



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 1

1. Call to Order and Roll Call

Chairman Hernandez called the Regular Board Meeting to order at 10:01 a.m. Thursday, January 26, 2012. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Tim Eichenberg Director Bruce M. Thomson Director Ronald D. Brown Director Daniel F. 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

Mr. Lovato noted that there were late mailouts on agenda items 9b and 13b, and a handout on agenda item 14.

Director Lyon made a motion to approve the agenda. Director Eichenberg seconded the motion, which passed unanimously (5-0). Director Brown commented that he would have to leave the meeting at 11:30 a.m. due to a prior commitment.

3. Meetings Scheduled

- a. Thursday, February 9, 2012, 10:00 a.m. – Special Meeting
- b. Thursday, January 26, 2012, 10:00 a.m. – Regular Meeting
- c. Thursday, February 23, 2012, 10:00 a.m. – Regular Meeting
- d. Thursday, March 22, 2012, 10:00 a.m. – Regular Meeting

Mr. Lovato stated that there would probably be a Special Meeting scheduled for approximately March 8, 2012, to award two construction contracts. More information would be available at the February 23, 2012 meeting.

There were no changes to the meeting schedule at that time. However, at the end of the meeting, the February 9, 2012 Special Meeting was addressed again and the time changed to 8:30 a.m. The revised meeting schedule was as follows:



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 2

- a. Thursday, February 9, 2012, 8:30 a.m. – Special Meeting**
- b. Thursday, January 26, 2012, 10:00 a.m. – Regular Meeting**
- c. Thursday, February 23, 2012, 10:00 a.m. – Regular Meeting**
- d. Thursday, March 22, 2012, 10:00 a.m. – Regular Meeting**

4. Election of Officers

Director Hernandez opened the floor to nominations for officers of the Board of Directors.

Director Thomson nominated Tim Eichenberg for Chairman. Director Brown seconded the nomination. There were no other nominations for Chairman.

Director Eichenberg nominated Danny Hernandez for Vice Chairman. Director Thomson seconded the nomination. There were no other nominations for Vice Chairman.

Director Eichenberg nominated Bruce M. Thomson for Secretary-Treasurer. Director Lyon seconded the nomination. There were no other nominations for Secretary-Treasurer. Director Brown made a motion to accept the nomination by acclamation. Director Eichenberg seconded the motion, which passed unanimously (5-0).

Director Brown made a motion that the Board accept the nominations for Chairman, Vice Chairman, and Secretary-Treasurer by acclamation. Director Lyon seconded the motion, which passed unanimously (5-0).

Director Hernandez made a motion to nominate Ronald D. Brown for Assistant Secretary-Treasurer. Director Lyon seconded the motion. There were no other nominations for Assistant Secretary-Treasurer. The motion passed unanimously (5-0).

The officers for the Board of Directors during 2012 are as follows:

Chairman:	Tim Eichenberg
Vice Chairman:	Danny Hernandez
Secretary-Treasurer:	Bruce M. Thomson
Assistant Secretary-Treasurer:	Ronald D. Brown

Chairman Eichenberg chaired the rest of the meeting.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 3

5. Approval of Resolution 2012-1, *Open Meetings Standards*

Director Hernandez made a motion that the Board approve and adopt Resolution 2012-1, *Open Meetings Standards*, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Brown seconded the motion.

Mr. Lovato summarized the resolution for the Board. Mr. Rael stated that the only change was to require (rather than allow) meeting notices to be published in the paper, as is stated in the statute.

In response to a question from Chairman Eichenberg, Mr. Rael stated that when the Governor had requested an increase to 72 hour notice, she may have been referring to having a final agenda available 72 hours before the meeting. Existing meeting notice requirements are five days for a regular meeting, three days for a special meeting, and as much notice as possible for an emergency meeting, per statute. Currently, the final agenda must be available 24 hours prior to the meeting.

The motion passed unanimously (5-0), on a roll-call vote.

6. Items from the Floor/Public Comment

Manuel Sanchez, the Manager of Distribution Planning for PNM Electric, addressed the Board regarding the proposed PNM Scenic Substation in northwest Albuquerque at the Boca Negra Dam. Camille Lovato and Emilie Dohleman of PNM were also present.

Mr. Sanchez stated that the proposed substation will be a \$5.3 million investment to support growth in this area, especially north of the dam. The site is at the far northern edge of the dam site. In January 2011, PNM set a June 2012 in-service date goal. For the last six years, PNM has been working with AMAFCA on this project. \$1.6 million has been spent on long lead-time items for the project so far. They would like to begin their construction in the January to March timeframe, and need the engineering drawings to do so. He asked for AMAFCA's assistance in obtaining those engineering documents so that their substation project could continue.

In response to questions from Chairman Eichenberg, Mr. Lovato gave details of the locations of the inflows, outfall, and dam capacity. He stated that the substation location is within the dam site because AMAFCA was given a piece of property for the dam, and there was an existing PNM easement on the land. The substation will be located above the level of the emergency outfall, on a built-up pad. As it is located within the dam site, the substation fill needs to be engineered and certified by an engineer to the Office of the State Engineer.

