



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
August 26, 2010**

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1. Call to Order and Roll Call

Chair Saiers called the Regular Board Meeting to order at 10:00 a.m. Thursday, August 26, 2010. Roll was noted as follows:

Directors present:	Chair Janet Saiers Director Ronald D. Brown Director Danny Hernandez Director Tim Eichenberg Director Daniel Lyon
Director excused:	None
Others present:	John Kelly, Executive Engineer Attorney Marcus Rael, Jr. Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Lyon made a motion to approve the agenda. Director Eichenberg seconded the motion. Mr. Kelly noted that there were handouts on agenda items 6c and 8c, and a memo requesting updated contact information from the Board. Director Eichenberg requested that agenda items 10, 11, 12, and 13 be removed from the Consent Agenda, which left agenda items 9 and 14 on the Consent Agenda. Chair Saiers noted the agenda was so revised.

The motion to approve the agenda, as revised, passed unanimously (5-0).

3. Meetings Scheduled

- a. **Thursday, September 30, 2010, 10:00 a.m. – Regular Meeting**
- b. **Thursday, October 28, 2010, 10:00 a.m. – Regular Meeting**
- c. **Thursday, November 18, 2010, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.



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4. Items from the Floor / Public Comment

Maintenance Superintendent Larry Trujillo introduced new Heavy Equipment Operator John Nix, giving a brief summary of his experience. The Board welcomed Mr. Nix to AMAFCA.

Susan White and Pat McGraw, residents of the South Valley, each expressed their support of Jerry Lovato in his pending role of Executive Engineer.

5. Approval of Minutes

a. July 22, 2010

Director Eichenberg made a motion to approve the minutes of the July 22, 2010 Regular Board Meeting. Director Hernandez seconded the motion, which passed unanimously (5-0).

6. Financial Matters

a. Approval of July 2010 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the July 2010 Expenditure Report. There were no questions.

Director Eichenberg made a motion to approve the July 2010 Expenditure Report. Director Brown seconded the motion, which passed unanimously (5-0).

b. Local Government Investment Pool Reserve Primary Fund – Update

Ms. Jeffries stated that there had been a small distribution from the Local Government Investment Pool Reserve Primary Fund. Another small distribution is expected in the future.

c. Investment Report for July 2010

Mr. Kelly reminded the Board there was a handout with a revised agenda item 8c. Ms. Jeffries presented the investment report for July 2010. There were no questions.

d. Financial Recap July 16, 2010, through August 15, 2010

Ms. Jeffries presented the Financial Recap for July 16, 2010 through August 15, 2010. She explained that expenditures in the Construction Fund were slightly higher than anticipated due to



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Salls Brothers Construction's aggressive start on the East Amole Surge Pond Project. There were no questions.

e. Financial Forecast August 16, 2010, through September 15, 2010

Ms. Jeffries presented the Financial Forecast for the period August 16, 2010, through September 15, 2010. She noted that the Operating Fund forecast includes two pay periods, and the Construction Fund forecast includes payments on three major projects and a number of smaller projects.

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

f. Certification of FY-2011 Budget by Department of Finance and Administration

Ms. Jeffries stated that the State of New Mexico Department of Finance and Administration (DFA) had certified AMAFCA's FY2011 budget. State law requires budgets approved by DFA to be made a part of the minutes of the governing body. No Board action was required.

7. Legal

a. Status Report

Attorney Marcus Rael, Jr., briefed the Board on the status of various legal matters. There were no questions.

b. Pending Litigation

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

Chair Saiers stated that the closed session would be for purposes of discussion only, regarding pending litigation. The motion passed unanimously (5-0), on a roll call vote.

Chair Saiers closed the meeting at 10:17 a.m.



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Director Hernandez made a motion that the meeting be re-opened. He stated that the Board had made no decisions during the closed session, but had discussed pending litigation. Director Brown seconded the motion, which passed unanimously (5-0), on a roll call vote.

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

8. Personnel Matters

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

Chair Saiers stated that the closed session would be for purposes of discussion only, regarding a personnel matter. The motion passed unanimously (5-0), on a roll call vote.

