



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 19, 2013**

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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:05 a.m. Thursday, December 19, 2013. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Bruce M. Thomson Director Ronald D. Brown Director Daniel F. Lyon
Directors excused:	None
Attorney excused:	Attorney Marcus Rael, Jr.
Others present:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Lyon requested that agenda item 14 be moved from the consent agenda. Chairman Eichenberg stated that agenda item 14 would be heard after the consent agenda, immediately before regular agenda item 19. There were handout memos on agenda items 6d, 8a, and 15 in the Boards' yellow folders.

Director Hernandez made a motion to approve the agenda as amended. Director Lyon seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. **January 23, 2013, 10:00 a.m. – Regular Meeting**
- b. **February 27, 2014, 10:00 a.m. – Regular Meeting**
- c. **March 27, 2014, 10:00 a.m. – Regular Meeting**

No changes were made to the meeting schedule as presented.



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4. Items from the Floor/Public Comments

Chairman Eichenberg recognized John Barncastle.

Mr. Barncastle addressed the Board regarding bike trails. He stated that the gravel on both sides of the North Pino Trail where it links to the bridge across the North Diversion Channel is a hazard to bicyclists. The Bear Canyon Arroyo Trail between Eubank and Moon is constantly under repair due to cracks caused by heavy equipment crossing the trail to maintain the dirt arroyo. The cracks are a hazard to bicyclists. He also noted that Chamisa overgrowth is crowding out users on a lot of multi-use trails. Mr. Barncastle praised AMAFCA's Kurt Wagener, stating that he had always responded promptly to emails and requests regarding maintenance issues, bollards, fence repairs, and the like.

There were no other public comments.

5. Approval of Minutes

a. November 21, 2013 Regular Meeting

Director Brown made a motion to approve the minutes of the November 21, 2013 Regular Board Meeting. Director Thomson seconded the motion. Director Hernandez stated he had a question about the wording on a portion of page seven, but was unable to locate the exact location during the meeting. Directors Brown and Thomson noted that there was a grammatical error on page fifteen. Director Thomson noted that "lowest responsible bidder" should be "lowest responsive bidder."

The motion passed (4-0). Director Lyon abstained as he had not been present at the November meeting.

6. Financial Matters

a. Approval of November 2013 Expenditures

Ms. Jeffries presented the November 2013 Expenditure Report. She answered a question from Director Thomson, stating that UNM invoices 1 and 3 on the Hydraulic Modeling Lab had been received and paid. Invoice 2 had just arrived and had not been paid yet.

Responding to a question from Director Hernandez, Mr. Lovato stated that the "warehouse charges" paid to the City of Albuquerque was for materials, work gloves, light bulbs, cleaning supplies, and the like purchased through the City supply warehouse. Ms. Jeffries further



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clarified that the City purchases these items in bulk and AMAFCA gets a better price on these materials by going through the City.

In response to a question from Chairman Eichenberg about credit card charges, Mr. Lovato stated that the Auditors had made no comments on AMAFCA's credit card use policy. AMAFCA only pays for credit card charges where the employee turns in the receipt.

Director Hernandez made a motion to approve the November 2013 Expenditure Report. Director Thomson seconded the motion, which passed unanimously (5-0).

b. Investment Report for November 2013

Ms. Jeffries presented the Investment Report for November 2013. Chairman Eichenberg asked if Bernalillo County paid interest on the tax collection funds from the time between collection and disbursement to AMAFCA, then stated that he had answered his own question, as he did not believe that they did.

No Board action was required.

c. Financial Recap November 16, 2013, through December 15, 2013

Ms. Jeffries presented the Financial Recap for November 16, 2013, through December 15, 2013.

In response to a question from Director Thomson, Ms. Jeffries stated that the November report represented tax collections from October, which were disbursed to AMAFCA in November, and totaled \$7,000. Next month's tax collections are expected to be \$900,000. The majority of the tax collections are disbursed to AMAFCA in December/January and May/June.

Chairman Eichenberg gave the Board further insight over when property tax is billed and collected.

No Board action was required.

d. Financial Forecast December 16, 2013, through January 15, 2014 (revised)

Ms. Jeffries noted that there was a Revised Financial Forecast in the Board's handouts.

Ms. Jeffries presented the Revised Financial Forecast for the period December 16, 2013, through January 15, 2014. She noted that the recommended actions for the Operating Fund included payments on six pay periods, rather than the three pay periods anticipated last week. Recommended actions for the Capital Projects/Construction Fund include payments on several



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construction projects, and payments on various engineering invoices. The reason that the report was revised was that the original forecast only included payments on three pay periods, and an estimated amount of tax collections was included. AMAFCA had received notification of the amount of tax distribution from the Bernalillo County Treasurer, and the amount in the revised forecast is the actual amount received. AMAFCA also had received invoices for six pay periods rather than the three estimated in the original forecast. The dump truck ordered last summer had also been delivered and paid for, and was now included in the revised forecast. She requested approval of the Revised Financial Forecast.

