



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
June 23, 2011**

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1. Call to Order and Roll Call

Chairman Hernandez called the Regular Board Meeting to order at 10:04 a.m. Thursday, June 23, 2011. Roll was noted as follows:

Directors present: Chairman Danny Hernandez
Director Ronald D. Brown (arrived at 10:07 a.m.)
Director Bruce Thomson
Director Tim Eichenberg
Director Daniel Lyon

Directors excused: None

Others present: Jerry M. Lovato, P.E., Executive Engineer
Attorney Marcus Rael, Jr.
Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

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

3. Meetings Scheduled

- a. Thursday, July 28, 2011, 10:00 a.m. – Regular Meeting
- b. Thursday, August 25, 2011, 10:00 a.m. – Regular Meeting
- c. Thursday, September 22, 2011, 10:00 a.m. – Regular Meeting

Director Eichenberg stated that one of his Senate duties will conflict with the "fourth Thursday" AMAFCA meetings, and requested that the meetings be moved. This will be further discussed after Director Brown arrives.

4. Items from the Floor / Public Comment

None.



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5. Approval of Minutes

a. May 24, 2011

Director Eichenberg made a motion to approve the minutes of the May 24, 2011 Special Board Meeting. Director Thomson seconded the motion, which passed (4-0).

b. May 26, 2011

Director Lyon made a motion to approve the minutes of the May 26, 2011 Regular Board Meeting. Director Eichenberg seconded the motion, which passed (4-0).

6. Financial Matters

a. Approval of May 2011 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the May 2011 Expenditure Report. There were no questions from the Board.

Director Lyon made a motion to approve the May 2011 Expenditure Report. Director Thomson seconded the motion, which passed (4-0).

b. Investment Report for May 2011

Ms. Jeffries presented the investment report for May 2011. She noted that the Vista del Rio Storm Drain project had been closed out. There were no questions, and no Board action was required.

Director Brown arrived at 10:07 a.m.

c. Financial Recap May 16, 2011, through June 15, 2011

Ms. Jeffries presented the Financial Recap for May 16, 2011 through June 15, 2011. There were no questions, and no Board action was required.

d. Financial Forecast June 16, 2011, through July 15, 2011

Ms. Jeffries presented the Financial Forecast for the period June 16, 2011, through July 15, 2011. She noted that the Operating Fund recommended actions include paying four pay periods to the City of Albuquerque, and payment for purchase of a compact track loader as budgeted in



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the FY-2011 budget. Construction Fund recommended actions include payments on three construction projects. There were no questions from the Board.

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

e. Consideration of Finding to Delete Certain Items from Inventory and Remove Certain Items from Capitalized Fixed Asset (Inventory) List to Non-capitalized Fixed Asset List

Ms. Jeffries stated that she would like to remove obsolete and broken items from the inventory, and move a number of smaller items off the inventory to a separate accountability report. The printer and monitor were broken, and would be disposed of in an environmentally responsible manner. The Motorola radios were obsolete and had already been replaced. Items to be moved to a separate accountability report included items such as chairs, which were individually under the inventory value threshold. Moving these off the inventory would make more efficient use of staff time.

Director Brown made a motion that the Board approve deletion or removal from AMAFCA's Capitalized Fixed Asset Inventory and authorize the disposition of certain inventory items as listed in the memo, and execute the Official Finding for submission to the State Auditor. Director Thomson seconded the motion, which passed unanimously (5-0).

The Official Finding was circulated for the Boards' signatures.

f. Acceptance of Inventories

Ms. Jeffries presented the Board with the Maintenance Inventory and the Office Inventory, stating that Larry Trujillo, Maintenance Superintendent, had certified the Maintenance Inventory, and she had certified the Office Inventory. The inventories did not include the items deleted in agenda item 6e. There were no questions.

Director Brown made a motion that the Board accept the Inventories. Director Thomson seconded the motion, which passed unanimously (5-0).

g. Ricci & Company – Required Letter of Communication

Ms. Jeffries stated that Ricci & Company, AMAFCA's Auditors, had provided the Board with the required Letter of Communication, describing the planned scope and timing of the Audit. In response to a question from Director Thomson about the date the Audit would be complete, as



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this information was not in the letter, Ms. Jeffries stated that the audit would be complete in November.

