



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
February 23, 2012**

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**1. Call to Order and Roll Call**

Chairman Eichenberg called the Regular Board Meeting to order at 10:01 a.m. Thursday, February 23, 2012. Roll was noted as follows:

Directors present: Chairman Tim Eichenberg  
Director Danny Hernandez  
Director Bruce M. Thomson (arrived at 10:02 a.m.)  
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 was a late mailout on agenda item 17 and a supplemental on agenda item 8b, and the proposals were provided as a handout on agenda items 11a and 11b.

Director Hernandez made a motion to approve the agenda. Director Brown seconded the motion. Director Thomson arrived at 10:02 a.m. The motion passed unanimously (5-0).

**3. Meetings Scheduled**

- a. Thursday, March 8, 2012, 8:30 a.m. – Special Meeting**
- b. Thursday, March 22, 2012, 10:00 a.m. – Regular Meeting**
- c. Thursday, April 26, 2012, 10:00 a.m. – Regular Meeting**
- d. Thursday, May 24, 2012, 10:00 a.m. – Regular Meeting**

Mr. Lovato explained that the purpose of the March 8, 2012 Special Meeting will be to award the La Presa construction project, an approximately \$2.2 million project, and, depending on the Board's vote on agenda items 11a and 11b, it might also cover the Committee of the Whole Selection Advisory Committees for Financial Advisor and Bond Counsel. Chairman Eichenberg polled the Board, and decided to put all three items on the agenda for March 8, 2012.



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There were no changes to the meeting schedule as set forth.

- 4. Appointment to Boards and Committees**
  - a. Personnel and Salary Committee**
  - b. Real Estate Committee**
  - c. Middle Rio Grande Council of Governments**

Chairman Eichenberg made the following appointments to Boards and Committees:

Personnel and Salary Committee

Director Bruce M. Thomson and Director Danny Hernandez

Real Estate Committee:

Committee of the Whole

Middle Rio Grande Council of Governments:

Director Danny Hernandez, Middle Rio Grande Water Resources Board

Director Ronald D. Brown, Metropolitan Transportation Board

Chairman Tim Eichenberg, MRCOG Executive Board (July 1, 2012 – Dec. 31, 2012)

Chairman Tim Eichenberg, MRCOG Board of Directors

Director Ronald D. Brown, alternate on the MRCOG Board and Executive Board

All so appointed agreed to serve.

- 5. Items from the Floor/Public Comment**

None.

- 6. Approval of Minutes**

- a. January 26, 2012 Special Meeting**

Director Hernandez made a motion to approve the minutes of the January 26, 2012 Special Board Meeting. Chairman Eichenberg seconded the motion, which passed (4-0). Director Brown abstained, as he was not at the meeting.

- b. January 26, 2012 Regular Meeting**

Director Brown made a motion to approve the minutes of the January 26, 2012 Regular Board Meeting. Director Lyon seconded the motion, which passed unanimously (5-0).



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**c. February 9, 2012 Special Meeting**

Director Lyon made a motion to approve the minutes of the February 9, 2012 Special Board Meeting. Director Hernandez seconded the motion, which passed unanimously (5-0).

**7. Financial Matters**

**a. Approval of January 2012 Expenditures**

Irene Jeffries, AMAFCA Finance and Administration Manager, presented the January 2012 Expenditure Report.

In response to a question from Director Lyon about bulk fuel purchases, Mr. Lovato stated that the unleaded fuel in the fuel truck goes to power small equipment with gas motors, and occasionally unit 101, driven by Maintenance Superintendent Larry Trujillo; the diesel fuel powers the heavy equipment. After further discussion, Mr. Lovato stated that he would make certain that AMAFCA buys bulk fuel at a competitive price. Ms. Jeffries noted that employees are reimbursed for business use of their personal vehicle at 51 cents a mile.

Responding to a question from Chairman Eichenberg about the Water Assembly, Mr. Lovato stated that the payment was in accordance with a funding agreement with the Water Assembly. AMAFCA provides a portion of their annual funding, and in return is supplied with an annual report.

Director Thomson noted that he sits on the Board of the Water Assembly, and stated that the original purpose of the Water Assembly was to develop a regional water plan. They receive funding from the Interstate Stream Commission, AMAFCA, and a number of other public agencies. The original plan was completed about a decade ago, and most of their funding has disappeared since then. They hold two meetings and one or two workshops a year, and educate the community on water issues.

Directors Hernandez and Thomson agreed, with reservations, that AMAFCA should continue to support the Water Assembly, as their value to AMAFCA is the public education aspect of their program. Director Thomson stated that it might be appropriate to request that they focus more on issues associated with storm water. He stated that they are currently focusing mostly on the future of the middle Rio Grande under different water planning scenarios. Director Hernandez noted that all this work is done by volunteers who are top-notch in their fields.