Chair Saiers closed the meeting at 11:08 a.m.

Director Hernandez made a motion that the meeting be re-opened. He stated that the Board had made no decisions during the closed session, but had discussed a personnel matter. Director Brown seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chair Saiers reopened the meeting at 11:23 a.m.

Director Hernandez, as Chair of the Personnel and Salary Committee (PSC), stated that the Board had selected the best candidate of the 31 applicants for the Executive Engineer position. The PSC had negotiated an agreement with him pursuant to direction from the Board, and recommended Board approval of agenda items 8a through 8d.

a. Consideration of *Executive Engineer Employment Agreement*

Director Brown made a motion that the Board approve the *Executive Engineer Employment Agreement* with Jerry M. Lovato, and authorize the Chair to execute the same on behalf of AMAFCA. Director Hernandez seconded the motion, which passed unanimously (5-0) on a roll-call vote.

The Board and audience greeted this action with applause.



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b. Consideration of Resolution 2010-9, *Designating Executive Engineer*

Director Brown made a motion that the Board adopt Resolution 2010-9, *Designating Jerry M. Lovato, P.E., as Executive Engineer*, and authorize the Chair to execute the same on behalf of AMAFCA. Director Hernandez seconded the motion, which passed unanimously (5-0) on a roll-call vote.

c. Consideration of *First Amendment to "Executive Engineer Employment Agreement" with John P. Kelly*

Director Hernandez made a motion that the Board approve the *First Amendment to "Executive Engineer Employment Agreement"* with John P. Kelly, and authorize the Chair to execute the same on behalf of AMAFCA. Director Brown seconded the motion, which passed unanimously (5-0) on a roll-call vote.

d. Consideration of Interim AMAFCA Organizational Chart

Director Hernandez stated that the Board had made one change in the proposed Interim AMAFCA Organizational Chart: the Special Projects Engineer would report only to the Executive Engineer, as only one person was to report directly to the Board according to the Personnel Manual.

Director Hernandez made a motion that the Board adopt the Interim AMAFCA Organizational Chart as modified, for inclusion in the AMAFCA Personnel Manual. Director Brown seconded the motion, which passed unanimously (5-0).

Mr. Kelly thanked the Board for their support, guidance and mentorship during his time as Executive Engineer. He stated he had written a management memo for the Board describing the status of various projects. On behalf of the Board, Director Hernandez thanked him for serving. The Board and audience applauded him for his service.

Chair Saiers invited those present to the December Board Meeting and Holiday Luncheon, stating it would also be a celebration of Mr. Kelly's birthday. She then welcomed Jerry Lovato as the new Executive Engineer. Mr. Lovato thanked the Board.



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Consent Agenda (items 9 and 14):

9. AMAFCA Technical Standards Committee – Consideration of Appointment of Teresa Cordova as 5th Committee member

The memo from Ms. Jeffries stated that Teresa Cordova had agreed to serve as the fifth member of the AMAFCA Technical Standards Committee, and requested that the Board appoint her to a three-year term through July 31, 2013.

14. Ditch Safety Coordination Services – Authorization to Advertise Request for Proposals

The memo from Ms. Jeffries stated that the agreement with Griffin & Associates for Ditch Safety Coordination Services expires in November 2010, and needs to go out for Request for Proposals. The memo requested that the Executive Engineer be authorized to advertise the RFP, and that the Selection Advisory Committee be comprised of the Executive Committee of the Ditch and Water Safety Task Force.

There being no further items on the Consent Agenda, and there being no questions, Director Hernandez made a motion that the Board take action on consent agenda items 9 and 14, as follows:

- Appoint Ms. Teresa Cordova as the fifth member of the AMAFCA Technical Standards Committee; and
- Authorize the Executive Engineer to issue the RFP for Ditch Safety Coordinator Services, and the Selection Advisory Committee to be comprised of the Executive Committee of the Ditch Safety Task Force.

