAFCA's requests for funding or information.

- **Bernalillo County – Sanchez Farm Tributary Storm Drains Update:** Bernalillo County has advertised the Goff Road Project, which incorporates the AMAFCA design report for the Sanchez Farm Tributary Storm Drains.
- **Public Outreach – Hahn Arroyo Project:** Mr. Lovato was interviewed by television station KOAT to address ditch safety in flood control facilities. Kevin Daggett, AMAFCA's Stormwater Quality Engineer, was interviewed by KOAT to address AMAFCA's readiness for the flood season.
- **US Fish and Wildlife Service (USFWS) – Price's Dairy:** As the funding from the Natural Resource Conservation Service (NRCS) conflicted with the needs of Bernalillo County, AMAFCA, and the USFWS, that funding is no longer being considered by the Trust for Public Lands.



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There were no further questions from the Board.

b. Notification of On-Call Services Task Orders

Mr. Lovato stated that four on-call task orders had been issued as described in his memo, and gave further information to the Board. In response to a question from Director Hernandez, Mr. Lovato stated that AMAFCA has begun taking aerial photos before, during, and after construction projects. This may help AMAFCA avoid lawsuits in the future. \$500 now could save a lot of money in the future.

Director Hernandez opined this was a good use of \$500.

9. Personnel and Salary Committee Update

Mr. Lovato reported that the Personnel and Salary Committee (PSC) met on July 10, 2012. He stated that the question had arisen regarding the Board's ability to access AMAFCA's health care benefits. He had researched the question and it appeared possible, if the Board passed a resolution similar to one passed by the Middle Rio Grande Conservancy District (MRGCD) in 2008.

Responding to a question from Director Thomson, Mr. Lovato stated that the cost to AMAFCA could be about \$8,000 a year.

Chairman Eichenberg requested that staff prepare two options – one where both the employer and employee portions of the health benefit costs are paid by the benefitting Director, and one where AMAFCA pays the employer portion – for Board review at a future meeting. He noted that he paid both portions for health coverage through the State Legislature.

Director Lyon questioned whether health coverage for Directors is allowed under AMAFCA's enabling legislation, noting that it specifies only per diem, and mileage in certain situations. Attorney Rael stated that he would research the question and report back to the Board.

10. 2012 Board of Directors Election – Approval of Certification of Nomination

The memo from Mr. Lovato stated that nominating petitions with the required numbers of signatures on them had been submitted by Tim Eichenberg in District 3 and Ronald D. Brown in District 4. He requested the Board approve the Certificate of Nomination, which would be sent to the Bernalillo County Clerk and the New Mexico Secretary of State, and authorize the Secretary/Treasurer to sign it.

Director Hernandez made a motion that the Board approve the Certification of Nomination, and authorize the Secretary/Treasurer to sign the same. Director Lyon seconded the motion, which passed (4-0).



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11. 2012 Bond Sale – Briefing by George K. Baum and Company, AMAFCA Financial Advisor, on the Bond Sale Amount, Structure, and Timing

John Archuleta of George K. Baum and Company, AMAFCA's Financial Advisors, briefed the Board on the recommended bond sale amount, structure, and timing. He provided the Board with a market update as well.

He noted that growth in the assessed valuations of properties within the AMAFCA boundaries was up 4.8% over last year, greater than the increases for the City of Albuquerque and for Bernalillo County, which were 3.6% and 3.4% respectively.

Mr. Archuleta stated that using the new assessed valuation with the Yield Control Formula produced mill levy rates for the Operating Fund of 0.176 residential and 0.477 non-residential, and 0.675 for the Debt Service Fund. The Debt Service mill levy has remained steady at 0.675 since 1999. The Operating Fund residential mill levy would go up 6/10s of a cent, while the non-residential mill levy would hold steady at the current rate.

He stated that the planned payout projection was based on a very conservative estimate of 4% interest for the 2012 bonds. He anticipated that the actual rate would be under 1% for the first five years of the bonds, and just above 1% on the final years of the bonds. This meant that the bonds could be paid off earlier than the projection indicated without raising taxes, thereby saving taxpayers money.

Mr. Archuleta pointed out that Bernalillo County tax collections for tax year 2011 are currently running at 96.2% as of June 30, 2012, and anticipated that the final rate would be over the 97% assumed by the projection.

His recommended schedule for the bond sale was as follows: Notice of Sale resolution adopted August 23, 2012; Bond Sale on September 27, 2012, and closing on November 1, 2012.

Mr. Archuleta gave the Board a brief update on market conditions through July 20, 2012, noting that short-term interest rates on Treasury Ten-Year bonds and ten-year municipal "AAA" bonds were continuing to fall. He anticipated that AMAFCA's bonds would be popular with investors due to their short term and high rating.