Director Thomson requested that Mr. Lovato write a letter to the Water Assembly noting that the Board had questioned the value of the Water Assembly, and requesting documentation or a meeting with the AMAFCA Board to explain how they benefit AMAFCA.



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Director Lyon made a motion to approve the January 2012 Expenditure Report. Director Brown seconded the motion, which passed (4-0). Director Thomson abstained, as he sits on the Board of the Water Assembly, one of the entities paid in the January 2012 expenditures.

**b. Investment Report for January 2012**

Ms. Jeffries presented the investment report for January 2012. There were no questions, and no Board action was required.

**c. Financial Recap January 16, 2012, through February 15, 2012**

Ms. Jeffries presented the Financial Recap for January 16, 2012 through February 15, 2012. She noted that the transfers from the General Operating Fund to the Contingency Fund and Building and Yard Improvement Fund were made as per the budget.

In response to a question from Director Thomson about the Construction Fund, Ms. Jeffries stated that invoices from the City for the Four Hills Arroyo, and from the County for Sunset Gardens at Five Points. These invoices had not been anticipated at the time the last forecast was prepared, and were received and paid during the time period of the recap report.

At Chairman Eichenberg's invitation, the Board discussed what AMAFCA should do when large invoices like these are received but had not been included in the forecast. Director Brown noted that AMAFCA consistently gets low bids on its contracts in part due to prompt payment of invoices. The total amount to be paid is usually not in question, as it is a contract term. The only variable is the timing of the invoice, which might come in a month sooner or later than expected.

The consensus of the Board was that as long as payment was included as a contract term, the Board was comfortable with staff continuing to pay invoices in a timely manner, with Board notification, such as by e-mail, if they had not been included in the forecast.

No Board action was required.

**d. Financial Forecast February 16, 2012, through March 15, 2012**

Ms. Jeffries presented the Financial Forecast for the period February 16, 2012, through March 15, 2012. She requested Board approval of the forecast.

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



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**e. Consideration of Resolution 2012-2, FY-2012 Debt Service Fund Budget Adjustments**

Ms. Jeffries stated that Resolution 2012-2 amends the FY-2012 Debt Service Fund Budget to adjust Interest Income to include the interest premium of \$391,227.50 from the September 15, 2011 bond sale. The net effect is an increase to the projected balance on June 30, 2012. This will be spent when making the August 1, 2012 principal and interest payments. The resolution had been reviewed by legal counsel. She requested that the Board adopt the resolution.

Director Brown made a motion that the Board adopt Resolution 2012-2, *FY-2012 Debt Service Fund Budget Adjustments*, and authorize the Chair and Secretary-Treasurer to sign the Resolution. Director Hernandez seconded the motion, which passed unanimously (5-0), on a roll call vote.

**f. Mid-Year Budget Recap 2012 Operating Budget**

Ms. Jeffries gave a brief mid-year recap of the 2012 Operating Budget. Tax revenues are projected to meet budget. Other Revenues are projected to be slightly over the budgeted amount. Total Salaries, Payroll, and Miscellaneous Employee Expenses are projected to be spent at 99% of budget, excluding any additional overtime for emergency work. Cost savings were realized through the vacant Administrative Assistant position, and due to the Real Estate Manager working three-quarter time. Much of this savings will be absorbed by the overlap in the Real Estate Manager position once the new person is hired.

She noted that Overtime for the maintenance crew is over budget due to the time spent on the North Diversion Channel Embayment Project. Once final costs are known, a resolution will be presented for the Board's consideration to make a transfer from the Contingency Fund to cover the overtime for this effort.

Ms. Jeffries noted that although some line items are over budget, Other Operating Expenses are projected to be spent at 99% of budget.

**8. 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 the Board. In response to a question from Director Lyon, he noted that appeals of decisions made by the local District Office of the Corps of Engineers are made to the Regional Office of the Corps of Engineers. Mr. Lovato gave further information about arroyos the Corps of Engineers is beginning to claim jurisdiction over, and the Board discussed the issue further.



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**b. Pending Litigation**

Chairman Eichenberg stated that discussion of pending litigation 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 pending litigation. Director Hernandez 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. Richard Dourte, Division Manager for the City of Albuquerque's Development Review Services in the Planning Department, was invited to remain in the closed session.

Chairman Eichenberg closed the meeting at 10:35 a.m.

Director Brown 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 Hernandez seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg reopened the meeting at 11:21 a.m.

***Consent Agenda***

**9. AMAFCA General Counsel Services – Consideration of Agreement for Legal Services with Robles, Rael & Anaya, P.C.**

The memo from Mr. Lovato stated that the proposed *General Counsel Services Agreement* with Robles, Rael & Anaya, P.C., included hourly rates and reimbursements as set forth in the firm's proposal. The term is one year, with up to three optional one-year extensions, and will be effective February 24, 2012. He recommended the Board approve the agreement.