Director Hernandez noted that AMAFCA had intended to have the dam built by now. Two government and two private parties are involved, and the private parties are currently holding



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 4

back the promised monies. In addition, there have been approval of the dam plans has taken far longer than anticipated.

Mr. Sanchez requested AMAFCA's assistance in doing whatever could be done to expedite and facilitate release of the design documents.

In response to a question from Director Lyon regarding what AMAFCA could do to expedite the approval, Mr. Sanchez stated that perhaps AMAFCA could facilitate some of the engineering documents being paid for so that they could be released. Director Lyon noted that, due to the slowdown in real estate development, the private parties are not as financially well-off now as they were when the agreement was signed.

Camille Lovato stated that PNM's ideal scenario is for the dam project to be funded and built, then PNM would go in and build their substation. Director Lyon agreed. Director Hernandez stated that AMAFCA is doing what it can to keep the process moving forward.

Mr. Sanchez stated that anything AMAFCA can do to get the pad set would be helpful, so that PNM can start building the substation.

In response to a question about the cost of the fill for the substation, Mr. Lovato stated that it would be shared by the partnership. The holdup is the need for the approved set of plans from the Office of the State Engineer.

In response to an earlier question about the capacity of the Boca Negra Dam, Kurt Wagener, AMAFCA Field Engineer, stated that the design capacity is currently 279.5 acre-feet to the top of the dam. In response to a follow-up question from Chairman Eichenberg, he stated that the PNM substation will not be threatened by a 500-year storm.

Art De La Cruz, Chair of the Bernalillo County Commissioners, addressed the Board in support of the work AMAFCA does in Bernalillo County, and especially in his district, District 2, which covers the south valley. He stated that he wanted to encourage AMAFCA's continued support of the Southwest Valley Flood Reduction and Sanchez Farm Tributary Storm Drain Projects, and continued project cooperation with Bernalillo County.

Director Hernandez noted that he and Commissioner De La Cruz had been meeting approximately monthly to keep each other abreast of developments, and that it had been very helpful to both AMAFCA and Bernalillo County.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 5

7. Approval of Minutes

a. December 15, 2011

Director Hernandez made a motion to approve the minutes of the December 15, 2011 Regular Board Meeting. Director Lyon seconded the motion, which passed unanimously (5-0).

b. January 3, 2012

Director Hernandez made a motion to approve the minutes of the January 3, 2012 Special Board Meeting. Director Lyon seconded the motion, which passed unanimously (5-0).

8. Financial Matters

a. Approval of December 2011 Expenditures

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

Director Brown made a motion to approve the December 2011 Expenditure Report. Director Lyon seconded the motion, which passed unanimously (5-0).

b. Investment Report for December 2011

Ms. Jeffries presented the investment report for December 2011. In response to a question from Chairman Eichenberg, Ms. Jeffries stated AMAFCA is currently earning 0.227% interest on its money in the Local Government Investment Pool (LGIP). No Board action was required.

c. Financial Recap December 16, 2011, through January 15, 2012

Ms. Jeffries presented the Financial Recap for December 16, 2011 through January 15, 2012.

There were no questions, and no Board action was required.

d. Financial Forecast January 16, 2012, through February 15, 2012

Ms. Jeffries presented the Financial Forecast for the period January 16, 2012, through February 15, 2012. She noted that the Operating Fund shows the transfers to the Contingency and Building and Yard Improvement Funds as per the budget, and the corresponding addition to those those funds, which will be invested in the LGIP. The Forecast also reflects interest payments on the bonds. She requested Board approval of the forecast.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 6

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

9. Legal

a. Status Report

Attorney Marcus Rael, Jr., stated that his memo briefed the Board on the status of various legal matters, and answered several questions from Directors Lyon and Thomson regarding the social media policy he is helping staff to develop. Director Lyon was concerned about what the policy covered, and that employees are properly notified. Director Thomson wanted to see the policy prior to it being approved.

Chairman Eichenberg stated that the policy would be on next month's agenda for the Board's perusal. If the Board wished, at that time, it could be referred to the Personnel and Salary Committee for their review. The policy would be approved by the Executive Engineer.

b. Pending Litigation

Chairman Eichenberg stated that discussion of pending litigation would be in closed session.

Director Hernandez made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," seventh edition, 2010, to discuss pending litigation. Director Brown seconded the motion.

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

Chairman Eichenberg closed the meeting at 10:37 a.m.

Director Brown left the meeting at 11:26 a.m., due to a prior commitment.

Director Hernandez made a motion that the meeting be re-opened. He stated that the Board had taken no action during the closed meeting, but had discussed pending litigation. Director Thomson seconded the motion, which passed (4-0), on a roll call vote, Director Brown being absent at the time of the vote.

Chairman Eichenberg reopened the meeting at 11:29 a.m.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 7

10. 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) – Southwest Valley Flood Reduction Project (SWVFRP):** Bernalillo County and AMAFCA met with COE staff to discuss the design and construction schedule for the remaining work. The COE will be concentrating on the reconstruction of the levee located in the San Acacia reach of the Rio Grande. The projects identified by AMAFCA and Bernalillo County are located at roadway crossings and within AMAFCA rights of way. Because of the delay in the SWVFRP, AMAFCA and Bernalillo County have requested a modification of the Project Cooperation Agreement (PCA) to allow the local sponsors to design and construct the work within public rights of way. The Albuquerque District is currently preparing the Integral Determination Report (IDR), which will be used to support the modification to the PCA. Additional information was discussed in agenda item 13a.

