



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

Chairman Eichenberg called the Regular Board Meeting to order at 10:04 a.m. Thursday, April 26, 2012. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Bruce M. Thomson Director Ronald D. Brown (arrived at 10:06 a.m.) Director Daniel F. Lyon
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Directors excused:	None
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Others present:	Jerry M. Lovato, P.E., Executive Engineer Attorney Marcus Rael, Jr. Staff Other attendees on file at AMAFCA
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A quorum was present.

2. Approval of Agenda

Mr. Lovato noted that there were handouts on agenda items 9 and 26e.

Director Lyon made a motion to approve the agenda. Director Hernandez seconded the motion.

Chairman Eichenberg made a motion to amend the motion, to take agenda items 14 and 15 off the consent agenda so that they could be discussed on the regular agenda. Director Lyon seconded the motion to amend the motion, which passed (4-0). The amended motion passed (4-0).

3. Meetings Scheduled

- a. **Thursday, May 24, 2012, 10:00 a.m. – Regular Meeting**
- b. **Thursday, June 28, 2012, 10:00 a.m. – Regular Meeting**
- c. **Thursday, July 26, 2012, 10:00 a.m. – Regular Meeting**

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

4. Items from the Floor/Public Comment

None.



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Director Brown arrived at 10:06 a.m.

5. Approval of Minutes

a. March 22, 2012 Regular Meeting

Director Hernandez stated he had two corrections to the minutes. Near the bottom of page one, he had referenced KUNM, not KNME; and on the bottom of page 8, he had contacted "other elected officials" and not only "state legislators." Those corrections were made to the minutes.

Director Hernandez made a motion to approve the minutes of the March 22, 2012 Regular Board Meeting as corrected. Director Brown seconded the motion, which passed unanimously (5-0).

6. Financial Matters

a. Approval of March 2012 Expenditures

Irene Jeffries, AMAFCA Finance and Administration Manager, presented the March 2012 Expenditure Report. Ms. Jeffries, Mr. Lovato, and Kurt Wagener, AMAFCA Field Engineer, answered several questions from the Board.

In response to those questions, she stated that the journal entry regarding taxes represented the amount due to the Debt Service Fund. The entire amount of property taxes collected on behalf of AMAFCA is deposited to the Operating Fund. She then creates a journal entry to move a portion of those funds to the Debt Service Fund. The taxes received were collections for February, received in March.

Mr. Lovato stated that AMAFCA had purchased several bike air pumps to have on hand to replace those in the field as they become worn out or broken. He noted the locations of the AMAFCA air stations on the Hahn Arroyo and North Diversion Channel trails. Additional pumps will be installed adjacent to informational signs on other AMAFCA facilities in the coming year.

Mr. Wagener stated that he is holding out about \$30,000 on the contractor's final invoice for the Hahn Arroyo Rehab until final acceptance of the project.

Chairman Eichenberg suggested that employee mileage reimbursements be submitted at least quarterly, rather than employees holding them for many months before submittal. He also inquired if employees contributed to a coffee fund, or if it was an employee benefit. Mr. Lovato stated that he would look into it, but it was not listed as an employee benefit in the Personnel Manual.



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Director Lyon made a motion to approve the March 2012 Expenditure Report. Director Brown seconded the motion, which passed unanimously (5-0).

b. Investment Report for March 2012

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

c. Financial Recap March 16, 2012, through April 15, 2012

Ms. Jeffries presented the Financial Recap for March 16, 2012 through April 15, 2012. There were no questions, and no Board action was required.

d. Financial Forecast April 16, 2012, through May 15, 2012

Ms. Jeffries presented the Financial Forecast for the period April 16, 2012, through May 15, 2012. She noted that the Construction Fund included a large payment to NMDOT for the Coors and Paseo del Norte Pond.

Ms. Jeffries requested Board approval of the forecast.

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

7. 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. Mr. Rael noted that he had researched the question of a Director running for a non-partisan AMAFCA Board seat at the same time as he runs for a partisan seat, such as for the state legislature, and concluded it was allowed under current law. Mr. Lovato gave further information about a license along the railroad easement.