Consensus of the Board was to proceed with the sale schedule as outlined in the briefing. Mr. Lovato stated that a resolution will be prepared for the August Board meeting.

Chairman Eichenberg expressed surprise at the 4% interest rate used in the projection. Mr. Archuleta acknowledged that it was very conservative, and stated that he should have a better projection as the sale date grew closer. He confirmed that the Debt Service mill levy rate will



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remain unchanged at 0.675. The 2013 principal payment can be larger to pay off the bonds sooner and keep the mill levy rate low.

In response to a question from Director Thomson, Mr. Lovato confirmed that the Bond Committee was already meeting and raising money to advertise in support of the November election's bond question.

12. AMAFCA Joint Project with New Mexico Department of Transportation – Consideration of Agreement for Agency and Area-Wide Flood Control Maintenance Design and Construction Management Services Contract for FY 2013-2014

Kurt Wagener, AMAFCA Field Engineer, stated that the Board had reviewed a draft of the agreement between AMAFCA and the New Mexico Department of Transportation for Agency and Area-Wide Flood Control Maintenance Services for FY 2013-2014. Attorney Rael had reviewed the agreement and made minor changes. The DOT attorney was still reviewing the agreement. He recommended approval of the agreement "substantially as attached to the memo."

Director Lyon made a motion that the Board approve the *Agreement for Design, Construction, and Construction Engineering Services for Agency and Area-Wide Flood Control Maintenance Contract 2012*, substantially the same as attached to the memo, and authorize the Chairman to execute the Agreement on behalf of AMAFCA. Director Hernandez seconded the motion.

In response to a question from Director Thomson, Mr. Lovato stated that the temporary check dams are covered by an agreement for storm water quality and are not included in the scope of this agreement.

The motion passed (4-0).

13. AMAFCA Joint Project with City of Albuquerque – Mid Valley Drainage Water Quality Management Plan Briefing

Mr. Lovato gave a brief review of the Mid Valley Drainage Water Quality Management Plan (MVDWQMP). This is a joint project with the City of Albuquerque.

Brad Bingham, AMAFCA Drainage Engineer, introduced Pat Stovall of Smith Engineering, the engineering consultant on this project. Mr. Bingham stated that most of the MVDWQMP study area lies below the elevation of the river, and storm water has to be pumped to the river as a result. Most of the area is paved, with very little unpaved ground. There are also very few detention facilities in the area. The study was completed in April 2012, with an addendum covering an additional contributing basin completed in July 2012. He briefly covered the



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twelve projects recommended by the MVDWQMP, which would remove most of the existing floodplains in the area.

Mr. Bingham stated that the pond at Marble and Arno would need to be built in conjunction with one at Broadway and Tijeras in order to provide sufficient capacity.

Mr. Stovall stressed that rebuilding the Broadway Pump Station was an important part of the MVDWQMP. Rather than rebuilding it in its current location, it might be possible to move it and rebuild it in conjunction with the new Marble/Arno Pond. He also stressed that the new pond needed to be built so that the Interim Post Office Pond at Broadway and Lomas could be re-sold for commercial purposes.

Director Hernandez reminded those present that the community is very interested in seeing a community amenity of some sort at the Marble/Arno Pond site, perhaps a building that could be used for community events.

In response to questions from Director Thomson, Mr. Lovato stated that some of these projects are currently on the AMAFCA Project Schedule as cost-shares with the City of Albuquerque. None of them are scheduled to begin in the next six months, unless the City brings an agreement to AMAFCA. The MVDWQMP describes the projects in considerably more detail than was available two years ago. Mr. Lovato also confirmed that building the Marble/Arno Pond and rebuilding the Broadway Pump Station were the highest priority projects, as both the City and AMAFCA want to be able to decommission the Interim Post Office Pond and sell the property.

Director Hernandez stated that he would like to personally invite the community leaders in those neighborhoods to meet with him to give them an update. He noted that the public meetings in that area had been poorly attended and this method was more effective at disseminating information. Chairman Eichenberg suggested a public meeting first, notifying the community leaders of the public meeting, and also notifying them that this item would be on the August Board agenda and that residents can comment on the project then.

Director Thomson suggested utilizing the services of a landscape architecture firm as the project is being designed, as they might have ideas on how to address the community's concerns over the appearance and multiple public uses of the facility.

Consensus of the Board was to continue moving forward with these projects.

