



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
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**1. Call to Order and Roll Call**

Chairman Eichenberg called the Regular Board Meeting to order at 10:03 a.m. Thursday, November 15, 2012. Roll was noted as follows:

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

A quorum was present.

**2. Approval of Agenda**

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

**3. Meetings Scheduled**

- a. **Thursday, December 13, 2012, 10:00 a.m. – Regular Meeting**
- b. **Wednesday, January 2, 2013, 10:00 a.m. – Special Meeting**
- c. **Thursday, January 24, 2013, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule as presented.

**4. Items from the Floor/Public Comment**

None.

**5. Approval of Minutes**

- a. **October 25, 2012 Regular Meeting**

Director Thomson requested that the Executive Administrative Assistant verify the spelling of SSCAFCA Hydrologist Gerhard Schoener's name on page 11 of the minutes.



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Director Lyon made a motion to approve the minutes of the October 25, 2012 Regular Board Meeting, with the proper spelling of Mr. Schoener's name. Director Hernandez seconded the motion, which passed (4-0).

**6. Financial Matters**

**a. Approval of October 2012 Expenditures**

Irene Jeffries, AMAFCA Finance and Administration Manager, presented the October 2012 Expenditure Report.

In response to a question from Director Thomson, Mr. Lovato stated that AMAFCA has two water meters and two water trucks, which use a lot of water in dust suppression on AMAFCA projects. Director Hernandez requested additional detail on check descriptions in the Construction Fund. Mr. Lovato stated that there had been a delay in doing the accounting coding of the legal fees attributable to various projects, but a new spreadsheet created by the AMAFCA intern had alleviated that bottleneck.

Responding to a question from Director Lyon, Ms. Jeffries and Mr. Lovato stated that natural gas is used to heat the office building and shop, and the hot water heater. The bill was low for the month of September, paid in October, because heat was not needed. Mr. Lovato stated that gas and electric expenses have been tracked for the past six years. Staff is making every effort to keep those costs as low as possible.

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

**b. Investment Report for October 2012**

Ms. Jeffries presented the investment report for October 2012, stating that the Paseo del Norte/Coors Pond Special Account had accrued \$52 in interest after the month-end closing. The account will be closed out this next month.

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

**c. Financial Recap October 16, 2012, through November 9, 2012**

Ms. Jeffries presented the Financial Recap for October 16, 2012 through November 9, 2012. She noted that the Construction Fund showed bond proceeds of \$9.8 million, which was invested in the Local Government Investment Pool (LGIP). Agency and Area-Wide expenditures were less than anticipated due to a smaller pay estimate than expected. In the Debt Service Fund, the bond premium was also received, and was also invested in LGIP.



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

**d. Financial Forecast November 10, 2012, through December 7, 2012**

Ms. Jeffries presented the Financial Forecast for the period November 10, 2012, through December 7, 2012. She noted that the Operating Fund forecast includes payment of two pay periods, and the Agency and Area-Wide Special Account forecast includes a payment to the contractor.

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

**e. Consideration of Adoption of Resolution 2012-17, *Fund Balance Policy***

Ms. Jeffries noted that, during the bond rating presentations, it became apparent that AMAFCA needed to adopt a Fund Balance Policy. The policy was presented to the Board for their comments at the October 25, 2012 Board meeting.

Ms. Jeffries stated that, in response to the Board's direction at the October Board meeting, the Fund Balance Policy was being presented for adoption as Resolution 2012-17, in accordance with GASB Statement 54. Attorney Rael had reviewed the resolution.

Mr. Rael stated that he had reviewed the resolution and it passes legal muster.

Ms. Jeffries requested that the Board adopt the resolution.

Director Thomson made a motion that the Board adopt Resolution 2012-17, *Fund Balance Policy*, in accordance with GASB Statement 14. Director Hernandez seconded the motion, which passed (4-0), on a roll-call vote.

**7. Legal**

**a. Status Report**

Attorney Marcus Rael, Jr., stated that his memo briefed the Board on the status of various legal matters, answering two questions from the Board. The contract amendment extended an on-call contract for a year, and the expert witness report was requested by Mr. Rael to support AMAFCA's position in a legal arbitration.

**b. Closed Session – Pending Litigation**

Chairman Eichenberg stated that the discussion of a pending litigation matter in agenda item 7b would be in a closed session.



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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 Lyon seconded the motion, which passed (4-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 10:17 a.m.

At 11:08 a.m., Chairman Eichenberg stated that he would entertain a motion for the Board to come out of closed session.

Director Hernandez made a motion that the meeting come out of closed session. He stated that no decisions had been made during the closed session, but the Board had discussed pending litigation. Director Thomson seconded the motion, which passed (4-0), on a roll call vote.

Chairman Eichenberg reopened the meeting at 11:09 a.m.

Director Thomson made a motion that the Board authorize the Executive Engineer to complete and sign the Boca Negra Dam arbitration settlement agreement among AMAFCA, RCS, The Trails, and the City of Albuquerque. Director Hernandez seconded the motion, which passed (4-0).