Director Lyon noted that one of the items on the status report was a personnel issue regarding an unemployment claim action, and requested that this also be discussed in the upcoming closed session, along with the pending litigation matters.

b. Pending Litigation Matters and Personnel Matter (closed session)

Chairman Eichenberg stated that discussion of two pending litigation matters and a personnel matter would be in closed session.



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Director Lyon 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 two pending litigation matters and a personnel matter. Director Hernandez seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 10:21 a.m.

Director Hernandez made a motion that the meeting be re-opened, stating two pending litigation matters and a personnel matter were discussed, and that no decisions were made. Director Brown seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg reopened the meeting at 11:13 a.m.

8. 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:

- **Corps of Engineers (COE) – Southwest Valley Flood Reduction Project (SWVFRP):** AMAFCA and Bernalillo County staff met with COE staff to discuss ponding issues along the Los Padillas Extension, and the leaking flap gate at the Los Padillas Outfall at the Rio Grande. With the rise in the water table due to field irrigation, the water level has risen in the Los Padillas Extension. The contractor is pumping water out of the Los Padillas Spillway Diversion and the contractor and COE have requested that the flap gate manufacturer assess the installation of the flap gate. The COE is aware that portions of the Los Padillas Extension were built incorrectly.

Bernalillo County and AMAFCA are moving forward with preliminary design for Ponds 187 and 187a, and six road crossings along the Los Padillas Drain. They are identifying additional easements that will be needed to complete the project.

In response to a question from Director Hernandez, Mr. Lovato stated that AMAFCA and/or Bernalillo County will be constructing Phase II of the project, which is separate from the section with the incorrect construction. The COE is working on figuring out a fix for the improper slope.

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. The hearing officer is traveling to Albuquerque for the appeal.



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In response to a question from Director Thomson about the appeal process, and whether a Director's attendance would be beneficial or advisable, Attorney Rael stated that the appeal of the jurisdictional determination would consist of a site visit at the Calabacillas Arroyo, followed by a meeting where the hearing officer would ask for clarification on any questions that he had. Otherwise, his recommendation will be made solely based upon the record and documents already submitted. This will be May 3, 2012, at 9:00 a.m. Mr. Rael stated that it wouldn't hurt to have Board members present.

Director Thomson noted he was unavailable at this time. Director Hernandez stated he would try to be there. Director Lyon commented that he would try to make it, but would have to check his calendar first.

- **City of Albuquerque (COA) – Boca Negra Dam:** AMAFCA has submitted the plan set for final approval by the Office of the State Engineer. AMAFCA staff had a meeting with the OSE on March 20 to discuss approval of the project. Staff began advertising the project on April 20. AMAFCA received a letter from Longford's attorney demanding arbitration. A copy of the letter was provided to the Board.

Channel Road along North Diversion Channel: A 90% preliminary design along the east side of the North Diversion Channel has been reviewed by AMAFCA staff. Staff is recommending that water quality manholes be installed and that the COA should consider regional sized facilities on the project. The City of Albuquerque would like to have final designs approved by May 2012. It is unknown at this time if the COE will have their review completed by that date.

Arno Pond: The COA has started their due diligence concerning the possibility of purchasing the pond site. The COA has discovered that the New Mexico Environment has found manganese contamination on the site.

Director Hernandez noted that the Arno Pond is essential to the drainage system, in order to get rid of the Interim Post Office Pond. The fact that the soils on the site are contaminated may mean that it should be excavated and lined to prevent groundwater contamination.

Roland Penttila, of the City of Albuquerque (COA), clarified that it was insoluble manganese, in an insoluble form, such as occurs throughout the valley. However, petroleum contamination has leaked into the ground at this site and has converted the insoluble manganese into a soluble form. This is what the New Mexico Environmental Department (NMED) is concerned about. The NMED has been requesting additional cleanup from the Sandia Foundation for quite some time. They believe if AMAFCA and the COA buy the property, the contaminated soil will be removed. The cost of that removal needs to be factored into the purchase and construction.



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Director Brown noted that the price of the property should go down significantly, perhaps to zero, as a consequence of the contamination, as AMAFCA and the COA will be taking care of their problem.