After discussion, the consensus of the Board was to have the Executive Engineer contact Ricci & Company, requesting that the auditor meet the state audit deadline of December 1, 2011, as this information was not included in the letter.

7. Legal

a. Status Report

Attorney Marcus Rael, Jr., briefed the Board on the status of various legal matters, answering a question from Director Eichenberg about one of the items.

b. Expanded Briefing

Attorney Rael had also provided additional information to the Board, expanding on several items in his report. He briefly explained how one of the items affected AMAFCA.

8. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Lovato highlighted significant activities of the past month, answering questions from the Board during his presentation. He covered the following:

- AMAFCA is working with the Corps of Engineers (COE) to close out the work done by AMAFCA on the Feasibility portion and Phase I of the Southwest Valley Flood Reduction Project. Drafting an operation and maintenance manual may be part of the close out package. The COE continues construction along the Los Padillas and Isleta Drains.
- AMAFCA is working with the City of Albuquerque on agreements for multi-use trails, easements, funding, and project licenses.
- He sent a letter to all signatories to the Boca Negra Dam project concerning the design, Office of the State Engineer (OSE) approval, the construction schedule, and funding, which will be required in the next three months. The Unser Boulevard Extension project has completed some work originally identified to be part of the dam project. The design has been sent to the OSE for review. The City and AMAFCA continue to work with New Mexico Gas and PNM regarding easements, to ensure reciprocal easements will be in



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place before the OSE approves the project. Staff intends to request approval to advertise at the August meeting.

- The proposed bike notch designs for the Osuna Boulevard and Singer Road Bike Notches have been submitted to the COE. COE had requested that additional physical modeling be done. This will be the longest model ever built at the UNM Hydrology Lab. Chairman Hernandez stated that interested parties will be invited to see the model in action.
- As requested and approved by the Board at the February Board meeting, he had sent a letter in support of the City's request to rezone the park adjacent to Ventana Dam.
- Since the last Board meeting, he had received an email update from Department of Finance and Administration (DFA) Cabinet Secretary Richard May, which stated that the New Mexico Taxation and Revenue Department agreed with DFA's interpretation of the Yield Control Act. Secretary May stated "There is no provision in the law that permits DFA or any other state agency to impose any other tax rate or to allow local taxing districts to "proportionally" reduce both the residential and nonresidential rate in order to "hit" a desired tax rate." No further information had been received from DFA.
- Both Bernalillo County and the City of Albuquerque have asked for AMAFCA participation in upcoming public outreach events.
- Emergency Action Plans (EAP) were discussed during the Flood Fighting Workshop. Emergency response in the metro area will be different than the EAP identified by the OSE to be used for dams. AMAFCA, the City, Bernalillo County, and the Department of New Mexico Homeland Security are meeting to explore modifying the OSE template to address metro area resources.
- Staff has been in contact with RBC Capital Markets (AMAFCA's Financial Advisor) concerning the structure and timing of the next bond sale. He anticipated that the bond discussion will be at the July Board meeting, with the notice of sale in August, the bond sale in September, and the closing in October.

The Board discussed the status of the ongoing mill levy discussions with the DFA.

Chairman Hernandez noted that, whatever the Board decided to do, a draft of a statement and a media strategy had been developed and was ready to be put into action.

Director Brown noted that Secretary May had responded to AMAFCA, so he did not see a need to wait for further communications from DFA. Director Lyon agreed.



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Director Eichenberg commented that if the Yield Control Act raises the mill levy, the Board requesting to keep the same rates is "lowering" the mill levy in DFA's perspective. He opined that AMAFCA would probably win a lawsuit. However, he also noted the increased funds from the higher mill levy would probably amount to about \$35,000, and a lawsuit would likely cost \$100,000 in legal fees. No matter what the Board decided to do, it would cost the taxpayer money.

Chairman Hernandez agreed, and requested the consensus of the Board.

Director Brown suggested going to the media. He stated that AMAFCA might not need to fight in court, but could fight in the "court of public opinion." Chairman Hernandez agreed, stating that the media strategy could be followed if this course of action were taken.

Director Eichenberg noted that discussion of potential litigation would best be done in closed session.

