



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 1

1. Call to Order and Roll Call

Chairman Hernandez called the Regular Board Meeting to order at 10:00 a.m. Thursday, September 15, 2011. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Tim Eichenberg Director Bruce Thomson (arrived at 10:03 a.m.) Director Daniel Lyon
Directors excused:	Director Ronald D. Brown
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 Hernandez stated that there was a new agenda item 24, the Selection Advisory Committee Recommendation for the Amole-Hubbell Drainage Management Plan Update RFP, which would be heard after Field Highlights.

Director Lyon made a motion to approve the agenda as amended. Director Eichenberg seconded the motion, which passed (3-0).

3. Meetings Scheduled

- a. **Thursday, October 20, 2011, 10:00 a.m. – Regular Meeting**
- b. **Thursday, November 17, 2011, 10:00 a.m. – Regular Meeting**
- c. **Thursday, December 15, 2011, 10:00 a.m. – Regular Meeting**

There were no official changes to the meeting schedule, although the Board discussed the possibility of moving the October 20 meeting to October 27.

Director Thomson arrived at 10:03 a.m., and stated that he would be unable to attend a Board meeting on October 27, due to a conflict with another meeting.

Chairman Hernandez stated he would discuss the October meeting date with Director Brown, make a decision within a few days, and inform the Board of his decision.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 2

4. Items from the Floor / Public Comment

None.

5. Approval of Minutes

a. August 18, 2011

Director Lyon made a motion to approve the minutes of the August 18, 2011 Regular Board Meeting. Director Thomson seconded the motion, which passed (4-0).

6. Financial Matters

a. Approval of August 2011 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the August 2011 Expenditure Report.

In response to a question from Director Thomson about sandbags, Mr. Lovato stated that AMAFCA supplies empty sandbags to City of Albuquerque and Bernalillo County fire stations for distribution to the public. Also, in cooperation with the Corps of Engineers, AMAFCA serves as a sandbag stockpile location, attempting to keep 50,000 to 60,000 sandbags on hand. The Corps replaces any sandbags that they obtain from AMAFCA.

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

b. Investment Report for August 2011

Ms. Jeffries presented the investment report for August 2011. There were no questions, and no Board action was required.

c. Financial Recap August 16, 2011, through September 15, 2011

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

d. Financial Forecast September 16, 2011, through October 15, 2011

Ms. Jeffries presented the Financial Forecast for the period September 16, 2011, through October 15, 2011, noting that in the Construction Fund, payments will be made to the contractors on two construction projects, as well as payments on a number of engineering



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 3

services contracts. She requested Board approval of the forecasted expenditures. There were no questions from the Board.

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

e. Certification of FY 2012 Budget by the Department of Finance Administration

Ms. Jeffries stated that the budget certification letter had not been received from the Department of Finance Administration (DFA). AMAFCA's account analyst at DFA confirmed that DFA certified AMAFCA's budget by September 1, 2011, as required, and the letter stating this is in transit. Ms. Jeffries noted that state law requires that the budget being accepted by DFA be included in the minutes, although no Board action is required.

Director Eichenberg recommended an email be sent to DFA stating that the letter had not been received, either by mail or scanned into email, and requesting that DFA re-send the letter. The rest of the Board concurred. Mr. Lovato stated that he would do so.

7. Legal

a. Status Report

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

b. Governmental Conduct Act

Mr. Rael stated that he had prepared two different disclosure forms: one for the Board, and one for AMAFCA's employees, as employees need the permission of supervisory staff in order to have outside employment. Some changes had been made by Chairman Hernandez, and any other changes suggested by the Board would also be incorporated into the forms.

Chairman Hernandez noted that Directors Thomson and Lyon had already submitted this information to AMAFCA. He stated that it was not absolutely necessary to use this form, but it would be provided for the Board's convenience.

The Board returned to this discussion later, after copies of both forms were provided to the Board.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 4

9. 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:

- **Corps of Engineers (COE)** – The Feasibility Study and the Preconstruction Engineering and Design portions of the Southwest Valley Flood Reduction Project have been reconciled and are currently being closed by the Albuquerque District of the COE. Bernalillo County and AMAFCA are currently working with the Albuquerque District to identify possible projects in Phase II, which is necessary to identify funding requirements for Fiscal Year 2013. Construction on the remaining portion of Phase I continues along the Los Padillas Drain and the Isleta Drain with the COE acting as the construction manager.

Bernalillo County and AMAFCA have reconciled the local sponsor's share of expenses and costs associated with the pipe installation along Raymac Road to the Rio Grande, as a part of Black Mesa Phase I. This was constructed by the Albuquerque District under the 593 Program, which is currently at its authorized limit. The program has not been fully funded over the last four years and there is currently a backlog of reimbursements. Staff has been seeking congressional support for fully funding the remainder of the program in FY 2013.

