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Arroyo Flood Control Authority
Regular Meeting Minutes
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1. Call to Order and Roll Call

Chairman Hernandez called the Regular Board Meeting to order at 10:06 a.m. Thursday, November 17, 2011. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Tim Eichenberg Director Bruce Thomson Director Ronald D. Brown 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 Lyon made a motion to approve the agenda. Director Brown seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. Thursday, December 15, 2011, 10:00 a.m. – Regular Meeting**
- b. Thursday, January 12, 2011, 10:00 a.m. – Special Meeting**
- c. Thursday, January 26, 2012, 10:00 a.m. – Regular Meeting**
- d. Thursday, February 23, 2012, 10:00 a.m. – Regular Meeting**

In response to a question from Director Eichenberg, Mr. Lovato noted that the special meeting in early January will be to discuss redistricting. There were no changes to the meeting schedule as presented.

4. Items from the Floor / Public Comment

None.



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5. Approval of Minutes

a. October 20, 2011

Director Eichenberg made a motion to approve the minutes of the October 20, 2011 Regular Board Meeting. Director Thomson seconded the motion, which passed unanimously (5-0).

6. Financial Matters

a. Approval of October 2011 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the October 2011 Expenditure Report. She pointed out that the report has changed format due to the new accounting software. Data can now be exported to an Excel spreadsheet rather than being retyped for the report.

Director Brown made a motion to approve the October 2011 Expenditure Report. Director Eichenberg seconded the motion.

In response to a question from Director Lyon about a fee charged by Wells Fargo Bank on the credit card bill, Ms. Jeffries stated that she would contact the bank to ask them to reverse the fee.

The motion passed unanimously (5-0).

b. Investment Report for October 2011

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

c. Financial Recap October 16, 2011, through November 15, 2011

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

d. Financial Forecast November 16, 2011, through December 15, 2011

Ms. Jeffries presented the Financial Forecast for the period November 16, 2011, through December 15, 2011. She noted that in the Construction Fund, expenditures of \$600,000 includes payments to contractors on two construction projects, and numerous engineering design invoices. She requested Board approval of the forecasted expenditures.

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



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Before moving on to the next agenda item, Director Thomson had a couple of questions about the Construction Fund expenditure report. Ms. Jeffries noted that there had been a word wrap formatting glitch when converting the new accounting software's report to the format used by the Board reports, which she did not notice until after the mailout had gone out. Check 4691, to "Associates," was actually to D.B. Stephens and Associates. Check 4698, to "Consultants, Inc." was actually to Thompson Engineering Consultants, Inc. (which has no connection with Director Thomson).

e. Proposed AMAFCA Investment Policy

Ms. Jeffries stated that the current AMAFCA Investment Policy, passed in 1995 and minimally updated in 1998, included paragraphs that no longer apply to the way AMAFCA does business. As examples, she stated that the State Investment Officer no longer supplies lists of the "Class A" and "Class B" banks, records are now kept electronically rather than in paper form, and AMAFCA no longer makes phone calls requesting Certificate of Deposit (CD) rates because it no longer invests in CDs.

In response to a question from Chairman Hernandez, Mr. Lovato stated that the electronic records are backed up regularly, with the server backup stored off-site in AMAFCA's safe deposit box.

After discussion, consensus of the Board was to support updating the Investment Policy. Additional direction to staff was to have AMAFCA's Auditor and Financial Advisor look at the proposed new policy to be certain that it complies with all state regulations, with the highest authority being the Auditor. Director Eichenberg also suggested that staff look at the City of Albuquerque and the Bernalillo County investment policies. Director Lyon suggested that the reviewers keep the old policy in mind when reviewing the proposed new policy.

Ms. Jeffries and Mr. Lovato indicated that they would arrange for the suggested reviews.

f. AMAFCA Accounting Software

Ms. Jeffries stated that AMAFCA had been using the new accounting software for about three months, and was pleased with it. Record-keeping and report maintenance used to require multiple large binders, and now is done electronically.

She thanked Kurt Wagener, AMAFCA Field Engineer, for his assistance in developing the chart of accounts that is used with the accounting system. She explained the various coding fields, which allow greater flexibility in report generation. Spending can be tracked by fund, general ledger account, project, basin (watershed), phase, vendor, and so on.



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Mr. Lovato noted that tracking the amount spent per watershed is a new EPA requirement, which this software handles easily. Under the old system, this tracking had to be done manually.

7. Legal

a. Status Report

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

b. Personnel Issue

Mr. Lovato noted that an employee had been placed on administrative leave. Mr. Rael noted that if the Board wished to discuss this issue, the meeting should go to closed session. The Board did not feel the need to discuss the matter.

8. Personnel and Salary Committee

a. AMAFCA Organizational Chart

Mr. Lovato stated that he would like to update the AMAFCA Organizational Chart to reflect the upgrade of the GIS position from "GIS Technician" to "GIS Manager," and to reflect several title changes he would like to make as a result of new responsibilities. The Business Manager would become the Finance and Administration Manager, the Executive Secretary would become the Executive Administrative Assistant, and the Receptionist would become the Administrative Assistant.

Director Brown indicated his support of the changes.

In response to a question from Director Eichenberg, Mr. Lovato clarified the reasoning behind the title changes. As a result of the new accounting software and the proposed new investment policy, greater transparency and accountability is required. The titles indicate who is in charge and accountable. Also, the titles reflect the current level of responsibilities held by those in the positions.

Responding to a question from Director Lyon, Mr. Lovato stated that the Real Estate Manager position will expand to include community outreach when a new person is hired next year. The incumbent and the new hire will work alongside each other for a time to ensure a seamless transition.

Consensus of the Board was support of the proposed changes.



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In response to a question from Director Brown, Mr. Lovato stated that agenda item 8b concerns a proposed resolution that will authorize the changes to the compensation chart (Appendix A to the resolution), which will also change the organizational chart when the resolution is adopted next month.

b. Modification to the AMAFCA Compensation Policy

Mr. Lovato stated that the proposed modifications to the AMAFCA Compensation Policy would set a base salary for the GIS Manager position. It would also set up separate evaluation criteria for the office staff and the field staff, rather than having them compared together using the same criteria for merit increases. Both changes are supported by the Personnel and Salary Committee (PSC).