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*," seventh edition, 2010, to discuss potential litigation. Director Brown seconded the motion.

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

Chairman Hernandez closed the meeting at 10:31 a.m. Mr. Lovato remained in the closed session.

Director Thomson made a motion that the meeting be re-opened. Director Lyon seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Hernandez reopened the meeting at 10:55 a.m.

Director Brown reported that the Board had taken no action during the closed meeting, but had discussed potential litigation and had given direction to Attorney Rael and Chairman Hernandez.

b. Notification of On-Call Services Task Orders

Mr. Lovato stated that five on-call task orders had been issued this month, as outlined in his memo, giving the Board details on each. There were no questions from the Board.



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Consent Agenda:

Director Thomson noted that, as an employee of UNM, he would be abstaining from the vote for agenda item 10, to avoid any perceived conflict of interest.

9. Approval of Exhibit A of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*

The memo from Mr. Lovato stated that Exhibit A of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*, needed to be approved by the Board each year. His memo listed revenue received in each category over the last two years. The exhibit has not changed since December 2007. He requested the Board approve "Exhibit A" of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*.

10. UNM Hydraulic Modeling Agreement – Approval of FY-12 Agreement

The memo from Mr. Lovato stated UNM Open Channel Modeling proposal for Year 23 matched the budgeted amount. The memo provided information on the projects modeled at the lab in the past year. The lab was used to confirm and fine tune designs by AMAFCA, the City, the County, and the private sector and for ongoing work with the Nuclear Regulatory Commission. He requested that the Board approve the UNM Open Channel Modeling proposal for Year 23, not to exceed \$50,000.00, and that he be authorized to execute the necessary proposal acceptance forms from UNM.

11. United States Geologic Survey Cooperative Program – Approval of FY-12 Program

The memo from Kevin Daggett, AMAFCA's Storm Water Quality Engineer, stated AMAFCA, the United States Geological Survey (USGS) and the City of Albuquerque have participated in a Cooperative Program since 1976, to obtain accurate hydrological data for storm water resources within the greater Albuquerque area. This year's Cooperative Program is similar to previous years, but with additions to address EPA requirements. To offset the cost of the additional work item, the MS4 partners elected to reduce the number of rainfall/runoff data monitoring sites. As a result, this year's contract is for \$16,676 less than last year's contract. He requested that the Board authorize the Executive Engineer to execute the Cooperative Agreement with the USGS and the City of Albuquerque, with the AMAFCA share not to exceed \$150,000.00.

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 9-11, as follows:



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- Approve "Exhibit A" of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*;
- Approve the UNM Open Channel Modeling proposal for Year 23, not to exceed \$50,000.00, and that the Executive Engineer be authorized to execute the necessary proposal acceptance forms from UNM; and
- Authorize the Executive Engineer to execute the Cooperative Agreement with the USGS and the City of Albuquerque, with the AMAFCA share not to exceed \$150,000.00.

Director Brown seconded the motion, which passed. Agenda items 9 and 11 passed (4-0), and agenda item 10 passed (3-0), as Director Thomson abstained from voting on that item, and Director Eichenberg was absent at the time of the vote on the consent agenda.

In response to a question from Director Lyon regarding agenda item 9, Mr. Lovato stated that there had been no revenues from utility licenses or film productions for the past two years. After brief discussion, Mr. Lovato stated that he would obtain additional information for Director Lyon regarding miscellaneous revenues.

Chairman Hernandez was out of the room from 10:58-11:00, and Director Brown chaired the meeting in his absence, during the discussion of miscellaneous revenues. He returned before agenda item 12.

Regular Agenda:

12. Miscellaneous AMAFCA Construction Projects 2011 – Authorization to Advertise for Construction Bids

Kurt Wagener, AMAFCA Field Engineer, stated that the Miscellaneous AMAFCA Construction Projects 2011 project was ready to advertise for bids. The project includes ten bid lots at thirty locations throughout AMAFCA's jurisdiction, including an access control project, two sign structures, a bid lot to waterproof the tops of vertical walls, a ported outlet structure, installation of depth markers, dam monumentation, avian control, ramp installation, and a water quality sedimentation project.

He stated that the engineer's estimate of the construction cost is \$475,000 plus New Mexico Gross Receipts Tax. A construction management task order will be negotiated as an on-call engineering assignment.