- **City of Albuquerque** – AMAFCA has signed the Boca Negra Dam plat, which was submitted September 9, 2011. The City continues to work on the construction of Unser Boulevard and Rainbow Boulevard. The City held a Ribbon Cutting for Phase I of the Unser Expansion and a ground breaking for Phase II on September 9, 2011. The Osuna Boulevard and Singer Road bike notch designs have been submitted to the COE for review. A physical model of the North Diversion Channel has been built at UNM, and the final test was also September 9. Results of the test will be used by the COE in their approval of the design. City Parks and Recreation has been working with AMAFCA staff and field personnel to prepare AMAFCA gates and rights of way for the Balloon Fiesta.
- **Department of Finance and Administration (DFA)** – Chairman Hernandez, Mr. Lovato, and Attorney Rael participated in a conference call with Greg Shaffer, General Counsel for the DFA. A number of mill rate scenarios were discussed. Chairman Hernandez reiterated to Mr. Shaffer that AMAFCA had already passed its budget resolution and would not change its imposed rates. Mr. Shaffer calculated the rates that would be imposed using the passed budget resolution rates, which led to an adjusted rate of 0.70 for residential and 0.477 for non-residential. AMAFCA has not received official word on the mill levy rate or the approval of the FY2012 budget.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 5

- **Public Outreach** – AMAFCA participated in the 2011 New Mexico State Fair Parade, with a float decorated with water quality and ditch safety information. AMAFCA, Ditch Safety, and Stormwater Quality Team members participated in the float.
- **US Fish and Wildlife Service (USFWS)** – Two AMAFCA construction projects may be delayed due to the USFWS request for a formal consultation under the Clean Water Act provisions for endangered species. USFWS has determined that the method used to remove fish from the North Diversion Outfall embayment area prior to the earthwork to fill the embayment could be determined to be harassment. Also, burrowing owls were observed in the Calabacillas Arroyo near the Spectrum Housing project at Golf Course Road. The COE has requested that the project be delayed indefinitely, although staff would prefer habitat mitigation. He stated that this project would be discussed in more detail later.

Midway through his report, Mr. Lovato recognized Paul Smith, of the Albuquerque Balloon Fiesta. Mr. Smith thanked the Board for their continued support of the Balloon Fiesta, including permission to use certain AMAFCA facilities as landing sites. He stated that this year's Balloon Fiesta would include about 50 more balloons than last year. They are also looking at adding additional launch sites throughout the city. Chairman Hernandez offered the use of any appropriately-placed AMAFCA facilities for consideration as launch areas.

- **State of New Mexico** – AMAFCA met with State Engineer John D'Antonio on August 15th, discussing water quality, watershed management issues, and how federal and state mandates concerning flood control and water quality could be modified to avoid conflicts. There was also a frank discussion of how AMAFCA efforts to comply with the Dam Safety Bureau's rules and regulations has led to lost effort and inefficient use of AMAFCA resources. One item that could change is how the OSE implements the approval of Emergency Action Plans (EAP). AMAFCA would like to discuss modifying the OSE's criteria for EAP in an urban area to take advantage of existing public safety infrastructure.

Chairman Hernandez also met with New Mexico Department of Transportation Cabinet Secretary Alvin Dominguez on August 22. Secretary Dominguez was briefed on AMAFCA's mission, joint construction projects with the NMDOT, and the relationship between AMAFCA and the NMDOT as co-permittees on the MS4 Stormwater Permit.

- **Levee Task Force** – Two meetings have been held by the Subcommittee of the Levee Task Force, to explore alternative levee evaluation criteria, funding options, flood mapping criteria, and possible education/assistance programs to assist residents who find themselves in a newly mapped floodplain. The full Levee Task Force has met once in the past month.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 6

The Board then returned to a discussion of the outside employment disclosure forms. The Board supported the use of the two forms, although Director Thomson pointed out that they were "Outside Employment" Disclosure Forms, not "Ethics" Disclosure Forms as stated on the forms.

In response to a question from Director Lyon asking if the Act required ethics classes, Mr. Lovato stated that classes on the Governmental Conduct Act will be offered, but the Act does not require ethics classes for local government officials.

b. Notification of On-Call Services Task Orders

Mr. Lovato's memo to the Board stated that one on-call task order had been issued this month. There were no questions.

8. Personnel Matters

a. Executive Engineer Annual Review

Deferred. Chairman Hernandez stated that the Personnel and Salary Committee had been unable to meet, but would prior to the next Board meeting. Director Thomson expressed the desire to see this accomplished, so that the Executive Engineer could be given his annual review.