**10. Request for Travel Authorization – StormCon 2012, August 19-23, 2012, Denver, Colorado**

The memo from Mr. Lovato stated that AMAFCA will be presenting two conference papers at the North American Surface Water Quality Conference (StormCon) in Denver, Colorado, August 19-23, 2012, which will highlight AMAFCA's state of the art approach to stormwater quality for the arid southwest. EPA Region 6 and representatives from EPA Headquarters will also be at the conference to discuss watershed based permits. He requested authorization for out of state travel for himself and the Stormwater Quality Engineer to attend the conference.



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**11. Selection Advisory Committees**

**a. SAC for Financial Advisor**

The memo from Mr. Lovato stated that two firms submitted proposals for Financial Advisor Services, and both included the AMAFCA Campaign Contribution Disclosure Form. A Selection Advisory Committee will need to meet to select a firm to recommend to the Board of Directors. He proposed that the Selection Advisory Committee be held during the March 8, 2012 Special Board Meeting, with a selection to be presented to the Board for their approval at the March 22, 2012 Board meeting, and requested that the Chair choose the members of the Selection Advisory Committee and select a date to hold the Selection Advisory Committee meeting.

**b. SAC for Bond Counsel**

The memo from Mr. Lovato stated that three firms submitted proposals for Bond Counsel Services, and each included the AMAFCA Campaign Contribution Disclosure Form. A Selection Advisory Committee will need to meet to select a firm to recommend to the Board of Directors. He proposed that the Selection Advisory Committee be held during the March 8, 2012 Special Board Meeting, with a selection to be presented to the Board for their approval at the March 22, 2012 Board meeting, and requested that the Chair choose the members of the Selection Advisory Committee and select a date to hold the Selection Advisory Committee meeting.

There being no further items on the Consent Agenda, and there being no questions, Director Hernandez made a motion that the Board take action on consent agenda items 9-11, as follows:

- Approve the *General Counsel Services Agreement* with Robles, Rael & Anaya, P.C., and authorize the Chairman and Secretary-Treasurer to execute the agreement;
- Authorize out of state travel and expenses for the AMAFCA Executive Engineer and Stormwater Quality Engineer to attend the North American Surface Water Quality Conference in Denver, Colorado, August 19-23, 2012, not to exceed \$3,200.00, pursuant to Resolution 1998-16;
- Affirm that the Board will meet during the March 8, 2012 Special Meeting to serve as a Committee of the Whole for the Selection Advisory Committee for Financial Advisor Services; and



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- Affirm that the Board will meet during the March 8, 2012 Special Meeting to serve as a Committee of the Whole for the Selection Advisory Committee for Bond Counsel Services.

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

***Regular Agenda:***

**12. AMAFCA Redistricting – Consideration of Resolution 2012-3, Adopting Five (5) Single Member Districts for the Election of the Board of Directors of the Albuquerque Metropolitan Arroyo Flood Control Authority**

Kevin Troutman, AMAFCA GIS Manager, stated that the AMAFCA Board approved the amended redistricting plan B-2 at the February 9, 2012 Special Board Meeting. Resolution 2012-3 formally adopts the five districts outlined in the amended option B-2. The resolution includes a map of amended option B-2, a description of each district, and a listing of the precincts contained within each district. He requested that the Board approve and adopt the resolution. Responding to a question from Director Thomson, Mr. Troutman stated that no public comments had been received.

Director Hernandez made a motion that the Board approve and adopt Resolution 2012-3, *Adopting Five (5) Single Member Districts for the Election of the Board of Directors of the Albuquerque Metropolitan Arroyo Flood Control Authority*, and authorize the Chair and Secretary-Treasurer to execute same on behalf of AMAFCA. Director Brown seconded the motion, which passed unanimously (5-0), on a roll call vote.

**13. Executive Engineer's Report**

**a. Notification of Past Month's Activities**

Mr. Lovato highlighted significant activities of the past month, which were further discussed in his memo to the Board. He covered the following:

- **Department of the Treasury, Internal Revenue Service Employment Tax Examination** – AMAFCA's 2010 financial records were audited by Carl Chavez, FSLG Tax Specialist with the Internal Revenue Service, for four days in early January. Mr. Chavez also audited AMAFCA's 2008 financial records. The exit interview conducted with Mr. Chavez concluded that AMAFCA was in compliance with federal law. Ms. Jeffries identified an issue concerning IRS notice communications, and requested that future communications from the IRS be mailed directly to the AMAFCA office address, rather than sent in care of the City of Albuquerque's mail stop, which can result in a delay of up to 30 to 45 days before AMAFCA receives the correspondence.



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- **Corps of Engineers (COE)** – *Southwest Valley Flood Reduction Project (SWVFRP)*: AMAFCA and Bernalillo County staff, along with COE staff, completed a preliminary final inspection of Phase I. Ponding water was found in a few locations, and High Mesa Consulting was engaged to verify the as-built conditions.