Mr. Lovato stated that, with the Board's concurrence, he will work with the PSC to draft a new resolution to modify the AMAFCA Compensation Policy.

Director Eichenberg requested that the Board be provided with Resolution 2000-4 for their review and comparison to the new resolution.

The consensus of the Board was support of the proposed resolution.

Mr. Lovato stated that the resolution will be presented to the Board for their consideration at the December Board meeting.

9. Executive Engineer's Report

a. Notification of Past Month's Activities

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

- **Corps of Engineers (COE) – Southwest Valley Flood Reduction Project:** Bernalillo County and AMAFCA have hired an engineer to produce the Operations Maintenance, Repair, Replacement and Rehabilitation Manual for the Southwest Valley Flood Reduction Project. Bernalillo County will manage the project and plans to have a draft manual ready for review by February 2012. Bernalillo County and AMAFCA have met 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 is continuing along the Los Padillas Drain and the Isleta Drain with the COE acting as the construction manager. It is anticipated that the project will be completed by the end of the year.



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Calabacillas Arroyo: Since the October Board meeting, AMAFCA sent the Albuquerque District a letter detailing our Jurisdictional Determination (JD) that the Albuquerque District does not have jurisdiction in the case of the grade control structures to be built as a part of the Spectrum Housing agreement. AMAFCA staff has started to work on the final design of the project and hope to have the design complete by January 2012.

Ladera Dam System: AMAFCA staff recently learned that the Albuquerque District has determined that a portion of the Ladera System is under their jurisdiction and will require a permit for all work done within the system. Currently AMAFCA field personnel maintain the area by mowing vegetation, repairing erosions and removing sediment without a separate permit. AMAFCA has sent to the Albuquerque District a JD stating AMAFCA's position that the Albuquerque District does not have jurisdiction. The Albuquerque District is reviewing both JDs. Chairman Hernandez has requested a meeting with the new Deputy District Engineer, John D'Antonio, to discuss this and other joint projects.

- **City of Albuquerque – Boca Negra Dam:** AMAFCA and the City of Albuquerque have signed the Boca Negra Dam plat. Late on the afternoon of November 10, the last day of the appeal period, staff were notified that New Mexico Gas Company had filed an appeal of the Boca Negra Dam plat. They also have not signed the plat. He stated that Mr. Hines would have more information later in the meeting.

Osuna Boulevard, Singer Road Bike Notch: The Osuna Bike Notch Project has been let by the City and is currently in the bidding process. The Singer Road Bike Notch is still in design and will still need to be sent to the Corps of Engineers for final review.

Transportation Corridor Along North Diversion Channel: A 35% preliminary design has been reviewed by AMAFCA staff and comments sent back to the City. The highlight of the review concerns the use of a less expensive box culvert instead of a bridge section over the South Pino inlet. This will preserve AMAFCA access to the channel. Concerns still to be addressed include the safety of the North Diversion Channel and the ABCWUA's San Juan Chama water line during construction.

Balloon Fiesta: Paul Smith and AMAFCA staff have looked into the possibility of using AMAFCA rights of way for landing sites outside of the normal Balloon Fiesta dates, focusing on the Ladera system and on areas near the Rio Grande.

- **Public Outreach – Hahn Arroyo:** AMAFCA participated in the Mossman Neighborhood Association Annual Meeting on November 10th. Director Eichenberg provided a meeting handout describing the project. Mr. Lovato answered questions concerning the project and the upcoming ribbon cutting during a question and answer period at the end of the meeting.



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Hahn Arroyo Ribbon Cutting: AMAFCA is planning a ribbon cutting for the Hahn Arroyo Project on Saturday, December 3, 2011, at 10:00 a.m. at the Pocket Park at San Pedro and the Hahn Arroyo.

Design Awards: AMAFCA has nominated WHPacific for an Excellence in Engineering Award for the design and construction management of the South Diversion Baffle Chute Water Quality Structure, which should be completed by mid-November. AMAFCA has nominated Bohannon Huston for an Excellence in Engineering Award for the design and construction management of the East Amole Surge Pond, which was completed earlier this year.

- **U.S. Fish and Wildlife Service (USFWS) – Price's Dairy:** The USFWS is purchasing Price's Dairy as an Urban Wildlife Refuge, and has met with Bernalillo County and AMAFCA concerning the flood control projects described in the Southeast Valley Water Quality Drainage Management Plan currently being reviewed at AMAFCA, which identifies the Barr Drain as a conveyance for storm water, and a 60 acre-feet surge pond located on the dairy property. The Barr Drain runs through the dairy property. The USFWS will describe their preliminary design concepts to the Board at the December Board meeting.

North Diversion Outfall, Embayment Area: The Embayment Project will fill the embayment with material excavated from the area adjacent to the embayment. All fill material will be obtained from the AMAFCA easement. The project design is 95% complete and is only awaiting comments from the USFWS before being completed. AMAFCA staff have been proactively meeting with USFWS to address all issues as soon as possible so the design can be finalized and construction begun this winter. Further information will be provided in agenda item 22.

- **AMAFCA – Construction Documents:** AMAFCA staff is currently updating the General Provisions used in AMAFCA contracts to address changes in the New Mexico Department of Transportation's Standard Specifications for Highway and Bridge Construction (2007), referenced in the contract specifications. The NMDOT has modified this document many times since AMAFCA last updated its contract documents. The draft boiler plate is in final staff review and will be sent for legal review soon.

Investment Policy: AMAFCA staff has determined that the existing resolution concerning investment policy does not address current practice. Greater detail was provided under agenda item 6e.



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b. Notification of On-Call Services Task Orders

Mr. Lovato stated that two on-call task orders had been issued this month, and gave further information to the Board. There were no questions.