10. Review and Comment on the Memorandum of Agreement for the Appointment of a County Designee for AMAFCA

Lynn Mazur, AMAFCA Development Review Engineer, stated that at the August Board meeting, the Board authorized the Executive Engineer to draft an agreement with Bernalillo County to appoint a Designee who can act on behalf of AMAFCA for certain cases. The draft agreement as provided to the Board specifies that the County Drainage Engineer, who also serves as the Floodplain Manager, will serve as the Designee. The agreement has been through AMAFCA legal review and is undergoing County legal review.

She noted that the County Drainage Engineer, who has served in that capacity for the past three years, has consistently taken into account AMAFCA's interests in cases that come to the County for review. She stated that AMAFCA will still receive all drainage plans and reports within the County that are also within AMAFCA's jurisdiction. She noted that she will still review Grading and Drainage Plans. The primary change the agreement would result in is in the way plats are handled. Rather than needing to make separate trips to the County and to AMAFCA in order to obtain signatures, in many cases only a trip to the County will be required, when the action has no bearing on AMAFCA's interests.

Board consensus was to support the Memorandum of Agreement, with one change: that the agreement specifies that it covers properties within Bernalillo County, outside of the city limits



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 7

of the City of Albuquerque, and within AMAFCA's jurisdiction. Ms. Mazur stated that the final agreement would be brought to the Board for their approval at the October meeting.

11. Request Authorization to Advertise Request for Proposals for On-Call GIS, IT, DBA Services

Kevin Troutman, AMAFCA GIS Technician, stated that the current GIS development contract is set for completion in January, 2012. At that time, AMAFCA will assume maintenance of the GIS web application. He stated that staff can handle routine maintenance and updates to the application, but that it would be more cost effective to have an on-call consultant handle major application updates from new version releases, API updates, and other similar tasks. This will also limit down time and help provide uninterrupted service to our customers and constituents.

He stated that, due to the related nature of the work, the RFP includes information technology services, such as network upgrades, database services, and mobile services, as well as the GIS work.

In response to comments and questions from Directors Eichenberg and Thomson, Mr. Lovato stated that the on-call contract would provide stability, with someone available on short notice whenever assistance was needed. The GIS program is becoming increasingly important to other agencies and the public, as well as to AMAFCA. This RFP allows selection of an appropriately-qualified firm ahead of time, rather than relying on the Procurement Code's quote process during a time when important updates or repairs might be needed immediately.

Mr. Troutman added that, after an initial familiarization period, having an on-call consultant familiar with AMAFCA's needs will also be a cost savings. The contract will be for an initial one-year period, with up to three optional one-year extensions.

After further discussion, Director Eichenberg made a motion that the Board authorize advertisement of a Request for Proposals for On-Call GIS, IT, DBA Services. Director Thomson seconded the motion, which passed (4-0).

13. University of New Mexico South Gibson Commercial District, Briefing by UNM

Ms. Mazur noted that the engineer on this project had not yet arrived, and introduced Mr. Kim Murphy, Director of Real Estate for the University of New Mexico (UNM). Mr. Murphy gave the Board an overview of the proposal, continuing his presentation in more detail after the bond sale.

To avoid any appearance of potential conflict of interest, Director Thomson, who is also an employee of UNM, left the room during the briefing and discussion of this agenda item. He returned for the viewing of the bond sale bids.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 8

Using a map, Mr. Murphy described the proposed commercial/retail district on vacant land owned by UNM, north of Gibson Boulevard, south of the Pit and the baseball fields, and between University Boulevard and the South Diversion Channel. A recently-announced land swap with the City of Albuquerque for a fire station is also in this area. He stated that UNM would like to explore the possibility of a land swap with AMAFCA in order to be able to use a portion of the Genievas Arroyo right of way for an access road. Another road would also improve Pit access.

Mr. Murphy stated that the land swap would involve approximately half an acre. He pointed out a couple of UNM-owned tracts in the area that might be of use to AMAFCA.

Chairman Hernandez stated that, if AMAFCA needs some land owned by UNM, the Board may consider a swap. If not, AMAFCA might be willing to sell the land that UNM wants.

Director Eichenberg suggested that UNM also consider putting Genievas Arroyo, from University to the South Diversion Channel, into a pipe with an AMAFCA easement, which would maximize their land potential. Chairman Hernandez stated that either this, or creating a focal feature much like the arroyo running through the Journal Center, might be a good idea.