**8. Personnel and Salary Committee**

**a. Consideration of Temporary Position**

Mr. Lovato stated that the PSC had met with the Executive Engineer on October 24, 2012 to discuss current staffing and the need to establish a temporary position to transition between the retiring Maintenance Superintendent, Larry Trujillo, and the new Maintenance Superintendent. The PSC concurred with this plan, and Chair of the PSC, Director Hernandez, had presented this information at the October 25, 2012 Board meeting.

Mr. Lovato requested that the Board formally approve taking this action.

Director Hernandez made a motion that the Board approve the actions recommended by the Personnel and Salary Committee and allow the establishment of a temporary position to address the transition of the AMAFCA Maintenance Superintendent position. Director Thomson seconded the motion, which passed (4-0).



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**b. Modification to the AMAFCA Compensation Policy**

Mr. Lovato reported that the PSC met with Mr. Lovato on October 24, 2012 to discuss the proposed modifications to the Maintenance Superintendent position in the AMAFCA Employee Compensation Policy. Resolution 2012-8 was attached to the memo and included the Employee Compensation Policy in both redline strike out version and as a final version. The changes recommended by the PSC are to move the Maintenance Superintendent position from “Non-exempt” to “Exempt” status, and adjust the base salary from \$20.00 per hour to \$26.00 per hour.

Mr. Lovato requested that the Board adopt Resolution 2012-18, the *AMAFCA Employee Compensation Policy*.

Director Thomson made a motion that the Board adopt Resolution 2012-18, *AMAFCA Employee Compensation Policy*, which moves the Maintenance Superintendent position from the “Non-Exempt” to the “Exempt” category, and sets the base rate for the position at \$26.00 an hour. Director Lyon seconded the motion.

Director Lyon made a motion to give the Executive Engineer authority such that if he promotes from within that the employee receive at least a 5% salary increase in the new position. The motion died for lack of a second.

Director Lyon also stated he would prefer not to change the entire salary schedule in the Employee Compensation Policy, as he felt it was discriminatory and a change one place might have a domino effect elsewhere.

Director Hernandez noted that the salaries listed are base salaries and the Executive Engineer is authorized to offer up to ten percent more without coming to the Board.

Director Lyon stated that he had been informed that someone otherwise eligible for the position might not accept it if there is a decrease in salary.

Director Hernandez made a motion that the meeting be closed to discuss personnel matters, as it was beginning to get into specifics regarding individual employees. The motion died for lack of a second.

Chairman Eichenberg noted that three motions had been made, and only the first one was seconded. The others had died for lack of a second. After polling the Board, he stated that the consensus of the Board was to move further discussion of agenda item 8b to the end of the agenda, after agenda item 23, to be heard in a closed session. He stated that further action on agenda item 8b was deferred until after agenda item 23. The motion remained on the table, and action on that motion would be deferred until after the closed session.



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**9. Executive Engineer's Report**

**a. Notification of Past Month's Activities**

Mr. Lovato's Executive Engineer's Report highlighted significant activities of the past month. Between the memo and the further information given in the meeting, Mr. Lovato covered the following:

- **Corps of Engineers (COE)** – A meeting to discuss several projects was postponed to Friday, November 16, 2012.
- **City of Albuquerque (COA)** – *Boca Negra Dam*: City staff are currently routing the AMAFCA easement agreement for signature.

*Channel Road*: COA is in legal review of the AMAFCA license agreement for signature and is planning to bid the project by the end of the year.

- **Ditch Safety** – The Ditch Safety Task Force met to make a formal recommendation to extend the contract with Griffin and Associates. The Task Force has also been drafting a new agreement to address funding inadequacies, delegation of responsibilities, identifying goals and providing for reporting and accountability to all member agencies. Staff hopes to have a draft agreement for the Board's review at a future meeting.
- **EPA Administrative Orders** – Staff has continued to maintain the temporary check dams to address bacteria from nuisance flows. Expo New Mexico, COA, an attorney for The Downs, and AMAFCA traveled to Dallas for an informational meeting to discuss the Administrative Orders that were issued due to alleged illicit discharges from Expo New Mexico. The State of New Mexico Environment Department participated by phone. The representatives from AMAFCA included Kevin Daggett, AMAFCA's Storm Water Quality Engineer, Mr. Rael, Attorney, and the Executive Engineer. He stated that this was a five hour face-to-face meeting with EPA and the Department of Justice. He provided the Board with a copy of his presentation to EPA. Mr. Lovato stated that AMAFCA got its point across, and further information would be available next month.

**b. Notification of On-Call Services Task Orders**

Mr. Lovato stated that no on-call task orders had been issued since the last Board meeting.