Bernalillo County and AMAFCA met with COE staff to discuss the design and construction schedule for the remaining work (Phase II). The Albuquerque District has started the amendment process to amend the Project Cooperation Agreement (PCA) to allow the local sponsors to move forward with completing Phase II of the project. The Albuquerque District is currently preparing the Integral Determination Report (IDR), which will be used to support the modification to the PCA, which should take about three months. The President's 2013 Budget was announced February 13<sup>th</sup> and included the remaining funding for the Southwest Valley Flood Reduction Project.

*Calabacillas Arroyo*: The COE, Sacramento Division has ruled the AMAFCA appeal has merit and will hear the appeal of the Albuquerque District's Jurisdictional Determination. AMAFCA staff has completed work on the 90% design drawing for the AMAFCA portion of the project, and is awaiting the design drawings from Tierra West Engineering to be included in the project before completing the design drawings. It is anticipated that this will be accomplished by March, 2012.

*Ladera Dam System*: He had no additional information to report since the last Board meeting.

- **City of Albuquerque** – *Boca Negra Dam*: AMAFCA staff and Attorney Rael met with New Mexico Gas Company (NMGC) and drafted an acceptable encroachment agreement for the Boca Negra Dam and the NMGC gas lines. The appeal of the Boca Negra Dam plat by NMGC was dropped and the plat has been approved and filed. Wilson & Company provided the signed plans to AMAFCA on February 10<sup>th</sup>. AMAFCA hand delivered the design drawings and specifications to the Office of the State Engineer Dam Safety Bureau on February 14<sup>th</sup>.

*Osuna Boulevard, Singer Road Multi-Use Trail Notch*: The Osuna Multi-Use Trail Notch Project has started, with removals begun by David Montoya Construction. The Singer Road Multi-Use Trail Notch is still in design and a 35% design has been sent to the Corps of Engineers for review.

*Channel Road along North Diversion Channel*: A 60% preliminary design along the east side of the North Diversion Channel has been 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. The City of Albuquerque would like to have final designs approved by May 2012.



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*La Presa – Parks and Recreation Multi-Use Trail:* The project is out for bid, and will be awarded at the March 8, 2012 Special Board Meeting.

- **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. There have not been any meetings discuss the logistics for the event, proposed to be held March 8, 2012, so he anticipated that the event would be rescheduled. Additional information will be made available as soon as it becomes available.

*Design Presentations:* Two technical papers submitted by AMAFCA have been selected for presentation at StormCon 2012.

- **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.

*North Diversion Outfall, Embayment Area:* The bulk of the project has been completed and a full summary of the project will be discussed at the March Board meeting.

There were no questions.

**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.

**14. Albuquerque Public Schools Stadium Update**

**a. Briefing by APS**

Chairman Eichenberg introduced Marty Eckert, Real Estate Director for Albuquerque Public Schools.

The memo from Brad Bingham, AMAFCA Drainage Engineer, stated that the Board had been briefed on May 26, 2011 about Albuquerque Public Schools' (APS) plans to purchase two parcels of land from Western Albuquerque Land Holdings (WALH), and build a stadium complex and school complex near 98<sup>th</sup> and I-40. The property has now been purchased. It lies within the West I-40 Drainage Management Plan (DMP) watershed. The design will include water quality facilities in order to obtain Leadership in Energy and Environmental Design (LEED) certification. Certain master-planned drainage facilities must also be constructed.



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His memo noted that the structures APS proposes to build are Pond 5S, which will control flows from the Dam 5 Arroyo and will be designed as a dual-chamber pond, and the Dam 9 Diversion, which will divert sediment-laden runoff presently entering the future school site (and eventually Ladera Dam 9) into Pond 5S. On Pond 5S, AMAFCA will have primary maintenance in the first (sediment) chamber, and secondary maintenance in the secondary chamber. APS plans to utilize the secondary chamber as a softball and soccer field. The outlet from this pond will be a City-maintained storm drain in Arroyo Vista Boulevard that will eventually outfall into Ladera Dam 5. The Dam 9 Diversion will be an earthen, trapezoidal channel into an easement granted to AMAFCA by APS.

Mr. Bingham's memo also stated that the project will include completion of Tierra Pintada Boulevard from Ladera to Unser and a new crossing of the Mirehaven Arroyo. The crossing will be maintained by the City, and AMAFCA will continue to maintain the Arroyo upstream and downstream of the crossing.

Mr. Eckert stated that APS is ready to work with AMAFCA on the project, and expressed appreciation for previous cooperative projects with AMAFCA. He noted that Craig Hoover of Bohannon Huston, Inc., engineer on the project, was available to answer any questions the Board may have. Mr. Hoover stated that the engineers were addressing comments from the DRC and AMAFCA staff regarding the design. Mr. Hoover stated that he hoped the project could continue to move forward with a draft turnkey agreement to be reviewed in March, and an agreement to be considered in April. This would keep the APS project on schedule.