Calabacillas Arroyo: Since the Board meeting, AMAFCA has appealed the Albuquerque District's Jurisdictional Determination (JD) that the Albuquerque District of the COE has jurisdiction in the case of the grade control structures to be built as a part of the Spectrum Housing agreement. The appeal was made to the COE Division Office. AMAFCA staff has started to work on the final design of the project and hope to have the design complete by February 2012.

Ladera Dam System: Since the Board meeting, AMAFCA has received an email detailing the Albuquerque District's Jurisdictional Determination (JD). The COE has requested additional information concerning the existence of playas in and around the Ladera System.

- **City of Albuquerque – Boca Negra Dam:** AMAFCA and the City of Albuquerque have been in contact with New Mexico Gas Company concerning their appeal of the Boca Negra Dam plat. The appeal was heard by the City Council on January 18, 2012. The plating action was sent back to the Development Review Board, but it was anticipated that the plat would be signed at the January 25, 2012 meeting. AMAFCA continued to work with New Mexico Gas Company concerning the reciprocal encroachment agreement.

Osuna Boulevard, Singer Road Bike Notch: The construction contract for the Osuna Bike Notch Project has been awarded to David Montoya Construction, the notice to proceed was issued, and construction has started. The Singer Road Bike Notch is still in design and a 35% design has been sent to the Corps of Engineers for review.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 8

Transportation Corridor along North Diversion Channel: A 60% preliminary design along the east side of the North Diversion Channel is currently being reviewed by AMAFCA staff. Many questions still need to be answered concerning the safety of the North Diversion Channel and the Albuquerque Bernalillo County Water Utility Authority's San Juan Chama water line during construction.

La Presa – Parks and Recreation Multi-Use Trail: AMAFCA is finalizing the design for La Presa. AMAFCA met with the NMDOT regarding the new multi-use trail, the guard rail along the trail, and the break in the NMDOT access control fencing that is required for the new trail to be installed and used. The NMDOT requested additional design for a pedestrian crossing across Unser at the I-40 on and off ramps, which is being done by Wilson and Company. The agreement with the City allows AMAFCA to invoice for the additional costs of the trail, including the work necessary to get it approved.

- **Public Outreach** – *South West Valley Flood Reduction Project Phase I:* AMAFCA has been contacted by the COE concerning a ribbon cutting for Phase I of the Project. A meeting on January 30 will discuss the logistics for the event. Additional information will be made available as soon as possible.

Design Presentations: AMAFCA has submitted the Hahn Arroyo Rehabilitation Project for consideration to be presented at the 2012 Watersmart Innovations Conference to be held in Las Vegas in October 2012. The winners of the American Council of Engineering Companies (ACEC) awards were recently announced. 14 New Mexico projects were submitted, and 3 of those were AMAFCA projects. The South Diversion Baffle Chute won an award, and there will be an awards banquet April 6, 2012 at Sandia Pueblo.

- **U.S. Fish and Wildlife Service (USFWS)** – *Price's Dairy:* The USFWS is pursuing the purchase of 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 Drainage and Stormwater Quality Management Plan (SEVDSQMP) currently being reviewed at AMAFCA. A meeting was held January 5 concerning conservation and recreational opportunities within the Middle Rio Grande Valley, facilitated by Secretary Salazar of the U.S. Department of the Interior. The Urban Wildlife Refuge was discussed. Then-Chairman Hernandez and Director Thomson attended, and Then-Chairman Hernandez spoke on behalf of AMAFCA.

Director Thomson noted that Secretary Salazar wants local parties to develop a path forward to deal with endangered species. A small group was put together, with a plan due by July 31, 2012. AMAFCA does not have a representative in that group, although this issue is important to AMAFCA.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 9

North Diversion Outfall, Embayment Area: AMAFCA staff has been proactive in meeting with the USFWS, the COE and the Pueblo of Sandia to address all issues as soon as possible to final the design so it can be built this winter. AMAFCA received the a favorable Biological Opinion from USFWS on December 30, 2011, a 404 permit to work in the Bosque on January 6th, and a 401 discharge permit from the Pueblo of Sandia on January 10th. The AMAFCA crew started work on the project on January 4th.

b. Notification of On-Call Services Task Orders

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

11. Authorization to Advertise Requests for Proposals

a. Bond Counsel Services

Mr. Lovato stated that the current Bond Counsel Services agreement expires April 4, 2012, and had reached the limit on extensions. He requested authorization to advertise a Request for Proposals for Bond Counsel Services.

Director Lyon made a motion that the Board authorize the advertisement of the Request for Proposals for Bond Counsel Services. Director Thomson seconded the motion, which passed (4-0).

b. Financial Advisor Services

Mr. Lovato stated that the current Financial Advisor Services agreement expires April 4, 2012, and had reached the limit on extensions. He requested authorization to advertise a Request for Proposals for Financial Advisor Services.

Director Hernandez made a motion that the Board authorize the advertisement of the Request for Proposals for Financial Advisor Services. Director Lyon seconded the motion, which passed (4-0).