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***Consent Agenda:***

**10. Consideration of First Extension of On-Call Engineering Services Agreements**

- a. **Category #1 (Hydrology/Hydraulic Analyses, FEMA Floodmap Revisions, Small DMPs, and Dam Inundation Mapping): Bohannon Huston, Inc., Easterling Consultants LLC, High Mesa Consulting Group, and URS Corporation**
- b. **Category #2 (Small Project Design, Construction Engineering and Architectural Services, Structural Review and Design, Project Review and Inspection, and Utility Review and Design): AECOM USA, Inc., Bohannon Huston, Inc., Molzen Corbin, Parsons Brinckerhoff, Inc., and Wilson & Company, Inc.**
- c. **Category #3 (Erosion, Sediment, and Prudent Line Review and Analysis): Huitt-Zollars, Inc., Tetra Tech, Inc., and Weston Solutions, Inc.**

The memo from Mr. Lovato stated that agreements for On-Call Engineering Services were let in December 2011, and currently expire in December 2012. The agreements are standard one-year agreements, with the option to renew at the pleasure of the parties. The agreements also allow for the fee schedules to be adjusted based on increases in the consumer price index. Each company was contacted and all are agreeable to extending their contracts for an additional year. Each provided a signed AMAFCA Campaign Contribution Form. None of the firms requested an increase in fees. He requested authorization to extend the contracts for an additional year, with no increase in fees.

**11. Ditch Safety Coordinator – Consideration of Second Extension of *Professional Services Agreement* with Griffin & Associates**

The memo from Jeff Willis, AMAFCA Real Estate Manager, stated that the Ditch Safety Coordinator agreement with Griffin and Associates was let via a Request for Proposals in 2010. AMAFCA serves as the fiscal agent for the Ditch and Water Safety Task Force. The agreement is a one-year agreement, which allows for up to three one-year extensions. The Task Force met and agreed to extend the agreement for another year at the same rates. This will be the second extension of the agreement. He asked for authorization for the Executive Engineer to extend the agreement for one year at no increase in fees.

**12. Storm Water Quality Education Coordinator Services – Approval of Selection Advisory Committee Recommendation**

The memo from Kevin Daggett, AMAFCA Storm Water Quality Engineer, stated that the Executive Team of the Mid Rio Grande Storm Water Quality Team Selection Advisory





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Committee (SAC) selected Cooney Watson and Associates for Storm Water Quality Education Coordinator Services via a competitive Request for Proposals process. The memo recommended that the Board accept the recommendation of the SAC and authorize the Executive Engineer to commence negotiations with Cooney Watson and Associates per the New Mexico Procurement Code.

**13. Legislative Liaison – Consideration of Second Extension of *Professional Services Contract with Alarid Consulting***

The memo from Mr. Lovato stated that the Legislative Liaison Agreement with Alarid Consulting was originally executed on January 8, 2011, and the first extension was approved on December 15, 2011. It is a standard one-year contract, with the option to renew for up to three additional one-year periods upon the agreement of both parties. This will be the second extension of the agreement. Alarid Consulting provided a signed AMAFCA Campaign Contribution Disclosure Form. The memo recommended that the Board authorize the Executive Engineer to extend the contract for one year as per the provisions of the contract.

**14. Calabacillas Arroyo Upper Watershed Drainage Management Plan – Consideration of the Funding Agreement with Southern Sandoval County Arroyo Flood Control Authority**

The memo from Brad Bingham, AMAFCA Drainage Engineer, stated that, based on Board comments, the agreement was structured to provide funding toward SSCAFCA consultant expenses. AMAFCA will participate in the scoping of the study and consultant selection, and will have technical input regarding water quality, developed flows into the Swinburne Dam and sediment control. SSCAFCA will manage the study, provide all additional funding beyond AMAFCA's \$50,000.00, and incorporate the Calabacillas West Branch hydrology and hydraulic model. The agreement has been reviewed by the AMAFCA attorney and is undergoing legal review by SSCAFCA's attorney. The memo recommended the Board authorize the Chairman to sign the agreement, substantially as attached to the memo.

There being no further items on the Consent Agenda, and there being no questions, Director Lyon made a motion that the Board take action on consent agenda items 10-14, as follows:

- Authorize the Executive Engineer to extend each of the above listed On-Call Engineering Services agreements for a one-year term as per the provisions of the agreements, with no increase in fees;
- Authorize the Executive Engineer to extend the Ditch Safety Coordinator agreement with Griffin and Associates for one year, with no increase in fees;





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- Accept the recommendation of the Selection Advisory Committee for Storm Water Quality Education Coordinator and authorize the Executive Engineer to commence negotiations with Cooney Watson and Associates per the New Mexico Procurement Code;
- Authorize the Executive Engineer to extend the Legislative Liaison contract with Alarid Consulting for a one-year term as per the provisions of the contract; and
- Authorize the Chairman to execute the Funding Agreement with SSCAFCA for the Upper Calabacillas Arroyo Watershed Management Plan, substantially as attached to the memo.

Director Hernandez seconded the motion, which passed (4-0).