Consent Agenda:

10. Request Authorization for RFP for General Legal Counsel Services

The memo from Mr. Lovato stated that the third and final extension of the General Legal Counsel Services agreement with Robles, Rael & Anaya expires January 24, 2012, and the contract needs to go out for Request for Proposals (RFP). He requested that the Board authorize the advertisement of the RFP for General Counsel Services.

11. AMAFCA On-Call Engineering Services – Consideration of Category I, II, III Contracts

The memo from Kevin Daggett, AMAFCA Stormwater Quality Engineer, stated that contracts had been negotiated with the following firms:

Category 1 (Hydrologic/Hydraulic Analyses; FEMA Flood Map Revisions; Small Drainage Management Plans; Dam Inundation Mapping): Bohannon Huston, Inc., URS Corporation, Easterling Consultants, and High Mesa Consulting Group.

Category 2 (Small Project Design, Construction Engineering and Architectural Services; Structural Review and Design; Project Review and Inspection; Utility Review and Design): Bohannon Huston, Inc., Parsons Brinckerhoff, Molzen Corbin, Wilson & Company, and AECOM.

Category 3 (Erosion, Sediment, and Prudent Line Review and Analyses): Weston Solutions, Tetra Tech, and Huitt-Zollars.

Fee summaries for each firm were provided to the Board. He requested that the Board approve the On-Call Engineering Services Agreements and authorize the Chair to execute the same on behalf of AMAFCA.

12. Consideration of First Extension of the Ditch Safety Coordinator

The memo from Mr. Lovato stated that AMAFCA, as the fiscal agent for the Ditch and Water Safety Task Force, had entered into a professional services agreement with Griffin & Associates for Ditch Safety Coordination in November, 2010. The agreement provides for three one-year extensions subject to mutual agreement by AMAFCA, Griffin & Associates, and the Task Force. The Task Force has met and approved the extension of the agreement for one year. He requested that the Board authorize the Executive Engineer to extend the Ditch



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Safety Coordinator agreement with Griffin & Associates for one year. This will be the first extension of the agreement approved by the Board at the November 2010 meeting.

There being no further items on the consent agenda, and there being no questions, Director Lyon made a motion that the Board:

- Authorize the advertisement of the Request for Proposals for General Counsel Services;
- Approve the On-Call Engineering Services Agreements and authorize the Chair to execute the same on behalf of AMAFCA:
 - Category 1 (Hydrologic/Hydraulic Analyses; FEMA Flood Map Revisions; Small Drainage Management Plans; Dam Inundation Mapping): Bohannon Huston, Inc., URS Corporation, Easterling Consultants, and High Mesa Consulting Group;
 - Category 2 (Small Project Design, Construction Engineering and Architectural Services; Structural Review and Design; Project Review and Inspection; Utility Review and Design): Bohannon Huston, Inc., Parsons Brinckerhoff, Molzen Corbin, Wilson & Company, and AECOM;
 - Category 3 (Erosion, Sediment, and Prudent Line Review and Analyses): Weston Solutions, Tetra Tech, and Huitt-Zollars; and
- Authorize the Executive Engineer to extend the Ditch Safety Coordinator agreement with Griffin & Associates for one year.

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

Regular Agenda:

13. Real Estate

a. Boca Negra Dam Update

Loren Hines, AMAFCA Real Estate Manager, reviewed the status of the Boca Negra Dam plat. He stated New Mexico Gas Company has filed an appeal of the plat. Their concern is that it would put a drainage easement over the entire parcel. AMAFCA has been trying to negotiate a reciprocal easement, as each easement encroaches on the other. He briefly reviewed the history of what has happened on this plat action. Plans have been reviewed and submitted to the Office of the State Engineer, and comments are expected shortly.

Kurt Wagener, AMAFCA Field Engineer, added that he had received a copy of the comments from the State Engineer by email the day before. The paper original had not yet arrived.



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Mr. Hines stated that plans for the PNM substation are underway, with construction due in March 2012.

b. Notice of Issuance of Recreational Licenses

Mr. Hines stated that two short term recreational licenses had been issued, for cross country track meets. The first was at the North Baca Dam on October 30, 2011, and the second was at the John B. Robert Dam on November 6, 2011. The Executive Engineer is authorized to issue these licenses provided that the Board is informed of the issuance at the next regular meeting.

c. Discussion of purchase, acquisition or disposal of real property or water rights (closed session)

Chairman Hernandez stated that discussion of the purchase, acquisition, or disposal of real property or water rights would be in closed session.

Director Brown 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 the purchase, acquisition, or disposal of real property or water rights. Director Thomson seconded the motion.

Chairman Hernandez stated that the closed session would be for purposes of discussion only, regarding the purchase, acquisition, or disposal of real property or water rights. The motion passed unanimously (5-0), on a roll call vote.

Chairman Hernandez closed the meeting at 10:55 a.m. Mr. Lovato and Mr. Hines were asked to remain in the closed session, along with Mr. Rael.

Director Brown made a motion that the meeting be re-opened, stating that the Board had taken no action during the closed meeting, but had discussed the purchase, acquisition, or disposal of real property or water rights. Director Lyon seconded the motion, which passed unanimously (4-0), on a roll call vote, Director Thomson being absent at the time of the vote.

Chairman Hernandez reopened the meeting at 11:42 a.m.

14. University of New Mexico South Gibson Commercial District

a. Briefing on University of New Mexico Gibson Commercial District and Consideration of *Grant of Public Roadway and Utility Easement*

Director Thomson was not present for this agenda item.



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Mr. Lovato introduced Gil Santistevan, of the Albuquerque Fire Department (AFD), who was in attendance, and Mr. Kim Murphy of the University of New Mexico Real Estate Office.

