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**1. Call to Order and Roll Call**

Chairman Eichenberg called the Regular Board Meeting to order at 10:02 a.m. Thursday, April 25, 2013. Roll was noted as follows:

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

A quorum was present.

**2. Approval of Agenda**

Late mailouts had been delivered for agenda items 8a, 16, and 19e.

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

**3. Meetings Scheduled**

- a. Tuesday, May 14, 2013, 8:30 a.m. – Special Meeting**
- b. Thursday, May 23, 2013, 10:00 a.m. – Regular Meeting**
- c. Thursday, June 27, 2013, 10:00 a.m. – Regular Meeting**
- d. Thursday, July 25, 2013, 10:00 a.m. – Regular Meeting**

No changes were made to the meeting schedule as posted.

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

Mr. Lovato introduced AMAFCA's new Storm Water Quality Engineer, Karen Stearns, P.E., stating that she had begun at AMAFCA the day before. Chairman Eichenberg welcomed her to AMAFCA. Ms. Stearns addressed the Board, stating that she had come to AMAFCA from 16



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years at URS Corporation, and looked forward to working on storm water quality at AMAFCA.

**5. Approval of Minutes**

**a. March 28, 2013 Regular Meeting**

Director Hernandez made a motion to approve the minutes of the March 28, 2013 Regular Board Meeting. Director Lyon seconded the motion, which passed (4-0).

**6. Financial Matters**

**a. Approval of March 2013 Expenditures**

Ms. Jeffries presented the March 2013 Expenditure Report. In response to questions from the Board, Mr. Lovato stated that the DOT annual inspections of fleet vehicles two tons or larger are performed as a part of the fleet maintenance agreements, which are put out to bid annually. Different vendors may be chosen for different classes of vehicles. He also stated that Alarid Consulting is paid monthly on an annual lump sum basis, with a larger portion of their fees being paid during the first few months of the year to cover the legislative session.

Responding to a question about payroll, Ms. Jeffries stated that the City had been short-staffed and had not billed AMAFCA for payroll expenses for several months, but was now catching up. In response to a suggestion that AMAFCA pre-pay payroll expenses, Mr. Lovato stated that, for audit purposes, AMAFCA needed to receive an invoice before issuing checks. Ms. Jeffries also noted that an invoice stub needed to be attached to the check so that it is properly applied at the City.

In response to other questions from the Board, Ms. Jeffries stated that the USGS contract is an annual lump sum contract, billed quarterly. The fee from Ricci & Company was for a portion of the preparation of the audit restatement, review, and printing costs. Mr. Lovato stated that Ricci & Company had split the cost of the restatement with AMAFCA. Ms. Jeffries clarified that the check written to "AMAFCA" from the Construction Fund was a transfer to the Agency and Area Wide special account to cover AMAFCA's portion of the project.

Director Thomson made a motion to approve the March 2013 Expenditure Report. Director Lyon seconded the motion, which passed (4-0).



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**b. Investment Report for March 2013**

Ms. Jeffries presented the investment report for March 2013. She noted that AMAFCA had received a 0.1099% return on invested funds.

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

**c. Financial Recap March 16, 2013, through April 15, 2013**

Ms. Jeffries presented the Financial Recap for March 16, 2013, through April 15, 2013. She noted that the Construction Fund/Capital Projects expenditures were \$488,000 instead of the forecast \$260,000 due to a pay estimate coming in higher than anticipated.

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

**d. Financial Forecast April 16, 2013, through May 15, 2013**

Ms. Jeffries presented the Financial Forecast for the period April 16, 2013, through May 15, 2013. She noted that the recommended actions for the Operating Fund include payments for two pay periods. The recommended actions for the Construction Fund include payments on three construction projects.

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

**7. Legal**

**a. Status Report**

Attorney Marcus Rael, Jr., stated that his memo briefed the Board on the status of various legal matters. He answered a question from the Board, stating that further information on some of the items would be given in a closed session.

**b. Closed Session – Pending Litigation, Personnel Issue**

Chairman Eichenberg stated that discussion of pending litigation and a personnel issue would be in closed session.

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*



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*Mexico Public Officials and Citizens,*” seventh edition, 2010, to discuss pending litigation and a personnel issue. Director Lyon seconded the motion.

Chairman Eichenberg stated that the closed session would be for purposes of discussion only, regarding pending litigation and a personnel issue. The motion passed (4-0), on a roll call vote, Director Brown being absent.

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

Director Hernandez made a motion that the meeting be re-opened, stating no decisions had been made but the Board discussed pending litigation and a personnel issue. Director Lyon seconded the motion, which passed (4-0), on a roll call vote, Director Brown being absent.

Chairman Eichenberg reopened the meeting at 10:55 a.m. He stated that the Board had taken no action during the closed meeting, but had discussed pending litigation and a personnel issue.

**8. Executive Engineer's Report**

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

The Executive Engineer’s Report highlighted significant activities of the past month.

Between the memo and further information given in the meeting, Mr. Lovato covered the following:

- **Corps of Engineers (COE)** – *Southwest Valley Flood Reduction Project Phase II.* Amendment II to the PCA Agreement was sent to Division for approval. The Albuquerque District sent additional supporting information as well. The primary reason for the amendment is to address the construction of new roadway crossing structures along the Los Padillas Drain.