Director Thomson made a motion that the Board approve the Revised Financial Forecast. Director Hernandez seconded the motion, which passed unanimously (5-0).

e. AMAFCA FY-2013 Audit Report – Acceptance of Audit

Ms. Jeffries introduced Marty Mathison, of Atkinson and Company, AMAFCA's auditors. She noted that the exit conference had been held on October 31, with Chairman Eichenberg, Director Thomson, Mr. Lovato and herself being present. AMAFCA had received the release letter from the Office of the State Auditor, and the FY-2013 Audit Report was now a public document. Once accepted by the Board, the Audit will be sent to bond rating agencies and securities information depository, as required.

Mr. Mathison stated that AMAFCA's Audit Report was an unmodified report, which is the highest report they can render. The audit had very good results, showing that AMAFCA's net financial position is very strong. There is good budgetary compliance. He noted that this year, the audit includes more accurate recording of delinquent property taxes, and recorded known future commitments as well. Next year, new accounting standards will come into effect to record deferred inflows and outflows.

Mr. Mathison stated that there were two minor findings involving internal controls, which were addressed by staff immediately. He stated that the audit went smoothly, in spite of their company's steep learning curve on the first audit under their contract. He thanked AMAFCA staff for their diligence and the ease in working with them.

In response to a question from Director Lyon, Mr. Mathison stated that AMAFCA staff had made the recommended procedural changes immediately.

Director Brown made a motion that the Board accept the FY-2013 Audit Report. Director Lyon seconded the motion, which passed unanimously (5-0).

To save on duplication costs, Ms. Jeffries requested that the Board's copies of the Audit Reports be returned to her if the Directors did not need them.



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7. Legal

a. Status Report

Marcus Rael, Jr. stated that his memo briefed the Board on the status of various legal matters. In response to a question from Chairman Eichenberg, Mr. Rael stated that his research on a certain matter had just begun. The results of the research will be given to Mr. Lovato in early January.

Mr. Lovato stated that the issue had been brought up in AMAFCA's discussions with the EPA. It is up to AMAFCA to have in place the necessary agreements with other parties.

There were no further questions from the Board.

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

- **Corps of Engineers (COE) – Middle Rio Grande Restoration Project, Oxbow 3A.** This project will restore approximately 54 acres of native bosque riparian cottonwood forest, and build facilities to control water in and around the Oxbow to allow more backwater channels and recreating open water areas. This project will affect AMAFCA's San Antonio Arroyo outfall and drainage easements within the bosque, and will also affect the Montaña Levee project.

AMAFCA has been removing overgrown vegetation in the bosque and rebuilt access roads and diversion berms where the past monsoon season damaged them. Work has begun on a feasibility study looking at possible design variations for the Montaña Levee that will reduce impacts on AMAFCA drainage easements in the area.

Southwest Valley Flood Reduction Project Phase II. The Albuquerque District COE had addressed all comments and was finalizing the design drawings. Congress and the Senate had passed a funding bill that may allow the COE to construct the project. The possibility remains that AMAFCA will need to contract the work. The decision will be made on December 20, after the COE finishes an analysis of the funding bill to ensure funds will be available.



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Albuquerque Public Schools (APS) informed AMAFCA that work on the Rio Grande High School campus is moving forward. This work will directly affect the construction of Pond 187a. AMAFCA staff will meet with APS next week to determine how to coordinate the two projects.

- **City of Albuquerque (COA) – Chamisa Storm Drain.** The COA had reviewed and approved the construction of the Chamisa Storm Drain, and accepted the storm drain pipe for maintenance.

West I-40 Diversion Channel. AMAFCA has been removing sediment and repairing erosions in the temporary channel along the north side of I-40 between 98th Street and Unser Boulevard. This area was partially addressed with the construction of the La Presa Detention Facility. Michael J. Riordan would like to address the Board at the January meeting to discuss permanent solutions.

MS-4 Permit. AMAFCA and COA staff are closing the books for calendar year 2013. Work has started on preparing the annual report to EPA Region 6. AMAFCA has two months to prepare the report and send it to EPA.

Storm Team. AMAFCA, along with COA and other members of the Storm Team, will be conducting an open house meeting next month to inform other government agencies of the benefits of working together to address new EPA requirements.

- **Bernalillo County – Emergency Action Plan Field Exercise.** The Emergency Action Plan Field Exercise was run the week of December 9th with great success. It was a joint table top exercise with Bernalillo County Emergency personnel, the Office of the State Engineer, and the City of Albuquerque. In addition, AMAFCA conducted a field exercise to test the AMAFCA EAP for the North Domingo Baca Dam. Without any prior knowledge of what the exercise would involve, the AMAFCA crew was able to mobilize and start building a sand bag ring dike in less than two hours.