Mr. Lovato stated that, as a part of the University of New Mexico's (UNM) development effort of the Gibson Commercial District, the City of Albuquerque needs a roadway easement over Geneva's Arroyo for access to the northern part of the development. This will be a City roadway. The City's Development Review Board approved the preliminary plat on November 9, 2011, with a public roadway and utility easement at the eastern end of AMAFCA's portion of the Arroyo. The plat also included a 40-foot wide access easement from Gibson to the South Diversion Channel for the benefit of AMAFCA, which will be granted with the final plat.

He stated that the City of Albuquerque is requesting the roadway easement and a separate slope easement from AMAFCA as shown in the Board's memo. In addition, the Albuquerque Bernalillo County Water Utility Authority is requesting a utility easement in the proposed alignment of Alumni Drive. He requested Board approval of the *Grant of Public Roadway and Utility Easement*.

In response to a question from Director Eichenberg, Mr. Lovato stated that the "perpetual full and unrestricted easement" language in the draft easement was a typographical error. It is intended to be a restricted easement, revocable if the land is not put to public use within a certain time period. He stated that the language will be corrected, and he will have AMAFCA's attorney review the revised easement after the corrections are made. Time is of the essence due to a pending land swap for the fire station on Tract 2.

Discussion followed.

In response to a question from Chairman Hernandez, Mr. Santistevan stated that the easement will allow construction of a roadway to connect with the road that goes past the new student housing at UNM, west of the Pit, known as Lobo Village. The roadway will minimize response times and quicken emergency response to the full area by allowing multiple access points. It may not be needed at this time but it will provide more rapid access to the Lobo Village and the Pit once the road is in.

Director Eichenberg asked Mr. Kim Murphy about UNM's revised strategy.

Mr. Murphy stated that UNM plans for the development include diverting the City's portion of the arroyo into a pipe, which will discharge into the AMAFCA arroyo just west of the easement. UNM is focusing on the immediate request for a road easement to the City for the use of AFD, and will work on the other issues including a transfer of surplus property, over the coming months.



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In response to a question from Director Brown, Mr. Murphy stated that the plat will be filed within 30 days, so that the property transfer to AFD can be completed by the end of the year. Infrastructure will be in place sometime early next year. The storm drain improvements will be subject to a future turnkey agreement with AMAFCA.

Responding to a series of questions from Director Lyon, Mr. Murphy stated that the easement will be granted to the City of Albuquerque, and will provide the new fire department station with additional points of access to better serve UNM's south campus and other nearby neighborhoods.

Director Brown stated that the Board was considering how to incorporate drainage into the easement agreement. He asked if there will be a bridge or a pipe at the location of the roadway easement.

Mr. Murphy stated that UNM plans to re-route the City portion of the arroyo via a pipe, and provide a new opening to the channel west of the easement. The former arroyo will be filled in at the easement, so neither a pipe nor a bridge will be required at that point.

Mr. Lovato stated that AMAFCA had not seen a preliminary design for the storm drain, and noted that the channel cannot be filled in until Genieva's Arroyo has been rerouted. No turnkey agreement has been drafted yet.

In response to a question from Director Eichenberg regarding the amount of water provided for in the Drainage Management Plan (DMP), Curtis Cherne, of the City of Albuquerque, stated that the DMP provides for conveyance of 700 cfs.

Director Eichenberg stated that he is in support of this type of infill development, and noted that some sort of storm water quality facility will be necessary for the development.

Responding to a question from Director Lyon about who needs this easement, Mr. Murphy stated that the easement is necessary in order for UNM to complete the development. This will be a public road, not a UNM road, and the easement will provide for public utilities to be installed along with the road. UNM will dedicate the land for the remainder of the roads to the City.

In response to a series of questions from Director Brown, Mr. Murphy confirmed that the easement is a requirement in order to file the plat, and that utilities will also use the easement. Mr. Murphy added that there is an agreement in place to provide utilities to the site.

Director Brown suggested the possibility of granting a license for a roadway at this time, with an easement to be provided later, after the infrastructure improvements have been made.



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Mr. Cherne stated that the City Attorney has instructed them to require a roadway easement in order to grant final plat approval and has stated that a license would not be acceptable. However, in response to a comment from Director Brown, Mr. Cherne allowed as the City could accept a license instead of an easement.

Director Brown stated that the Board wanted to do what it could now, to get the plat approved. However, they need to wait for a design to see how the flows from Genieva's Arroyo will be handled, before an easement can be granted.

Chairman Hernandez noted that Genieva's Arroyo needs to be fully functional until there is another solution to handle that storm water. AMAFCA cannot declare the property surplus, nor grant an easement, until then. It is not surplus to AMAFCA's needs until there is an alternative flood control solution.

Mr. Murphy said that UNM understands that position, but has committed to re-aligning Genieva's Arroyo as indicated on the sketch map.

Director Brown noted that a license is not a perfect solution, but will suffice for the City to proceed with plat approval. AMAFCA can convert the license to an easement or fee simple when Genieva's Arroyo has been rerouted and the property is no longer necessary for flood control purposes.

Mr. Murphy noted that it might be helpful to include language in the license that indicates that the plan is to convert the license to an easement or transfer in fee simple, after the other conditions have been met.

Director Brown asked how the Board could help UNM get the plat approved on a short timeline.

Mr. Cherne stated that the City Attorney wanted a roadway easement, rather than a license, and asked if a drainage solution had been designed yet.

Director Brown replied that only a sketch plan had been provided.

Mr. Cherne responded that there could be an easement on the channel until the storm drain was built.

Director Eichenberg stated that he supported Director Brown's idea of granting a license now, to convert to an easement or fee simple after the storm drain improvements have been constructed.

Director Lyon commented that there already are City streets built on lands provided via license agreements, so a license instead of an easement should not be an issue at this location.



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AMAFCA can require certain things before granting the easement. He agreed with Director Brown's solution.

Director Brown made a motion that the Board consent to a license agreement for the area requested for the easement, which can be expanded when full infrastructure drainage plans are designed and approved, constructed, or financially guaranteed; at that time, AMAFCA will convert the license to an easement.

Director Eichenberg seconded the motion. He also amended the motion to change "drainage" to "drainage/water quality," which was acceptable to Director Brown.