- *EPA Administrative Orders to City of Albuquerque and Expo New Mexico:* The COA and Expo New Mexico received cease and desist administrative orders concerning the acceptance of drainage from the Expo New Mexico. The COA is working with Expo New Mexico to mitigate the problem. On April 9th, AMAFCA and the other MS4 permittees erected small check dams in the Embudo Arroyo to intercept and detain drainage from the San Pedro storm drains, which accept flows from Expo New Mexico. These check dams will slow down the water, expose to the air, and expose it to UV light, helping to get rid of any bacterial contamination that might be present. The Board was provided with a copy of a letter that AMAFCA sent to EPA regarding the measures taken.

Chairman Eichenberg requested that Mr. Lovato write a letter to Expo New Mexico requesting reimbursement of expenses to treat stormwater entering the system from Expo New Mexico. Mr. Lovato stated that he would do so.

Director Thomson asked to be copied on the letter, as Expo New Mexico is in his district. He noted that if there were any meetings regarding this issue, he will attend them if his schedule allows.

Director Lyon suggested that AMAFCA should be tough on this issue, as Expo New Mexico did not contact the COA or AMAFCA about this issue. Director Hernandez agreed, as this issue affects AMAFCA.

- **Public Outreach – South West Valley Flood Reduction Project Phase I:** Mr. Lovato was interviewed by two television stations in relation to complaints from residents who live near the Los Padillas Extension.

Design Award: AMAFCA received two design awards during the New Mexico Society of Professional Engineers Albuquerque Annual Gala. The awards were the Chapter Project of the Year for the South Diversion Channel Baffle Chute Stormwater Quality Facility, and honorable mention for the East Amole Surge Pond Project. The site design for the South Diversion Channel Baffle Chute was WH Pacific, and AECOM did the structural design. The site design and structural design of the East Amole Surge Pond was done by Bohannon Huston, Inc.

La Presa Project: Staff has met with several adjacent neighborhood associations to answer questions and provide information concerning the project.



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- **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. This topic would be discussed further, later in the Board meeting.
- **Office of the State Engineer, Dam Safety Bureau – *Emergency Action Plans*:** AMAFCA attended a mandatory dam owners meeting put on by the Dam Safety Bureau and the Department of Homeland Security. The eight hour training covered emergency action plans.

Boca Negra Dam: He and Director Hernandez met with New Mexico State Engineer Scott Verhines on April 5th. They discussed the Dam Safety Bureau and project approval requirements. The Dam Safety Bureau will require AMAFCA to commit to supply the Emergency Action Plan and inundation mapping by August 30th. The design and construction drawings for the Boca Negra Dam should be approved soon.

b. Notification of On-Call Services Task Orders

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

Consent Agenda

Chairman Eichenberg reminded the Board that agenda items 14 and 15 had been moved to the regular agenda, leaving agenda items 9 through 13 on the consent agenda.

9. AMAFCA Financial Advisor – Consideration of Agreement with George K. Baum & Company

The memo from Mr. Lovato stated that George K. Baum and Company was selected via RFP to perform Financial Advisor Services. The agreement with George K. Baum & Company for financial advisory services had been negotiated, and that it was undergoing legal review. The final agreement, as approved by legal counsel, was provided to the Board in a handout. The memo requested that the Board approve the agreement and authorize the Chairman and Secretary/Treasurer to execute the agreement.

10. AMAFCA Bond Counsel – Consideration of Agreement with Modrall, Sperling

The memo from Mr. Lovato stated that the Modrall, Sperling Law Firm was selected via RFP to perform Bond Counsel Services. The agreement with Modrall, Sperling had been



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negotiated, and had been reviewed by legal counsel. The memo requested that the Board approve the agreement and authorize the Chairman and Secretary/Treasurer to execute the agreement.