***Regular Agenda:***

**15. Results of the November 6, 2012 Board of Directors Election and Bond Election**

Mr. Lovato gave the Board the results of the November 6, 2012 election. As of November 7, 2012 at 1:12 a.m., Chairman Tim Eichenberg, Director from District 3, and Director Ronald D. Brown, Director from District 4, won re-election with 100% of the votes from their respective districts. The AMAFCA Bond Question passed with a vote of 155,847 for and 72,828 against, or 68.15% yes, a 2.14:1 ratio. This was the 5<sup>th</sup> best bond election result since 1963.

**16. Bond Committee Final Report**

Mr. Lovato introduced Craig Hoover, Chairman of the Bond Committee. He noted that John Andrews had been Treasurer of the Bond Committee.

Mr. Lovato reported that the Bond Committee last met on October 15, 2012. The Committee raised \$26,320 and spent the money on advertising supporting the AMAFCA Bond Question.

The Board and the audience thanked the Bond Committee with their applause.

Mr. Hoover stated that it was a privilege to serve on the committee. Everyone on the committee did their part. He added that the committee was pleased that the bond authorization passed.

Director Thomson made a motion that the Board sign letters of appreciation to the Committee members. Director Hernandez seconded the motion, which passed (4-0).

Mr. Lovato stated that thank you postcards will go to each contributor, on the Board's behalf. The letters to the Committee members were circulated for the Board's signatures. Mr. Lovato



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noted that the remaining balance of \$130.68 was donated to the Ditch and Water Safety Task Force for ditch and water safety education.

**17. Calabacillas West Branch Drainage Water Quality Management Plan – Authorization to Advertise Request for Proposals for Design Services**

Mr. Lovato stated that Mr. Bingham would present a request for approval of a Request For Proposals (RFP) for engineering services to prepare a drainage management plan, including water quality, for the West Branch of the Calabacillas Arroyo. He noted that this is the lower portion of the Calabacillas Arroyo, as opposed to the northerly portion of the arroyo covered under the agreement with SSCAFCA which the Board had just approved.

Mr. Bingham stated that a Bank Stability Study of the Calabacillas West Branch Arroyo was prepared in 1986, and updated in 1999 to account for the effects of the Ventana Ranch Subdivision and the outfall from the Las Ventanas Dam. AMAFCA does not have a Drainage Management Plan (DMP) for the watershed.

With the help of a map, Mr. Bingham showed the existing and proposed drainage facilities in the area, showing where some development has occurred already. Other parcels, adjacent to the proposed project, are still undeveloped. The information from this DMP would be incorporated into the study being done by SSCAFCA.

He stated that staff is requesting that the Board authorize the advertisement of a Request for Proposals for engineering services to prepare a DMP for the Calabacillas West Branch Arroyo. The project is in the AMAFCA FY 2012 Project Schedule, with a budgeted cost of \$200,000. He provided the proposed legal notice and scope of work for the RFP, along with the proposed schedule which would ensure that the hydrology and hydraulics of the tributary can be included in the SSCAFCA Upper Calabacillas Watershed Management Plan.

Mr. Bingham requested that the Board approve the issuance of the RFP for Engineering Services to prepare a DMP of the Calabacillas West Branch Arroyo.

Director Thomson made a motion that the Board approve the issuance of the RFP for Engineering Services to prepare a Drainage Management Plan of the Calabacillas West Branch Arroyo. Director Lyon seconded the motion.

In response to a question from Chairman Eichenberg about the Mussetter study, Mr. Bingham stated that the Mussetter study had developed a wide prudent line within which development was unwise, but did not discuss flood control structures, water quality, or the Probable Maximum Precipitation event, which are needed due to the dam. The Mussetter study needed to be updated with actual strategies on how to control the arroyo.

The motion passed (4-0).



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**18. Sanchez Farm Tributary Storm Drains – Consideration of Approval of Amendment Two to Agreement for Design Engineering Services for Sanchez Farm Tributary Storm Drains with Thompson Engineering**

Lynn Mazur, AMAFCA Development Review Engineer, stated that the original project objective of this project in 2010 was to evaluate, design, and prepare construction plans and specifications for large storm drains, water quality features, and associated appurtenances to eliminate floodplain from the project boundary. The construction of the initial phase was the subject of an agreement with Bernalillo County earlier this year. That work will include roadway improvements and a storm drain trunk line along Goff Boulevard, which will connect to an existing storm drain outfall to Sanchez Pond. The remaining portion of the Thompson Engineering contract covers the preparation and submittal of FEMA Letters of Map Revision (LOMR).

She noted that AMAFCA and Bernalillo County staff have evaluated FEMA floodplain in the area and a few of the floodplains can be reduced or removed by submitting updated information to FEMA. She detailed the areas using a map. They total approximately 44 acres of floodplain affecting 93 parcels. Ms. Mazur noted that those who live in this area had been paying for flood insurance for years. Projects are already in place to protect them from flooding.

Ms. Mazur stated that an amendment to the contract with Thompson Engineering Consultants had been negotiated to prepare and submit the documentation necessary to remove these properties from floodplain.