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

Regular Agenda:

10. Barelvas Flood Relief – Consideration of *Second Amendment to "Barelvas Flood Relief, Agreement for Construction of the El Bordo Siphon and Barelvas Storm Drain Rehabilitation"*

The memo from Kurt Wagener, AMAFCA Field Engineer, stated that the original agreement for construction of the El Bordo Siphon and Barelvas Storm Drain Rehabilitation called for slip lining the entire pipeline. Test sections repaired earlier this year demonstrated that repair work at the joints and other locations utilizing grouting and internal seals would be sufficient.



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His memo stated that, in the original agreement, the cost of the work was estimated at \$3,000,000 with AMAFCA contributing a lump sum of \$1,200,000. The revised design reduces the project to a cost of \$1,320,000, with the City absorbing the entire cost of construction management, estimated at \$84,000. The Second Amendment to the agreement reduces AMAFCA's contribution to a 50/50 split of design and construction costs, with a maximum AMAFCA contribution of \$750,000.

In response to a question from Director Eichenberg, Mr. Wagener further described the changes regarding cost savings in the new design. He did not anticipate design of the siphon to cost the entire \$120,000 estimated. Design of the pipe repairs is being completed. Mr. Lovato added that the original agreement was based on a preliminary design. The design is being finished now, and when it is complete the cost estimate will be more accurate. He anticipated that AMAFCA's contribution at 50/50 would probably be less than the \$750,000 limit.

Discussion followed.

Director Eichenberg made a motion to change the maximum AMAFCA contribution in the agreement from \$750,000.00 to \$660,000.00, approve the Second Amendment to *"Barelas Flood Relief Agreement for Construction of the El Bordo Siphon and Barelas Storm Drain Rehabilitation"* as amended, and authorize the Chair to execute the same on behalf of AMAFCA. Director Lyon seconded the motion.

Director Hernandez stated that, although he supported having a \$750,000 cap in the agreement, he would vote for the motion.

The motion passed unanimously (5-0).

11. AMAFCA Construction

a. Construction Management Services

- 1. Consideration of Amendment Six to "Agreement for South Diversion Channel Water Quality Features Project for Reconnaissance Study/ Concept Development, Design and Construction Engineering Services" with WH Pacific, Inc., for Construction Management Services for South Diversion Channel Baffle Chute Storm Water Quality Facility**

The memo from Kevin Daggett, AMAFCA Storm Water Quality Engineer, stated that the original agreement for the above project included a scope of work for design and construction engineering services for the highest priority facilities identified in the study. The South Diversion Channel



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Baffle Chute Storm Water Quality Facility was chosen as the second highest priority water quality structure to be built along the South Diversion Channel. Amendment Six includes the fees for Construction Management of the project, which is ready to bid for construction.

Responding to a question from Director Eichenberg, Mr. Lovato stated that this had been an unusually lengthy phased study and design contract, originally signed in 2006. At that time, AMAFCA was trying to address issues with the EPA, and so included a number of tasks "to be determined later." The amendments have specified the tasks to be completed. With the new permit being issued, AMAFCA has a better understanding of what will be required over the next five years.

Mr. Daggett noted that the plans for the South Diversion Channel Baffle Chute Storm Water Quality Facility have now been finalized and the project is ready to bid. If approved by the Board, AMAFCA will begin advertising the project for construction bids on August 29, 2010.

Mr. Lovato added that this amendment was for Construction Management, which could not be estimated until the design is complete and construction costs can be estimated.

- 2. Consideration of Amendment Four to "Agreement for North Diversion Channel Storm Water Quality Reconnaissance Study, Engineering Services" with D.B. Stephens and Associates, Inc., for Construction Management Services for Grantline and Candelaria Inlets Storm Water Quality Facilities**

The memo from Mr. Daggett stated that Amendment Four to the above agreement includes scope items and fees for Construction Management Services for the Grantline and Candelaria Inlets Storm Water Quality Facilities, which will be ready to bid in mid-September.

b. Authorization to Advertise for Construction Bids

- 1. South Diversion Channel Baffle Chute Storm Water Quality Facility**

The memo from Mr. Daggett stated that the South Diversion Channel Baffle Chute Storm Water Quality Facility was ready to go to bid, and requested authorization to advertise the project.