11. AMAFCA Audit Services – Consideration of Second Extension of Agreement with Ricci & Company, LLC

The memo from Mr. Lovato stated that Ricci & Company, LLC was selected via RFP to perform Audit Services in 2010. This will be the second and final extension of their contract. The cost will be \$26,500 plus NMGRT. The Audit Rule of the Office of the State Auditor requires an RFP next year for the FY 2013 audit. This will be the sixth consecutive year Ricci & Company, LLC, has performed AMAFCA's audit. The Audit Rule allows twelve consecutive years when the fees are \$50,000 or less per year. The State Auditor will need to approve the audit recommendation. The memo requested that the Board authorize the Executive Engineer to extend the audit contract with Ricci & Company, LLC, for a one-year term at a cost of \$26,500 plus NMGRT. Their campaign contribution disclosure form was attached to the memo.

12. Manual Trash and Debris Removal from Flood Control Facilities – Consideration of First Extension of Agreement with Black Forest Tree Service

The memo from Mr. Lovato stated that Black Forest Tree Service was selected via a bid process to perform Manual Trash and Debris Removal from Flood Control Facilities in 2011. This will be the first extension of that agreement, which was for one year with up to three optional one-year extensions. Black Forest has agreed to extend the contract at no increase in fees. The memo requested that the Board authorize the Executive Engineer to extend the Manual Trash and Debris Removal from Flood Control Facilities Contract with Black Forest Tree Service for a one-year term with no change to the existing rates. Their campaign contribution disclosure form was attached to the memo.

13. Mechanical Trash and Debris Removal from Flood Control Facilities – Consideration of First Extension of Agreement with Southwest Sewer Service, Inc.

The memo from Mr. Lovato stated that Southwest Sewer Service, Inc., was selected via a bid process to perform Mechanical Trash and Debris Removal from Flood Control Facilities in 2011. This will be the first extension of that agreement, which was for one year with up to three optional one-year extensions. Southwest Sewer has agreed to extend the contract at no increase in hourly unit prices. The memo requested that the Board authorize the Executive Engineer to extend the Mechanical Trash and Debris Removal from Flood Control Facilities Contract with Southwest Sewer Service, Inc., for a one-year term with no change to the existing hourly unit prices. Their campaign contribution disclosure form was attached to the memo.



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There being no further items on the Consent Agenda, and there being no questions, Director Lyon made a motion that the Board take action on consent agenda items 9-13, as follows:

- Approve the agreement with George K. Baum and Company for Financial Advisor Services, and authorize the Chairman and Secretary/Treasurer to execute the agreement;
- Approve the agreement with Modrall, Sperling for Bond Counsel Services, and authorize the Chairman and Secretary/Treasurer to execute the agreement;
- Authorize the Executive Engineer to extend the audit contract with Ricci & Company, LLC, for a one-year term at a cost of \$26,500 plus NMGR;T;
- Authorize the Executive Engineer to extend the Manual Trash and Debris Removal from Flood Control Facilities Contract with Black Forest Tree Service for a one-year term with no change to the existing rates; and
- Authorize the Executive Engineer to extend the Mechanical Trash and Debris Removal from Flood Control Facilities Contract with Southwest Sewer Service for a one-year term with no increase in the hourly unit prices.

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

14. Request for Travel Authorization – *Consequence Assessment for Dam Failure Scenarios, May 8-9, 2012, Emmitsburg, Maryland*

Mr. Lovato stated that FEMA's Emergency Management Institute is offering training on May 8 and 9 at the National Emergency Training Center in Emmitsburg, Maryland. Travel days will be May 7 and 10. The workshop is designed to provide dam safety program staff with information to define and estimate consequences for dam failure scenarios. He requested authorization to send Brad Bingham, AMAFCA Drainage Engineer, to this workshop.

Mr. Lovato noted that the Department of Homeland Security would reimburse AMAFCA for travel and lodging expenses upon Mr. Bingham's successful completion of the course, and that the registration fee was also covered by the Department of Homeland Security.

Director Hernandez made a motion that the Board authorize out of state travel and expenses for the AMAFCA Drainage Engineer to attend the Consequence Assessment for Dam Failure Scenarios in Emmitsburg, Maryland, May 7-10, 2012, not to exceed \$800.00, pursuant to Resolution 1998-16. Director Lyon seconded the motion, which passed unanimously (5-0).