She recommended that the board approve Amendment Two to the agreement, in the amount of \$35,000.00, excluding New Mexico Gross Receipts Tax. She noted that the legal review had been completed by both parties. The fee is a time and materials not to exceed amount, and does not include the FEMA review fee.

Ms. Mazur introduced Dave Thompson, of Thompson Engineering, and Hugh Floyd of Easterling Consultants, who was working with him on this project.

Director Hernandez made a motion that the Board approve *Amendment Two to Agreement for Design Engineering Services for Sanchez Farm Tributary Storm Drains* with Thompson Engineering Consultants, Inc., in the amount of \$35,000.00, excluding New Mexico Gross Receipts Tax. Director Lyon seconded the motion.

In response to a question from Director Thomson, Ms. Mazur stated that better modeling and the presence of existing infrastructure allows the floodplain to be removed now.

The motion passed (4-0).



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**19. Valle de Oro Stormwater Outfall – Review and Comment on a Cost Share Agreement with the State Land Office**

Mr. Lovato introduced the potential cost share with the New Mexico State Land Office (SLO) for the Valle de Oro Stormwater Outfall. The SLO has a grant for restoration of the Bosque. He stated that a cooperative project with the SLO is an opportunity to allow the SLO to offset a portion of the costs by amending their Biological Assessment and Biological Opinion for the outfall project. This would considerably speed up the project.

Ms. Mazur stated that Resolution 2012-15, adopted by the Board on August 23, 2012, authorized AMAFCA to proceed with the acquisition of real property necessary to implement a new drainage outfall to the Rio Grande, as identified in the Southeast Valley Drainage and Stormwater Quality Management Plan (SEVDSQMP). AMAFCA contributed \$1.8 million towards the purchase price of the former Price's Dairy, now known as Valle de Oro. For that contribution, AMAFCA obtained a drainage easement over the 350 acres of land that was acquired in Phase I. To ensure the outfall would meet AMAFCA's needs before the acquisition, she and Mr. Lovato met with staff from the SLO in May to discuss a project which would develop an outfall on land owned by the SLO in the Bosque.

She noted that as a part of the Bosque Riparian Restoration and Outreach Project, SLO received a grant to remove invasive plant species and jetty jacks, and to plant native trees and grasses. Mr. Lovato had proposed that the AMAFCA Valle de Oro Drainage Outfall Project would be a good complement to the SLO project. He proposed that SLO provide funding to do their identified work and that they provide assistance in modifying the existing Biological Opinion (BO) for work in the Bosque. SLO tentatively agreed to amend their Biological Assessment, used to obtain the BO, to include the AMAFCA project.

Ms. Mazur stated that the Valle de Oro Wildlife Refuge has now been established with the SEVDSQMP as a major component. She described the major components of the conceptual design. A drainage flume from the wildlife refuge over the Riverside Drain will convey stormwater runoff to the Bosque, and will also serve as pedestrian access from the refuge to the Bosque. Rather than a straight pilot channel to the river, a series of meandering interconnected shallow ponds will fill and spill to convey the more frequent stormwater flows through the Bosque. The 100-year storm will spread out over the ponds and fill a larger area. The downstream pond will have a wide weir to let flow meander naturally to the river. There will not be a direct connection to the river.

She added that this project can be constructed within SLO property without modifying any past restoration projects.



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In response to a question from Director Hernandez, Mr. Lovato stated that less than 25 acre-feet of water will be involved, so the project does not fall under Office of the State Engineer regulations.

Ms. Mazur noted that the SLO has begun the restoration work. The BO takes two years to obtain. AMAFCA can save considerable time on the project by cooperating with the SLO regarding the BO. The “ponding areas” can be planned for areas where large numbers of non-native species will be removed, avoiding the native trees. She noted that the ponding areas will overflow and spill across the Bosque. There will be no direct connection to the river.

Ms. Mazur stated that staff recommends entering into an agreement with SLO for a collaborative project which will optimize the use of taxpayers’ dollars and will minimize disruption in the Bosque. She requested Board review and comment on the draft cost share agreement, and Board direction.

Ms. Mazur stated that she had presented the project at the Albuquerque The Plan tech team meeting, where it was positively received. Dr. Matt Schmader, of the City of Albuquerque, had expressed interest in participating in planning the project. She introduced Dr. Schmader, who addressed the Board.

Dr. Schmader provided additional history on the Bosque in this area, which is a portion of the Rio Grande Valley State Park, established in 1983 by the State Legislature. The park stretches from county line to county line along the river, and is maintained by the City of Albuquerque. They are charged to maintain habitat and provide recreational opportunities in the park. He stated his support of the concept presented by Ms. Mazur, and requested participation in the design and construction phases in order to create ponding areas that have the least environmental impact possible.

Dr. Schmader also stated that there may be very little actual ponding of water occurring, if the water is rapidly infiltrated into the soil. He commented that the cleared areas may recolonize with unwanted species unless it is carefully monitored. He stated that with low maintenance design, very little maintenance may be required. If more maintenance is required, the City can help maintain the installed features as a part of the partnering. He encouraged more jetty jack removal and supported lowering the bank line.