*Clean Water Act 404 Jurisdictional Determinations.* AMAFCA staff had been in communication with the Albuquerque District Office concerning past 404 jurisdictional determinations and future determinations. The information received from the COE has been incorporated into the current AMAFCA maintenance map to determine the limits of the "waters of the US" within the AMAFCA jurisdiction. Early indications are that the entire North Diversion Channel and a majority of the inlets have been determined to be waters of the US.



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*Levee Task Force.* There was a meeting of the Levee Task Force. The COE briefed all the attendees on the current federal budget and how it will affect projects. The COE is looking for a local sponsor for the Montano Gap Levee Project. The City of Albuquerque is the logical sponsor for this project, but he was unaware if the City had sent a letter to the COE asking them to make a feasibility study of the project, which would cost \$100,000 in federal funds. Funds are included in the AMAFCA Project Schedule to possibly cost-share this project with the City and possibly others in the future.

- **US Environmental Protection Agency (EPA) – Jurisdiction issues concerning MS4.** EPA Region 6 has indicated that the new MS4 watershed permit will identify channels and arroyos deemed waters of the U.S. AMAFCA received the new permit on April 24, 2013. AMAFCA staff has been in contact with other stakeholders concerning the ramifications and the possible increase in costs to monitor and comply with the new permit. EPA Region 6 is encouraging AMAFCA and the COE to discuss the possibility of a regional permit that would allow the current monitoring locations identified in the current MS4 permit to be used in the future. Region 6 has had conversations with the Albuquerque District COE concerning future determinations. A meeting between AMAFCA, Region 6, and the COE had not occurred to date.

*MS4 Watershed Based Permit.* EPA Region 6 has scheduled two public meetings and one public hearing to be held in Bernalillo County on May 14 and 15. Further details about the meetings are covered in agenda item 16.

- **Office of the State Engineer (OSE) – Dam Safety Bureau – Probable Maximum Precipitation Analysis.** The OSE met the State of Colorado to discuss issues associated with an EPAT created three years ago for use in Colorado. The State of Colorado is currently putting a scope together to provide a third party review of the EPAT tool. OSE staff attended the New Mexico Watershed and Dam Owners Coalition Annual Meeting on April 24, 2013. The EPAT tool developed for New Mexico was the subject of a discussion during the conference.
- **City of Albuquerque – Proposed Changes to the City of Albuquerque Drainage Ordinance.** The City of Albuquerque's Department of Municipal Development has drafted modifications to the current City of Albuquerque Drainage Ordinance to address storm water quality. The draft changes have been submitted to the City Council for action at a later date, after the conclusion of the comment period.

*Ditch Safety.* The Executive Committee has drafted a new multi-governmental agency funding agreement for ditch safety. The changes to the agreement provide a better way of monitoring progress in the program and will allow for better auditing of the day to



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day operations of the program. Attorney Rael has reviewed the draft agreement. AMAFCA staff will be talking to the Executive Committee about the agreement later in the month and he will give the Board an update after that meeting has occurred.

*404 Jurisdictional Determinations.* AMAFCA staff have met with City staff concerning the potential monitoring costs associated with allowing jurisdictional determinations in the greater Albuquerque area to stand. The City would like to minimize confrontations with the COE concerning 404 jurisdictional determinations.

- **Bernalillo County** – *Southwest Valley Flood Reduction Project Phase I.* Bernalillo County and AMAFCA continued to monitor the Los Padillas Extension over the last three weeks. Ground water in the area is moving up and being intercepted by the new channel, and is moving through the system to the Los Padillas Drain.
- **Public Outreach** – *North Eubank Ribbon Cutting.* Bernalillo County held a ribbon cutting to celebrate the completion of the roadwork north of Paseo del Norte on Eubank Boulevard. Director Brown attended on behalf of AMAFCA.

*Duran Open Space/Bird Watching.* Bernalillo County sponsored a public celebration of the Duran Open Space and Bird Watching. The Executive Engineer attended on behalf of AMAFCA.

*South Valley Pride Day Parade.* AMAFCA participated in the South Valley Pride Day parade this past weekend. AMAFCA staff were joined by Director Hernandez during the event.

*Hahn Arroyo Rehabilitation.* Mr. Lovato noted that the Hahn Arroyo had received an Honorable Mention in the Engineering Excellence 2013 category from ACEC (the American Council of Engineering Companies) on April 5, 2013.

Responding to a question from Director Lyon, Mr. Lovato stated that the City of Albuquerque would probably be the lead agency on a Montano Gap Levee Project because the City owns the property where the levee would be built, and it would protect the City's constituents.

In response to a question from Director Thomson, Mr. Lovato stated that EPAT was presented at the New Mexico Watershed and Dam Owner's Coalition spring conference in the morning session on April 24, 2013, and discussed extensively during the afternoon session. In the afternoon session, he asked other attendees to contribute to the update of the New Mexico EPAT tool. The actions of the State of Colorado regarding re-evaluating a Colorado version of EPAT were taken as positive action by many, but were viewed with a "wait and see" approach by the Office of the State Engineer. He opined that it was important to discover if the EPAT tool



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could be used in New Mexico as soon as possible, rather than waiting for Colorado to finish their work first. Due to funding issues, it is important to discover if the EPAT tool is worth working on and using because it makes a huge difference in the upgrades that may or may not need to be done on existing dams, and the design standards to be used on new dams.

Director Thomson stated that he had some rather lengthy correspondence with an engineer at the Bureau of Reclamation about the impact of climate change on the Probable Maximum Precipitation event. He stated that he would talk to Mr. Lovato about this correspondence at a later time.