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Director Brown made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the Miscellaneous AMAFCA Construction Projects 2011. Director Thomson seconded the motion, which passed unanimously (5-0).

13. McCoy Dam Watershed Draft Abridged Drainage Management Plan

Lynn Mazur, AMAFCA Development Review Engineer, reminded the Board that last month, they were briefed on the Don Felipe Dam Watershed Drainage Management Plan (DMP). This month's briefing covers the McCoy Dam Watershed Draft Abridged DMP. The third southwest dam being studied, Raymac Dam, will be covered in the future.

She stated that Bohannon Huston prepared the Abridged DMP for this dam. The 2006 contract did not originally include a DMP, but it was amended in March 2011 to add an Abridged DMP to evaluate the dam and proposed future facilities.

Ms. Mazur introduced Alandren Etlantus and Craig Hoover of Bohannon Huston, who briefed the Board on the DMP.

Ms. Etlantus stated that this is an "Abridged" DMP because the recommendations for the improvements needed already exist for this watershed, so that section of a DMP did not have to be done.

She explained that Bohannon Huston studied the existing and proposed conditions for the watershed, using the adopted land-use plan. Under fully-developed conditions, with the recommended diversions completed, and with the Three Dam Outlet completed, the dam still has five feet of freeboard.

Brief discussion followed.

In response to a question from Director Brown, Ms. Mazur stated that the next step would be to design the diversions. Construction of the diversions will have to wait until after the Three Dam Outlet has been completed.

Ms. Mazur stated that the Board's comments will be incorporated into the DMP. She anticipated a draft resolution to adopt the DMP will be ready for the Board's consideration at the July Board meeting. She added that staff recommended that a public meeting be held to present the adopted DMPs for the Don Felipe Dam and the McCoy Dam in August.



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14. La Presa Project

a. Consideration of *Funding Agreement for Design and Construction of La Presa Multi-use Trail* with the City of Albuquerque

Mr. Wagener stated that the Board had been previously briefed on the City's proposal to build a multi-use trail at the La Presa Project site, via a funding agreement with AMAFCA. He stated that the proposed funding agreement was undergoing legal review at the City. The actual fee to be paid to Wilson and Company will be approximately \$80 less than the amount shown in the agreement provided to the Board. He asked the Board to approve the agreement, substantially the same as attached to their memos, with the corrected fee and subject to approval by the City's legal counsel.

Director Brown made a motion that the Board approve the *Funding Agreement for Design and Construction of the La Presa Multi-Use Trail* with the City of Albuquerque, substantially the same as attached, and authorize the Chair to execute the same on behalf of AMAFCA, after the City's legal counsel's review and acceptance of the final document. Director Thomson seconded the motion, which passed unanimously (5-0).

b. Temporary Channel Improvements Upstream of the La Presa Project – Briefing by Roland Penttila, City of Albuquerque Storm Drainage Section

Mr. Wagener introduced Roland Penttila, City of Albuquerque Storm Drainage Section.

Mr. Wagener stated that the channel upstream of the La Presa Project, formerly Unser Boulevard Detention Basin, is a temporary earthen channel which was constructed by the New Mexico Department of Transportation as part of the GRIP project to add a freeway lane. AMAFCA maintains the channel, which requires maintenance after nearly every storm due to the slope. AMAFCA has installed eight grouted boulder grade control structures to protect the storm drain outfalls into the channel and to minimize erosion.

He noted that, according to previous agreements between AMAFCA and the City of Albuquerque, the City will eventually take over maintenance of this channel after completion of the La Presa Project. Construction of improvements to this section of the channel was included in the AMAFCA FY-2010 Project Schedule at a total project cost of \$3,000,000 with AMAFCA's share of \$1,000,000 in FY-2013 and FY-2014.

Mr. Wagener stated that the La Presa Project that AMAFCA will have over 125,000 cy of excess dirt to be removed from the project. Much of the dirt can be placed within the channel right of way, for a cost savings of approximately \$300,000.



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He explained that the channel was originally slated to be concrete lined. However, the preliminary design will explore other channel types including a naturalized channel with drop structures, similar to what was done east of Unser. The preliminary design to place the dirt within the channel right of way could be done for under \$50,000.