12. AMAFCA On-Call GIS, IT, DBA Services – Consideration of Agreement with AMEC Environment and Infrastructure

Kevin Troutman, AMAFCA GIS Manager, stated that the agreement with AMEC Environment and Infrastructure for On-Call GIS, IT, DBA Services had been prepared, and was ready for approval. It had been approved by legal counsel before the RFP was advertised, and had not changed since then.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 10

In response to a question from Director Thomson, Mr. Lovato stated that the maximum that could be spent under his authorization without bringing the contract back to the Board, was \$75,000.

Director Thomson made a motion that the Board approve the Agreement and authorize the Chairman to execute the Agreement for On-Call GIS IT DBA Services with AMEC Environment and Infrastructure. Director Hernandez seconded the motion, which passed (4-0).

13. Bernalillo County Joint Projects – Briefing by Bernalillo County

a. COE Southwest Valley Flood Reduction Project

Mr. Lovato stated that Bernalillo County is actively working to finish tasks involved in the Corps of Engineers' Southwest Valley Flood Reduction Project.

He noted that Bernalillo County is currently funding and managing the development of the Operations Maintenance, Repair, Replacement and Rehabilitation manual for the project. The draft manual is expected mid-February, 2012. Bernalillo County and AMAFCA have also compiled a list of the top seven projects that need to be completed to help eliminate bottlenecks in the system. The majority of these are crossing structures located within roadway rights of way. Bernalillo County has started to scope the RFP for design work for these projects, which may allow construction to start by the end of the calendar year. This work is being started now rather than waiting for the Project Cooperation Agreement modification.

Roger Paul, of Bernalillo County Public Works, stated he had nothing to add to the presentation.

Chairman Eichenberg noted that Commissioner De La Cruz had spoken to the Board earlier about this project.

There were no questions from the Board.

b. Sanchez Farms Tributary Storm Drain

Mr. Lovato stated AMAFCA is spearheading this project to look at additional regional infrastructure that could feed into the Sanchez Farms detention facility and be pumped into the Rio Grande. Thompson Engineering and Easterling Consultants have been working on this project. Due to the scope of work that Bernalillo County is planning along Goff Road, it makes sense to combine this roadway work with the storm drain project to reduce the costs of both projects. Bernalillo County would like to work with AMAFCA to come up with a plan set to completely rebuild Goff Road, incorporating a regional storm drain into the plans.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 11

He also stated that Bernalillo County would like to remove floodplain from this area, doing CLOMRs and LOMRs with the AMAFCA consultants, to get the most for taxpayers' money. Roger Paul, of Bernalillo County, had provided a letter in support of this request.

Director Lyon noted that Roger Paul's letter requested that AMAFCA "accept funding from Bernalillo County" for this project.

Mr. Paul stated that this project is starting to move forward, and Bernalillo County had moved their funding to bring it into conjunction with the next phase of the Sanchez Farms Tributary Storm Drain.

Responding to several questions from Director Hernandez, Mr. Lovato stated that AMAFCA's Project Schedule has this project at design in fiscal year 2012, with construction in fiscal year 2015. AMAFCA funding will cover half the stormwater cost of the project.

Director Hernandez made a motion that the Board give staff approval to proceed with a Joint Funding Agreement with Bernalillo County for LOMR and CLOMR submittals and participation in the Goff Roadway Improvements Project. Director Thomson seconded the motion, which passed (4-0).

14. Legislative Liaison – Briefing on 2012 New Mexico Legislative Session

Chairman Eichenberg introduced Vanessa Alarid and Mark Fleisher of Alarid Consulting, AMAFCA's Legislative Liaison. Ms. Alarid briefed the Board on a number of bills that had been introduced in the state legislature this session. She stated that, at the direction of the Board, she had focused on bills dealing with water, PERA, and other bills that might affect AMAFCA.

The bills she discussed included: HB 84 - Appeal to District Court of State Engineer Actions; HB 120 - Acequia and Ditch Employees Covered by PERA; HM 5 - PERA: Options to Reduce Unfunded Retirement Liability; SB 65 - Severance Tax Bond Appropriations, State Agencies and Statewide; SB 115 - Changing Contribution Rates for Public Employee Retirement Plans; and SB 145 - Property Tax Valuation of Residential Properties. Senator Tim Eichenberg introduced this last bill, which modifies the way that property is valued in the year after it changes ownership to eliminate the jump to the property's actual market value.

The Board briefly discussed the fact that in Bernalillo County, this had already been implemented going back to 2003.

Director Eichenberg stated that oral arguments in the Court of Appeals had been heard in the tax lightning lawsuit in October, 2011, and a ruling was expected in March that tax lightning is constitutional, so this is an important bill. He noted that in Bernalillo County, assessed values



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 12

had been "corrected" rather than rolled back. Director Eichenberg stated that the bill had passed the House and Senate last year and he hoped it would do the same this year.

He also stated that if the bill does not pass and become law, the Bernalillo County tax assessments will probably not be able to be sent out unless the notices of value are "true and correct." 6000 homes in Bernalillo County could be subject to tax lightning this year.

Ms. Alarid also discussed SB 200 - Land Conveyance for Conservation Tax Credits. Director Hernandez noted that this bill could apply to the acquisition of land for the pond on Price's Dairy.