14. Authorization to Advertise Request for Proposals (RFP) for Engineering Services to provide Emergency Action Plan mapping for Boca Negra Dam

Mr. Lovato stated that State Engineer regulations require an Emergency Action Plan be prepared as a condition of approving the design and construction of a dam. He requested that



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the Board allow him to advertise a Request for Proposals for engineering services in the preparation of the Emergency Action Plan (EAP) for the Boca Negra Dam. The proposed legal notice and scope were provided to the Board. He suggested that the proposals be due August 30, 2012, with the Selection Advisory Committee's recommendations to the Board at the September 27, 2012 Board meeting. The negotiated contract would be submitted to the Board for approval at the October 25, 2012 Board meeting.

Responding to a question from Chairman Eichenberg, Mr. Lovato estimated that the cost of the effort would be \$100,000 - \$150,000. This includes incorporation of additional data already prepared by the Corps of Engineers. Without that data, the cost would be much more. The previous study done in 2006 is no longer valid as the design of the dam has changed since then.

In response to a question from Director Lyon, Chairman Eichenberg noted that the rules have changed since 2006, and this was not included in the original agreement for Boca Negra Dam funding. He also opined that some of the cost of the EAP should go to the other parties to that agreement.

Mr. Lovato stated that AMAFCA, as dam owner, needs to ensure that the EAP is prepared. When the cost is known in September, a portion of it could be allocated to the other parties.

Director Thomson noted that AMAFCA needs the EAP in order to move forward, and would have to do the EAP anyhow, as dam owner. However, it is an additional cost that hadn't been anticipated in 2006.

Director Lyon made a motion that the Board approve the issuance of the RFP for Engineering Services to prepare an Emergency Action Plan for the Boca Negra Dam. Director Hernandez seconded the motion.

In response to a question from Director Thomson, Mr. Lovato stated that the \$80,000 mentioned previously for the EAP mapping only included the cost of inundation mapping to the river. In addition to this, there would be additional costs to incorporate information on the Rio Grande all the way to Isleta, from the Corps of Engineers. This additional portion of the EAP can be re-used on other EAPs. Any flow from any of AMAFCA's dams just comes from "Albuquerque" as far as downstream communities are concerned.

The motion passed (3-1), Chairman Eichenberg voting against the motion.

15. Real Estate

a. Urban Wildlife Refuge – Update

Mr. Lovato gave the Board an update on the Urban Wildlife Refuge.



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Director Thomson was briefly absent from 12:21 p.m. to 12:24 p.m. during this agenda item.

Mr. Lovato stated that an important part of the property acquisition is assurance that AMAFCA will get the required drainage easement to make the southeast valley drainage system work. AMAFCA will save about \$5 million on southeast valley drainage if a large drainage easement and additional outfall to the Rio Grande can be obtained via this project.

He stated that staff have worked to identify a drainage easement that will allow the movement of floodwaters to the Rio Grande in shallow channels, along with an area to store peak flows. This will alleviate the need to purchase a pond site in the future. The total area of the proposed easement is 182.1 acres. This shallow area will allow the US Fish and Wildlife Service to use the surface area for vegetation, which they will maintain.

He noted that water quality can be addressed at the ponding area, but the current easement does not include a separate 5-acre parcel needed to treat flows coming from the north. The 182.1 acres covers only the drainage portion of the project. This would take care of conveyance of water, storage of water, and getting that water out to the Rio Grande.

In response to a question from Chairman Eichenberg, Mr. Lovato stated that the Barr Drain is located on the east side of the easement. The current proposal is that this portion of the Barr Drain be put into a pipe and that it not be used for storm flows at all.

Mr. Lovato stated that the value of the easement will need to be determined in the next three weeks. He anticipated this to be in the \$1.82 million range. He also stated that the easement agreement between the Trust for Public Lands and AMAFCA will use the existing metes and bounds description of the Phase I parcel and will include a verbal description of AMAFCA's drainage easement.

b. Authorization for Appraisal Services for Price's Dairy

Mr. Lovato requested that the Board add Joshua Cannon & Associates to the list of AMAFCA approved real estate appraisers, and authorize him to have Joshua Cannon & Associates appraise the easement AMAFCA needs on the Price's Dairy property. AMAFCA currently has only one on-call appraiser on the list of approved appraisers, which is why he requested that Joshua Cannon & Associates be added to the list. This appraisal needs to be done quickly due to the short schedule, in order to have the appraisal finished soon enough that design changes could be made if necessary.

Chairman Eichenberg stated this should be two separate motions.

Director Hernandez made a motion that the Board certify Joshua Cannon & Associates as an approved appraiser for AMAFCA. Director Thomson seconded the motion.