North Valley Drainage. Bernalillo County and the Village of Los Ranchos met to start a dialog to address complaints of flooding and poor drainage in the far north valley. A meeting with AMAFCA is scheduled the week of December 23rd. A proposal to revise AMAFCA's North Valley Drainage Management Plan will be the subject of a future AMAFCA Request for Proposals.

- **USFWS – Valle de Oro National Wildlife Refuge.** AMAFCA, Bernalillo County, and the USFWS will be conducting an open house on January 9, 2014, to solicit public input on



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the Site Plan project, which includes the AMAFCA storm water quality and conveyance infrastructure.

Valle de Oro Outfall Project. A call from the Office of the State Engineer (OSE), Water Rights Bureau, led to a meeting on Monday, December 16. The OSE staff and the Interstate Stream Commission attorney were present. The OSE is concerned that the construction of swales in the bosque may violate state statutes concerning water rights and the impoundment of water. AMAFCA staff has been working diligently since then to gather information requested by the OSE staff. The construction project has milestones that need to be met to comply with the Endangered Species Act. A meeting with the contractor is scheduled for December 20. The OSE has requested a full presentation on Valle de Oro in the next month.

- **EPA – Urban Waters Federal Partnership.** AMAFCA staff attended the two local agency/public days of the three day conference held last week. The conference was also attended at various times by Directors Lyon, Thomson, and Hernandez. The federal agencies highlighted their services and abilities to help move forward identified projects in the middle Rio Grande. AMAFCA voiced its concern on many issues throughout the two days. On the third day, concerned citizens and citizen groups also participated. NAIOP was present to voice the development community's concern with enforcement of the existing and new MS-4 permits. EPA did note their concerns.

MS-4 Permit/Watershed Permit. NAIOP made a request to the State of New Mexico to facilitate a meeting with EPA Region 6. That meeting was held in Santa Fe on Friday, December 13, 2013. EPA Region 6's Bill Honker, Diana McDonald, and Claudia Hosch attended the meeting. EPA Region 6 met with the MS-4 Permittees first. In the afternoon, NAIOP also attended.

- **Public Outreach – Tumbleweed Snowman.** The AMAFCA Tumbleweed Snowman made his appearance this year on Tuesday, December 3. The 2012 snowman was pictured in the December 2013 *National Geographic*. The 2013 snowman was covered in the December 4, 2013 *Albuquerque Journal*. In addition, the *Albuquerque Journal* story was picked up by the Associated Press and was featured in many publications, the *Today Show*, and on over 2,160 websites across the globe including Wikipedia and BBC UK.

Twinkle Light Parade. An AMAFCA float featuring the Tumbleweed Snowman appeared in the Twinkle Light Parade for the first time this year, to celebrate protecting life and property for over 50 years. The float won first place in the Government agency category. Mr. Lovato showed the Board the leaded glass trophy AMAFCA was awarded.



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Director Hernandez stated that he heard many people saying "thank you" to AMAFCA for all we do to protect the community.

Tumbleweed Snowman 2014. Mr. Lovato stated that Director Hernandez had suggested that there be a naming contest for the 2014 snowman.

Director Hernandez asked staff to come up with a timeline to get the word out that we want to name the snowman in 2014, and update the Board at the January or February 2014 meeting.

b. Notification of On-Call Services Task Orders

Director Thomson had questions about the EPAT process, and suggested an effort be begun to compare AHYMO and HEC-HMS. Mr. Lovato stated that he had issued an on-call task order to compare the two models, as noted in the notification of on-call services task orders.

Mr. Lovato stated that four on-call task orders and a letter agreement had been issued since the last report. No Board action was required.

Director Thomson stated that he had submitted a proposal to EPA regarding a watershed characterization study. As a part of that application process, he became aware that the USGS data has not been validated, interpreted, or released to the public. He stated that USGS should be asked to process the data so that it can be used by others. Mr. Lovato stated that he would place this issue on the agenda for next month.

Consent Agenda:

Chairman Eichenberg noted that agenda items 9 through 18b, with the exception of agenda item 14, were on the consent agenda. He read the title of each item on the consent agenda.

9. Request for Out of State Travel – ESRI International User's Conference, July 14-18, 2014

Mr. Lovato's memo stated that ESRI is the publisher of AMAFCA's ArcGIS software. The 2014 ESRI International User Conference will be held in San Diego, California on July 14-18, 2014. The memo noted that registration for the conference is included in the annual software maintenance license fee, and that the many educational workshops and presentations would be of great value to AMAFCA and Mr. Troutman. The memo requested authorization to send Kevin Troutman, AMAFCA's GIS Manager, to the conference, with a cost not to exceed \$2,700.00.