- 2. Candelaria-Grantline Storm Water Quality Facilities Project**

The memo from Mr. Daggett stated that the Candelaria-Grantline Storm Water Quality Facilities Project would be ready to go to bid in mid-September, and requested authorization to advertise the project.



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Director Brown made a motion that the Board take the following action on agenda items 11.a.1, 11.a.2, 11.b.1, and 11.b.2:

- Approve Amendment Six to the Agreement with WHPacific (formerly ASCG) for Construction Management Services for South Diversion Channel Baffle Chute Storm Water Quality Facility, for \$187,237.00 plus NMGRT;
- Approve Amendment Four to the Agreement with Daniel B. Stephens and Associates for Construction Management Services for the Candelaria and Grantline Structural BMPs, for \$39,553.50 plus NMGRT;
- Authorize the Executive Engineer to advertise for construction bids for the South Diversion Channel Baffle Chute Storm Water Quality Facility; and
- Authorize the Executive Engineer to advertise for construction bids for the Candelaria-Grantline Storm Water Quality Facilities Project.

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

12. Southwest Valley Flood Reduction Project – Los Padillas Spillway Diversion Crossing of Isleta Boulevard – Consideration of Award of Contract to A.S. Horner, Inc.

Kurt Wagener, AMAFCA Field Engineer, stated that three bids were received. However, one was found non-responsive because it did not adhere to the Contract Documents, which called for certain bid items to be bid at the same unit price. Mathematical errors were found in the other two bids. Wilson & Company evaluated the bids and recommended award to A.S. Horner as the lowest responsible bidder. A copy of the required AMAFCA Campaign Contribution Disclosure Form was attached to the Board's memo.

Chair Saiers noted that the low bid was less than the Engineer's Estimate for the project.

In response to a question from Director Eichenberg, Mr. Wagener stated that staff had consulted with Attorney Marcus Rael before calling, faxing, and writing the non-responsive bidder, Star Paving, to inform them that their bid would be considered non-responsive, and that staff would recommend award to the lowest responsible bidder at the August 26, 2010 Board meeting. Staff had not received an official response from the president of Star Paving, but had spoken with their bid coordinator and she understood the action.

Responding to a question from Director Brown, Mr. Wagener stated that one reason only three firms bid on the job was that there is a very short time frame for completion of the project. Certain elements of the project are scheduled to take only 60 days, with Notice to Proceed on



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September 7, 2010. Not all of the firms considering bidding could perform under that timeline, so they did not bid.

Director Lyon made a motion that the Board accept A.S. Horner, Inc., as the lowest responsible bidder and authorize the Chair to execute the contract with them for the construction of the Los Padillas Spillway Diversion Crossing of Isleta Project in the amount of \$1,295,911.40 plus New Mexico Gross Receipts Tax. Director Hernandez seconded the motion, which passed unanimously (5-0).

13. Legislative Liaison Services – Authorization to Advertise Request for Proposals

The memo from Mr. Kelly stated that the current contract for legislative liaison/lobbyist services expires in November, 2010, and had reached the maximum number of extensions. A Request for Proposals needs to be advertised. In response to a question from Director Eichenberg, Mr. Rael indicated there is no requirement for a different firm after a certain number of years, as is required for audit contracts, thus the current firm is eligible to submit a proposal.

Chair Saiers noted that the existing lobbyists, Maurice and Mary Hobson of New Mexico Outsourcing, were in the audience.

Director Hernandez made a motion that the Board authorize advertisement of the Request for Proposals for Legislative Liaison/Lobbyist Services. Director Brown seconded the motion, which passed unanimously (5-0).

15. Approval of Resolution 2010-10, *Ad Valorem Tax Levy for Tax Year 2010, Applicable to General Operating Fund*

Mr. Lovato introduced Kevin Powers, of RBC Capital Markets, AMAFCA's Financial Advisors. He stated that Mr. Powers recommended that the operational mill levies be set at 0.173 residential and 0.500 non-residential.