The revised motion was: that the Board consent to a license agreement for the area requested for the easement, which can be expanded when full infrastructure drainage/water quality plans are designed and approved, constructed, or financially guaranteed; at that time, AMAFCA will convert the license to an easement.

The motion passed, (4-0), Director Thomson being absent at the time of the vote.

Director Thomson returned to the meeting at 12:12 p.m. Director Lyon left the room at 12:13 p.m., and Chairman Hernandez left at 12:14 p.m. Chairman Hernandez returned at 12:16 p.m.

15. West I-40 Drainage Management Plan Update – Briefing from Albuquerque Public Schools and Bohannon Huston, Inc.

Brad Bingham, AMAFCA Drainage Engineer, gave the history of the West I-40 Drainage Management Plan (DMP). The Board adopted the West I-40 DMP, which modified the Western Albuquerque DMP as it pertained to the Petroglyph National Monument, on June 29, 2000. The West I-40 DMP had three distinct options to optimize, manage, and control runoff from the upper watershed above the escarpment down into the Ladera/West I-40 systems.

He stated that the 2000 resolution approved Option 6A, which was essentially a hybrid of the other two options. This allowed time for the two major landholders in the watershed, Westland and the National Park Service, to agree on the conveyance route of the upper watershed and provided some flexibility in the management of the lower portion of the basin. All options required certain trunk facilities: building the West I-40 Channel from Paseo del Volcan to the West Bluff Outfall with in-line detention ponds at Unser and 98th; building the East Amole Dam; building the West Amole Dam and outfall into the East Amole Dam; Building Dam 5 Arroyo; upsizing Ladera Dams 1, 3, and 5; and building the Parkway Storm Drain. Many of these facilities have been constructed.

Mr. Bingham stated that the West I-40 DMP Update was accepted by the Board on November 16, 2006. The Update was necessary because the New Mexico Department of Transportation planned and constructed projects in the west I-40 corridor. Significant changes to the 2000



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DMP included: diverting some East Amole basins through a new EA.11 Dam into Ladera Dam 0; relocating the proposed location of the East Amole Dam eastward and making it a surge pond; upsizing Ladera Dam 0; revising the 98th Street Dam to be a surge pond; and adding a proposed Paseo del Volcan Interchange Dam.

He noted that the 2011 West I-40 DMP Update mainly deals with the basins upland of Ladera Dams 5 and 9. The revision analyzes four different options to manage and convey the drainage from those basins. Facilities proposed in the previous versions that continue to be a part of the drainage system include: Paseo del Volcan, A2, C, and D5 Dams; Paseo del Volcan Diversion Storm Drains; EA.11 Dam with outfall to Ladera Dam 0; expansion of Ladera Dams 0 and 1; Dam 5 Arroyo; and Dam 5 Diversion to the West I-40 system.

He stated that certain facilities are common to all four options in this latest revision. They include: the addition of Dam 5S to the system; the addition of the Dam 9 Diversion Arroyo to Dam 5S; and replacing a portion of the Dam 5 Arroyo with a Dam 5S Storm Drain between Dam 5S and Ladera Dam 5.

Mr. Bingham noted that the 2011 update has four options, which he described. Option 1 optimizes the existing Ladera system and eliminates the proposed Dam 5 Diversion. Option 2 keeps the original Dam D5 size but revises its location, and upsizes Ladera Dams 1 through 5. Option 3 is similar to Option 2 but without the expansion of Ladera Dams 2 through 5; Ladera Dam 1 would still be upsized, and a bigger Dam 5 Diversion storm drain would be required.

He stated that staff and Bohannon Huston, the engineers on the project, believe that Option 4 is the best. It optimizes Option 3 by adding the Storm Cloud Storm Drain Diversion to the system. This diverts flows out of Dam 5S back to the Storm Cloud Storm Drain, thereby utilizing capacity already provided for in the storm drain and Ladera Dam 9, and also eliminates the need to upsize Dam 5.

Director Lyon returned to the meeting at 12:20 p.m.

Mr. Bingham stated that Option 4 optimizes the existing system capacity, limits the requirement for huge infrastructure or detention reservoirs, and preserves the flexibility to select the appropriate conveyance option in the future. It is also the most cost-effective, and does not create any jurisdictional problems. He requested Board concurrence, stating that he would bring the final Update and a Resolution adopting the latest revision to the Board at a future meeting.

Director Brown expressed support of the DMP Update and Option 4.

In response to questions from Director Thomson, Mr. Bingham stated that Dam 5S would be under 50 acre feet, and would be less than four feet deep. Option 4 would limit to 170 cfs the



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amount added to the West Bluff Outfall. This is not necessary until the upstream areas are developed, as the current system handles existing conditions.

Mr. Lovato clarified that the bypass from Dam 5 to the West I-40 Diversion Channel is greater than 170 cfs today. Option 4 will reduce these flows to 170 cfs. Mr. Bingham agreed, stating that the diversion will reduce the flow into the system.

Mr. Lovato further explained that the system is already designed for maximum flow. Because of the proposed APS development, some of the flow will be diverted to bypass their site. A pipe has already been installed by the previous property owner, creating excess capacity in the system. AMAFCA will have to deal with slightly less water, and the City will have to deal with slightly more water.

The consensus of the Board was to support the DMP Update and Option 4.

16. Amole Hubbell Drainage Management Plan Update

a. Consideration of the Cost Share Funding Agreement with the City of Albuquerque and Bernalillo County for the Amole Hubbell Drainage Management Plan Update

Mr. Lovato introduced Mario Juarez-Infante and Tyler Ashton of Wilson and Company, Inc., the engineers on the project.

Mr. Bingham stated that a draft Cost Share Agreement with the City and Bernalillo County had been presented to the Board at the October 20, 2011 Board meeting. The attached final Cost Share Agreement had been revised to incorporate comments from all parties, and had been through legal review by AMAFCA, City, and Bernalillo County legal counsel. He recommended the Board approve the agreement and authorize the Chairman to sign it.