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10. Approval of On-Call Services Contracts – Storm Water Quality Services

The memo from Karen Stearns, AMAFCA Storm Water Quality Engineer, stated that On-Call Storm Water Quality/Environmental Engineering Services Agreements had been negotiated with the three selected firms: Bohannon Huston, Inc., CDM Smith, Inc., and NCS Engineers. The memo requested Board approval of the contracts, and authorization for the Chairman and Secretary/Treasurer to execute the agreements.

11. Legislative Liaison – Consideration of Third and Final Extension of Professional Services Agreement with Alarid Consulting

Mr. Lovato's memo stated that the Legislative Liaison Agreement with Alarid Consulting was executed on January 8, 2011, and had been extended in December 2011 and November 2012. The contract allows for three one-year extensions upon the mutual agreement of the parties. Staff is satisfied with Alarid Consulting's performance. Alarid Consulting had provided a signed Campaign Contribution Disclosure form, and was willing to extend for another year at the same rates. This would be the final contract extension. The memo requested the Board authorize the Executive Engineer to extend the Legislative Liaison Agreement with Alarid Consulting for a one-year term as per the provisions of the contract.

12. General Counsel – Consideration of Second Extension of Professional Services Agreement with Robles, Rael and Anaya

Mr. Lovato's memo stated that the General Legal Counsel Services Agreement with Robles, Rael & Anaya, P.C. was executed on February 24, 2012, and had been extended in February 2013. The agreement allows for three one-year extensions upon the mutual agreement of the parties. Staff is satisfied with the firm's performance. Robles, Rael & Anaya had provided signed Campaign Contribution Disclosure forms, and was willing to extend for another year at the same rates. This would be the second extension of the agreement. The memo requested that the Board approve the second extension of the General Counsel Agreement with Robles, Rael & Anaya, P.C., to provide general counsel services for an additional year at the same rates.

13. Consideration of Second Extension of On-Call Engineering Services Agreements

Mr. Lovato's memo stated that agreements for on-call engineering services in three categories had been signed in December 2011, and were first extended in December 2012. The contracts allow for three one-year extensions. Staff is satisfied with their performance. All have provided signed Campaign Contribution Disclosure forms, and have indicated their willingness to extend their contracts another year at the same rates. The firms are: (Category 1) – Bohannon Huston, Inc., Easterling Consultants, LLC, High Mesa Consulting Group, and URS Corporation; (Category 2) – AECOM USA, Inc., Bohannon Huston, Inc., Molzen Corbin, Parsons



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Brinckerhoff, Inc., and Wilson & Company, Inc.; (Category 3) – Huitt-Zollars, Inc., Tetra Tech, Inc., and Weston Solutions, Inc. The memo requested that the Board authorize the Executive Engineer to extend each of the above listed on-call agreements for a one-year term as per the provisions of the agreements, without any increase in fees.

**15. Agency and Area Wide Flood Control Maintenance Contract 2013-2014 –
Consideration of Award to Qualified Bidder**

The memo and late mailout memo from Kurt Wagener, AMAFCA Field Engineer, stated that seven contractors submitted bids on the project. The low bidder was TLC Company, Inc. Staff concurred with Smith Engineering Company's recommendation that the construction contract be awarded to TLC Company, Inc. A copy of the Campaign Contribution Disclosure was included. The memo requested that the Board accept TLC Company, Inc., as the lowest responsive bidder and authorize the Chairman to execute the contract for the construction of the Agency and Area-Wide Flood Control Maintenance Contract 2013-2014 in the amount of \$1,053,797.00 plus New Mexico Gross Receipts Tax.

16. Construction Report

The memo from Mr. Wagener contained a summary of current construction projects. No Board action was required.

**17. AMAFCA Real Estate – Notice of Issuance of Film Production Location License –
"Time Traveler"**

Mr. Willis' memo stated that the Executive Engineer had issued a Temporary Encroachment License Agreement (Location) for a CNM student film. A scene for a school production, tentatively entitled "Time Traveler," was filmed in the Black Arroyo Dam. As it was a class project without any commercial value, no fee was collected from the students. No Board action was required.