Mr. Lovato stated that a tract near where Genievas Arroyo outfalls to the South Diversion Channel would be of greater use to AMAFCA than the two parcels originally identified by UNM as possible lands available for a swap.

Director Lyon supported the idea of putting the arroyo into a pipe.

At 10:55 a.m., Chairman Hernandez interrupted this discussion as it was time to view the bond sale bids as they came in.

12. Bond Sale Bids

Mr. Lovato introduced Kevin Powers, of RBC Capital Markets, AMAFCA's Financial Advisors, and Duane Brown, of the Modrall Law Firm, AMAFCA's Bond Counsel.

As the electronic bids came in, Mr. Powers discussed the current bond market, which is stable, and recent bond sales, which came in at good rates. As that morning's ten-year treasury was up slightly, he expected a good interest rate on AMAFCA's bond issue, estimating it would be between 1.1 and 1.5%. Seven bids were received by the 11:00 a.m. deadline. The apparent best bid was First Southwest, with a total interest bid of 1.16%. As the figures were being checked, Mr. Powers noted that there was a healthy spread between the highest and lowest bids of about 1.3%. Deposits were on file for all seven bidders, and all bidders had met the requirements of the bid.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 9

A few minutes after 11:00, Mr. Powers received word that the bid had been verified and was correct. He then briefed the board regarding the bond sale results, including the history of recent bond sales. He noted that the short payback schedule combined with AMAFCA's natural AAA bond rating from both Moody's and Standard and Poor's had resulted in the very low interest rate of 1.16%. He also gave details of the structure of First Southwest's bid.

Duane Brown noted that the Board needed a motion to accept First Southwest's bid. He stated that they had made their bid deposit and met the bid parameters, so it was appropriate to accept their bid and award the bonds to First Southwest at the rates quoted.

Director Lyon made a motion that the Board accept the bid of First Southwest. Director Thomson seconded the motion, which passed (4-0).

18. Adoption of Resolution 2011-16, *General Obligation Bond Award Resolution*

Mr. Brown introduced Resolution 2011-16, *General Obligation Bond Award Resolution*.

Director Eichenberg made a motion that the Board adopt Resolution 2011-16, *General Obligation Bond Award Resolution*. Director Lyon seconded the motion, which passed (4-0) on a roll-call vote.

Director Eichenberg briefly left the room at 11:16 a.m., returning at 11:18 a.m. as Director Thomson departed upon the continuation of agenda item 13.

13. University of New Mexico South Gibson Commercial District, Briefing by UNM (continued)

Ms. Mazur introduced Bruce Stidworthy and Brian Patterson of Bohannon Huston, Inc., the engineers on this project.

Mr. Murphy stated that UNM would be interested in the possibility of extending the pipe to enclose more of Genievas Arroyo, opening up further land for development. He added that, if land that could be used by AMAFCA is available, UNM would like to do a land swap. If not, they would be willing to pay market value for the land.

Director Eichenberg introduced Genieva Meeker, former AMAFCA Chair, Board member, and employee, whom the arroyo was named after.

Chairman Hernandez directed staff to work with UNM to consider what land AMAFCA might need in an equitable land swap, or if there were no suitable parcels, to consider selling the land



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 10

at market value. Director Lyon added that staff should look at land outside of the immediate area also.

Mr. Murphy stated that he would bring a more specific proposal or alternatives to the Board next month. In response to a comment from Chairman Hernandez, he stated that the University had been coordinating the project with the surrounding neighborhoods, and would include that information in their presentation in October.

The Board agreed that staff should consider maintenance and water quality needs as they look at which parcels of UNM land might be useful to obtain in a land swap.

Mr. Lovato stated that AMAFCA has the need of land for an access ramp into the South Diversion Channel to address the sediment issue in this area, or an area to stockpile and dry sediment for removal. This need will remain even if the arroyo is put into a pipe, as high-velocity water will drop sediment as it slows down. Land for a water quality feature in the area would also be of use to AMAFCA.

Director Thomson returned to the meeting at 11:28 a.m.

14. City of Albuquerque – Consideration of a Cost Share Agreement for Construction of the Sagebrush Trail Dip Replacement with the City of Albuquerque

Bradley Bingham, AMAFCA Drainage Engineer, stated the draft cost share agreement with the City of Albuquerque for the Sagebrush Trail Dip Replacement was modified to address the Board's comments from the August Board meeting. The agreement had been through legal review at AMAFCA and was undergoing City legal review. He asked for approval of the agreement, substantially the same as attached to the memo.

In response to a question from Director Eichenberg, Mr. Bingham noted that AMAFCA's cost participation in the drainage portion of this project had been on the AMAFCA Project Schedule for about 12 years, and AMAFCA has a history of participating in the drainage portion of dip section replacements.