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

Mr. Lovato stated that three on-call task orders had been issued since the last Board meeting, as listed in his memo. He gave further details on each, answering several questions from the Board.

No Board action was required.

**c. Parsons Brinckerhoff – Notification of Revised Fee Schedule**

Mr. Lovato noted that Parsons Brinckerhoff was lowering one category of their fee schedule, that of Construction Inspector. He was notifying the Board as per section 3.1 of the Agreement for On-Call Engineering Services. Responding to a question from Chairman Eichenberg, Mr. Lovato stated that Kurt Wagener had negotiated a lower price. Mr. Wagener stated that the position is a field position, and office overhead is not required.

***Consent Agenda:***

Director Hernandez requested that agenda item 11 be removed from the consent agenda and be heard on the regular agenda instead. Chairman Eichenberg agreed to this request.

Chairman Eichenberg noted that agenda items 9, 10 and 12 remained on the consent agenda.

**9. Miranda Property – Award of Agricultural Lease to High Bidder**

The memo from Jeffrey Willis, AMAFCA Real Estate Manager, stated that two bids had been received on the advertisement of an agricultural lease on the Miranda Property. Richard Navarrette submitted a bid of \$1,255.00 per year and Angelo Martinez submitted a bid for \$512.31 per year. Both submitted a cashier's check in the amount of their bid proposal and signed the AMAFCA Campaign Contribution Disclosure Form. Mr. Navarrette's check included the first year's rent, but did not include the last year's rent as stated on the bid form.



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The request for bids allows the AMAFCA Board to waive any technicalities. Mr. Navarrette owns the parcel adjacent to the Miranda property. The \$1,000.00 damage deposit and the \$600.00 waster charge deposit will be collected from the winning bidder at the time the lease is signed, along with the last year's rent. The Lessee is responsible for the water service charge. The memo recommended that the Board approve a Lease Agreement with Mr. Navarrette and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA.

**10. Mechanical Trash and Debris Removal – Consideration of Second Extension of Contract with Southwest Sewer Service, Inc.**

The memo from Kurt Wagener, P.E., AMAFCA Field Engineer, stated that the first extension of the Mechanical Trash and Debris Removal contract with Southwest Sewer Service, Inc., expires on May 10, 2013. The agreement was a standard one-year agreement with three one-year extensions possible upon mutual agreement of the parties. Southwest Sewer Service agreed to extend the agreement for one year with no increase in fees, and had provided the required AMAFCA Campaign Contribution Disclosure Form. The memo requested that the Board approve the extension for an additional year at the same rate.

**12. Chamisa Storm Drain Project – Award of Construction Contract to Low Bidder**

The memo from Mr. Wagener stated that five bids were received for the Chamisa Storm Drain Project. Salls Brothers Construction, Inc. was the low bidder, and included the AMAFCA Campaign Contribution Disclosure Form with their bid. Their bid was \$527,859.58 not including New Mexico Gross Receipts Tax. The memo recommended that the Board award the contract to Salls Brothers Construction, Inc.

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 9, 10, and 12, as follows:

- Approve a Lease Agreement with Richard Navarrette and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA;
- Authorize the Executive Engineer to extend the Mechanical Trash and Debris Removal from Flood Control Facilities Contract with Southwest Sewer Service for a one-year term with no increase in the hourly unit prices; and
- Accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chair to execute the contract with them for the construction of the Chamisa Storm Drain Project in the amount of \$527,859.58 plus New Mexico Gross Receipts Tax.





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

***Regular Agenda:***

**11. Manual Trash and Debris Removal – Consideration of Second Extension of Contract with Black Forest Tree Service**

Mr. Wagener noted that Ed Powell of Black Forest Tree Service was in the audience.

Mr. Wagener stated that the first extension of the Manual Trash and Debris Removal contract with Black Forest Tree Service expires on May 10, 2013. The agreement was a standard one-year agreement with three one-year extensions possible upon mutual agreement of the parties. Black Forest Tree Service agreed to extend the agreement for one year, and had provided the required AMAFCA Campaign Contribution Disclosure Form. Black Forest requested a \$3.00 per hour rate increase to cover the \$1.00/hour minimum wage increase in Albuquerque for the three-person crew. Bernalillo County had also increased the minimum wage since the memo was written. The memo requested that the Board approve the extension for an additional year with a \$3.00 per hour increase in the contract's hourly rate.

In response to a question from the Board, Mr. Wagener explained that the request was for \$3.00 per hour on the contract price, to cover \$1.00 an hour more for each of the people on the three-person crew. The pricing is per crew rather than per person. Responding to a follow-up question, Mr. Wagener stated that he thought they were currently being paid more than minimum wage, but the increase would allow Black Forest to retain its workers when the wages paid at other jobs increase.

Mr. Lovato noted that, although there had been few rain events, this contract allowed AMAFCA to send out a crew to clean up trash along fence lines and in arroyos and dams after high wind events. This frees AMAFCA's maintenance crew for other tasks. Mr. Wagener added that the budget projected up to \$63,000.00 to be spent on this effort in this fiscal year.

Director Hernandez made a motion that the Board authorize the Executive Engineer to extend the Manual Trash and Debris Removal from Flood Control Facilities Contract with Black Forest Tree Service for a one-year term and issue a change order increasing the hourly rate by \$3.00 per hour. Chairman Eichenberg seconded the motion, which passed (3-1). Director Lyon voted against the motion.