Mr. Powers stated that the recommended rates needed to increase slightly over last year, as tax base valuations had decreased due to negative re-appraisals. When the Yield Control Act formula was applied, the residential rate was capped at 0.173 and the non-residential rate rose beyond AMAFCA's statutory cap of 0.500, so was limited to 0.500. If the Board were to decide to set the rates lower than the maximums allowed by the Department of Finance and Administration, they should be proportional to 0.173 and 0.500. The rates for Tax Year 2009 were 0.165 and 0.488.

Mr. Powers added that there are a number of tax protests this year. When the tax protests are resolved, assuming half are successfully returned to the tax rolls, the recommended rates will be sufficient to balance the budget's expenditures and revenues.



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Chair Saiers noted that the memo gave some specific budgetary savings that would occur due to savings in personnel costs, reducing revenue needs from what had been budgeted. Mr. Lovato confirmed that the FY11 budget passed by the Board was slightly less than the FY10 budget.

Extensive discussion followed, during which consensus of the Board was that rates should not be raised in view of the current state of the economy. Instead, the budget should be further tightened so that tax rates would not have to be raised. Director Brown suggested that last year's rates be used again.

Director Lyon made a motion that the Board adopt Resolution 2010-11, *Ad Valorem Tax Levy for Tax Year 2010, Applicable to General Operating Fund*, setting the mill levy at \$0.165 Residential and \$0.488 Non-Residential. Director Eichenberg seconded the motion, which passed unanimously (5-0) on a roll-call vote.

16. Approval of Resolution 2010-11, *Ad Valorem Tax Levy for Tax Year 2010, Applicable to Debt Service Fund*

Kevin Powers recommended that the mill levy for the Debt Service Fund be the same as the 2009 rate, a total mill levy of \$0.675, for the current boundary of AMAFCA. The portion of Sandoval County that was in the AMAFCA boundaries prior to the change in the Bernalillo County/Sandoval County boundary change effective January 1, 2005, will have a mill levy rate of \$0.302. He noted that next year, the Sandoval County rate will drop dramatically as bonds from the 2004 authorization are paid off, and the Sandoval County obligation will disappear entirely after all bonds from the 2004 Bond Authorization are paid off in 2013. Two bond issues remain from the 2004 Bond Authorization.

Director Hernandez made a motion that the Board adopt Resolution 2010-11, *Ad Valorem Tax Levy for Tax Year 2010, Applicable to Debt Service Fund*, setting the Debt Service mill levy at \$0.302 for that portion of Sandoval County affected by the January 1, 2005 Bernalillo County/Sandoval County boundary change, and an additional \$0.373 for Bernalillo County, for a total mill levy in the current AMAFCA boundaries of \$0.675. Director Brown seconded the motion, which passed unanimously (5-0) on a roll-call vote.

Chair Saiers called a brief recess at 12:25 p.m. The meeting resumed at 12:30 p.m.

19. Legislative Interim Committees – Briefing by Maurice and Mary Hobson, New Mexico Outsourcing

Maurice and Mary Hobson briefed the Board on the Legislative Interim Committees. They attended the Water and Natural Resources Interim Committee and kept tabs on several other



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interim committees. Specific items mentioned in their report to the Board included the Interstate Stream Commission's proposal for an offset contract with Intel, the deep well permitting process and aquifer mapping, an update on the Aamodt Settlement Agreement, and government restructuring.

Mr. Hobson noted many positive changes recently at the OSE.

Director Eichenberg commented that government restructuring was not primarily a cost-saving measure, but was intended to improve government efficiency.

21. Volcano Cliffs Sector Development Plan – Briefing by Russell Brito, Brad Bingham, City Planning

As he owns property in the area, Director Eichenberg left the room during this agenda item.

Lynn Mazur, AMAFCA Development Review Engineer, introduced Russell Brito, Manager of the Long Range Planning Division at the City of Albuquerque Planning Department; Brad Bingham, City Hydrologist; Steve Metro and Dan Aguirre of Wilson & Company, the engineers for the Volcano Cliffs Property Owners Association (VCPOA); Dave Heil and Barbara Mueller of the VCPOA; Jolene Wolfley, a consultant who has been working on the sector plan; Rene' Horvath of the Taylor Ranch Neighborhood Association (TRNA); and Sarah Westbrook, City Council Services.