Mr. Lovato added that replacement of this dip crossing is a major public safety issue, as the arroyo drops off into a very deep chute just downstream of this crossing. He also noted this was one of the few remaining dip sections in Albuquerque. Mr. Bingham commented that this channel drains to the Tijeras Arroyo, which is an AMAFCA facility.

Mr. Bingham also noted that this section of the channel will be lowered to accommodate the bridge crossing. AMAFCA's share of the project is 50% of the drainage portion only. AMAFCA will not pay anything towards the road or bridge work.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 11

In response to a question from Genieva Meeker, Mr. Lovato stated that the original developer is no longer available for cost participation. Mr. Bingham added that the crossing was originally built by the Four Hills' developer in the late 1960s – early 1970s. The chute was built later.

After expressing concern that this was a City project rather than an AMAFCA project, Director Eichenberg left the room at 11: 37 a.m.

Director Thomson make a motion that the Board approve the Cost Share Agreement for Construction of the Sagebrush Trail Dip Replacement with the City of Albuquerque, substantially the same as attached to the memo, and authorize the Chair to execute the same on behalf of AMAFCA. Chairman Hernandez seconded the motion.

At 11:38 a.m., Director Lyon left the room and Director Eichenberg returned.

The motion passed (3-0), Director Lyon being absent at the time of the vote.

15. Bernalillo County – Proposed License Agreement with Bernalillo County for Widening Eubank Boulevard North of Paseo del Norte and west of the North Domingo Baca Dam – Briefing by Brad Catanach, Bernalillo County Public Works

Mr. Bingham introduced Roger Paul, Joe Luehring, and Brad Catanach of Bernalillo County.

Mr. Bingham stated that the proposed license agreement will allow Bernalillo County to widen and improve Eubank Boulevard from Paseo del Norte to Wilshire, shifting the road slightly to the west so as to not impact the toe of the North Domingo Baca Dam. He requested Board authorization for the Executive Engineer to sign the license agreement.

He noted that the existing wire fence and boulders along the dam will be replaced with a pipe rail fence. Mr. Lovato stated that the new fence will protect AMAFCA property better, and will reduce future maintenance. It will cost about \$70,000 more, and is a consideration that was not identified at the last Board meeting. He added that the license agreement protects AMAFCA rights on both sides of the road, and is revocable.

Roger Paul commented that the Board's concerns from the July meeting were addressed by the license agreement, which allows changes to be made if the Office of the State Engineer changes their regulations in the future.

In response to a question from Director Eichenberg, Mr. Paul stated that some work will be done to improve access to the tennis courts. Mr. Luehring added that the parking lot will be re-worked as a part of the project. Also, Bernalillo County will acquire some additional property west of Eubank in the project area, although there currently are no specific plans for that property. In the future, the County will do some master-planning of the area.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 12

Responding to another question from Director Eichenberg, Mr. Bingham said he was not aware of any multiuse plans for the North Domingo Baca Dam, but that he would check with Parks and Recreation.

Mr. Luehring stated that the existing Little League fields in the area are watered from a well owned by the Albuquerque/Bernalillo County Water Utility Authority, which has exceeded their water rights at this well. Any multiuse improvements to the dam cannot be irrigated until more water is available. He stated that a low/no water use like disc golf was a possibility.

In response to a question from Director Thomson, Mr. Lovato and Kurt Wagener, AMAFCA Field Engineer, stated that there was a small parking lot available for access to the dam, which will remain available after the pipe fence is installed. The fence will be the standard AMAFCA pipe rail fence.

Mr. Luehring added that the new grade of the roadway would make trespass onto the dam easier but the pipe rail fence will protect it much better than the wire fence had.

Director Thomson made a motion that the Board authorize the Executive Engineer to enter into a license agreement with Bernalillo County for the improvements to Eubank Boulevard adjoining North Domingo Baca Dam. Director Lyon seconded the motion, which passed (4-0).

16. Consideration of Approval for Funding Agreement for Calabacillas Arroyo Improvements as Related to Spectrum Housing Development

Ms. Mazur introduced Joel Hernandez of Tierra West, and Craig Hoover of Bohannon Huston, the engineers on this project. She stated that there had been some design changes to this project since the presentation last month. Further study has shown that a four foot scour depth protection will be adequate in this reach, along with bank protection up to the 10 year water surface elevation (WSEL).

Mr. Lovato stated that continued degradation (lowering) of the channel has occurred, even though the west side of Albuquerque has not seen many large storms. Stabilizing the existing grade via grade control structures and bank protection up to the 10 year WSEL is the preferred treatment in this area at this time.