18. Black Mesa Phase 1a Pipe Extension

**a. Approval of Construction Management Services for Raymac Storm Drain
Phase I**

The memo from Lynn Mazur, AMAFCA Development Review Engineer, stated that, as AMAFCA does not have the permits from the U.S. Bureau of Reclamation and the Middle Rio Grande Conservancy District (MRGCD) for work in the Gun Club Lateral at this time, the portion of the project that can be built without those permits will be built now. It will run from the existing pipe in Raymac Road across the Baca property. If a permit from the MRGCD can be



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obtained, it will then cross the Gun Club Lateral and connect to the existing Raymac Dam principal spillway pipe. Wilson & Company will do the construction management for this project. The memo requested that the Board approve the *Agreement for Construction Management Services for Black Mesa Phase 1A – Raymac Storm Drain Phase I Project* with Wilson & Company, Inc., in the amount of \$68,426.00, plus New Mexico Gross Receipts Tax, substantially the same as attached to the memo, and authorize the Chairman to execute the Agreement. Staff recommended approval of the agreement.

b. Authorization to Advertise for Construction Bids for Raymac Storm Drain Phase I

Ms. Mazur's memo stated that Wilson & Company was completing the construction plans and specifications for the Raymac Storm Drain Phase I Project, which includes 1,900 linear feet of 60-inch and 42-inch high pressure storm drain pipe, manholes, a junction box, and open trench crossing of Coors Boulevard, which will require extensive traffic control. The Engineer's Estimate for the project is \$850,000 plus New Mexico Gross Receipts Tax. The memo requested that the Board authorize the Executive Engineer to advertise for construction bids for the Raymac Storm Drain Phase I Project.

There being no questions, and no further items on the Consent Agenda, Director Hernandez made a motion that the Board:

- Authorize out of state travel and expenses for Kevin Troutman, GIS Manager, to attend the 2014 ESRI International User Conference in San Diego, California, July 14-18, 2014, not to exceed \$2,700.00;
- Approve the On-Call Storm Water Quality/Environmental Engineering Agreements with Bohannon Huston, CDM Smith, and NCS Engineers, and authorize the Chairman and Secretary/Treasurer to execute the agreements;
- Authorize the Executive Engineer to extend the Legislative Liaison Agreement with Alarid Consulting for a one-year term as per the provisions of the contract;
- Approve the second extension of the General Counsel Agreement with Robles, Rael & Anaya, P.C., to provide general counsel services for an additional year at the same rates.;
- 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, without any increase in fees;
- Accept TLC Company, Inc., as the lowest responsive bidder and authorize the Chairman to execute the contract for the construction of the Agency and Area-Wide Flood Control Maintenance Contract 2013-2014 in the amount of \$1,053,797.00 plus New Mexico Gross Receipts Tax;



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- Approve the *Agreement for Construction Management Services for Black Mesa Phase 1A – Raymac Storm Drain Phase I Project* with Wilson & Company, Inc., in the amount of \$68,426.00, plus New Mexico Gross Receipts Tax, substantially the same as attached to the memo, and authorize the Chairman to execute the same; and
- Authorize the Executive Engineer to advertise for construction bids for the Raymac Storm Drain Phase I Project.

Director Lyon seconded the motion, which passed unanimously (5-0).

Regular Agenda:

14. Assignment of Temporary Flood Plain Easement to the City of Albuquerque

Mr. Lovato stated that a Temporary Flood Plain Easement along the Mirehaven Arroyo had been granted to AMAFCA by plat by WAHL. The City of Albuquerque had requested that the Temporary Flood Plain Easement be assigned to the City due to permitting action in the area. All rights and responsibilities concerning maintenance and enforcement of the easement would be conferred to the City. Staff concurred with the request, which is similar to the assignment made to Bernalillo County last month. The memo requested that the Board approve the *Assignment of Temporary Flood Plain Easement* and authorize the Chairman to execute the same.

Director Lyon stated that, at the August Board meeting, the Board had heard from Del Webb/Pulte Development about the proposed development at this location. The developers wished to close off the arroyo easement rather than allowing public access along the arroyo. He asked why AMAFCA would give the easement to the City.

Chairman Eichenberg responded, stating that the City of Albuquerque had requested that AMAFCA assign the easement to the City.

Director Lyon reminded the Board that Del Webb wanted to fence off the Mirehaven Arroyo easement through the property. At the August meeting, he recalled that a majority of the Board wanted to keep the easement open to public access. The Westside Coalition also wanted to keep the easement open. The City had approved the subdivision with the arroyo closed and an access trail around the north edge of the property.

He also stated that AMAFCA would lose its rights if the easement were assigned to the City, or if it was transferred via a quitclaim deed back to the grantor. Pulte had stated that they wouldn't be able to build their proposed development unless the arroyo was closed off from the general public. He stated that he would be unable to support the request to assign the easement, because



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AMAFCA would lose the right to have a say in how the easement is used, and AMAFCA doesn't know what the City will do with it.

Chairman Eichenberg noted that he, too, had attended the Westside Coalition meeting mentioned by Director Lyon. He stated that the AMAFCA drainage easement is for the conveyance of drainage water, not for public access. In the past, whenever the City wanted to take over maintenance of a drainage easement, the Board has always approved the transfer.

Director Brown stated that the City and the Homeowners Association of the new development will take over maintenance of the arroyo easement. It will be landscaped and maintained. The City will be responsible for major repairs. This is a net benefit to the community. He stated that he supported the requested assignment.