Mr. Lovato stated that APS will fund the construction of all the regional storm drainage facilities within the stadium site. AMAFCA will structurally maintain the facilities, and APS will remove trash and debris. AMAFCA would only be responsible for large structural issues.

Chairman Eichenberg noted that the agreement would create a long-term maintenance obligation for AMAFCA.

Mr. Hoover stated that water quality features will be an integral part of the planned facilities.

**b. Proposed Turnkey Agreements with Albuquerque Public Schools for  
Facilities Constructed Along with the Stadium**

The memo from Mr. Bingham pointed out that both Pond 5S and the Dam 9 Diversion are part of the master-planned infrastructure system identified in the West I-40 DMP. The regional flood control facilities and the integrated water quality facilities will be owned and maintained by AMAFCA. Facilities such as pipes and inlets will be owned and maintained by the City of Albuquerque. In order to obtain a Letter of Map Revision to remove floodplain, all of the facilities must be publicly owned and maintained. APS has agreed to provide AMAFCA with a drainage easement for Pond 5S and the Dam 9 Diversion. APS has agreed to maintain



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vegetation and handle debris removal in the Pond 5S surge pond as a condition of the turnkey agreement with AMAFCA.

Mr. Lovato asked for Board input on the proposed turnkey agreement. Using an aerial photo, he showed the locations of the facilities that AMAFCA would maintain.

There were no questions or comments.

**15. City of Albuquerque Joint Projects – Briefing by the City of Albuquerque**

**a. Arno Pond – Briefing by Roland Penttila**

Mr. Bingham introduced Roland Penttila and Melissa Lozoya, of the City of Albuquerque, and Pat Stovall and Chris Naidu, of Smith Engineering, noting they were available to answer any questions the Board might have.

The memo from Mr. Bingham noted that the property for the Interim Post Office Pond was jointly purchased by the City of Albuquerque and AMAFCA in response to heavy rains and flooding in the Martineztown area. The interim pond was built to serve until a more suitable location could be determined through an engineering study. This led to the City and AMAFCA collaborating on the Mid Valley Drainage Management and Stormwater Quality Plan (MVDMSWQP). The draft plan is complete pending public comments. A public meeting is scheduled for March 20. Once comments are compiled and addressed, the report will be finalized.

His memo noted that one of the highest priorities in the study is a new pond located on the corner of Arno and Marble. This pond, once constructed, will allow the Interim Post Office Pond property to be reclaimed for commercial purposes since the Arno Pond will achieve the same flood protection. In addition, the new pond can be designed to complement the wet-well upgrade requirements of the Broadway Pump Station, thereby reducing the cost of upgrading the pump station. The AMAFCA FY 2012 included the Broadway Pump Station Capacity Upgrade as a possible project for FY13. The construction of the Arno Pond can provide the additional storage described in the Project Schedule. The City proposes to jointly fund the acquisition and construction of the Arno Pond.

Roland Penttila briefed the Board further. He stated that a pond location had been identified between Broadway and Marble on Arno, which would clean up floodplain east of the railroad tracks. The initial Wilson study had estimated a flow of 800 cfs to the Broadway Pump Station, which has a capacity of only 130 cfs. This indicated a need for an additional 150 acre-feet of storage capacity in the area. The more detailed analysis by Smith Engineering, currently 90% complete, shows a flow of only 200 cfs to the pump station, so fewer and smaller ponds are needed than initially thought.



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Mr. Penttila stated that, based upon these facts, the Marble/Arno Pond will be sufficient to meet storage needs in the area and will remove floodplain east of the railroad tracks. The City's proposal is to purchase the land, build a new pond with a 54" pipe diverting the flow from Lomas to the new pond, install a 24" pipe to the wet well at the Broadway Pump Station, expand the wet well, prepare and submit a Letter of Map Revision to FEMA to remove floodplain, disconnect the Lomas/Broadway Interim Post Office Pond, and offer the Interim Post Office Pond property for sale.

He noted that with the Marble/Arno Pond and the expansion of the wet well, the other improvements to the Broadway Pump Station are moved to a lower priority. Both the City and AMAFCA had a \$10 million rehabilitation of the Broadway Pump Station on their long-term project lists, with \$5 million from each agency. The only work that will be done at the Pump Station is to expand the wet well, as this pond makes that other work a lower priority.

Mr. Penttila noted that the cost of the Marble/Arno Pond and piping, including disconnecting the Interim Post Office Pond and doing the wet well and bar screen improvements for the Broadway Pump Station, was currently estimated at \$4 million. The City of Albuquerque already has \$1.5 million available for this project, with \$1.5 million from AMAFCA listed in the FY 2012 Project Schedule, leaving the project approximately \$1 million short. He requested that the Board consider increasing AMAFCA's contribution by \$500,000 to a total of \$2 million towards this project. The sale of the Interim Post Office property would recoup some of the funds back to AMAFCA, which is a 50% owner of the property.