Chairman Eichenberg stated that he had also introduced SB 85, which was still in the Committees Committee, regarding Price's Dairy. It requests monetary support for the project from other agencies including the City of Albuquerque, Albuquerque Public Schools, and Bernalillo County, along with support from the state.

Ms. Alarid stated that she is also following some bills dealing with the construction industry which will affect AMAFCA as well. She noted that the main focus of the session is passing the budget, which was expected to be 5.69 billion, 2.4% over last year, or roughly \$250 million more than last year. A capital outlay bill that focuses on economic development is likely.

Mark Fleisher stated he had nothing to add to Ms. Alarid's report.

Chairman Eichenberg called a brief recess from 11:58 a.m. to 12:05 p.m.

15. 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 several questions from the Board during his presentation.

16. City of Albuquerque Joint Projects – Briefing by the City of Albuquerque

a. Alameda-Riverside Drains Restudy

Mr. Lovato briefed the Board on two City of Albuquerque joint projects with AMAFCA. The first was the Alameda-Riverside Drains Restudy. He stated that these drains have been used for



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 13

local drainage since their original construction, comprising the original backbone drainage system for the valley. Some of the outfalls are licensed, but many are not. In order to optimize the drains for drainage and water quality, an updated engineering study is necessary.

He noted that the restudy would be a collaborative effort between AMAFCA, the City of Albuquerque, Bernalillo County, the Village of Los Ranchos, the Middle Rio Grande Conservancy District (MRGCD), and the Bureau of Reclamation (BOR), and the purpose would be to assess the existing hydraulic capacity of the drains, analyze deficiencies, and propose alternatives for system optimization and water quality structures.

Mr. Lovato requested authorization to draft a cost share agreement with the City of Albuquerque, the Village of Los Ranchos, Bernalillo County, the MRGCD, and the BOR to fund this restudy, which is expected to take about 14 months. The expected total cost of the study is \$400,000. The expected funding breakdown was one-fourth AMAFCA (not to exceed \$100,000), three-eighths City (\$150,000), and three-eighths County (\$150,000). In addition, the City will provide project management and will acquire engineering services through an RFP process. The MRGCD and BOR are not planning to put money into the project, but will offer their technical expertise. The MRGCD maintains the drains and the BOR owns them.

Melissa Lozoya, of the City of Albuquerque Department of Municipal Development, stated that the City had set aside funds for this restudy.

In response to a question from Director Thomson, Mr. Lovato confirmed that water quality opportunities would be a component of the restudy. He expected structures similar to those being incorporated into the South Valley Project.

Director Thomson made a motion that the Board authorize the Executive Engineer to draft a cost share agreement with the City of Albuquerque, the Village of Los Ranchos, Bernalillo County, the Middle Rio Grande Conservancy District, and the Bureau of Reclamation to fund the re-study of the Alameda Drain to enhance storm water conveyance and water quality, for the Board's consideration at a future meeting. Director Hernandez seconded the motion, which passed (4-0).

Chairman Eichenberg also requested staff to immediately contact the house and senate representatives for the area covered by the drain, to ask them to request capital outlay funds for this project. He noted that the deadline for capital outlay fund requests is 5:00 p.m. on January 27, 2012. Mr. Lovato stated that he would do so.

Director Thomson suggested contacting the communities that use these drains for stormwater drainage, and remind them that they are being asked to participate in a NPDES watershed-based permit, and they may be asked to participate in construction of a water quality project.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 14

b. Broadway Pump Station Rehabilitation Project

Mr. Lovato also briefed the Board on the Broadway Pump Station Rehabilitation Project. He stated that the Broadway Pump Station pumps stormwater uphill to the North Diversion Channel. This item regards the addition of one or more ponds to store additional water to ease the work of the pump station, and an update to the pump station itself.

In response to a question from Director Hernandez, Mr. Lovato noted that one of the proposed new pond locations is approximately a block east of the pump station, a block off Lomas. The capacity will be greater than that of the existing Interim Post Office Pond.

Brad Bingham, AMAFCA Drainage Engineer, stated that about 70 acre-feet storage was needed in this area, but after the construction of two ponds, only 30 acre-feet of additional storage is needed. This pond is expected to have a 12 acre feet capacity. This pond and two others in the Broadway corridor should adequately handle all the flows. Other ponding locations are also being identified.

Responding to a question from Director Lyon, Mr. Lovato stated that the Interim Post Office Pond was not made deeper because an additional storm drain would have been necessary, installed below the pipe flowing into the pond, and that was not cost-effective for an interim facility.

Ms. Lozoya requested AMAFCA's continued support of this project, which AMAFCA and the City have been working together on since 2006.

Director Hernandez stated that that the City needs to maintain the pumps, and set aside money for upgrades to the pumps. AMAFCA can partner for surge ponds and facilities like those, but pump upgrades and maintenance seem to be the City's responsibility.

17. Storm Water Quality

a. AMAFCA Basin-Wide Efforts for 2011

Kevin Daggett, AMAFCA Stormwater Quality Engineer, stated that every year the MS4 co-permittees report to the Environmental Protection Agency (EPA) on their efforts related to sediment removal and water quality monitoring, public outreach, and structural BMPs. The statistics in the memo will be included in AMAFCA's annual stormwater quality report for 2011.