He stated that AMAFCA and the City have discussed a funding agreement wherein AMAFCA would fund the preliminary design of the channel and the City would allow placement of the excess dirt within the channel right of way. Dependent on voter approval of the City's bond issue in November 2011, the City would have approximately \$1,000,000 for the final design and construction of the channel in calendar year 2012. AMAFCA would receive credit for the amount of the preliminary design in any future cost share agreement for the design and construction of the channel.

Brief discussion followed. Mr. Wagener stated that the channel project lead could be either the City or AMAFCA.

Mr. Lovato also gave further background on the project. He stated that the temporary channel was constructed during the I-40 expansion, and was over-excavated for storage purposes. AMAFCA is obligated to maintain the temporary channel until the La Presa Project is completed. The excess dirt from La Presa can be used at the temporary channel, which will save AMAFCA money on the La Presa project, and since dirt will not need to be hauled away from the project in trucks, it will also improve public safety and lessen the project's impact on the public.

Director Thomson made a motion that the Board authorize the Executive Engineer to draft a funding agreement between AMAFCA and the City of Albuquerque to fund the preliminary design of the West I-40 Channel, Unser to 98th Street, for consideration at a future Board meeting. Director Lyon seconded the motion, which passed unanimously (5-0).

15. Proposed Cost Share Agreement with the City of Albuquerque for Construction of the Sagebrush Trail Dip Replacement – Briefing by Roland Penttila, City of Albuquerque Drainage Section

Brad Bingham, AMAFCA Drainage Engineer, introduced Roland Penttila of the City of Albuquerque Drainage Section.

Mr. Bingham stated that, over the past 25 years, the City has been replacing arroyo dip crossings throughout the city to improve public safety. One of the few remaining dip sections is on the Four Hills Arroyo at Sagebrush Trail. He stated that the City is proposing a cost-share agreement to fund removal of this dip crossing.



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Mr. Penttila briefed the Board on this project. He stated that this dip crossing is especially dangerous because directly downstream, the channel leads to a chute that is 22' deep before the water enters a pipe. The arroyo carries 1500 cfs.

He stated that the proposed bridge crossing is currently undergoing design review at NMDOT. The City, in conjunction with the UNM Hydrology Lab, is designing a parabolic safety rack which will tend to pull objects up to the surface. The City is obtaining the temporary construction easements needed for the project, including agreements providing temporary access during construction for adjacent residents, and is obtaining the 404 permit for the project.

Mr. Penttila showed several slides of the project area and the downstream chute, which illustrated the dangers of this dip crossing. He stated that the project is estimated to cost about \$1,000,000, and that the City is planning to construct the project this winter.

Mr. Bingham noted that the project was listed on the AMAFCA FY-2010 Project Schedule for AMAFCA funding of \$500,000.

Director Thomson made a motion that the Board authorize the Executive Engineer to draft a funding agreement between AMAFCA and the City of Albuquerque to fund the construction of the Sagebrush Trail Dip Replacement. Director Brown seconded the motion, which passed unanimously (5-0).

16. Update on the Agreement for the Extension of the Jefferson Storm Drain – Briefing by Roland Penttila, City of Albuquerque Storm Drainage Section

Mr. Bingham stated that, due to funding cuts at the City of Albuquerque, the Osuna widening project has been separated from the Jefferson Storm Drain. The Jefferson Storm Drain project is moving ahead, with a Request for Proposals for design expected within the next few months. Construction is anticipated to start in late FY-2012 or early FY-2013. The City was not requesting any funds at this time.

There were no questions.

3. Meetings Scheduled (continued)

- a. Thursday, July 28, 2011, 10:00 a.m. – Regular Meeting
- b. Thursday, August 25, 2011, 10:00 a.m. – Regular Meeting
- c. Thursday, September 22, 2011, 10:00 a.m. – Regular Meeting

The Board returned to a discussion of upcoming meeting dates, as Director Brown would have to leave the meeting early. Director Eichenberg briefly explained his meeting conflict.



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Consensus of the Board was to move the meetings to the third Thursday, which Director Brown stated would actually work better for him than the fourth Thursday, due to another committee he is on.