Ms. Mazur noted that a recent development in this project was the discovery of burrowing owls in the area during a field visit with Corps of Engineers staff. As a result, the Corps would like to indefinitely postpone the project. The burrowing owl is not an endangered species, but is listed as a "species of concern" under the federal Migratory Bird Treaty Act.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 13

She stated that staff feels the project is necessary to protect AMAFCA constituents near the site and downstream, and the owls will likely have vacated the arroyo banks for the winter by the time the project begins, as they typically do not overwinter in this area. Staff is of the opinion that providing habitat mitigation, including reseeded the bank after the project, will be appropriate under the circumstances. Providing bank protection up to the 10-year WSEL will stabilize the arroyo and allow more area on the bank for reseeded.

Ms. Mazur stated that the agreement with Spectrum Housing Development provides for Spectrum to fund the total cost of the bank stabilization plus one-third of the cost of Grade Control Structure 3c. In addition, fees for 10% contingency, 8% for construction management and testing, and line items for \$5,000 for protection of an existing sanitary sewer crossing the arroyo and \$50,000 for habitat mitigation are included, for a total lump sum contribution from Spectrum of \$515,530. Staff felt this was an equitable contribution and recommended approval of the agreement.

Discussion followed. Mr. Lovato stated that the Mussetter study was of current conditions at the time of the study, and slightly different current conditions exist at this time.

Ms. Mazur commented that, in addition, AMAFCA has more data regarding the arroyo now than was available at the time of the original study.

In response to comments from Chairman Hernandez and Director Thomson, Mr. Lovato stated that the prudent line remains in the same place. The arroyo will be repaired if a major storm causes horizontal erosion. The prudent line needs to remain in force, with at least one grade control structure installed, to protect Golf Course Road which is just downstream of the project.

Joel Hernandez noted that the owls will have left the area before construction begins. Chairman Hernandez opined that, as long as the habitat remains, the owls will return and will be able to build new nests next year.

The Board had further discussion regarding habitat mitigation and restoration.

Director Thomson made a motion that the Board approve the *Funding Agreement for Calabacillas Arroyo Improvements as Related to Spectrum Housing Development* and authorize the Chair to execute the same. Director Lyon seconded the motion, which passed (4-0).

17. Review and Comment on Turnkey Agreement and Memorandum of Understanding for the West Branch Calabacillas Arroyo Improvements as Related to CNM Westside Campus

Ms. Mazur introduced Brigitte Fuller and Chris Perea of Wilson and Company, the engineers on the project, then briefed the Board regarding the stabilization of the West Branch of the



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 14

Calabacillas Arroyo adjacent to the Central New Mexico Community College (CNM) Westside Campus.

She stated that the CNM campus is being developed in phases as outlined in the *Albuquerque TVI Master Drainage Plan North West Side* (the MDP). This section of the arroyo had been studied before by Mussetter Engineering (MEI Study), but the study concentrated only on erosion of the arroyo bed for existing and developed conditions and did not take into account the effects of grade control and roadway crossing structures. Grade control structures (GCS) have been used to maintain the existing arroyo rather than allowing the arroyo to degrade to equilibrium slope and depth.

Ms. Mazur stated that Phase I of the campus was constructed in 2002-2003. A drainage easement was granted to AMAFCA to the prudent line limit upstream of Universe. Construction included the Universe crossing and a storm drain outfall to the arroyo on the downstream side of Universe. AMAFCA required CNM to construct four GCSs between Universe and Kayenta. One more was constructed by the owner of the tract at the northeast corner of Universe and Irving, leaving two GCSs to be constructed by public funding in this reach.

She noted that Phase II of the campus was constructed in 2006 with site drainage conveyed to the Phase I storm drain. CNM is now preparing site work for Phase III. Construction will include a new water quality pond and drainage outfall to the arroyo. The MDP includes one GCS at the outfall location and three more downstream. Normally, CNM would be responsible for two-thirds of the construction cost of these GCSs as CNM owns the property on both sides of the arroyo. At meetings with Luis Campos, CNM Vice President of Administration, he informed AMAFCA staff that he was not aware of the requirement for GCSs, and they had not been budgeted for in Phase III. He also reminded AMAFCA that CNM had constructed the four GCSs downstream of its property with Phase I.

Ms. Mazur stated that the arroyo is stable since there has not been much development upstream to destabilize the arroyo. The campus buildings are protected since they have been constructed behind the prudent line identified in the MEI Study. Therefore, staff does not see an urgent need for GCSs in this stretch of arroyo.

Mr. Lovato noted that the MEI Study does not include any grade control structures, but only a prudent line. The GCSs shown on the maps are from a drainage study done by CNM, who understood that they do not want to wash out the road downstream.