Director Eichenberg made a motion that the Board approve the Cost Share Agreement between the City of Albuquerque, Bernalillo County, and AMAFCA for the funding of the Amole Hubbell Drainage Management Plan Update, and authorize the Chair to execute the same on behalf of AMAFCA. Director Lyon seconded the motion, which passed unanimously (5-0).

b. Consideration of the Engineering Services Agreement with Wilson and Company for the Amole Drainage Management Plan Update

Mr. Bingham stated that the Executive Engineer had negotiated a contract with Wilson and Company for Engineering Services for the Amole Drainage Management Plan Update. The contract has been reviewed by legal counsel for both parties, and he recommended that the Board approve the agreement.



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Director Eichenberg made a motion that the Board approve the Agreement and authorize the Chairman to execute the Agreement for Engineering Services for the Amole Hubbell Drainage Management Plan Update with Wilson and Company, Inc. Director Lyon seconded the motion.

In response to Director Brown's comment that the total of the contract was approximately \$213,000, Mr. Bingham stated that the budget for this work was approximately \$200,000 - \$250,000.

The motion passed unanimously (5-0).

Chairman Hernandez called a brief recess at 12:28 p.m. The meeting resumed at 12:35 p.m.

17. Field Highlights

a. Construction Report

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

a. Field Report

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

18. La Presa Project

a. Consideration of Amendment Five for Construction Management Services with Wilson & Company

Mr. Wagener stated that at the February 25, 2010 Board meeting, the Board had approved the *Agreement for Design and Construction Management for Unser Detention Dam* with Wilson and Company, Inc. That dam is now known as La Presa. The design of the detention dam is such that it has been found to be non-jurisdictional by the New Mexico Office of the State Engineer Dam Safety Bureau.

He added that the design for La Presa is almost complete, and noted that the agreement with Wilson calls for negotiation of the construction management services, including pre-bid activities, construction inspection, submittal review, preparation of change orders and pay estimates, geotechnical testing, close out, and final as-builts for the project, at this point.



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Mr. Wagener stated that the current Engineer's Estimate for construction of La Presa is \$1,700,000. The construction of the trail is not included in the estimate at this time. Staff has negotiated the construction management for the dam portion of the project with Wilson. The amendment is undergoing legal review. Staff recommended the Board approve Amendment Number 5 to the original agreement, substantially the same as attached to the Board's memo, in the amount of \$144,691.70.

Director Thomson made a motion that the Board approve Amendment Number 5 with Wilson and Company to provide Construction Management Services for the construction of La Presa, substantially the same as attached to their memo, in the amount of \$144,691.70, excluding New Mexico Gross Receipts Tax. Director Brown seconded the motion.

In response to a question from Director Eichenberg, Mr. Wagener stated that the construction management services had been budgeted for. Mr. Lovato added that the terms of the original agreement were that the fee for construction management was to be negotiated when the design was completed. The original budgeted amount had been \$300,000 when the dam was going to be jurisdictional. With the revised dam plans making it a non-jurisdictional dam, the fee was negotiated down to \$144,691.70. Mr. Wagener confirmed that these services were part of the original Request for Proposals.

The motion passed unanimously (5-0).

b. Authorization to Advertise for Construction Bids for the La Presa Project

Mr. Wagener requested authorization to advertise for construction bids for the La Presa Project, with the schedule as shown in the memo.

Director Brown made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the La Presa Project. Director Lyon seconded the motion, which passed unanimously (5-0).

19. Agency and Area-Wide Flood Control Maintenance Contract

- a. Consideration of Second Amendment to the Agreement for Agency and Area Wide Flood Control Maintenance with the City of Albuquerque**
- b. Consideration of Second Amendment to the Agreement for Agency and Area Wide Flood Control Maintenance with the New Mexico Department of Transportation**

Mr. Wagener's memo stated that the Agency and Area-Wide Flood Control Maintenance contracts with the City of Albuquerque and the New Mexico Department of Transportation have been a great success. To date, the construction contractors have completed a total of



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\$2,897,187.47 in concrete channel repair work and other surface drainage projects. Broken down, this was \$1,702,015.01 for AMAFCA, \$595,372.16 for the City, and \$599,800.30 for the NMDOT.

He stated that the parties have funding for another round of design and construction similar to the first two contracts. The agreements with the City and with NMDOT provide that AMAFCA will continue to be the fiscal agent for the projects, and will continue to manage the separate account set up for this purpose. AMAFCA will procure the engineering services via a Request for Proposals. Each agency will provide two engineers for the Selection Advisory Committee. Both agreements had been through staff review by all parties to the agreement, and were undergoing legal review. He recommended approval of both agreements substantially as attached to the memo to the Board.

Director Brown made a motion that the Board approve the SECOND AMENDMENT TO "AGREEMENT FOR DESIGN, CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR AGENCY AND AREA-WIDE FLOOD CONTROL MAINTENANCE CONTRACT" between AMAFCA and the City of Albuquerque, substantially the same as attached to the Board's memo, and approve the SECOND AMENDMENT TO "AGREEMENT FOR DESIGN, CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR AGENCY AND AREA-WIDE FLOOD CONTROL MAINTENANCE CONTRACT" between AMAFCA and the New Mexico Department of Transportation, substantially the same as attached to the Board's memo, and authorize the Chairman to execute both on behalf of AMAFCA. Director Lyon seconded the motion, which passed unanimously (5-0).

Director Eichenberg left the meeting at 12:50 p.m. due to a prior commitment.

c. Authorization to Advertise Request for Proposals for Agency and Area-Wide Flood Control Maintenance Design and Construction Management Services Contract 2012-2013

Mr. Wagener requested authorization to advertise a Request for Proposals for design and construction management services for the above project.

Director Brown made a motion that the Board authorize advertisement of the Request for Proposals for Agency and Area-Wide Flood Control Maintenance Design and Construction Management Services Contract. Director Lyon seconded the motion, which passed (4-0). Director Eichenberg was not present at the time of the vote.