The Board also discussed whether special meetings were required for discussing the Project Schedule. Consensus of the Board was to keep those presentations at the Regular Meetings.

Due to a prior commitment, Director Brown left the meeting at 11:40 a.m.

After Director Brown's departure, Director Eichenberg noted that he would be out of town the third week of July, so would not be able to make the July meeting either week.

Director Lyon suggested, and the Board agreed by consensus, to keep the July meeting on the fourth Thursday, and move the other meetings to the third Thursday beginning in August, subject to the retention of the July 28, 2011 meeting date being acceptable to Director Brown.

The revised meeting schedule was as follows:

- a. **Thursday, July 28, 2011, 10:00 a.m. – Regular Meeting**
- b. **Thursday, August 18, 2011, 10:00 a.m. – Regular Meeting**
- c. **Thursday, September 15, 2011, 10:00 a.m. – Regular Meeting**

17. New Transportation Corridor along the North Diversion Channel – Draft Agreement with the City of Albuquerque

Mr. Lovato requested Board approval of the basic outline of the draft agreement for the new transportation corridor along the North Diversion Channel. He stated that the agreement refers to the road as “Channel Road” for funding reasons. He expected to have a redlined agreement with changes available for Board review and adoption at the next Board meeting.

Michael Riordan of the City of Albuquerque stated that City legal has reviewed the agreement and is satisfied with it.

Consensus of the Board was to proceed with finalization of the draft agreement with the City of Albuquerque to allow a new transportation corridor to be co-located with the North Diversion Channel.

Mr. Lovato stated that the next time the Board saw the agreement, staff would be requesting approval of the agreement.



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18. Eastern Sandoval County Arroyo Flood Control Authority – Briefing by Larry Blair and Executive Engineer Michael Castillo

Larry Blair, former Executive Engineer of the Eastern Sandoval County Arroyo Flood Control Authority (ESCAFCA) introduced the current ESCAFCA Executive Engineer, Michael Castillo, ESCAFCA Board Chairman Sal Reyes, and ESCAFCA legal counsel, Michael Cadigan.

Mr. Reyes thanked Larry Blair for his hard work getting ESCAFCA off the ground, and the new Executive Engineer, Michael Castillo, for continuing the work begun by Mr. Blair. He stated that the legislature had created ESCAFCA in 2007 due to heavy flooding damage experienced in the Placitas/Algodones/Bernalillo areas in 2006, with the authority's area covering essentially the entire drainage basin.

Mr. Reyes read a resolution of appreciation to AMAFCA and AMAFCA staff for their administrative, technical, and financial advice during ESCAFCA's initial years.

He noted that the last two years have been difficult for ESCAFCA, as the highland portions of the district in Placitas have been seeking to remove themselves from ESCAFCA, leaving the lowland areas of the district along the Rio Grande, Algodones, and Bernalillo in the authority.

Mr. Reyes stated that the legislature had passed a bill allowing residents of Placitas to vote themselves out of the ESCAFCA boundaries. However, they are required to continue to pay the bonds that were approved at prior elections. ESCAFCA had opposed the legislation due to the fact that it broke up the drainage basin, separating the source of the water from the area being damaged, and it allows a group of taxpayers to remove themselves from a taxing authority, which might be a dangerous precedent.

Michael Cadigan thanked Chairman Hernandez and Director Eichenberg for their assistance during the legislative process.

Chairman Hernandez thanked the ESCAFCA representatives for their briefing, then called a brief recess at 11:56 a.m. The meeting resumed at 12:06 p.m.

19. Field Highlights

a. Construction Report

The memo from Kurt Wagener, AMAFCA Field Engineer, contained a summary of current construction projects. There were no questions.



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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.

20. Hahn Arroyo – Consideration of *First Amendment to "Agreement for the Funding and Maintenance of the Reconstruction of the Hahn Arroyo Phase One Between Comanche Boulevard and California Street"*

Mr. Wagener stated that, during the reconstruction of the Hahn Arroyo between Comanche and California, AMAFCA and City of Albuquerque staff determined it would be advantageous to repair and seal the bridge decks in conjunction with the Hahn Arroyo work, rather than closing the bridges twice. The work will be done by the same subcontractor the City is using on other bridge rehabilitation work. He requested Board approval of an amendment to the funding agreement with the City to allow this work.