Ms. Mazur commented that, as an interim solution, Executive Engineer Lovato had suggested rock check dams down the slope of the arroyo to protect the arroyo from the erosive effects of the water quality pond outfall.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 15

She stated that staff had prepared a Memorandum of Understanding and Turnkey Agreement. CNM will be responsible for two-thirds of the cost of each GCS as they own the property on both sides of the arroyo. Rock check dams will be used as interim protection at the water quality pond outfall until the grade control structure there is built. Mr. Campos offered the possibility of providing leftover funding from the Phase III site construction as payment for its share of the future construction of a GCS at the outfall location.

Ms. Mazur asked for Board review and comment on the agreement, noting that staff felt that construction of the interim check dams was a fair compromise.

Discussion followed. The Board supported the draft agreement as presented.

Chairman Hernandez called a brief recess at 12:29 p.m. The meeting resumed at 12:34 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.

b. Field Report

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

24. Amole-Hubbell DMP Update – Selection Advisory Committee Recommendation

Mr. Bingham stated that nine proposals for Engineering Services for the Amole-Hubbell DMP Update were received. Each contained the mandatory AMAFCA Campaign Contribution Disclosure Form, and all were deemed responsive. The Selection Advisory Committee met September 13, 2011, and recommended the Board select Wilson and Company, Inc., for engineering services for the Amole-Hubbell DMP Update.

Responding to a comment from Director Thomson, Mr. Lovato stated that close scores on an RFP are not uncommon at AMAFCA, as the request for proposals is very detailed.

In response to a question from Attorney Rael about proper notice of adding this agenda item as a decision item, Mr. Lovato stated that the revised agenda had been posted on the AMAFCA website and on the front door on Monday. Mr. Rael concluded that sufficient notice (72 hours) had been given.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 16

Director Eichenberg made a motion that the Board accept the recommendation of the Selection Advisory Committee, and authorize the Executive Engineer to commence negotiations with Wilson and Company, Inc., per the New Mexico Procurement Code. Director Lyon seconded the motion, which passed (4-0).

20. Real Estate

a. Boca Negra Dam Update

Loren Hines, AMAFCA Real Estate Manager, gave the Board an update on the Boca Negra Dam. He stated that the Boca Negra Dam Plat was submitted to the City by Wilson and Company on September 9, 2011. It had been reviewed by the City Surveyor and comments addressed. The encroachment agreement for the NM Gas Company easement is still being developed.

He noted that the Chief Administrative Officer for the City of Albuquerque must also sign the plat, however, Longford Homes had not yet dedicated one of the lots to the City, so it was removed from the plat. PNM requested additional easements, but the request was denied in an effort to keep moving the project forward.

Mr. Hines stated that AMAFCA was still awaiting review comments from the Office of the State Engineer on the plan submittal for the dam.

b. Notification of Short-Term Recreational Licenses

Mr. Hines stated that three short-term recreational licenses had been issued, as outlined in his memo. These were for two cross country races and one charity walk.

21. Legislative Interim Committees

Mr. Lovato introduced Mark Fleisher, a consultant with Alarid Consulting, AMAFCA's Legislative Liaison, who briefed the Board on the Legislative Interim Committees and the Legislature's Special Session, currently in progress.

Mr. Fleisher stated that, as of September 13, 2011, 35 bills, one joint memorial, three memorials, and a resolution had been introduced in the House, and 28 bills, three joint memorials, and two memorials had been introduced in the Senate. Of those, the House passed one bill and two memorials, and the Senate passed one joint memorial and two memorials.

He discussed the following items on the Special Session Proclamation as possibly being of interest to AMAFCA (the numbers are as they are numbered on the Proclamation). The legislators he spoke with did not seem to think very many of these would pass:



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 17

- 3. Senate Bill 1, modifying the procurement preference advantage for in-state businesses, defining "resident business" and "resident contractor," changing the process for obtaining certification as a resident business or resident contractor, eliminating preferences for resident manufacturers and New York state businesses and providing for related penalties.
- 4. House Bill 34 and Senate Bill 10, relating to severance tax bond projects in the amount of \$217.7 million for important regional and statewide infrastructure, development and road maintenance projects.
- 5. House Bills 19 and 31, regarding unemployment insurance contributions, which may cause them to increase.
- 7. House Bill 20 and Senate Bill 28, providing local control in fireworks restrictions in the event of high fire hazard. Mr. Fleisher stated that he had been asked if AMAFCA would provide a letter in support of these bills, but he had thought that AMAFCA did not really have a vested interest in this issue.
- 11. House Bills 18, 22, 23, and 26, discontinuing the issuance of New Mexico driver's licenses and identification cards to illegal immigrants.