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**13. New Mexico Department of Transportation – I-25/Paseo del Norte Interchange Project**

**a. Reconstruction of Paseo del Norte Intersection – Briefing by Scott Perkins, Wilson & Company, Inc.**

Mr. Lovato stated that this is the New Mexico Department of Transportation (NMDOT) project to improve the interchange at I-25 and Paseo del Norte. Additional funding is being supplied by the City of Albuquerque and Bernalillo County. He stated that a general briefing of the project would be followed by discussion of moving a waterline ahead of the construction, and discussion of a proposed regional water quality facility in conjunction with the project.

Brad Bingham, P.E., AMAFCA Drainage Engineer, introduced Scott Perkins of Wilson & Company, Inc.

Mr. Perkins introduced Mike McEntee of the City of Albuquerque, Tim Trujillo of NMDOT Drainage, and Tyler Ashton of Wilson and Company, who are also working on this project.

He stated that the original scope of the project had been reduced in order to reduce the cost from the original \$350 million. The project as now conceived will address most of the transportation corridor issues at the Paseo del Norte/I-25 intersection at a much reduced cost. It will provide:

- Traffic congestion relief
- Safety enhancement
- Air quality improvements
- Safe passage for pedestrians and bikes
- Better distribution of traffic on parallel bridge crossings
- Increased employment (3,000 new jobs) over the next 20 years

Mr. Perkins stated that the \$93 million total cost includes design and construction, and will be bid as a "Design/Build" contract. Construction is estimated to cost approximately \$70-75 million. Funding has been obtained from several sources, including the City of Albuquerque, Bernalillo County, State of New Mexico bond funds, and some federal funds. He noted that three teams had been shortlisted for the contract out of total pool of six entries. The final RFP will be out about mid-May.

Mr. Perkins stated that the construction would encompass the area bounded by Alameda on the north, Jefferson on the south, the North Diversion Channel on the west, and San Pedro on the east. He noted that this is a slightly smaller footprint than originally proposed, but addresses



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nearly all of the transportation issues in the area. He stated that approximately 20% of the employment in the City of Albuquerque is located in the Journal Center, which is located within this construction corridor.

In response to a question from Director Hernandez about the job creation claim, Mr. Perkins stated that, in general, transportation improvements lead to increased job and business development in the area, resulting in net new jobs in the area.

He went on to describe the project more fully. It includes a northbound I-25 to westbound Paseo del Norte flyover. Traffic heading east on Paseo del Norte or west to Jefferson will exit to a surface level intersection at the frontage road. This allows a continuation of the Northeast Heights traffic heading to the westside on Paseo del Norte. The San Antonio off ramp will be closed, and moved further south to be combined with a new San Mateo on ramp. Six lanes of Paseo del Norte will pass over Jefferson, with a single point signalized intersection underneath. Eastbound Paseo del Norte to southbound I-25 will offer similar improvements. He noted that the project is designed to handle traffic levels expected in 2035.

Mr. Perkins stated that the proposed schedule includes an announcement of the contract in August, with a notice to proceed in September. There will be a two-year construction schedule. The notice to proceed will be a phased notice. The first notice to proceed will not affect traffic. The second notice to proceed, which would have an effect on traffic, was anticipated to be in late December or early January 2014. He then showed an animation showing how the flyover would work.

In response to a question from Chairman Eichenberg about the flyover, which begins as two lanes and is reduced to one lane before merging with Paseo del Norte, Mr. Perkins stated that traffic models showed that the backup where the two lanes become one is only a few cars deep during peak hours at 2035 volumes.

Responding to a question from Director Lyon about why there was so little federal and state funding, noting that this project involved the interstate highway system yet the City of Albuquerque was providing most of the funding, Mr. Perkins stated that federal funding is currently sequestered. The City of Albuquerque felt that this was a significant project that needed to be built, and so stepped up with the majority of the funding to allow it to be built.

No Board action was required.



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**b. Relocation of ABCWUA Transmission Line – Notification of License Agreement**

Mr. Bingham reported to the Board that the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) would like to move their 36" waterline before the construction work on Paseo del Norte buries it very deeply, making maintenance and repairs virtually impossible. They propose to move the waterline to the North Domingo Baca right of way area, abandoning the one in the Paseo del Norte right of way. He showed the proposed routing on a map.

No Board action was required. Consensus of the Board was that staff should proceed with allowing the re-routing of the waterline prior to the reconstruction of the Paseo del Norte Interchange.

**c. Regional Water Quality Facility – Domingo Baca Channel**

Mr. Lovato stated that there is an innovative proposal that the Paseo del Norte Intersection Improvement Project include a regional water quality feature at the North Domingo Baca Inlet to the North Diversion Channel. This would clean up the water from the construction area, without overcrowding the limited area available in the construction zone. He noted that the two inlets upstream of the North Domingo Baca have water quality facilities, but this one does not.

Mr. Lovato estimated that the facility would cost approximately \$200,000 to \$300,000. He stated that by building the facility before construction begins on the Paseo del Norte project, it can be built by the NMDOT's contractor and turned over to AMAFCA for maintenance. AMAFCA would accept and maintain the facility. AMAFCA would be reimbursed by the contractor for maintenance expenses during the Paseo del Norte Interchange project.