Director Brown also noted that the City and Petroglyph National Monument staff opposed having access in areas out of their control.

Director Brown made a motion that the Board approve the *Assignment of Temporary Flood Plain Easement* and authorize the Chairman to execute the same. Director Thomson seconded the motion.

Director Thomson stated that the AMAFCA decision could not be conditional upon what the City might do with the easement, because the Board does not know what they will do with the easement.

Director Brown noted that the conveyance request is part of an overall site plan with land use controls in place.

Chairman Eichenberg stated that, in general, he supported open space, and use of land along arroyos as bike trails. However, the easement along the Mirehaven Arroyo is not open space – it is an arroyo drainage easement. AMAFCA accepted the easement in order to ensure that water passing through that arroyo is treated to AMAFCA standards. The City has agreed to maintain the arroyo to AMAFCA standards. This would be a situation similar to that at High Desert. The developer's proposal still allows public use of the arroyo area, just not open public access.

Director Hernandez stated that he would like open public use along the arroyo, but it is privately owned property. He agreed that the arroyo treatment in the High Desert area was an excellent example of a situation similar to this one.

Director Lyon stated that in the proposal brought to the Board in August, Pulte had said that they would put a walking trail around the property, which could be accessed by the general public. He stated he was not sure if the current deal with the City included the trail. He stated that



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AMAFCA would have no control over what is done on the property if it no longer owns the easement. He stated that he opposed giving the City the right to make the decision.

The motion passed (3-2). Directors Hernandez and Lyon voted against the motion.

19. Ditch and Water Safety – Consideration of Approval of the Intergovernmental Agreement

Mr. Willis stated that the *Ditch and Water Safety Program Intergovernmental Agreement* had been accepted by the Board at the May 23, 2013 Board meeting without comment. The City of Albuquerque, Middle Rio Grande Conservancy District, Albuquerque Public Schools, Bernalillo County, and Sandoval County have all approved and signed the agreement. As the fiscal agent, AMAFCA will be the final signatory to the agreement. He recommended Board approval of the agreement.

Director Hernandez made a motion that the Board approve the *Ditch and Water Safety Program Intergovernmental Agreement* and authorize the Chairman to execute the same. Director Thomson seconded the motion.

Director Thomson suggested that, in the future, the Ditch and Water Safety school presentations could also include the water quality message, combining the two outreach efforts to satisfy part of the BMP education effort on the watershed based permit.

Mr. Lovato noted that the funding for the two programs comes from very different funding sources at the other agencies involved. It would be very difficult to attempt to combine the disparate messages and their related funding sources, and to coordinate invoicing for the two outreach efforts.

The motion passed unanimously (5-0).

20. Valle de Oro Wildlife Refuge Drainage Outfall Project

a. Approval of Revision to the Memorandum of Understanding with New Mexico State Land Office

Mr. Lovato stated that the draft Memorandum of Understanding (MOU) between AMAFCA, the New Mexico State Land Office (SLO), and the City of Albuquerque was approved by the Board at the October Board meeting. Since then, changes in the project necessitated changes in the MOU.

He stated that the revised MOU reflected these changes:



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1. The AMAFCA project and the SLO project are referenced as separate projects.
2. SLO will provide plans, specifications, and the cost estimate for their project, and AMAFCA will advertise, award, bid, and manage the project.
3. AMAFCA will pay the monthly contractor's invoice, and SLO will inspect the work by the fifth of every month. If the work is satisfactory, SLO will sign the pay estimate or provide a suitable form of approval of the work.
4. AMAFCA will invoice SLO for the full pay estimate amount, and SLO will pay AMAFCA.

The memo from Ms. Mazur stated that a license for use of the SLO property will be an exhibit to the MOU. No fee will be charged to AMAFCA for use of State Trust Lands. Staff recommended approval of the revised Memorandum of Understanding.

Director Thomson made a motion that the Board approve the Agreement and authorize the Chairman to execute the *Memorandum of Understanding for Cooperative Project in the Rio Grande Bosque for Riverine Restoration and Drainage Outfall from Valle de Oro*. Director Hernandez seconded the motion, which passed unanimously (5-0).

b. Authorization to Advertise for Construction Bids for State Land Office Project

The memo from Ms. Mazur stated that the New Mexico State Land Office (SLO) contracted Tetra Tech, Inc. to prepare plans for its Bosque Restoration Project. The project involves 10,000 cubic yards of excavation for Rio Grande bank line lowering, removal of jetty jacks, and limited removal of invasive plant species. SLO received the Biological Opinion from U.S. Fish and Wildlife Service for the work in the Rio Grande Bosque, including AMAFCA's project, on December 6. The construction cost estimate is \$220,000, which is the limit of the U.S. Bureau of Reclamation grant minus the design fee. She anticipated advertising to begin December 29, 2013, with notice to proceed being issued on about February 17, 2014.