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Mr. Lovato stated that he had made this request as Joshua Cannon & Associates had specific knowledge and expertise in this area, having been the appraiser for the Phase I purchase of this property, and is qualified to provide appraisals in federal projects.

Attorney Rael stated it was his understanding that the firm had specific information related to this project that the other appraiser on AMAFCA's appraiser list did not have.

Chairman Eichenberg called a recess at 12:34 p.m., resuming the meeting at 12:50 p.m.

Upon the resumption of the meeting, Chairman Eichenberg reported that Mr. Lovato had confirmed that Shipman|Foley & Associates is also qualified to do federal appraisals, and will also provide a quote for the appraisal.

In response to a question from Director Lyon, Chairman Eichenberg responded that it was better for AMAFCA to have two appraisers available. Mr. Lovato can call both and ask for the timetable and cost, then pick the best one, rather than being dependent upon the cost and availability of only one appraiser.

Mr. Lovato stated that Mr. Foley had just returned from two weeks' vacation, and had been unavailable. He had needed a quote immediately, due to time being of the essence on this matter. He had been unable get a quote from Mr. Foley before the meeting.

The motion that Joshua Cannon & Associates be added to AMAFCA's list of approved appraisers passed (3-1). Director Lyon voted against the motion.

Chairman Eichenberg noted that Mr. Foley would be asked for a quote and Mr. Lovato would be free to choose the approved appraiser whose quote best met AMACA's needs.

16. 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 gave a report of various projects and events over the past month, answering several questions from the Board during his presentation. He noted that there were no problems with any AMAFCA facilities during recent rains.



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17. AMAFCA Projects

a. Southwest Valley – Black Mesa Phase 1a Project Update

The memo from Lynn Mazur, AMAFCA Development Review Engineer, stated that staff had met with Subhas Shah, Chief Engineer of the Middle Rio Grande Conservancy District (MRGCD) on July 5. Mr. Shah had reiterated that the pipe should be built on the west side of the Gun Club Lateral rather than the east. Ms. Mazur noted that this can be accomplished at minimal additional cost. Mr. Shah also indicated that MRGCD has fee right of way on the Gun Club Lateral north of Pajarito Road, but the title is not clear south of Pajarito. Wilson investigated the 100 or so property titles adjacent to the lateral and the property owners do not have clear title either. Attorney Rael is investigating the statute cited by Mr. Shah when he stated that MRGCD's constituents may object to the realignment of the lateral.

The memo also stated that plans were sent to the US Bureau of Reclamation (BOR) for review on June 27. The BOR met with MRGCD on July 12. The BOR's issues are: lack of clear title, meaning temporary construction easements may need to be obtained from adjacent property owners, and the BOR may have a fee interest in 600-700 feet of the lateral at the northern end of the project, which may trigger the National Environmental Policy Act requirement for an Environmental Impact Statement (EIS), delaying the project. A formal letter is due from BOR detailing these issues. Wilson has indicated that they have already met some of the requirements of the EIS, including investigation of the alternatives and public meetings.

Ms. Mazur's memo also indicated that minor design changes had been made to the design to reduce demolition and construction costs. Some areas will need temporary construction easements outside of the apparent right-of-way due to slope tie-backs and retaining wall construction encroaching onto adjacent properties. At the time of the mailout, plans were 75% complete, with the exception of breaking them out into three separate projects.

Mr. Lovato stated that he had attended the MRGCD Board meeting on July 23, 2012. He reported that, at the meeting, he had realized this is not just a real estate issue, but also a storm water issue. AMAFCA also needs to look at the storm water flows entering the ditch from the west, to capture and divert some of those flows to meet the needs of the MRGCD with the project.

Mr. Lovato noted that the BOR and the MRGCD do not have full access to the property and AMAFCA will need to obtain temporary construction easements from the underlying property owners. This was further discussed as agenda item 17b.

Mr. Shah addressed the Board, stating his reservations. He noted that the old ditch, with 80 years of compaction, is more resistant to erosion than a new ditch would be. He was also concerned about flows from the west, which can cause erosion. He wanted to be sure that the



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new ditch will be protected from erosion and from the flows from the west. He also expressed concern over long-term maintenance, and noted that the MRGCD owns some of the right of way the ditch is built on, but not all of it. These issues will need to be covered in the agreement.