In response to a question from Chairman Eichenberg, Barbara Baca, of the City of Albuquerque Parks and Recreation, stated that no multi-use plans for Arno Pond had been made at that time. Mr. Penttila stated that he had not yet been in contact with Parks and Recreation about a multi-use for the pond. He agreed the area was underserved, but there may be an impediment to multi-use if the pond ends up small and deep. He stated that if the City re-sells the westernmost portion of the property fronting Broadway, the pond will need to be deeper. Otherwise, the pond could take up the entire parcel and be shallower, making a multi-use purpose practical.

Director Hernandez noted that AMAFCA had insisted that the Interim Post Office Pond be an "interim" solution. He also commented that the Interim Post Office Pond parcel had not paid property taxes when it had been owned by the federal government, and is not paying taxes now. When it is sold for a commercial use, it will be placed on the tax rolls.

Chairman Eichenberg and Directors Thomson and Lyon strongly supported multi-use of the Marble/Arno Pond site. Chairman Eichenberg stated that he would not support the pond unless a multi-use is included.

Director Lyon noted that the location of the Interim Post Office Pond makes that land more valuable than the land for the proposed Marble/Arno Pond.



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Mr. Penttila noted that there was a timing issue to be resolved, as the new pond had to be built before the old one could be decommissioned, so the sale of the Interim Post Office Pond could not be used to finance the Marble/Arno Pond.

Chairman Eichenberg suggested that perhaps AMAFCA's contribution to the Marble/Arno Pond could be a quitclaim deed on the Interim Post Office Pond.

**b. Balloon Fiesta Master Development Plan Update – Briefing by Sandy Zuschlag**

Mr. Bingham introduced Sandy Zuschlag and Barbara Baca, of the City of Albuquerque Department of Parks and Recreation, Lee Gamelsky, who designed the new Balloon Fiesta Master Development Plan, and Jim Flint, of Bohannon Huston, Inc., their engineering consultant.

Mr. Bingham stated that the Balloon Fiesta Park Master Plan was first adopted in 1998. Since then, many improvements have been completed, some of which have made portions of the plan obsolete. The City of Albuquerque has recently come up with a revised draft conceptual Master Plan. Some of the amenities proposed will impact the La Cueva Arroyo, the El Camino Arroyo, and the North Diversion Channel, all of which are AMAFCA facilities.

His memo detailed the impacts as follows:

- At the north end of the park, the North Camino Arroyo will be relocated to allow a concert stage and amphitheater seating to be added. This may provide the opportunity for a new inlet into the North Diversion channel, a water quality facility, and water harvesting opportunities for irrigation.
- At the northwest corner of the park, a new Incident Command Center is proposed. The building would be on Park property but officer parking would be on AMAFCA property. Access to the parking area would necessitate a new vehicular crossing over the North Diversion Channel.
- Along the east side of the North Diversion Channel, permanent or quasi-permanent bathrooms are proposed, along with trees and landscaping. These improvements will also require utility connections.
- Additional crossings of the La Cueva Arroyo are proposed, including a tribute area in front of the Balloon Museum, which will replace a section of the channel with a box culvert.

Ms. Zuschlag discussed the plan and the effect it may have on AMAFCA property. She discussed the improvements outlined by Mr. Bingham in his memo. Instead of a lake at the Balloon Museum, a new crossing of the La Cueva Arroyo is proposed, linking the north and



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south sides of the park and next to a new balloonist tribute area honoring the memory of deceased balloonists.

She noted that on the west side of the park, along the North Diversion Channel, possible ideas for improvements were the addition of restroom facilities, a stage, and landscaping materials. She noted that all these improvements were only proposed ideas at this point. Public meetings will be held, and then she will come back before the Board with a more definite proposal. Improvements along the pilot access road to the south were also contemplated.

Ms. Zuschlag stated that improvements to the north side of the park, along the North Camino Arroyo, would move and channelize the North Camino Arroyo to the north and adding a two-sided entertainment stage and amphitheatre. At the northwest corner of the park, an Incident Command Post was suggested for APD, Balloon Fiesta, AFD, FBI, and other public safety officials. Public safety officer parking may be on AMAFCA property, along with improved access to the north and/or a bridge across the channel to property already owned by the Albuquerque International Balloon Fiesta on the other side of the channel.

In response to a question from Director Lyon, Ms. Zuschlag stated that no cost estimates have been developed yet. At this point, the City is still trying to determine what facilities will be added to the park. After that, cost estimates can begin to be developed. There are opportunities for joint use, especially along the North Camino.

Responding to Director Hernandez's inquiry, Mr. Bingham stated that if the North Camino Arroyo is relocated, a new water quality feature will be a prominent part of the design.

Mr. Flint noted that the engineering report would be updated based on the past fourteen years of storm water and runoff data at the park, reflecting the infrastructure that has been added over the years and the proposed new infrastructure.

In response to a question from Chairman Eichenberg, Mr. Gamelsky stated that the stage and amphitheater would be similar in size to the Pavilion (formerly the Journal Center Pavilion) stage and seating area, with the addition of the option of lawn seating on the balloon field on the opposite side of the stage.