Ms. Mazur stated that the Volcano Heights Sector Development Plan was presented to the AMAFCA Board in 2005 and 2006. Due to the presence of the North and Middle Forks of the Boca Negra Arroyo, the current Volcano Cliffs Sector Development Plan is of interest to AMAFCA.

She stated that when the plan was originally presented to the Board, arroyo stabilization was presented as strictly a "prudent line" arroyo treatment. It has since been determined that the level of the basalt is so shallow in this area that underground avulsions can occur. This sector plan is being presented to the Board to request input and guidance on the sector plan, and to address the City's request for maintenance of the arroyos. The plan will go before the Environmental Planning Commission on September 2, 2010.

Russell Brito briefed the Board on the Volcano Cliffs Sector Development Plan. He stated that the Volcano Mesa area was originally covered by the Volcano Heights Sector Development Plan, which was adopted in 2006. The plan was appealed to the District Court, which remanded it back to the Planning Commission. The Volcano Mesa has now been split into three areas. Volcano Cliffs is the largest, at over 2,000 acres, and contains the Boca Negra Arroyos.



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He noted that the previous Sector Development Plan called for leaving the arroyos in a natural state using a prudent line treatment along the arroyos, including very wide open space buffers on each side. There is a lawsuit pending which deals, in part, with the zoning for open space along the edges of the arroyos without funds being available for the City to purchase that land for designation of open space.

Mr. Brito stated that, since the plan had been remanded, the Planning Department and its consultants had adjusted the arroyo treatment options to include a "naturalistic" channel treatment, with a maintenance road on one side, a trail on the other, and an open space buffer on both sides. This option results in a drainage corridor narrower than previously proposed – about 150-160 feet wide rather than the approximately 300 feet wide corridor required for the prudent line treatment.

Ms. Mazur explained that a naturalistic channel attempts to control the arroyo with basalt placement along the sides, but is not a prudent line treatment.

Mr. Brito stated that the Sector Plan will be heard at the Environmental Planning Commission on September 2, and is expected to be heard at least twice before it goes to the City Council. The Planning Department has been working with key goals and policies from the 2006 plan, attempting to incorporate and address as many of them as possible, while working with property owners to preserve their property rights as much as possible. Working together, they had come up with a consensus regarding the arroyo treatments and maintaining open space.

Brad Bingham, City Hydrologist, presented details regarding the drainage corridors and also answered questions from the Board. The channel treatment will also include drop structures. The depth of the basalt varies, and this makes determination of the width of the prudent line difficult. In addition to the prudent line treatment originally proposed, a naturalistic treatment option, which will fit into a 160 foot wide corridor, was developed. The existing platted drainage easement is 100 feet wide, so an additional 60 feet will need to be obtained (30 feet on each side).

He stated that grouted natural basalt materials will be used to construct the channel. The channel will be about 3 feet deep, and the rest of the development will drain into the channel. The City will ask AMAFCA to maintain the finished channel. The sides will be armored, but the bottom will be sand, unless the basalt layer is close to the surface. The City will use either the prudent line or the naturalistic channel treatment on any particular stretch of the arroyo, depending on the results of the prudent line study.

The Board discussed the difficulty of maintaining the proposed naturalistic channel.

Mr. Lovato noted that when there is a basalt floor, an arroyo tends to widen since it can't go deeper – thus the need for armoring the walls of the channel. Mr. Lovato pointed out that some



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areas will need to have visible concrete, for ease in maintenance of the channel. He stated that one of the largest-cost items in the prudent line study will be extensive core drilling to determine the location of the basalt layer. As long as the arroyo is designed and constructed as a maintainable flood control facility, it can be maintained.

Comments from the audience addressed the width of the easement. They all supported the proposed Sector Plan. Those addressing the Board included Dave Heil and Barbara Mueller of the VCPOA, who supported the naturalistic channel treatment option, and Jolene Wolfley and Rene' Horvath of the TRNA, who supported the prudent line option. Mr. Heil also reported that a few property owners in the VCPOA, who were unable to be present, would prefer the wider corridor of the prudent line option, to allow more open space and more area for wildlife.