Mr. Lovato stated that AMAFCA will be receiving the design from the State Land Office by the end of December. Due to time constraints for work in the Bosque, AMAFCA was requesting authorization to advertise for construction bids for the State Land Office portion of the project.

Director Brown made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the New Mexico State Land Office Bosque Restoration Project. Director Hernandez seconded the motion.

In response to a question from Director Thomson, Mr. Lovato stated that the construction would be along the river's edge, and would involve the removal of jetty jacks as well as "bank lowering."



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The motion passed unanimously (5-0).

21. Amole Hubbell Drainage Management Plan Update – Amole Dam

Mr. Lovato stated that the Amole-Hubbell Lake Detention Facility was constructed in 1980. The Amole Dam is a gated facility. The principal spillway empties into the Arenal Main Canal, and the secondary principal spillway empties into the Hubbell Channel and then into Hubbell Lake Dam. The dam does not have an emergency spillway.

He noted that the original Amole Hubbell Drainage Management Plan (DMP) in 1999 determined that the Amole Dam was undersized and another 862 acre-feet of storage was needed. This storage would be obtained in the adjacent Guac Dam. The Amole Hubbell DMP Update in 2013 confirmed the need for additional storage, but due to diversions out of the Amole drainage basin, only 550 acre-feet of additional storage is now required.

Mr. Lovato noted that in July 2013, the watershed experienced a storm that nearly filled the Amole Dam. Staff had to carefully coordinate with the Middle Rio Grande Conservancy District (MRGCD) to draw down the water to the Arenal Main Canal. It took three days to draw down the dam to a level that did not threaten overtopping of the dam if there were additional rain events. This took much longer than anticipated in the Drainage Management Plan, due to the capacity of the Arenal Main Canal.

He stated that staff initiated a re-assessment of the original design characteristics of the dam (1978), the Amole Hubbell DMP Update (2013), the Southwest Valley Flood Reduction Project (2007), the Navajo Elementary School Project (2010), and the O&MRRR (2013) to coordinate this information with actual field conditions. More water is reaching the dam than was originally anticipated.

Mr. Lovato stated that review of the Amole Dam's discharge-storage curve showed that the evacuation time of the dam would exceed the OSE 96-hour rule. Adding additional storage and utilizing the same outlet would require a waiver from the State Engineer, or a large diameter outfall to the Rio Grande. The storage capacity of the Amole-Hubbell system also needs to be increased.

Mr. Lovato noted that the Dam Safety Bureau was briefed on these findings earlier in December.

He stated that the Amole-Hubbell DMP Update (2013) has been amended to correct the inconsistencies with actual field conditions. It is the intention of staff to bring a resolution adopting the amended document before the Board early in 2014. To address the lack of storage and the reduced outflow from the Amole Dam, early next year the Board will be asked for



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permission to advertise a Request for Proposals to develop a solution. This might mean building a large pipe outfall, or increase the dam's capacity and seek waivers concerning water rights.

In response to a question from Director Hernandez, Mr. Lovato stated that the dam, as it currently stands, triggers the 96 hour rule in a large storm event. When full, the dam takes about 300 to 350 hours to drain. He stated that more information would be provided to the Board in January.

No Board action was required.

22. Legislative Liaison – Briefing before 2014 New Mexico Legislative Session

Chairman Eichenberg introduced AMAFCA's Legislative Liaison, Vanessa Alarid of Alarid Consulting, and Mark Fleisher, her consultant.

Ms. Alarid briefed the Board on the upcoming 2014 New Mexico Legislative Session. She stated that even year sessions are 30-day sessions, primarily concerned with fiscal issues (passing a budget), along with items mentioned in the Governor's call message.

She noted that some "new monies" have come in due to oil and gas sales, some of which will be available for capital outlay projects including water processing and purifying, and dams. A request for some of this capital outlay money to use for EPA watershed permit projects might be successful.

Director Hernandez stated that projects mentioned in the regional water management plan will be the ones prioritized by the Water Trust Fund. Ms. Alarid agreed, but stated that additional projects can also be added to the plan.

She then briefly covered the issues and topics that were expected to be on the Legislature's agenda for the session.

Ms. Alarid noted that legislation may be pre-filed December 16, 2013 through January 17, 2014. The session opens at noon on January 21, 2014, and pre-filed bills are officially introduced on that day. The deadline for introduction of new bills is February 5, 2014. The session ends at noon on February 20, 2014. On March 12, 2014, any legislation not yet acted upon by the Governor is pocket vetoed.

In response to a question from Director Hernandez, Ms. Alarid stated that the Governor has not released her call yet, nor has she released any official information about the topics that will be included.