Mr. Lovato stated that AMAFCA will maintain at least the side of the ditch where the pipe is installed, and will make design modifications to the project to address additional flows into the ditch from the west. Those uncontrolled flows can cause damage to the ditch. Staff is considering modifying the design to address those flows.

b. Southwest Valley – Black Mesa Phase 1a Project – Request Authorization to Obtain Permanent and Temporary Easements

Mr. Lovato requested authorization to obtain appraisals for Temporary Construction Easements (TCE) and Permanent Easements for the properties along the Black Mesa Phase 1a Pipe Extension Project. The memo from Ms. Mazur stated that staff and Wilson will work with each property owner so that payment for the TCEs may not be required. She identified one permanent easement and at least eight TCEs that would be required. Mr. Lovato stated that there were more than 100 properties along the project from whose owners additional TCEs may be required.

In response to a question from Director Lyon, Mr. Lovato pointed out the large size of the project. The pipeline is more than three miles long, and drains three AMAFCA dams. It ties into an \$8.5 million project already built by the Corps of Engineers. He stated it was a large, important project for the area.

Director Thomson made a motion that the Board authorize the Executive Engineer and the Real Estate Manager to obtain an appraisal of the Permanent Easement(s) and Temporary Construction Easements for the Black Mesa Phase 1a Pipe Extension Project. Director Hernandez seconded the motion, which passed (4-0).

c. Southwest Valley – Black Mesa Phase 1a – Consideration of Selection Advisory Committee Recommendation for Construction Management Services

Mr. Lovato asked the Board to accept the recommendation of the Selection Advisory Committee (SAC) for construction Management Services for the Black Mesa Phase 1a Pipe Extension Project. Three firms had submitted proposals by the July 16 deadline. The SAC met and scored them on July 23, 2012. Wilson & Company, teaming with Bohannan Huston, Inc. and Smith Engineering Company to provide these services, scored the highest.

In response to a question from Chairman Eichenberg, Mr. Lovato stated that he had served on the SAC along with Veronica Cid of Bernalillo County Public Works, Kurt Wagener, and Lynn Mazur.



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Director Lyon made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations with Wilson & Company, Inc., per the New Mexico Procurement Code, and consider approval of an Agreement for Construction Management Services. Director Hernandez seconded the motion, which passed (4-0).

18. AMAFCA Water Quality

a. Update on Albuquerque MS4 Permit Issued March 2012

Mr. Daggett gave an update on the new MS4 permit issued by the EPA which became effective March 1, 2012. Work is ongoing on drafting a Memorandum of Understanding (MOU) between the partners.

Mr. Rael noted that AMAFCA had drafted an MOU 18 months prior. The City of Albuquerque had then come back with their own version of the draft agreement, which was commented on by all the parties. Recently, the DOT stated it would prepare its own version of the draft agreement. That draft agreement was due the week of July 16, but had not been received yet.

There were no questions, and no Board action was required.

b. Update on Watershed-Based Permit

Mr. Daggett's memo gave the Board an update on the status of the watershed-based permit. He noted the schedule in his memo, which would result in a permit by November 2012, and stated that the schedule was already slipping, as EPA had missed the first target date where the permit outline was to be released to the public on July 15, 2012.

He stated that at one point, EPA had proposed one statewide permit, but now was back to considering one permit per major urbanized area. A summit meeting with the EPA and local leaders will be held on the afternoon of Wednesday, August 15, 2012, at the Hispanic Cultural Center. Local decision makers will have the opportunity to meet with upper level EPA staff and officials.

Chairman Eichenberg requested that staff contact the Mayor's office to see if the Mayor could give the welcoming speech.

Director Thomson briefly discussed the proposed agenda.

Mr. Lovato added that there would possibly be follow-up debriefing meetings the morning of August 16.



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No Board action was required.

19. Not Used

20. Unfinished Business

None.

21. New Business

Director Thomson noted that he had recently made use of internet road cameras to observe road conditions while traveling, and asked if AMAFCA had considered internet storm cameras with live streaming video of storm water.

Mr. Lovato stated that he had recently purchased three time-lapse photography cameras. The memory cards can be swapped out after a rain event and the resulting video posted to YouTube and similar locations. Internet bandwidth is an issue for real-time monitoring. In areas where the NMDOT already has traffic cameras or Bernalillo County has trail cameras, AMAFCA might seek to "borrow" some of that bandwidth to monitor the adjacent channels.

Director Thomson stated that this would raise visibility of stormwater issues and would be an excellent educational opportunity. He envisioned focusing on six highly visible locations, such as the confluence of the North Diversion Channel and the Embudo Channel, the Hahn Arroyo Water Quality Facility (WQF), the South Diversion Channel WQF, the North Diversion Channel Outfall, and other similar locations, perhaps including a location with a good hydraulic jump.

22. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 1:29 p.m.

Bruce M. Thomson, Secretary-Treasurer, 8/23/12

Recorded by Pamela Woodruff, Executive Administrative Assistant