Jolene Wolfley, who had worked on the original sector plan, gave some background on the ecological reasons for the larger corridors of the original sector plan, which she maintained would provide a natural environment and be an amenity that would enhance the value of the adjacent properties.

Ms. Mazur noted that the Sector Development Plan states that the drainage corridors will be dedicated in fee or easement to City Open Space, with an overlying drainage easement to AMAFCA.

Extensive discussion followed, primarily about the easements and the prudence of accepting responsibility for an un-engineered arroyo.

Steve Metro of Wilson and Company, Inc. noted that the Sector Plan was part of the Boca Negra Drainage Management Plan (DMP), and is consistent with that DMP. The engineering for the final treatment of the arroyos will need to be consistent with the DMP as well. Rock cuts during construction will need to be engineered and stabilized.

After further discussion, final consensus of the Board was that the prudent line and improved naturalistic channel were both acceptable to AMAFCA. AMAFCA will accept the channel for maintenance subject to an acceptable engineering analysis, engineered design, and construction of improvements if applicable.

Director Eichenberg returned to the meeting at this point.



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17. East I-40 Embudo Channel – Consideration of *Cooperative Study, Design, Construction, and Assumption of Maintenance Agreement between the New Mexico Department of Transportation and the Albuquerque Metropolitan Arroyo Flood Control Authority for the East I-40 Embudo Channel Reconstruction Project*

Mr. Lovato introduced Debra Bauman, of the New Mexico Department of Transportation District Three (NMDOT). He stated that Ms. Bauman will soon be leaving NMDOT to take a position with the City of Albuquerque.

He stated that the proposed agreement had been revised pursuant to Board input at the last meeting. There is a decision point in the agreement where the NMDOT and AMAFCA, acting independently, each decide if it is beneficial to continue with the agreement. Funding for the study phase of the agreement is available in both agencies' budgets.

He added that the agreement had been reviewed and accepted by AMAFCA Counsel, and was currently in final legal review at the NMDOT.

Director Brown made a motion that the Board approve the *Cooperative Study, Design, Construction, and Assumption of Maintenance Agreement between the New Mexico Department of Transportation and the Albuquerque Metropolitan Arroyo Flood Control Authority for the East I-40 Embudo Channel Reconstruction Project*, substantially the same as attached to the memo, and authorize the Chair to execute the same on behalf of AMAFCA. Director Hernandez seconded the motion, which passed (3-2), with Directors Eichenberg and Lyon voting no.

18. Hahn Arroyo Project – Review of Draft Agreement for the *Funding and Maintenance of the Hahn Arroyo Rehabilitation Project (California to Comanche)* with the City of Albuquerque

Kevin Daggett, AMAFCA Storm Water Quality Engineer, presented the draft agreement for the funding and maintenance of the Hahn Arroyo Rehabilitation Project with the City of Albuquerque. The Board had no questions and made no changes to the agreement. Mr. Lovato noted that the only thing different on this project is the cisterns – otherwise the maintenance is very standard.

20. Field Highlights

- a. Construction Report**
- b. Field Report**

There were no questions regarding the Construction Report. The Field Report was deferred to the next meeting.



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22. Albuquerque Levees Reconstruction Feasibility Study Opportunity – Briefing by U.S. Army Corps of Engineers

Mr. Lovato introduced Jerry Nieto, of the U.S. Army Corps of Engineers.

Mr. Lovato stated that the Corps of Engineers had identified an opportunity to begin the environmental work for the Albuquerque Levees Project, which will include the Montañño Levee Gap area. The New Mexico congressional delegation is pursuing Federal budget funding for a feasibility study under Section 216 of the Flood Control Act of 1970. This program allows the Corps to look at the environmental impact of a project before there is a design completed.

He further explained that a feasibility study under Section 216 requires cost-sharing of 50% Federal, 50% Non-Federal. If Congress provides funding to initiate the study in FY 2011, a cost sharing match will be required before the study can begin. However, the cost-sharing agreement cannot be signed until funds are appropriated by Congress. Representatives of the Middle Rio Grande Conservancy District (MRGCD), Bernalillo County, the City of Albuquerque, AMAFCA, and the Corps of Engineers met to discuss this possibility on August 11, 2010.