Director Eichenberg, who also serves as a State Senator, provided further information on several of the items. He also mentioned a bill he had introduced, consolidating several agencies.

Chairman Hernandez stated that most of these bills did not seem to affect AMAFCA that much, except that he thought that most of those present were in favor of a real "resident business" preference, although the sticking point was in the definition.

Director Eichenberg, Mr. Lovato, and Mr. Fleisher also discussed the bills addressing unemployment insurance contributions.

Chairman Hernandez noted that legislation might be proposed in the next regular session to change the Yield Control Act formula. AMAFCA would support giving local agencies more leeway to refuse to raise taxes, even if the formula produces higher rates. The Board discussed this issue further, with the consensus of the Board being that local governments should not be forced to raise taxes, and that they be allowed to raise them less than the amount the Yield Control Act would raise taxes; however, AMAFCA would take a "wait and see" approach. Chairman Hernandez anticipated that Bernalillo County might take the lead on this issue, and requested that Alarid Consulting monitor new legislation to see if this issue comes up.

22. Update on the Levee Task Force

Mr. Lovato reported that the Levee Task Force has been meeting monthly, and is working on drafting a legislative memorial.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 18

Director Eichenberg briefly left the meeting at 1:15 p.m.

Mr. Lovato stated that the Corps of Engineers had identified some Section 22 money (planning assistance to the states) and wanted a local sponsor for a study that would involve a detailed analysis of the riverbed to identify needed maintenance or sediment removal to keep peak flows away from the toe of the levee. This will avoid any seepage issues entirely. There may be a Memorandum of Understanding in the future to have AMAFCA participate in a group of agencies that will sponsor this study.

He reported to the Board that a nearly 4,000 page nationally-published vegetation study by the Corps of Engineers was recently produced in draft form. This study looked at vegetation along levees throughout the country, including the arid southwest (Albuquerque). It concluded that in the arid southwest, woody vegetation is a good thing for levees, although there is the need to address some seepage issues. The document is currently in the comment phase, and should be complete and sent to the President in January 2012.

Chairman Hernandez stated that Deb Foley had informed him that more research will need to be done to confirm the results of this study but because this study was done in Albuquerque, it will have more weight here than elsewhere in the southwest.

Mr. Lovato stated that the Levee Task Force report to the legislature needs to include the information from the vegetation study.

23. Drainage Facility Planning Review – Review of Projects in Southeast and Southwest Valleys

Mr. Bingham briefed the Board on the projects in the Southeast and Southwest Valleys which are intended to be listed on the FY 2012 Project Schedule. This was the last of four planned briefings on potential projects. Projects in these areas had been reviewed by the Tech Team in June. Mr. Bingham also offered to brief the Board on any other projects in these areas that they would like to learn more about.

He 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 need for each of the projects, answering a number of questions from the Board during his presentation. Mr. Lovato and Roger Paul, of Bernalillo County Public Works, provided additional information about some of the projects and their funding.

Chairman Hernandez briefly left the meeting at 1:29 p.m., returning at 1:34 p.m.

Director Eichenberg returned to the meeting at 1:35 p.m., then left at 1:36 p.m. due to a prior commitment.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 15, 2011**

Page 19

Director Lyon left the meeting at 1:40 p.m., returning at 1:43 p.m.

In response to a question from Director Thomson, Mr. Bingham and Mr. Lovato clarified that the total project wish list that the City, County, NMDOT, and AMAFCA are projecting for the future contains nearly 500 projects. Of those, the agencies prioritize 80 to 90 projects to include on the AMAFCA project schedule as likely to occur in the next six years. This process is repeated every two years.

Mr. Bingham concluded his presentation by stating that the draft project schedule would be provided to the Board for their review and comment at the October Board meeting.

25. Unfinished Business

a. Update on State Fair Parade Entry

Mr. Lovato stated that the State Fair Parade float was well-received, with lots of information on Ditch Safety and Storm Water Quality provided to the public.

b. Update on RFP for Engineering On-Calls

Mr. Lovato stated that the sample agreements for the Engineering On-Call RFP had been updated as requested by the Board. Copies were provided to the Board.

26. New Business

Roger Paul, of Bernalillo County Public Works, reported that new updated topography data will be available in about two weeks, showing 1 foot contours in the valley and 2 foot contours elsewhere.

27. Adjourn

There being no further business to come before the Board, Chairman Hernandez adjourned the meeting at 1:52 p.m.

Bruce M. Thomson, Secretary-Treasurer, 10/20/11

Recorded by Pamela Woodruff, Executive Secretary