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Mr. Fleisher did not have anything to add to Ms. Alarid's report.

No Board action was required.

23. Recognition of Public Service

a. Recognition of Retiring New Mexico Department of Transportation Employee Tony Abbo, P.E.

Chairman Eichenberg introduced Tony Abbo, P.E., who is retiring after twenty-five years with the New Mexico Department of Transportation (NMDOT).

Chairman Eichenberg stated it was his pleasure to acknowledge Mr. Abbo's many years of public service, noting that he came to New Mexico to attend the University of New Mexico and never left. He presented Mr. Abbo with a plaque from the AMAFCA Board. The plaque read, "Tony Abbo, P.E., PTOE, Assistant District Engineer, NMDOT District 3. In appreciation for twenty-five years of dedicated public service in providing public projects for the protection of life and property of the citizens of New Mexico. Presented by the AMAFCA Board of Directors, December 2013."

Mr. Abbo addressed the Board regarding the challenges and pleasures of his job, thanking them for the plaque, and reflecting on past projects in cooperation with AMAFCA. He also introduced Timothy Parker, the new District Three Engineer at the NMDOT.

Mr. Lovato thanked Mr. Abbo for allowing the tumbleweed snowman to be placed next to the freeway, and stated that he hoped that the tradition would continue under Mr. Abbo's replacement.

Chairman Eichenberg also thanked Mr. Abbo, and congratulated him upon his retirement.

b. Proclamation Recognizing AMAFCA in its 50th Year – Presentation by Middle Rio Grande Conservancy District Chief Executive Officer/Chief Engineer, Subhas Shah

Chairman Eichenberg introduced Subhas Shah, Chief Executive Officer and Chief Engineer of the Middle Rio Grande Conservancy District (MRGCD), and Derrick Lente, Chairman of the MRGCD Board of Directors. Mr. Lente also introduced his daughter, who was present. Chairman Eichenberg introduced the other MRGCD Board members present: Vice Chair Adrian Oglesby, and Board member Johnny Paiz. Mr. Shah introduced the MRGCD staff who were present.



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Mr. Shah stated that, having worked with AMAFCA for a number of years, the MRGCD Board wanted to congratulate AMAFCA on its 50th year. The Board passed a Proclamation at their December 9, 2013 Board meeting, and requested that he present the Proclamation to the full AMAFCA Board at this meeting. He presented Chairman Eichenberg with the MRGCD Proclamation honoring AMAFCA's 50th Anniversary.

Chairman Eichenberg stated that he and Director Thomson had been present at the MRGCD Board meeting, and noted that the proclamation was very flattering to AMAFCA. He thanked Mr. Shah and the MRGCD for the many years of partnership between AMAFCA and the MRGCD.

Chairman Eichenberg then briefly introduced former AMAFCA Board Chairs Geneiva Meeker and Janet Saiers, and former Executive Engineer Richard Leonard, who were present.

Chairman Eichenberg stated that, like Tony Abbo, Subhas Shah had come to New Mexico to attend the University of New Mexico, and had never left. Mr. Shah had been at the MRGCD since 1977, and would be retiring in December 2014. He presented Mr. Shah with a plaque honoring his thirty-six years of dedicated public service. He read the plaque, which stated, "Subhas K. Shah, P.E. In appreciation for thirty-six years of dedicated public service in providing flood control, drainage, and irrigation for the residents of the Middle Rio Grande Valley. Presented by the AMAFCA Board of Directors, December 2013."

Director Brown stated it had been a real pleasure working with Mr. Shah over the decades, and he looked forward to continuing this working relationship with Mr. Shah's successors at MRGCD. Director Thomson noted that Mr. Shah was one of the most accomplished and influential water resource people in the state. Director Lyon also commented regarding working with Mr. Shah over the years.

Chairman Eichenberg stated that Mr. Shah never said "no" or "yes" but if he began speaking softly, then you knew it was a soft no. He also thanked the MRGCD Board members and staff for coming for the presentation. Director Hernandez stated it had been a pleasure working with Mr. Shah and expected another farewell at the time of his actual retirement in December 2014.

Mr. Shah addressed the AMAFCA Board, stating that the MRGCD can help AMAFCA with the land commitment, permitting and design at the Valle de Oro National Wildlife Refuge. He stated that the MRGCD will allow AMAFCA and the Valle de Oro to use the Barr Interior Drain to drain storm water as a part of the Valle de Oro and Outfall Project. The Board and Mr. Lovato thanked him for this.



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24. Unfinished Business

None.

25. New Business

None.

26. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 11:32 a.m., inviting those present to stay and join the Board at their annual Holiday Luncheon.

Bruce M. Thomson, Secretary-Treasurer, 1/23/2014

Recorded by Pamela Woodruff, Executive Administrative Assistant