He noted that the facility will clean up 100% of the water coming from the construction area during construction, and will continue to clean water from this watershed after construction is complete. He opined that it just made sense to build a regional water quality facility as a part of the project's Storm Water Pollution Prevention Plan (SWPPP) rather than use a number of local temporary measures, which would require dropping a lane in the already-congested construction zone to maintain. The facility would be designed by Wilson and Company and the design accepted before the contract goes out to bid.

Mr. Lovato noted that this would likely result in two groundbreaking or ribbon cuttings – one for the water quality facility, then another for the main project.

In response to a question from Director Thomson, Mr. Lovato stated that the water quality facility would probably be a long linear hanging wall baffle structure, similar to the West I-40



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Diversion Channel Water Quality Facility and the La Cueva Water Quality Facility. This design has proven to be efficient and easy to clean.

Mr. Lovato stated that staff proposed a turnkey agreement with the NMDOT, with AMAFCA controlling approval of the design. There would be a temporary construction easement during construction. AMAFCA would have a contract with the contractor to maintain the facility during roadway construction. Mr. Perkins noted that execution of this contract with AMAFCA would be a condition of contract award.

Mr. Bingham added that the water quality facility would be built as a part of the design/build contract the NMDOT was putting out. No AMAFCA funding would be required. Once construction is complete on the project, AMAFCA will take over maintenance of the water quality facility.

Consensus of the Board was support of the project and the turnkey agreement. Director Lyon stressed that AMAFCA should carefully oversee the project during construction to be certain that it is built correctly, since AMAFCA will be assuming maintenance and does not want to take over maintenance of an improperly built water quality facility.

**14. Boca Negra Dam Project - Update**

Mr. Lovato gave the Board an update on the Boca Negra Dam project. He stated that, as additional rock had been discovered on the project, this meant that there was less dirt available to build the dirt embankment. Rather than a net export of dirt from the project, the project would now need to import dirt. The project is currently behind schedule. A change order proposal from the contractor was expected by the date of the Special Meeting on May 14, 2013, along with a revised schedule to show how he expected to make up time. He noted that AMAFCA has a performance bond on the contract.

In response to a question about the schedule, Mr. Lovato stated that the project is behind on dollars expended relative to the time spent on the project. Moving dirt is faster and easier than blasting and removing rock. He did not know if the soil cement plant would be in place by the end of May, as called out in the original contract schedule. He stated that several time extensions had already been granted on the contract.

Mr. Wagener elaborated that the first three change orders on the contract had added a total of 41 days to the contract.

In response to a question from Director Lyon, Mr. Lovato stated that AMAFCA was required to publicize information on when the rock blasting operations were scheduled to occur. Notices of those dates and times are posted on the AMAFCA website, generally two to three days



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before the blasts are scheduled to occur. Interested parties who wish to observe a blast may call AMAFCA to arrange this.

No Board action was required.

**15. Southwest Valley**

**a. Black Mesa Phase 1a Pipe Extension Project Update**

Lynn Mazur, AMAFCA Development Review Engineer, updated the Board on the progress made on this project to date since September 2012.

She stated that staff had requested that Wilson and Company research and provide legal descriptions and exhibits for the Gun Club Lateral from Pajarito Road south to McCoy Dam. This portion of the lateral is within the U.S. Bureau of Reclamation (BOR) /Middle Rio Grande Conservancy District (MRGCD) prescriptive easement. In all cases, the adjacent property lines were coincident with the easement. In a few areas, the BOR/MRGCD already own fee right-of-way on the lateral.

Ms. Mazur stated that staff also requested that Wilson and Company provide a legal description for the manifold connector pipe from the Gun Club Lateral to Coors Boulevard right-of-way, through the southern third of the Baca property. This easement lines up with the Raymac Road right-of-way on the east side of Coors Boulevard. This alignment is preferred as it is a straight connection from the lateral and avoids the need for the pipe to traverse 400 feet along the Isleta Drain to connect to the existing outfall pipe in Raymac Road, reducing the cost of materials and construction. If the property is ever developed, this alignment would be along a likely access road to the property. Staff plan to proceed with negotiating with Mr. Baca to obtain an easement on the Baca property.

She noted that the existing Raymac Dam outfall easement is located in the middle of a parcel of residential property. The owner, Mr. Sanchez, has indicated that he would prefer to have the pipe be located along the southern boundary of his property, which has been subdivided into six lots, rather than in the current easement location. If the manifold connector pipe is installed on the Sanchez property, a separate legal description will be required for the easement on each lot.

Ms. Mazur reminded the Board that MRGCD staff had requested that the alignment of the outfall pipe be moved to the west side of the Gun Club Lateral, and were also concerned about disrupting the stability of the lateral during installation of the pipe. They also stated that if the lateral was moved, AMAFCA must repair any flood damage to the facility for the life of the project, or concrete line the lateral. AMAFCA staff believes a properly engineered and



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compacted earthen ditch will withstand irrigation and stormwater flows. Also, a swale will be constructed upstream of the maintenance road to convey offsite nuisance flows into the lateral at designated points. AMAFCA is still working with MRGCD staff on these issues.

She commented that Wilson had investigated pipe installation on the west side of the lateral without moving the lateral and identified several locations where additional easement and retaining walls will be required to accommodate the maintenance road over the pipe. The option of keeping the lateral intact will create a confined construction zone that will result in an increase in the construction bids since the lateral will not be available to store excavated trench soil during the pipe installation process. It will also limit access during construction, and increase construction time. However, the increase in construction time and costs will be less than the option of concrete lining the Gun Club Lateral.