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20. Consideration of Approval for the *Turnkey Agreement and Memorandum of Understanding for the West Branch Calabacillas Arroyo Improvements as Related to CNM Westside Campus*

Lynn Mazur, AMAFCA Development Review Engineer, introduced Lou Costillo of Central New Mexico Community College (CNM), and Mario Juarez-Infante of Wilson and Company, the engineers on the project. Her memo stated that the Memorandum of Understanding had been presented to the Board for review and comment at the September meeting. The Board's comments were integrated into the agreement. She requested Board approval of the agreement, substantially as attached to the Board's memo.

Director Lyon made a motion that the Board approve the *Turnkey Agreement and Memorandum of Understanding for the West Branch Calabacillas Arroyo Improvements as Related to CNM Westside Campus*, substantially the same as attached to the memo, and authorize the Chair to execute the same. Director Brown seconded the motion, which passed (4-0), Director Eichenberg not being present at the time of the vote.

21. Consideration of *Private License Agreement for Storm Drain Connection to the North Pino Arroyo as Related to the Renal Clinic in Journal Center Phase II*

Ms. Mazur introduced Glenn Broughton, of Bohannon Huston, Inc., the engineer on this project, and briefed the Board on the proposed project.

She stated that the site development plan for the new Renal Medicine Associates Clinic on the south side of the North Pino Arroyo in the Journal Center includes a private storm drain outfall to the North Pino Arroyo. The south part of the site will drain into Masthead Street. The north part will drain to a landscaped ponding area with a grated inlet that will connect to a storm drain. Part of the south and west side will drain into grated inlets that will drain to the proposed storm drain outfall to the North Pino Arroyo. The ponding area and the grated inlets will catch most of the debris from the site. The 100-year discharge rate will be 7.5 cfs.

Ms. Mazur stated staff had reviewed the plan and approves the reinforced pipe connection to the Arroyo. The owners of the facility will be responsible for maintaining the site, including the drainage facilities. She recommended the Board authorize the Executive Engineer to issue the License Agreement.

Director Brown made a motion that the Board authorize the Executive Engineer to issue the *License Agreement for Storm Drain Connection to the North Pino Arroyo as Related to the Renal Clinic*. Director Lyon seconded the motion, which passed (4-0), Director Eichenberg not being present at the time of the vote.



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22. North Diversion Channel Embayment Project – Update on Clean Water Act Section 404

Kevin Daggett, AMAFCA Stormwater Quality Program Engineer, introduced Jean-Luc Cartron, of SWCA, the consultant who prepared the Biological Assessment (BA) on this project.

Mr. Daggett stated that, since the October Board meeting, the BA was completed and submitted to the Corps of Engineers (Corps) and the U.S. Fish and Wildlife Service (USFWS). In informal conversations with the Corps and USFWS, USFWS requested an estimate of the number of Rio Grande Silvery Minnows (RGSM) that could be living in the embayment during the proposed construction months of January through March.

He stated that, based on data from monthly fish seining operations conducted by the USFWS in the past, an estimate was made of 2,400 RGSM in the embayment area. This is the number the USFWS may use to determine the amount of Incidental Take for the project. Mr. Daggett stated that skewed results from testing last December probably resulted in an artificially high number. He expressed the opinion that 800 RGSM would probably be more accurate. The Take is expected to be mostly harassments with little or no mortalities. In addition, AMAFCA intends to do an actual count of RGSM during the relocation operation so that a comparison can be made between the estimate and what is actually caught and released.

Mr. Daggett stated that, based on comments from the USFWS, water from the embayment will now be pumped upstream into the settling area of the North Diversion Channel rather than being pumped into the river. The water in the embayment will be monitored for dissolved oxygen, temperature, turbidity, and specific conductance during the pumping and relocation operation. Also, to address concerns over downstream effects in the river due to the construction, two parallel silt fences will be installed at the river's edge adjacent to the temporary coffer dam. This will eliminate the potential for sediment and turbid water discharges to the river.

He noted that the Pueblo of Sandia has requested that AMAFCA fence to the limits of the drainage easement in the embayment area, which AMAFCA has agreed to do.

Mr. Daggett noted that the new embayment area will be wide and shallow, with all fill material coming from the AMAFCA right of way.

In response to a question from Director Thomson about how the shallow water will be an attractant to water birds, increasing fecal coliform in the water, Mr. Lovato noted that AMAFCA will install a raptor house to determine if it will reduce the nuisance bird population in the area. Director Brown gave his personal testimony that raptors keep down the pigeon population. Mr. Lovato stated that additional water monitoring will also be done.



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Mr. Daggett stated that the Biological Opinion is due from the USFWS in about a month.

Mr. Cartron stated that the USFWS told him that AMAFCA has the responsibility to coordinate the RGSM rescue effort during construction.

23. Update on the Levee Task Force

Mr. Lovato stated that the Levee Task Force subcommittee had not met in the past month. The Levee Task Force will begin meeting again in the January/February 2012 timeframe.

24. Pino Dam Update

Mr. Lovato stated that the Pino Dam is unusual in the AMAFCA system, as the dam embankment and the emergency spillway sit on easements on several tracts, rather than being owned by AMAFCA in fee simple. In November 2006, the underlying property owner, Dr. William Galbreth, began the process to evaluate building pads that would encroach into the emergency spillway. The project was deemed feasible, although expensive, and in June 2007 AMAFCA entered into a turnkey agreement with Dr. Galbreth to allow him to construct the house pads within the AMAFCA drainage easement, along with any structures required to ensure the emergency spillway functioned as designed.

He stated that over the last four years, Dr. Galbreth has complied with all of the requests by the New Mexico Office of the State Engineer Dam Safety Bureau (DSB) for information, calculations, and design changes. In February 2011, AMAFCA, Bohannon Huston, and Dr. Galbreth met with the DSB for what was thought to be the last meeting before approval of the modifications to the spillway. The proposed spillway modifications would take care of an existing erosion issue that could lead to the failure of the dam in a six hour storm Probable Maximum Precipitation (PMP) event. Dr. Galbreth's design of the modified spillway includes a cutoff wall installed to a depth of 30 feet at the top of the spillway to address this concern. Without these modifications, the dam could fail in a six hour PMP event.