In addition, he reported on the Embayment Project. He stated that as of January 20, 2012, 3,103 Rio Grande Silvery Minnows had been captured and relocated to the river, and 510 mortalities had been reported. He stated that a freeze when the water was very shallow caused



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 15

most of the mortalities. This number of mortalities is half the number allowed by the Biological Opinion.

He had also provided a copy of a brochure on the project that was handed out to other agencies and interested parties to explain the project and the agency coordination to them.

b. Middle Rio Grande Storm Water Quality Team Efforts for 2011

Mr. Daggett stated that the statistics shown for the Middle Rio Grande Storm Water Quality Team would also be reported to EPA in the annual report. He summarized the data in each of the three reports attached to the memo.

Referring to the data in the BEMP report, Director Thomson noted that the Rio Grande approaches or exceeds the coliform safe-stream standard above the Highway 550 bridge, which indicates that these levels are from naturally-occurring sources. This point needs to be made to the regulatory agencies. The levels increase somewhat through the Albuquerque corridor, but these also are mostly naturally-occurring from waterfowl, aquatic mammals, and the like. Coliform regrows when temperatures are warm, and the highest numbers are in the summer. He stated that these numbers are not attributable to storm water, but rather to natural sources. Mr. Lovato agreed.

c. Update on Administrative Order Issued to the City of Albuquerque by EPA Region 6 from the 2010 MS4 Audit

Mr. Daggett also gave the Board an update on the Administrative Order (AO) issued to the City of Albuquerque by EPA Region 6 on October 25, 2012. He noted that Roland Penttila and Michael Riordan, of the City of Albuquerque, were in attendance, and stated that on December 30, 2011, he and Mr. Lovato had met with City representatives to comment on the City's responses.

Mr. Riordan addressed the Board, apologizing for the miscommunication because the City had thought that all the MS4 partners had received a copy of the AO. He stated that City representatives had met with EPA in Dallas on January 19, 2012, and had discussed the issues brought up in the AO, and had responded to the AO in writing on January 19, 2012.

He further commented on the issues in the AO, stating that the EPA had expected the growth experienced in 2007 to continue, while the City of Albuquerque had been expecting that they would simply maintain the plan adopted in 2007, until such time as a new permit was received. This issue was discussed in the first third of the meeting with EPA.

He described the efforts made by the City over the past few years, including good housekeeping efforts throughout all City facilities including SWPPPs for each; increased funding for their NPDES program; and increased outreach into schools and neighborhood



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 16

associations about what stormwater quality means to them, and how they can help. He stated that, in light of these economic times, these are significant efforts. The City could not expect the community to do these things under the new permit, if the City was not doing them themselves. EPA acknowledged this in the middle third of the meeting.

Mr. Riordan stated that the final third of the meeting focused on what EPA wants from the City in the future. He noted that EPA wants the City of Albuquerque to develop a new stormwater quality ordinance, and provide more significant inspections of SWPPPs. The City is working on a draft ordinance for MS4 partners to review. Handling the increased SWPPP inspections may be difficult.

He stated that the City is expecting a followup letter from EPA regarding their response and the results of the meeting, along with an outline of the requirements of the next permit.

In response to a question from Director Hernandez about staffing, indicating that AMAFCA has hired a full time engineer to handle stormwater quality, as well as adding water quality to the responsibilities of all the other engineers, Mr. Riordan stated that the City is looking at how to utilize their existing staff in other departments more completely, or convert existing positions as they are vacated, to have them do more SWPPP inspections. Waste use or water use fees could be used to hire additional people as well, as has been done in some other jurisdictions.

Chairman Eichenberg noted that controlling the issues of littering and illegal dumping start at the City, as enforcement is a city responsibility. City staff, including police, need to know their responsibilities not only in enforcement, but in personal responsibility to not litter themselves.

Mr. Riordan stated that the various City departments will be made aware of what each department can do to help stormwater quality. He also stated that the new ordinance will go beyond the existing "no littering" ordinance to include things like changing a vehicle's oil in a public right of way.

Director Thomson noted that the City representatives had been meeting with EPA enforcement, and noted that someone from the EPA permit branch had met with MS4 permittees in Albuquerque. He asked if Mr. Riordan was aware of any communication between the different parts of EPA.

Mr. Riordan responded by stating that representatives from both the enforcement branch and the permit branch were in the meeting with City officials. The City had counted on greater communication between the branches than had actually occurred. This was evident as the EPA did not realize that the Water Utility Authority was not part of the City anymore, even though the Authority had told their EPA representative this, and the EPA was unaware that the Aviation department handles their own significant water quality permit, extensive but different than the



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 17

water discharge permit the City does. This arose because the two EPA divisions are not talking with each other.

Director Lyon noted that AMAFCA is responsible for floodwater quality and the City is responsible for the quality of the other water, including stormwater, that goes into the river. He requested that each party take care of their own responsibilities. He also opined that the letter written to the Mayor by the former Chairman was not an individual letter with political overtones, as it was characterized in Robert Perry's response.

Mr. Riordan apologized for the bump in the road and pledged that the City would continue to work with AMAFCA on drainage and water quality projects.