Mr. Lovato stated that the participants from AMAFCA, MRGCD, Bernalillo County, and the City of Albuquerque agreed to talk to their elected officials about cost-sharing a feasibility study for the levee construction. Each of the agencies will provide letters to Senator Bingaman noting their support for the study. The participants also agreed that the Village of Los Ranchos should also be invited to participate.

Mr. Nieto stated that the initial estimate is that a feasibility study will cost \$1,000,000, and 50% of the funding needs to come from local sources. He added that he will meet with the Village of Los Ranchos next week. If they participate, their funding amount will probably not be equal to that of the other agencies.

Director Lyon noted that the MRGCD has the greatest liability, and wondered if AMAFCA should participate financially in the study. Chair Saiers noted that the other agencies have a significant taxing authority as well as greater liability, and perhaps should contribute more.

In response to a question from Chair Saiers, Mr. Nieto stated that a number of local engineering firms are qualified to do this study, which will take approximately three years to complete. Mr. Lovato stated that the Section 216 funding will shorten the time to get this study completed because it allows it to begin sooner.

Director Brown stated that the Board could commit to serve as one of the local sponsors, without naming a dollar figure.



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Roger Paul, of Bernalillo County, stated the County had signed their letter committing to be a funding local co-sponsor the day before, committing to \$125,000.

Mr. Nieto stated that this project will be similar to the West Levee Project, where MRGCD was the lead agency and AMAFCA and Bernalillo County participated. The feasibility study will include the region of the Montañño Levee Gap, the Corrales Levees, and the West Levee portion.

Director Eichenberg opined that AMAFCA is charged with arroyo flood control, not river flood control. AMAFCA should step back and let the others handle it. He requested that Attorney Rael research this and write an opinion letter on it. Mr. Rael stated that he would do so.

Director Hernandez disagreed, opining that this could be argued either way, as the word "Arroyo" only shows up in the title of AMAFCA's legislation; however, he agreed that AMAFCA should not be the lead agency on this study.

Mr. Kelly stated that he had recently reviewed the draft Floodplain Designation Economic Impact Study, which will be presented to the Board in September. He gave a few figures illustrating the great economic impact that flood zone designation will have on the valley. He stated that the study shows an economic impact of \$20 million in the valley as a result of the flood zone designation.

Director Lyon made a motion that the Board authorize the Chair to sign a letter to the New Mexico delegation expressing AMAFCA's support of the Feasibility Study. Director Eichenberg seconded the motion, which passed unanimously (5-0).

Director Brown made a motion that AMAFCA commit to serve as "one of the local co-sponsors" (but not the lead), committing to fund up to \$125,000 towards the study. Director Hernandez seconded the motion.

Mr. Rael stated he would look at the enabling legislation for the MRGCD and AMAFCA, including the underlying intent of the legislation, to be certain AMAFCA is acting within its authority. Chair Saiers supported doing this, but also commented there were many similar cooperative projects in the past.

Director Brown contrasted \$125,000 for the study with the floodplain designation's \$20 million negative economic impact in the valley.

The motion to commit to serve as one of the local co-sponsors passed (3-2), with Directors Eichenberg and Lyon voting no.



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23. Notification of On-Call Services Task Orders

The memo from Mr. Kelly noted that there were seven on-call task orders since the last Board meeting. There were no questions.

24. Real Estate – Notification of Issuance of Two Recreational Licenses

The memo from Loren Hines, AMAFCA Real Estate Manager, noted that two short-term recreational licenses were issued in the past month – one for a cross country race and one for a charity walk.

25. Unfinished Business

a. Trip Report, ESRI International Users Conference

Kevin Troutman's memo briefed the Board on his trip to the ESRI International Users Conference, where he was one of the presenters. He answered several questions about the conference.

26. New Business

None.

27. Adjourn

There being no further business to come before the Board, Chair Saiers adjourned the meeting at 2:30 p.m.

Ronald D. Brown, Secretary-Treasurer 9/30/10

Recorded by Pam Woodruff, Secretary to the Executive Engineer