She noted that to address the technical and safety concerns brought up by MRGCD staff, AMAFCA has requested a BOR technical review of the design with the pipe on the west side of the lateral, including putting excess dirt in the lateral and reconstructing the lateral as the project continues, and approval of the current 65% design. This approval will result in a License and Letter of Concurrence from BOR to allow the project to move forward.

In addition, she stated that AMAFCA staff had proposed to break out the manifold outfall pipe into a separate project. The project will include approximately 1,800 feet of 60-inch pipe and a junction box, extending from Raymac Dam to the existing Raymac Road pipe outfall to the Rio Grande. The New Mexico Department of Transportation has given tentative approval of an open trench installation across Coors Boulevard for this project. This would allow the first of the three dams to be connected to the outfall right away.

Ms. Mazur stated that the project would be brought back to the Board for approval to advertise for construction in July, so that it could be advertised this summer.

In response to a question from Director Thomson, Ms. Mazur stated that the existing outfall pipe is 54" in diameter, but it may need to go up to 60" in diameter. Responding to questions from Director Lyon, she verified which easements AMAFCA already owned, and which it would still need to acquire. She stated that staff would be talking to the owner of the Baca property regarding the alignment across that property.

No Board action was required.



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**b. Black Mesa Phase 1a – Request Concurrence on Technical Review with Bureau of Reclamation**

Ms. Mazur stated that the BOR has a standard "review fee" for technical reviews of projects. BOR has agreed to give AMAFCA a License for the Black Mesa Phase 1a pipe where it owns the Gun Club Lateral in fee, and a Letter of Concurrence for the area of the Gun Club Lateral that is owned in easement. The fee for this review will be \$30,740.00. In comparison, they charged the Corps of Engineers a review fee of approximately \$35,000.00 for the Southwest Valley Flood Reduction Project.

She requested that the Board approve the agreement. She stated that Attorney Rael had reviewed the agreement and sent it back to the BOR for final review. She had received word that morning that the BOR had no further changes to the agreement.

There were no questions.

Director Thomson made a motion that the Board approve the agreement, substantially the same as attached to the memo, and authorize the Executive Engineer to execute the Contributed Funds Agreement. Director Lyon seconded the motion, which passed (4-0).

**16. Storm Water Quality – MS4 Permit Update**

Mr. Lovato stated that AMAFCA had received the new MS4 permit the day before. Karen Stearns, AMAFCA's Storm Water Quality Engineer, briefed the Board on the new permit.

Ms. Stearns stated that the new permit's fact sheet is 78 pages long. She agreed to provide it in electronic format to the Directors. The official draft permit was issued April 18. There will be two informal public meetings regarding the permit in Albuquerque on May 14 and 15 to discuss the draft permit, with an official public hearing also scheduled for May 14. The official notice will be published in the Federal Register on May 1, 2013. This publication starts the 60 day public comment period. AMAFCA will submit its official comments during this period.

She stated that once the final permit is issued, AMAFCA will submit a Notice of Intent within 90 days. If there is any cooperative agreement with other agencies in the MS4 area, this is extended to 180 days.

Ms. Stearns stated that the permit will require an update to AMAFCA's Stormwater Management Program. AMAFCA is currently undergoing this process. The proposed revision was posted to the AMAFCA website for comments. None were received within the comment period. She planned to review the revisions to ascertain that they will comply with the new draft permit. The EPA is continuing the requirement for annual reports.





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She noted that the overall permit is very similar to the existing permit. The biggest change is that it authorizes MS4 cooperative partnerships with other agencies, offering more flexibility as the agencies can combine their funds and have a more cost-effective way to accomplish all the permit requirements. Water quality standards, monitoring, and control measures remain the same as they had been. The EPA is requesting comments on the measures, and specifically requested comments on the temperature requirement. She opined that this was good because it was an opportunity for AMAFCA to work with EPA on the requirements that will be in the final permit. Monitoring dissolved oxygen, *e. coli*, sediment, temperature, and a number of other measures remain in the permit.

Responding to a question from Director Hernandez about dissolved oxygen, Ms. Stearns stated that she couldn't say that the issue would ever "go away," but it would require that AMAFCA show that it has fixed the problem. Director Hernandez stated that now that the Embayment Project had been completed, hopefully AMAFCA can show that it has now increased dissolved oxygen in the area instead of decreasing it.

Ms. Stearns noted that the draft permit specifically mentions the Embayment area, stating that AMAFCA needed to continue to monitor progress there, and the effectiveness of the modifications. AMAFCA will continue monitoring the things they have been monitoring, and control measures are also required. AMAFCA will inspect 100% of our own construction projects, and construction sites 1 acre or above. She stated that she will review AMAFCA's Operations and Maintenance Manuals to verify that the procedures meet the EPA's "good housekeeping" requirements in the draft permit.

She added that AMAFCA will also continue to monitor and report illicit discharges, report progress on floatables, and report on public education and involvement efforts.

In response to a question from Director Thomson, Ms. Stearns stated that she was very familiar with the watershed based permit discussions as she had been a part of the ongoing discussions regarding the permit over the past two years.

Directors Thomson and Hernandez stated that they were very interested in this issue. Director Thomson stated he was willing to help in any way that he could.

No Board action was required.