He noted that the amendment had been reviewed by AMAFCA counsel Vanessa Chavez, and was undergoing legal review at the City. He recommended approval substantially as attached to the memo, subject to AMAFCA counsel concurrence with any changes by the City's counsel.

Director Lyon made a motion that the Board approve the *First Amendment to "Agreement for the Funding and Maintenance of the Reconstruction of the Hahn Arroyo Phase One Between Comanche Boulevard and California Street"* with the City of Albuquerque, substantially the same as attached to the memo, and authorize the Chairman to execute the same on behalf of AMAFCA. Director Thomson seconded the motion, which passed (3-1), with Director Eichenberg voting against the motion. He stated that he did so because, though it was for a small amount, it could be viewed as an attempt by the City to bypass the Procurement Code.

21. Real Estate

a. Boca Negra Dam Update

Mr. Lovato stated that AMAFCA had now received all of the property for the Boca Negra Dam as required in the four party agreement between the City of Albuquerque, AMAFCA, The Trails, LLC/Longford Homes, and Vista Vieja, LLC (assigned to KB Home). The purchase of the adjoining property, jointly purchased by the City and AMAFCA, was now complete. Agreements were negotiated between AMAFCA and PNM as well as with the New Mexico Gas Company for encroachment into their existing transmission line easements. A License Agreement was negotiated and executed with the Albuquerque Bernalillo County Water Utility Authority for encroachment into their existing waterline easement.



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He stated that a preliminary plat had been prepared to consolidate several parcels into one tract for the dam, with a blanket drainage easement over the entire tract. Existing "Public Utility Easements," "Drainage and Utility Easements," and right of way for Atrisco Drive will be vacated as a part of the platting action, and right of way for Unser Boulevard and the portion of Unser that comprises the dam's emergency spillway will also be dedicated.

Mr. Lovato also updated the Board regarding the PNM and Gas Company easements. He stated that a copy of the Gas Company's easements had been received the evening before the Board meeting. He requested authorization to sign the encroachment agreements and plat.

Director Lyon gave the Board further information about his reservations regarding the Gas Company agreement, with input from Mr. Rael.

After brief discussion regarding the urgency of the request, Director Eichenberg made a motion that the Board defer a decision on this agenda item. Director Thomson seconded the motion, which passed (4-0).

The Board stated that they would like to allow sufficient time for staff and counsel to review the existing easements.

**b. Preliminary Discussions with New Mexico Gas and PNM Concerning
Entering into an Agreement to Address Future Easements**

Mr. Lovato stated that staff was in preliminary discussions with New Mexico Gas Company and PNM to come up with a consistent way to handle future easements. He stated that he will keep the Board informed.

**22. Drainage Facility Planning Review – Review of Projects in Southeast Heights and
Northeast Heights East of the North Diversion Channel**

Brad Bingham, AMAFCA Drainage Engineer, with assistance from Mr. Lovato, briefed the Board on the proposed projects in the Southeast Heights and Northeast Heights, east of the North Diversion Channel, which staff and the Technical Team would like to see listed on the FY 2012 Project Schedule. Mr. Bingham also offered to brief the Board on any other projects in those areas that they would like to learn more about.

Director Eichenberg left the meeting due to a prior commitment at 12:39 p.m.

Mr. Bingham explained the rating schedule, which takes into consideration the urgency and importance of each of the proposed projects. He showed the location of each, and explained the



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need for each of the projects, answering a number of questions from the Board during his presentation.

Mr. Lovato also provided additional information on some of the projects.

Mr. Lovato stated that the new Project Schedule will describe the projects in greater detail, in a format that can easily be used by Directors and others as project flyers.

Mr. Bingham concluded by covering the schedule for the rest of the Project Schedule briefings.

23. Unfinished Business

None.

24. New Business

Chairman Hernandez noted that Director Thomson was one of the musicians playing at the recent Albuquerque Folk Festival.

25. Adjourn

There being no further business to come before the Board, Chairman Hernandez adjourned the meeting at 1:08 p.m.

Bruce M. Thomson, Secretary-Treasurer, 7/25/11

Recorded by Pamela Woodruff, Executive Secretary