**c. Review and Comment on Funding Agreement for the Alameda Drain Water Quality Drainage Management Plan Restudy**

Mr. Bingham introduced the draft funding agreement for the Alameda Drain Water Quality Drainage Management Plan Restudy. He stated the draft agreement provides that the City of Albuquerque will be the lead agency and will manage the restudy project. The cost of the restudy is estimated at \$400,000. AMAFCA will provide one-quarter (not to exceed \$100,000), the City would provide three-eighths (up to \$150,000), and Bernalillo County would provide three-eighths (up to \$150,000). The Village of Los Ranchos, the Middle Rio



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Grande Conservancy District (MRGCD), and the Bureau of Reclamation would provide technical assistance.

He noted that Attorney Rael had reviewed the agreement and the other parties were in the process of reviewing the agreement. He asked for Board comments.

Director Thomson noted that the Village of Los Ranchos will eventually have to participate financially in projects like these, once the watershed-wide EPA permit is put into effect, as this project benefits them also. He opined that perhaps a financial contribution could be waived from the Village on this project, but they should participate financially in future projects.

In response to a question from Chairman Eichenberg about the Village's financial contributions to past projects, Mr. Lovato stated that AMAFCA has an agreement with the Village of Los Ranchos for the Garduño Road Storm Drain. The Village of Los Ranchos is the lead agency on that project, which has been stalled for about three years. The AMAFCA Board tabled the project for lack of progress. Bernalillo County is moving forward with the Fourth Street Storm Drain, so staff are looking at ways to pull the drainage out of that project and include it with the Fourth Street Storm Drain project. To summarize, Mr. Lovato stated that the Village has not participated fully or financially.

Director Thomson stated that the MRGCD will also obtain a substantial benefit from this project, and should also participate financially.

Chairman Eichenberg noted that AMAFCA will soon be under the same financial pressure as other agencies, and will need more financial participation from those agencies in order to move projects forward.

After discussion, the consensus of the Board was to seek funding from the Village of Los Ranchos and the MRGCD, since they are benefitting parties.

**16. Storm Water Quality**

Mr. Lovato covered agenda items 16a, 16b, and 16c for Kevin Daggett, AMAFCA Stormwater Quality Engineer, in his absence.

**a. Briefing on 2011 Annual Report to EPA for the Current MS4 Permit**

Mr. Lovato stated that the annual report to EPA Region 6 was being finalized by the City of Albuquerque. Mr. Daggett's memo indicated the information that AMAFCA had provided to the City for that report. Constructed BMPs, water quality efforts, and storm water quality monitoring efforts are featured significantly in the report.



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**b. Update on the new MS4 Permit**

Mr. Lovato stated that the new MS4 Permit had been received, and will be effective on March 1, 2012. Additional testing is required under the permit, along with a Memorandum of Understanding among the co-permittees to address the roles and responsibilities of the parties. The co-permittees also need to address the dissolved oxygen (DO) issue, and look at PCBs.

He noted that work on the Embayment Project was being finalized, after being 85-90% complete a week prior, which will go a long way to address the DO issue. The parties are currently working on a Memorandum of Understanding, and the US Geological Service will begin testing for PCBs. Some preliminary data on storm water was received in the last few days. The co-permittees plan to use a more expensive test that is more sensitive, but less expensive than the New Mexico Department of Health's test. A new test that the USGS has does not do all the PCB congeners, but does capture most of them, including the four considered most likely to cause problems.

In response to a question from Director Thomson about the regional watershed-based permit and how the MS4 permit relates to that one, Mr. Lovato stated that they are very, very different things. He opined that, in some ways, the watershed-based permit will be easier to comply with, in terms of storm water plans that need to be drawn up. The MS4 Phase I Permit requires additional testing, and includes many deadlines.

**c. Update on EPA Administrative Orders**

Mr. Lovato stated that an EPA Administrative Order (AO) had been issued to EXPO New Mexico on January 17, 2012 for violation of the Clean Water Act, based upon EPA's review of an inspection of the facilities by the New Mexico Environmental Department on November 15, 2011. The violations included discharge of manure pollutants in storm water runoff to waters of the U.S. without permit authorization, and failure to submit a Notice of Intent for coverage under the Concentrated Animal Feeding Operation (CAFO) General Permit.

He noted that EXPO New Mexico appears to meet the definition of a large CAFO, as large numbers of horses are confined and fed on the grounds, and no grass or other vegetation is in the confinement area during the normal growing season. It also appears to meet the definition of a Small Municipal Separate Storm Sewer System (sMS4). If it meets both definitions, then NPDES permit coverage would be required under both CAFO and MS4 regulations. The EXPO New Mexico sMS4 drains into the City of Albuquerque's San Pedro Storm Drain, thus this sMS4 eventually drains into our larger Phase I MS4.