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15. Agency and Area Wide Flood Control Maintenance Contract 2012-2013 – Consideration of Award to Qualified Bidder

Kurt Wagener, AMAFCA Field Engineer, stated that the Board had authorized advertisement of the Agency and Area Wide Flood Control Maintenance Contract 2012-2013. The bid lots are funded by AMAFCA, the City of Albuquerque, and the New Mexico Department of Transportation. Four contractors submitted bids. He noted that one bid had not been signed by the contractor, so was declared non-responsive.

Mr. Wagener requested that the Board award the Agency and Area Wide Flood Control Maintenance Contract 2013-2013 to RMCI, Inc., in the amount of \$1,069,731.85 plus New Mexico Gross Receipts Tax.

Director Hernandez congratulated the Larkin Group on the accurate Engineer's Estimate, which was very close to the two lowest bids.

Director Hernandez made a motion that the Board accept RMCI, Inc. as the lowest responsible bidder and authorize the Chair to execute the contract for the construction of the Agency and Area-Wide Flood Control Maintenance Contract 2012-2013 in the amount of \$1,069,731.85 plus New Mexico Gross Receipts Tax. Director Brown seconded the motion, which passed unanimously (5-0).

Mr. Wagener introduced Kevin Banks of the Larkin Group NM, engineers on this project.

16. Approval of Resolution 2012-05, 2012 Bond Election

Mr. Lovato introduced Duane Brown, of Modrall, Sperling, AMAFCA's Bond Counsel.

Mr. Brown stated that the 2012 Bond Election resolution is slightly different from prior years. The resolution has been updated from a \$20,000,000 bond authorization to a \$25,000,000 authorization, and the wording has been updated to make it consistent with current voting equipment and procedures.

Mr. Lovato requested that the Board adopt the resolution.

Director Brown made a motion that the Board adopt Resolution 2012-05, *2012 Bond Election*. Director Hernandez seconded the motion, which passed unanimously (5-0) on a roll-call vote.

17. Approval of Resolution 2012-06, 2012 Board of Directors Election

Mr. Lovato presented resolution 2012-06, *2012 Board of Directors Election*. The resolution was reviewed by the Board at the March Board meeting, and had also been reviewed by legal



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counsel. It provides for the election of the Directors for Districts 3 and 4. Kevin Troutman, AMAFCA GIS Manager, had sent the boundaries of those districts to the Bernalillo County Clerk Bureau of Election's office. He had also evaluated the precinct list provided by the Bureau of Elections and identified the split precincts in each district.

Mr. Lovato requested that the Board adopt the resolution.

In response to a question from Chairman Eichenberg about the split precincts, Kevin Troutman, AMAFCA GIS Manager, confirmed that some Bernalillo County precincts are not entirely within the AMAFCA boundaries. Those precincts were thus "split". The boundaries between AMAFCA districts are all along precinct lines.

Director Hernandez made a motion that the Board adopt Resolution 2012-06, *2012 Board of Directors Election*. Director Brown seconded the motion, which passed unanimously (5-0) on a roll-call vote.

Chairman Eichenberg noted that districts 3 and 4 are up for election in November. He reminded the audience that earlier in the meeting, Attorney Rael had given the opinion that a director's name could appear on the ballot two places, as in for the State Senate and as an AMAFCA Director.

18. Albuquerque Public Schools Stadium – Consideration of Turnkey Agreements for the Dam 9 Diversion and Ladera Dam 5S

Mr. Lovato stated that agenda item 18 requested approval of the turnkey agreements with Albuquerque Public Schools (APS) for Pond 5S and the Dam 9 Diversion.

Chairman Eichenberg recognized Marty Eckert, Albuquerque Public Schools' Real Estate Director, and thanked him for being present.

The memo from Bradley Bingham, AMAFCA Drainage Engineer, presented the two Turnkey Agreements with APS for Pond 5S and the Dam 9 Diversion Channel. These had been presented to the Board in draft form at the March meeting. He noted that drainage easements will be granted concurrently with each facility. The Pond 5S agreement provides that AMAFCA will have maintenance of the primary sediment chamber and only structural maintenance of the secondary chamber. APS will maintain vegetation, trash, and debris removal in the secondary chamber (surge pond). Both AMAFCA and APS attorneys had reviewed the agreements

Director Brown made a motion that the Board approve the turnkey agreements with APS for Pond 5S and the Dam 9 Diversion Channel. Director Hernandez seconded the motion, which passed unanimously (5-0).