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**17. Real Estate**

**a. Consideration of Quitclaim Deed/Partial Release of Easement on the West Branch Calabacillas Arroyo at Tract 1-C Seville Subdivision**

Ms. Mazur stated that a Turnkey Agreement for improvements on the West Branch Calabacillas Arroyo at the northeast corner of Irving Boulevard and Universe Boulevard had been approved by the Board in May 2004. A shotcrete channel was constructed in 2007 but has not officially been accepted for maintenance by AMAFCA pending dedication of right-of-way for the channel. She stated the property's owner is undergoing a platting action to create a separate tract of land to dedicate the portion of the channel on his property, to grant easements and to vacate certain existing easements.

In response to a question regarding the current owner, Sheldon Greer of GND, LLC, the engineer on the project, stated that Pete Daskolos had recently transferred ownership of the parcel to Monahiti Holdings, LLC, of which he is the manager.

Ms. Mazur answered several questions, stating that the floodplain easement on the natural arroyo was dedicated by bulk land plat, and that this was one of two easements that AMAFCA no longer needed now that the facility had been built. The other easement, which is the subject of the current quitclaim request, is an access easement that was granted by TVI (now CNM) when they constructed grade control structures east of Universe Boulevard.

She characterized the action as a "clean-up action" now that it is a constructed channel. Typically AMAFCA requires that the constructed channel be dedicated in fee right-of-way once the channel is complete. That step has yet to happen on this channel. The current easement, which is larger than that needed for the constructed channel, encroaches upon a portion of the property that Mr. Daskolos was hoping to sell. The quitclaim/partial release action will result in fewer encumbrances upon the property.

She noted that the platting action is being taken by Monahiti Holdings to clean up all the platting in this area, not just the AMAFCA easement.

In response to questions about real estate issues, Jeff Willis, AMAFCA Real Estate Manager, explained that a bulk land plat is done before the site plan is developed. Once the site plan has been approved, the parcel is platted for development. He noted that the proposed actions would release a part of the easement area, and AMAFCA would get a fee interest in the rest of the easement.

Ms. Mazur added that AMAFCA would obtain a fee interest in the right-of-way for the existing channel, and a portion of the access easement no longer needed would be vacated. She noted



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that after the Letter Of Map Revision (LOMR) is received from FEMA, there will be a future vacation of the unnecessary portion of the floodplain easement. She noted that the action also puts a note on the plat to eliminate the "prudent line" shown on the plat, as it is no longer needed now that the channel has been constructed. She recommended Board approval of the Quitclaim Deed.

In response to questions from Director Lyon, Ms. Mazur stated that the owner paid for the plat survey, and AMAFCA would invoice their engineer for the standard Quitclaim Deed preparation and recording fee.

Director Lyon made a motion that the Board authorize the Board Chairman to execute the Quitclaim Deed/Partial Release of Easement from Parcel 2 of Grant of Easement Document No. 2002071897. Director Hernandez seconded the motion, which passed (4-0).

Chairman Eichenberg called a recess at 12:16 p.m. The meeting resumed at 12:35 p.m.

**4. Items from the Floor/Public Comments, continued**

Chairman Eichenberg recognized Roger Paul of Bernalillo County, who had not been present during the Public Comment portion of the meeting. Mr. Paul stated that, at their June 11 meeting, the Bernalillo County Commissioners would issue a proclamation to AMAFCA honoring their 50<sup>th</sup> Anniversary. He issued an invitation to the Chairman and Directors to attend the meeting. He stated that usually proclamations are issued fairly early in the meeting, around 5:20 or 5:30 p.m. Further information would be forwarded to AMAFCA as it became known.

Chairman Eichenberg thanked him for the invitation.

**18. Field Highlights**

**a. Construction Report**

The memo from Mr. Wagener 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.



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He noted that if a constituent wished to view any of the blasting operations at the Boca Negra Dam Project, they should make an appointment so that all appropriate safety precautions could be taken.

In response to a question from Director Thomson, Mr. Wagener stated that the Operations and Maintenance Manuals (O&M) for the first thirteen AMAFCA dams had been accepted by the Office of the State Engineer in November 2012. O&Ms had recently been submitted for the final seven AMAFCA dams. AMAFCA is working with the OSE-Dam Safety Bureau on the Emergency Action Plans. Director Thomson requested an update on this sometime in the next few months. Mr. Wagener stated that the changes in the Boca Negra Dam affected the mapping somewhat, but did not affect the Emergency Management Plan.

He finished his presentation with photos of the artificial burrowing owl habitats that AMAFCA is installing as off-site mitigation for the Calabacillas 3b/3c project, the ribbon cutting at Bernalillo County's Eubank Boulevard extension, and AMAFCA's 50<sup>th</sup> Anniversary celebration at the March Board meeting.

**19. AMAFCA FY 2014 Budget**

**a. Draft FY-2014 Operating Fund Budget**

Mr. Lovato stated that the Draft FY-2014 Operating Fund Budget Expenditures column had been brought up to date in the past month. No other changes had been made.

Ms. Jeffries stated that the property tax revenue was computed using the certified 2012 valuations from the Department of Finance and Administration (DFA). Exhibit A summarized revenues and expenditures. Revenues from taxes and other income totaled \$3,463,578.00. Expenditures totaled \$4,063,065.00, including the expenditures for the yard improvements, resulting in a decrease in the beginning balance of \$599,487.00.

She noted that Exhibit B is a cover page that, along with the budget resolution, will be sent to the DFA after approval at the May 23, 2013 Board meeting, to arrive before the June 1 deadline.