Director Lyon suggested that Attorney Rael be asked to research AMAFCA's authority to tell EXPO New Mexico to stop discharges into our facilities. Director Hernandez stated that AMAFCA had no such authority. Director Lyon then commented on the fact that AMAFCA



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has water quality responsibilities over water that enters the Rio Grande, but apparently has no authority to tell those allowing pollutants to enter the storm water, to stop doing so.

Mr. Lovato stated that no additional information was available regarding the AO issued to the City of Albuquerque on October 25, 2011. The City prepared responses to the various findings of the AO and they were sent to EPA Region 6 in January. City CAO Rob Perry and City DMD Director Michael Riordan met with EPA Region 6 in Dallas on January 19, 2012 to discuss the City's responses.

**17. Legislative Liaison**

**a. Briefing on 2012 New Mexico Legislative Session**

Vanessa Alarid, of Alarid Consulting, AMAFCA's Legislative Liaison, along with Mark Fleisher, her consultant, gave a report to the Board on the 2012 New Mexico Legislative Session.

She stated that the main focus of the session had been the budget. A \$5.6 billion budget was passed and sent to the Governor for her signature. New Senate district maps and PRC district maps were approved. District maps for the House were still in the air as the original maps were approved, then appealed to the District Court then the Supreme Court.

Ms. Alarid briefly discussed the bills which passed and those which did not. Passed bills included bills that:

- Lower what employees pay into the New Mexico unemployment fund, but raise it in 2013;
- Revise the state procurement code to establish a resident veteran preference of 3% over and above the current business resident preference of 5%;
- Require scrap metal dealers to register with the NMDRL and keep a record of any secondhand metal transaction;
- Allow courts to more heavily fine public officials convicted of corruption, including the value of their salaries and pensions;
- Allow state retirees to work as poll workers without jeopardizing their pensions;
- Change the way multi-state corporations are required to file their corporate income taxes (expected to be vetoed);
- Gross receipts tax breaks for construction and manufacturing to stop tax pyramiding;
- Tax break for companies that hire returning veterans from Iran and Afghanistan;
- Reduce for 2012 the premiums businesses pay into the state's unemployment compensation fund for each employee, saving them about \$81 million, and raising that amount slightly in 2013;
- Provide for Capital Outlay of \$129.8 million from severance tax bonds and approximately \$6.9 million from other state funds for various capital outlay projects



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state-wide, including \$30 million from severance tax bond revenue in FY12 and FY13 for the Paseo del Norte/I-25 interchange (the bill may be altered through line-item vetoes);

- Provide for General Obligation (property tax) bonds totaling \$134 million for mainly schools and libraries;
- Confirmed all but one of Governor Martinez's cabinet; and
- Establish a new credit for geothermal energy, and water rights and a permit from the State Engineer are not required for groundwater over 250 degrees with no new net depletion.

The Board briefly discussed the legislative session.

Chairman Eichenberg called a brief recess from 12:22 p.m. to 12:29 p.m.

**18. 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. A number of pictures of the just-completed Embayment Project were included.

**19. Real Estate**

**a. Proposed New Mexico Gas Company Easement at Boca Negra Dam**

Mr. Lovato stated an easement agreement with the New Mexico Gas Company (NMGC) had been negotiated for the Boca Negra Dam. The NMGC appeal of the plat had been dropped, and the parties are awaiting signatures on the easement agreement. He stated that Attorney Rael was instrumental in getting the easement agreement negotiated.

**20. Unfinished Business**

**a. AMAFCA Social Media Policy**

Mr. Lovato stated that the draft AMAFCA Social Media Policy had been provided for the Board's information. He briefly described the social media that AMAFCA has made use of in



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the past few months, which made the importance of having a policy clear. This would protect AMAFCA's image and reputation, as well as provide a way to get word out to the public in a timely manner.

Director Lyon stated that the final paragraph should read "determined at the sole discretion of the Executive Engineer of AMAFCA" rather than "determined at the sole discretion of AMAFCA."

**21. New Business**

Director Brown, referring to the projects outlined in the AMAFCA FY 2012 Project Schedule, suggested that staff look into accelerating those projects which could be accelerated, to protect the livelihood of local engineering and construction firms. He suggested this be further discussed at the next meeting, noting that reduced prices could be obtained from many firms at this time. He suggested that AMAFCA evaluate the alternatives, including adding additional resources through staff or on-call or consulting engineers, to project-manage the accelerated projects, and to determine which projects might be suitable for acceleration.

He noted that, in the past, AMAFCA has accelerated projects in weak times to help the local economy and to obtain a good value for the taxpayer.

Consensus of the Board was to further explore this idea.

Chairman Eichenberg stated that this would be added to the agenda for discussion.

**22. Adjourn**

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 1:03 p.m.

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Bruce M. Thomson, Secretary-Treasurer, 3/22/12

Recorded by Pamela Woodruff, Executive Administrative Assistant