He also noted that as the City is removing non-native species, they are mulched. He stated that the flume over the Riverside Drain will be one of the most important crossings of the Riverside Drain in this six mile stretch of the park from Rio Bravo to I-25. He offered his support of the project, some technical expertise, and sweat equity in the project.

In response to a question from Director Thomson, Mr. Lovato stated that the flume will be similar to the one used at the Los Padillas project on the west side of the river, which will



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maintain the integrity of the levee. The design will protect the levee and provide access to the MRGCD.

In response to a comment from Chairman Eichenberg, Dr. Schmader stated that the State Parks Division does not have any management role in the Rio Grande Valley State Park, so he did not see any obstacle to the City of Albuquerque working with AMAFCA and the SLO on this project.

Responding to a question from Chairman Eichenberg regarding a Memorandum of Understanding or other agreement with State Parks regarding management of the Rio Grande Valley State Park, Dr. Schmader stated that a Memorandum Agreement was signed between State Parks, the City of Albuquerque, and the Middle Rio Grande Conservancy District. This agreement was in about 1985.

Chairman Eichenberg requested that a copy of the agreement be provided to the Executive Engineer.

Dr. Schmader and Chairman Eichenberg briefly discussed the Parks Division's jurisdiction over the park, as it is on state-owned land.

Responding to a question from Director Thomson, Mr. Lovato stated that he wanted to be sure the Board would concur with this course of action before designing the project or coming up with any estimated costs. He also noted that working with the SLO would allow AMAFCA to capitalize on the existing BO to save two years on the project timing. Combining the projects would allow some of the costs to be paid by the SLO, via their grant money and the existing BO. Some of the work would be required by both projects, such as removing the jetty jacks. This cooperative agreement would allow the SLO to pay for that portion of the work.

Mr. Lovato stated that if the Board was in concurrence with this approach, he would redraft the agreement to include actual dates and specific dollar amounts.

Discussion followed. Directors Thomson and Hernandez both expressed their support of the approach. Director Thomson noted that it was likely that most of the water would infiltrate rather than run off. Mr. Lovato stated that AMAFCA would maintain the flume and the City would maintain the vegetation in the pond areas in the Bosque. Dr. Schmader stated that a good design would minimize the maintenance needed, and he wanted to work with AMAFCA on that design, and would work with AMAFCA to help maintain the structures.

In response to a question from Director Lyon, Chairman Eichenberg stated he would like to see the City of Albuquerque be a party to the agreement as well as the SLO.

Consensus of the Board was support of the project concept. Chairman Eichenberg directed staff to bring the draft agreement back to the Board at the January or February meeting.





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**20. Legislative Liaison – Report**

Vanessa Alarid, of Alarid Consulting, AMAFCA's Legislative Liaison, thanked the Board for extending her contract, then gave the Board a summary of the 2012 Legislative Session and an overview of what she expected to happen in the 2013 Legislative Session. She noted that the interim legislative committees are now meeting, and will endorse committee proposals by mid-December. Proposed legislation can be pre-filed until January 14, 2013, the day before the session begins. The last day to introduce new legislation is February 14, 2013.

She stated that the state budget was expected to be slightly higher in 2013 due to the increased price of oil, a major source of the state's income.

Ms. Alarid noted that there are 21 new Representatives in the House, and 15 of the Senators will be new to that body. Democrats in the House now hold a 39-31 majority, and they have a 25-17 majority in the Senate. She noted that the dynamics might be interesting, with a Republican governor.

Director Hernandez suggested AMAFCA send the new legislators a primer about AMAFCA, stating who AMAFCA is, what it does, and that AMAFCA does not ask the legislature for money. Chairman Eichenberg questioned if AMAFCA wanted to draw attention to itself in that way. Director Hernandez stated that it would be better to inform the legislators ahead of time, as this would help AMAFCA if attention were drawn to it at any point in the session.

Chairman Eichenberg asked the Board if there should be a letter from the Chairman inviting the legislators to the December AMAFCA Board meeting and holiday luncheon. The Board discussed the ramifications of inviting the legislators to the meeting. Mr. Lovato stated that, usually, only the engineering firms and contractors that AMAFCA has worked with in the prior year are invited, along with former Board members. Mr. Lovato stated that he could invite the legislators if the Board wanted him to. In the past, legislators and mayors who had assisted AMAFCA in projects had been invited.

Chairman Eichenberg mentioned a bill that he carried in the last session, which passed the Senate but stalled in the House on the final day. It had called for the State Parks Division to cooperate in the establishment of the wildlife refuge on the former Price's Dairy. It had been opposed in House Committee by the Secretary of the State Parks Division, who thought that the bill might lead to a request for funds at a later date, then died on the House floor on the last day.