Ms. Jeffries stated that Exhibit C was the budget, broken down by line item. Going through the items, under Miscellaneous Employee Expenses on the Workers Compensation line, she noted that AMAFCA's 0.829 experience modifier, well below the weighted average, gave AMAFCA a 5% discount on its premium due to the excellent safety record at AMAFCA.

Mr. Lovato stated that AMAFCA had received insurance information from the City of Albuquerque. The budget includes insurance for the Board of Directors on the Payroll



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Expenses – Insurance line. Changes in PERA were made at the state legislature at the 2013 Session. There is no increase in the amount AMAFC A will pay towards PERA, but employees will see a bigger deduction for PERA in their paychecks.

Ms. Jeffries stated that the budget would be approved by the Board by resolution at the May 23, 2013 Board meeting. She requested input and guidance on the draft budget.

After several questions regarding seminars and organizational membership reimbursement, the consensus of the Board was to support the draft budget as submitted.

**b. Draft FY-2014 Debt Service Fund Budget**

Ms. Jeffries presented the draft FY-2014 Debt Service Fund Budget. She stated that property tax revenues were based on the certified 2012 valuations received from the DFA. The budget included principal and interest payments due on August 1, 2013 and interest due February 1, 2014, for a total balance of \$9,313,201.00 after those payments. Estimated payments on the principal and interest on the bonds of \$8,580,735.00, left a year-end balance of \$892,270.00.

She requested input and guidance on the draft budget.

There were no questions. Consensus of the Board was to support the draft budget as submitted.

**c. Draft FY-2014 Building and Yard Improvement Fund Budget**

Ms. Jeffries stated that the draft FY-2014 Building and Yard Improvement Fund Budget showed a beginning balance of \$108,447.00. The budget proposed a transfer of \$108,000.00 to the Operating Fund to cover a portion of the expense of yard expansion and improvements. The ending balance would be \$447.00.

She requested input and guidance on the draft budget.

There were no questions. Consensus of the Board was to support the draft budget as submitted.

**d. Draft FY-2014 Contingency Fund Budget**

Ms. Jeffries stated that the draft FY-2014 Contingency Fund Budget showed a beginning balance of \$4,806,426.00 which includes \$2,281.00 in the Reserve Contingency Fund. Revenue includes a \$50,000.00 transfer from the Operating Fund, and an estimated \$8,411.00 in interest. Expenditures include the usual \$400,000.00 estimate for emergency expenditures. The fund includes \$3.645 million in reserved funds.



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She requested input and guidance on the draft budget.

There were no questions. Consensus of the Board was to support the draft budget as submitted.

**e. Draft FY-2014 Construction Fund Budget**

Mr. Lovato noted that the Draft FY-2014 Construction Fund Budget had been the subject of a late mailout.

Mr. Lovato stated that the budget had been revised since last month. The draft Construction Fund Budget focuses on completing AMAFCA backbone infrastructure throughout the City and continues AMAFCA's efforts in addressing storm water quality.

He noted that the City had signed the temporary construction easement for Channel Road, which has been in the works for almost a year and a half. There had also been some movement at the City on the Hahn Arroyo warranty deed. AMAFCA may receive the warranty deed from the City sooner than thought. When that has been accomplished, further phases of the Hahn Arroyo project could finally start to move forward, and may be moved up in the schedule.

Mr. Lovato stated that the budget schedule was optimistic, and that many projects would be pushed back a little.

He requested input and guidance on the draft budget, noting that the Black Mesa Phase 1a Pipe Extension project Phase 1 had just been moved forward with the Board's approval of the funds for the BOR technical review.

Responding to a question about the Hahn Arroyo Phase II, Mr. Lovato stated that the project was expected to cost about \$750,000.00, and was slated to begin about October 2013. If the property is obtained earlier, the project could begin earlier. If property west of San Mateo is available, the timing of Phase II and Phase III might change. Phase III might be built before Phase II, depending on the status of property acquisition.

After brief discussion, the consensus of the Board was to defer further discussion of the Construction Fund Budget to the May 14, 2013 Special Board meeting, so that there would be sufficient time for the Directors to review the budget before commenting, and for staff to prepare the final version of the budget resolution that needed to be passed at the May 23, 2013 Board meeting.

Mr. Lovato stated that he would send the Construction Fund Budget spreadsheet to the Board for their further review. He noted that the main items of business on the agenda for the May 14,



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2013 Board meeting would be the Selection Advisory Committee and selection of a firm for Audit Services, and review of the draft Construction Fund budget.

**20. Unfinished Business**

None.

**21. New Business**

Director Lyon reported that he had attended the Mid-Region Council of Governments (MRCOG) Executive Board meeting on the Chairman's behalf. He stated that nothing significant had happened. The biggest discussion had been regarding annual dues. Some of the agencies felt that they paid too much.

Director Thomson reported that he had attended the Water Resources Board meeting at the MRCOG. The recent legislative session had allocated \$400,000.00 for water planning. The MRCOG Water Resources Board plans to update the water plans for four regions each year for the next four years, at a cost of \$100,000.00 each, with a statewide update in year five. They are hoping to get state funds for each of those years for water planning.

**22. Adjourn**

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 1:10 p.m.

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Bruce M. Thomson, Secretary-Treasurer, 5/23/13

Recorded by Pamela Woodruff, Executive Administrative Assistant