18. General Legal Counsel Services – Consideration of SAC Recommendation

Director Hernandez, as Chairman of the Committee of the Whole, noted that the entire Board, except Director Brown, had served as a Committee of the Whole in their role as the Selection Advisory Committee to consider proposals for General Legal Counsel Services. Each committee member ranked Robles, Rael & Anaya, P.C., first. The committee recommended the selection of Robles, Rael & Anaya, P.C. for General Legal Counsel Services.

Director Hernandez made a motion that the Board approve the selection of Robles, Rael & Anaya, P.C., for General Counsel Services, and authorize the Executive Engineer to negotiate an agreement for one year with three optional extensions. Director Lyon seconded the motion, which passed (4-0).

Attorney Rael thanked the Board, stating that AMAFCA was the best-run organization he has worked for or with.

19. Agency and Area-Wide Flood Control Maintenance 2012-2013 Design and Construction Management Services – Consideration of Engineering Services Agreement with Larkin Group NM, Inc.

Mr. Wagener introduced John Andrews and Kevin Banks, of Larkin Group NM, Inc., the firm selected by the Board to do the Design and Construction Management Services on the Agency and Area-Wide Flood Control Maintenance 2012-2013 contract.

Mr. Wagener stated that an agreement had been negotiated with Larkin Group NM, Inc., in an amount not to exceed \$133,700 plus New Mexico Gross Receipts Tax, for Design and Construction Management Services for the Agency and Area-Wide Flood Control Maintenance 2012-2013 contract.

Mr. Andrews and Mr. Banks thanked the Board for their consideration.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 18

Director Thomson made a motion that the Board approve the Agreement with Larkin Group NM, Inc., to provide Professional Engineering Services for the Agency and Area-Wide Flood Control Maintenance Project on a time and materials basis with cost not to exceed \$133,700.00, not including New Mexico Gross Receipts Tax. Director Lyon seconded the motion, which passed (4-0).

20. Real Estate – Consideration of *Private License Agreement for Storm Drain Connection to the Amole Channel Pipe Outfall as Related to Diamond Mesa Development*

Mr. Lovato stated the the private party will install the storm drain and trail connections, and City of Albuquerque will be maintaining the trail connections to the trail next to the channel.

Lynn Mazur, AMAFCA Development Engineer, stated that a recent change to the license is that the City will maintain the trail connections rather than the private party. She also introduced Rick Beltramo of Galway Constructions, representing the owner, and Scott Steffen of Bohannon Huston, engineers on the project.

Director Lyon made a motion that the Board authorize the Executive Engineer to issue the *Private License Agreement for Storm Drain Connection to the Amole Channel Pipe Outfall as Related to Diamond Mesa Development*, substantially the same as attached to the memo. Director Hernandez seconded the motion, which passed (4-0).

21. Unfinished Business

a. AMAFCA Redistricting – Review of Option B-2

Kevin Troutman, AMAFCA GIS Manager, introduced Michael Sharp of Research & Polling, as the Board reviewed redistricting option B-2.

Mr. Lovato noted that one precinct was shifted from District 1 to District 4, resulting in redistricting option B-2. This plan was brought to the Board to find out if they wished to make additional changes. He noted that demographic and precinct information was provided for the proposed districts, as was requested by the Board.

Director Hernandez stated that he needed to swap some precincts with Director Thomson to avoid splitting some neighborhoods. Chairman Eichenberg offered that, if necessary, precincts could be shifted in a three-way shift between Districts 1, 3 and 5, if that was a better option to not split neighborhoods.

Chairman Eichenberg suggested that the February 9, 2012 Special Meeting be held at 8:30 a.m. instead of at 10:00 a.m.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

Page 19

Director Lyon made a motion to hold the February 9, 2012 Special Board meeting at 8:30 a.m. Director Thomson seconded the motion, which passed (4-0).

In response to a question from Director Lyon, Mr. Lovato stated that AMAFCA had received no public comments regarding redistricting.

Responding to a question from Chairman Eichenberg, Mr. Sharp confirmed that the attachment to the proposed district map included an accurate listing by precinct for each district in option B-2.

22. New Business

None.

23. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 1:19 p.m.