Chairman Eichenberg requested that Mr. Lovato put this bill on the December agenda for the Board's perusal, to determine if the Board wanted to endorse the bill. The Board could decide whether to endorse and re-introduce the bill, or let it die. He requested that Ms. Alarid also review the bill.





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Ms. Alarid stated that she would continue to follow the issues which are important to AMAFCA, and report on any bills which are introduced which might affect AMAFCA. Chairman Eichenberg requested that the reports be provided to the Executive Engineer, who will keep the Board informed.

Chairman Eichenberg called a recess at 12:12 p.m. The meeting resumed at 12:22 p.m.

**21. Field Highlights**

**a. Construction Report**

The memo from Kurt Wagener, AMAFCA Field Engineer, contained a summary of current construction projects. He noted that the Boca Negra Dam is now listed on the Construction Report. There were no questions.

**b. Field Report**

Mr. Wagener gave a report of various projects and events over the past month, answering questions from the Board during his presentation.

**22. Real Estate**

**a. Notice of Issuance of One Short-Term Recreational License**

Jeff Willis, AMAFCA Real Estate Manager, stated that one short term recreational license had been issued. The North Domingo Baca Dam was used for a November 3, 2012 cross country race. A Certificate of Liability Insurance naming AMAFCA was issued for the event.

**b. Authorization to Proceed with Negotiations for Acquisition of Pond 187a Outfall Permanent Easement**

Mr. Willis stated that the Southwest Valley Flood Damage Reduction Study (SWVFDRS) by Resource Technology, Inc., in 2004 identified an off-line surge pond south of Rio Grande High School. The Corps of Engineers contracted with Albuquerque Public Schools to construct storm drains from the Isleta Drain across the high school's baseball field, which was completed in 2010. The next phase of the project required a feasibility study to determine necessary right of way or easement required to construct the pond and outfall. This study has been completed and a permanent easement and temporary construction easement are needed on Tract 11-B. He showed the location of the easements using a map.

He noted that the Board had authorized the Real Estate Manager to obtain an appraisal for the necessary easements at its April 26, 2012 Board meeting. He had provided the appraisal to the



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Board. He requested that the Board authorize the Real Estate Manager to proceed with negotiations for acquisition of the temporary and permanent easements.

In response to a question from Chairman Eichenberg, Mr. Willis stated that the easement would cross the homeowner's yard well away from the house, and the homeowner had no objections to the easement.

Director Thomson made a motion that the Board authorize the Real Estate Manager to proceed with the negotiation for acquisition of the temporary and permanent easements for drainage improvements and outfall for the Pond 187a project in the amount of \$3,650.00. Director Hernandez seconded the motion, which passed (4-0).

**23. Piedras Marcadas Watershed**

**a. Chamisa Storm Drain – Review and Comment on Funding and Reimbursement Agreement**

Mr. Lovato introduced Ron Bohannan of Tierra West, the engineer on this project. Mr. Lovato stated that this was a proposal to do a funding and reimbursement agreement with a landowner at the intersection of Paradise and Unser.

Mr. Bingham noted that the Board had been briefed on this project at the September Board meeting.

Mr. Bingham stated that the memo on this agenda item was included in a late mailout on Tuesday. A 1993 study by Molzen-Corbin recommended two diversions of storm water from the Piedras Marcadas Watershed to the Calabacillas Watershed. The Las Ventanas Dam project provided one but the second, the Unser (Lyon) Boulevard Storm Drain, is not yet complete. He used a map to illustrate the section which would be covered by the agreement.

He noted that AMAFCA has completed construction of the Lyon Boulevard Storm Drain from Irving to Paradise. A stub-out was installed that would allow for the extension of the storm drain as far south as possible to divert flow from approximately 240 acres of the Piedras Marcadas Watershed into the Calabacillas Arroyo.

He noted that, since 2006, various portions of the Chamisa Storm Drain system have been installed concurrent with development, but approximately 1500 feet of 60 inch diameter storm drain in Unser Boulevard, just south of Paradise, has yet to be constructed. The cost for this construction is estimated at \$702,000 including construction management to complete the diversion. Staff believes that it would be prudent to put this pipeline in before development occurs to avoid congestion during construction, and to take advantage of current low construction prices.



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Mr. Bingham stated that it is proposed that AMAFCA construct the remaining reach of storm drain in Unser and be reimbursed once development occurs. Staff feels that constructing the outfall at this time will also provide AMAFCA with the opportunity to utilize the Chamisa Pond for the future diversion of the Piedras Marcadas upper watershed and provide for a future water quality structure at that location. Adjacent property owners are in concurrence with this plan.

Mr. Lovato noted that the draft agreement attached to the memo was a “straw man” agreement. It provides that AMAFCA will construct the storm drain in Unser and get reimbursed by the owner when development occurs. It also provides that the design will be approved by the owner. An actual draft agreement would be provided to the Board at a later date, if they were in support of this approach.

Mr. Bingham requested Board review and comment on the draft agreement.

Discussion followed.