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Mr. Eckert thanked the Board.

19. AMAFCA Joint Projects with City of Albuquerque – Alameda Drain Water Quality Drainage Management Plan Update

Mr. Lovato reported that he had spoken to the Middle Rio Grande Conservancy District (MRGCD) Board about the Alameda Drain Water Quality Drainage Management Plan Update, and would be going back to the MRGCD Board at their May 14th meeting to request an \$80,000 contribution to the study. The Village of Los Ranchos Trustees had unanimously approved a \$10,000 contribution to the study at their April 11 meeting.

In response to a comment from Director Thomson, Mr. Lovato noted that there had been a split vote at the April 9 MRGCD Board meeting, at which not all Directors were present. They wanted additional information and to have the project presented to the full Board at the May 14th meeting. A public meeting to obtain input from MRGCD constituents and address their concerns will be held at the Los Padillas Community Center at 7 p.m. on May 7th.

Mr. Lovato stated that he intended to bring the agreement to the AMAFCA Board for approval at the May Board meeting.

Director Thomson thanked Mr. Lovato for bringing this to the other agencies, noting that he is glad that they are seeing that they also have a role in regional flood control and environmental protection activities.

20. Report by Bohannon Huston, Inc. on "*Structural Literature Review and Recommendations of Traffic-Induced Ground Vibrations and Their Effect on Concrete-Lined Channels*"

Mr. Wagener introduced Sean Melville and James Clayshulte, of Bohannon Huston, Inc. (BHI). With some additional comments from Mr. Clayshulte, Mr. Melville reported to the Board on the results of their literature study of the effects of traffic-induced ground vibrations on concrete-lined channels.

Mr. Melville noted that concrete-lined channels are normally expected to last 50 to 100 years but may deteriorate more rapidly near roadways. BHI studied the literature on this phenomenon. He described the three main types of sound waves, and stated that the frequency of the waves does not correlate with damage to concrete, but the peak particle velocity of the waves does. Large single-event vibrations, such as from pile drivers and explosions, have a higher safe limit threshold than a lower-amplitude, continuous level of vibration such as from traffic.

He noted that humans are able to detect continuous event vibrations at a level of 0.15 mm/sec, but that continuous event vibrations do not have an effect on concrete until they reach a level of



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10 mm/sec. A single event explosion has a safe limit threshold of 50 mm/sec. The highest vibration levels recorded in a 1958 study were: Continuous traffic 5 meters away, 2 mm/sec; Continuous trains 5 meters away, 7 mm/sec; Continuous construction operations, 5 mm/sec; Single event (pile driver) 3 meters away, 73 mm/sec (which is above the single event structural damage threshold).

Mr. Melville stated that traffic vibrations contribute to deterioration but aren't the cause of the deterioration. Instead, they worsen or accelerate the damage from mechanical, thermal, and chemical deterioration. Vibrations did not initiate cracking unless they were in the presence of other high pre-existing stressors such as these, or poor maintenance or settling soils. The volume of traffic does not significantly change the stress on the concrete.

He noted that existing vibration mitigation technologies are either impractical or not economically sound. It is cheaper to monitor the channel and rehabilitate as necessary. The most economical method of controlling the impact of vibrations is to provide a "buffer zone." Other recommendations were to maintain the roadways and repair roadway flaws as soon as they are detected; perform vibration screening; monitor strain on the channel; test for chemical deterioration of the channel; protect immature concrete for 24 hours; isolate fixed points, such as bridge piers in the channel bottom, with expansion joints; remove and replace deteriorated channel concrete; provide a buffer zone between the road and channel; appropriately compact the soils in contact with channels; and improve soil conditions via soil injection at critical locations.

After discussion, Director Hernandez summarized the recommendations as (1) create a buffer zone, (2) maintain the road, and (3) keep an eye on the channel and repair damage when noted.

In response to queries from the Board, Mr. Melville stated that typical vehicles, up to a semi-tractor-trailer in size or gravel truck in weight, at typical highway speeds, do not pose any vibration dangers. Very large earth-moving and construction equipment might create vibrations above the safe threshold.