Mr. Lovato stated that, at the February 2011 meeting, the DSB requested another analysis using a 72 hour storm event. Dr. Galbreth complied with this request. Information from this analysis shows that the Pino Dam would fail in a 72 hour event in its current condition, and would also fail with the modifications proposed by Dr. Galbreth. Based upon this information, the deadline in the turnkey agreement was extended at the March 2011 Board meeting.

Mr. Lovato stated that he authorized Bohannon Huston to verify the results of this study using a two dimensional finite element program developed by the USDA to identify erosion in soils, which confirmed the earlier results. He also authorized Bohannon Huston to study three options to address the erosion, with the results attached to the memo.



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He stated that the DSB has requested a plan to address the identified dam safety issue. AMAFCA is considering a series of grade control structures in the spillway, or the construction of a new spillway. He noted that Chairman Hernandez has requested a meeting with the new State Engineer to discuss this and other issues.

Mr. Lovato stated that Mr. Hines is gathering information regarding the easement the dam is built upon, as well as the open space easement that surrounds the dam embankment, and determine what, if any, work can be done on the golf course. He noted that at the time that many of AMAFCA's dams were designed, they were designed for the half PMP event. The current standard is the full PMP event, so as Emergency Action Plans are developed, more dams needing modification may be discovered. Options for the Pino Dam will be brought to the Board at the January Board meeting.

Mr. Lovato closed by stating that the Probable Maximum Precipitation event is highly unlikely. However, even if Dr. Galbreth never does his development, now that the problem has been identified, it will need to be addressed.

25. 2012 Regional Digital Orthophotography Project – Consideration of Cost Share Agreement with Mid Region Council of Governments

Kevin Troutman, AMAFCA GIS Technician, stated that the proposed agreement with the Mid-Region Council of Governments (MRCOG) for AMAFCA's participation in the 2012 Digital Orthophotography Project, managed by MRCOG, is the same as previous years. It has been reviewed by legal counsel and \$20,000 is in the budget for this effort.

He noted that other agencies participating include the City of Albuquerque, Bernalillo County, NMDOT, USGS, the Pueblo of Sandia, and Kirtland Air Force Base. The project will cover approximately 2,475 square miles of central New Mexico. Six inch resolution digital orthophotos will be acquired for Bernalillo County and parts of Sandoval, Santa Fe, Torrance, and Valencia Counties. No LiDAR topography is anticipated this year due to the large LiDAR acquisition in 2010.

Mr. Troutman requested Board approval of the agreement with MRCOG.

In response to a question from Director Lyon, Mr. Troutman agreed that it was a win-win proposition for the participating agencies, and pointed out the area to be flown, using a large map.

Director Lyon made a motion that the Board approve the proposed agreement with the MRCOG for 2012 Digital Orthophotography, and authorize the Chairman to execute the same. Director Brown seconded the motion, which passed (4-0), Director Eichenberg not being present at the time of the vote.



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26. Approval of the Final AMAFCA Fiscal Year 2012 Project Schedule

Mr. Bingham stated that the final Fiscal Year 2012 Project Schedule was before them. Since the previous draft, the spreadsheet and introduction had been finished, and other edits were made throughout the Project Schedule. He stated that the Project Schedule would be ready to publish and distribute after adoption by the Board.

In response to a question from Chairman Hernandez, Mr. Lovato stated that as projects are undertaken (for design, engineering, or construction), they are assigned an accounting code.

Chairman Hernandez noted that the Project Schedule was very attractive this year. Mr. Bingham thanked Pamela Woodruff, AMAFCA Executive Secretary, for the layout and graphic design work, and Kevin Troutman for his assistance with the spreadsheet.

Director Brown made a motion that the Board adopt the AMAFCA Fiscal Year 2012 Project Schedule. Director Thomson seconded the motion, which passed (4-0), Director Eichenberg not being present at the time of the vote.

Board consensus was that the Project Schedule was very well done this year, and they expressed their appreciation to staff.

27. Unfinished Business

a. Price's Valley Gold Dairy

Mr. Lovato reported that the Price family is negotiating with the U.S. Fish and Wildlife Service regarding the sale of the former dairy's property. There are some concerns regarding the USFWS's appraisal process, but the deal is still going through.

28. New Business

**a. Middle Rio Grande Flood Control Association Annual Meeting,
December 7, 2011, 7:00 a.m.**

Pamela Woodruff, AMAFCA Executive Secretary, stated that the Annual Meeting of the Middle Rio Grande Flood Control Association would be at 7:00 a.m. on Wednesday, December 7, 2011, at the Four Hills Country Club. She requested that Board members who would like to attend RSVP to Ms. Jeffries.



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b. Hahn Arroyo Ribbon Cutting, December 3, 2011, 10:00 a.m.

Ms. Woodruff stated that the Hahn Arroyo Ribbon Cutting would be 10:00 a.m. on Saturday, December 3, 2011, at the new pocket park at San Pedro and the Hahn Arroyo. She requested that those who planned to attend RSVP to AMAFCA.

c. Holiday Schedule

Ms. Woodruff stated that AMAFCA would be closed on November 24 and 25, 2011, for the Thanksgiving holiday. The offices would also be closed on Monday, December 26, 2011, and Monday, January 2, 2012, for the Christmas and New Year's holidays. The office will be open on December 23, 2011, but at a reduced staffing level. The maintenance crew will be on vacation the week of December 26, returning to work on January 3, 2012.

29. Adjourn

There being no further business to come before the Board, Chairman Hernandez adjourned the meeting at 1:21 p.m.

Bruce M. Thomson, Secretary-Treasurer, 12/15/11

Recorded by Pamela Woodruff, Executive Secretary