Director Lyon noted that he had visited the site. He opined that the agreement makes sense. AMAFCA can build the pipeline, and be reimbursed later. AMAFCA has significant leverage, as the easement will be released in phases as the property owner develops and sells lots and pays AMAFCA a portion of the amount due. The pipeline will also drain an existing retention pond. That land can later be put to use as a water quality facility.

Mr. Bingham acknowledged that this was correct.

Responding to a question from Chairman Eichenberg, Mr. Lovato stated that the project is a benefit to the community as a large acreage will come out of the Piedras Marcadas watershed and will drain to the Calabacillas Arroyo instead, relieving capacity downstream and protecting an AMAFCA dam.

Mr. Bohannon stated that the project will be a benefit to the community, and that the adjacent landowner is amenable to entering into an agreement. He stated he would share the concept with other landowners in the area, looking to get other elements of the plan built as well. He opined that it was good to be ahead of development in this area of town.

Consensus of the Board was to continue to proceed with the project. Mr. Lovato will have Attorney Rael review the draft agreement before bringing it to the Board.

**24. Unfinished Business**

None.



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**25. New Business**

**b. Bid Process**

Director Lyon noted a recent Albuquerque Journal headline, which stated that Albuquerque Public Schools had awarded a recent contract to the highest bidder. He noted that AMAFCA awards bids to the lowest responsible bidder. According to the story, APS picked this bidder due to a record of fewer change orders, and a history of quality work. He noted that some contractors perform better on contracts than others, and asked if this issue should be put on a later agenda for further discussion, to consider if other qualifications other than price should also be considered in the bid process.

Director Hernandez stated he was not sure he wanted to change AMAFCA's procedures, but he felt that the discussion could be valuable. Chairman Eichenberg stated that perhaps a combination of quality-based and price-based selections could be made.

The consensus of the Board was to discuss this issue at the January Regular Board meeting.

**a. Holiday Schedule**

The memo from Pamela Woodruff, AMAFCA Executive Administrative Assistant, stated that the AMAFCA offices will be closed on November 22 and 23, 2012, for the Thanksgiving holiday, and on Tuesday, December 25, 2012, and Tuesday January 1, 2013. The office will be open between Christmas and New Years Day, but at a reduced staffing level. The AMAFCA crew will be on vacation beginning December 24, 2012, returning to work on January 2, 2013.

**24. Unfinished Business (continued)**

Returning to unfinished business, Mr. Lovato stated that he was continuing to follow up with the City of Albuquerque regarding how the Board of Directors might access AMAFCA's health insurance benefits. He stated that, if access to coverage is approved by the Board, such access would be effective 31 days after approval.

The consensus of the Board was to approve such access.

In response to a question from Director Thomson, Mr. Lovato stated that AMAFCA cannot pay the premiums as it would be another benefit from AMAFCA, which is not allowed, but the participating Directors can pay the premiums. Participating Directors can pay their premiums into a special fund at AMAFCA, two months in advance. This would allow the insurance premiums to be paid in advance, and would allow thirty days' notice of discontinuance of coverage.



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Chairman Eichenberg noted that the NAIOP Awards Luncheon was to be held on December 7, 2012. Mr. Lovato added that AMAFCA's Hahn Arroyo Rehabilitation Project had been nominated for an award. Various Board members expressed an interest in attending.

In response to a question from Chairman Eichenberg, Mr. Lovato stated that from the AMAFCA staff, he, the Storm Water Quality Engineer, and the Field Engineer would likely attend the event.

Chairman Eichenberg suggested that AMAFCA reserve a table of ten for the event, with perhaps the architect and attorney also sharing the table. Mr. Lovato stated that he would take care of the reservation.

**8. Personnel and Salary Committee**

**b. Modification to the AMAFCA Compensation Policy (continued)**

Chairman Eichenberg stated that continued discussion of a personnel matter, to include discussions of specific employees' salaries, would be in closed session.

Director Thomson 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 matter. Director Lyon seconded the motion.

Chairman Eichenberg 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.

Chairman Eichenberg closed the meeting at 12:52 p.m.

At 1:20 p.m., Chairman Eichenberg stated that he would entertain a motion to come out of closed session, noting that no decisions were made during the closed session.

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

Chairman Eichenberg reopened the meeting at 1:20 p.m.

Chairman Eichenberg noted that an outstanding motion remained from when this item was originally discussed earlier in the meeting. He asked Director Thomson to restate his motion.



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Director Thomson stated that he had made a motion that the Board adopt Resolution 2012-18, *AMAFCA Employee Compensation Policy*, which moves the Maintenance Superintendent position from the “Non-Exempt” to the “Exempt” category, and sets the base rate for the position at \$26.00 an hour. Director Lyon stated he had seconded the motion. The motion passed (4-0), on a roll-call vote.

**26. Adjourn**

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 1:22 p.m.

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Bruce M. Thomson, Secretary-Treasurer, 12/13/12

Recorded by Pamela Woodruff, Executive Administrative Assistant