Bruce M. Thomson, Secretary-Treasurer, 2/23/12

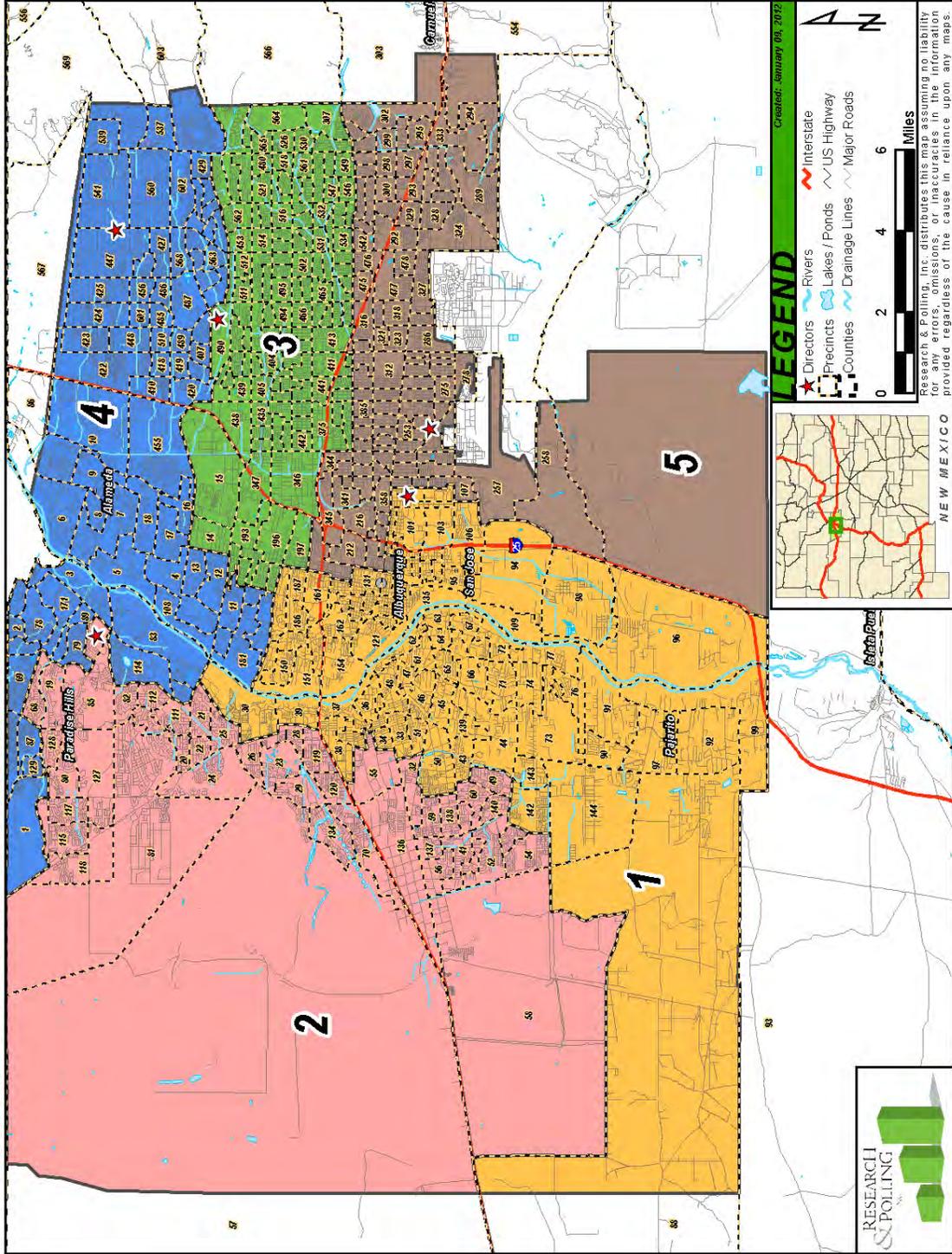
Recorded by Pamela Woodruff, Executive Administrative Assistant



Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012

Plan B-2

AMAFCA Board of Directors





**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2012**

**2010 Census
Redistricting**

**AMAFCA Board of Directors
Plan B-2**

District	Pop	Deviation	Non-Hispanic Origin					
			Hispanic	White	Native American	Black	Asian	Other Races
1	128,324	1,469 1.2%	93,056 72.5%	26,387 20.6%	3,419 2.7%	2,650 2.1%	1,090 0.8%	1,722 1.3%
18+	95,736		65,313 68.2%	23,357 24.4%	2,755 2.9%	2,196 2.3%	927 1.0%	1,188 1.2%
2	125,241	-1,614 -1.3%	77,456 61.8%	36,100 28.8%	4,070 3.2%	3,288 2.6%	1,864 1.5%	2,463 2.0%
18+	86,251		49,545 57.4%	28,629 33.2%	2,841 3.3%	2,454 2.8%	1,447 1.7%	1,335 1.5%
3	127,282	427 0.3%	45,696 35.9%	67,447 53.0%	5,158 4.1%	3,214 2.5%	2,943 2.3%	2,824 2.2%
18+	101,571		32,953 32.4%	58,147 57.2%	3,784 3.7%	2,569 2.5%	2,376 2.3%	1,742 1.7%
4	130,754	3,899 3.1%	44,379 33.9%	73,246 56.0%	3,613 2.8%	2,369 1.8%	4,433 3.4%	2,714 2.1%
18+	101,339		31,243 30.8%	60,568 59.8%	2,748 2.7%	1,829 1.8%	3,345 3.3%	1,606 1.6%
5	122,672	-4,183 -3.3%	50,782 41.4%	54,481 44.4%	6,134 5.0%	4,216 3.4%	4,026 3.3%	3,033 2.5%
18+	96,769		35,487 36.7%	48,228 49.8%	4,503 4.7%	3,292 3.4%	3,275 3.4%	2,004 2.1%
Totals	634,273	Ideal: 126,855	311,369 49.1%	257,861 40.6%	22,394 3.5%	15,737 2.5%	14,356 2.3%	12,756 2.5%
18+	481,686		214,541 44.5%	218,929 45.5%	16,631 3.5%	12,340 2.8%	11,370 2.4%	7,875 2.1%