Mr. Wagener noted that, due to the presence of a raw water pipeline near the proposed Channel Road project, the Albuquerque Bernalillo County Water Utility Authority has requested that there be no permit load traffic on the road. He also noted that the speed limit on the road is proposed to be 35 mph, and that there is a 15 foot maintenance road between the roadway and the channel, which will act as a buffer zone.

Director Hernandez noted that the results of this study are also applicable if the New Mexico Department of Transportation (NMDOT) decides to put their portion of the Embudo Channel into a box culvert. Mr. Wagener commented that the AMAFCA portion of the Embudo Channel is not deteriorating nearly as quickly as the NMDOT portion. He speculated that this may be due to lower levels of maintenance, with the vibrations accelerating damage from other means.



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Director Thomson commented that accelerometers are relatively inexpensive, and recommended that the NMODT consider using some to monitor vibration levels, particularly if they are experiencing faster-than expected deterioration. This would tell them if the damage is due to the traffic, or if something else is causing the damage.

Mr. Wagener noted that the full report is in the AMAFCA library.

21. AMAFCA Construction Projects

a. AMAFCA Miscellaneous Construction Projects 2012 – Authorization to Advertise for Construction Bids

Mr. Lovato requested that the Board authorize advertising for construction bids for the AMAFCA Miscellaneous Construction Projects 2012-2013 project. The project consists of 7 bid lots at 35 locations, including a ported outlet structure at Ladera Dam 5, concrete trash dump and sorting stations at various locations, an enlarged drive pad at Piedras Marcadas Dam, a test of temporary water quality barriers at the North Pino Inlet, informational and warning signage, bat house installation for vector control, and depth markers at dams and along channels.

Director Hernandez made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the Miscellaneous AMAFCA Construction Projects 2012. Director Brown seconded the motion, which passed unanimously (5-0).

Chairman Eichenberg called a brief recess from 12:01 p.m. to 12:08 p.m.

22. 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.

Mr. Lovato noted that, instead of spending about \$23,000 on planting willows in the North Diversion Channel Outfall, the crew learned how to transplant willows. They transplanted the willows which had to be removed from the bottom of the North and South Diversion Channels into the North Diversion Channel Outfall to revegetate it. These removals were required under the Corps of Engineers' (COE) woody vegetation regulations.



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Responding to a question from Director Thomson, Mr. Lovato stated that recent study results show that large cottonwoods along a levee bank tend to act like jetty jacks to slow the water. Removing them causes the water to pull to that side, increasing scour and erosion. He stated that the levee owner can ask the COE for a waiver of the woody vegetation regulations in such cases.

Mr. Wagener and Director Thomson both noted that it will take awhile for the COE policy to change to reflect this new study.

Chairman Eichenberg noted that, due to Directors Brown and Hernandez needing to leave the meeting early due to other commitments, that the Board would hear the agenda items under number 26 next, then return to agenda item 23.

26. AMAFCA FY 2013 Budget

a. Draft FY-2013 Operating Fund Budget

Ms. Jeffries provided the Board with the second draft of the FY-2013 Operating Fund Budget. She noted that \$13,000 had been removed from Other Revenue following the recommendation of the Board to not sell the two old dump trucks.

Mr. Lovato stated that a letter to the Board from the Village of Corrales stated that they would appreciate and use the 1993 dump truck if it were given to them. He noted that they understand it is old and doesn't have air conditioning.

Ms. Jeffries stated that an official finding would be presented to the Board in June, then 30 days after notification of our intentions to the State Auditor, the truck and other items listed on the official finding can be deleted from the inventory and the truck can be donated to the Village of Corrales.

She stated that projected property tax revenue was computed using assessed valuations with a zero growth factor, and including half of the protested valuations. The budget shows a \$310,340 drawdown of the beginning balance.

b. Draft FY-2013 Contingency Fund Budget

Ms. Jeffries provided the Board with the second draft of the FY-2013 Contingency Fund Budget. She noted the beginning balance in the fund is \$4,767,371, which includes \$13,615 in the Reserve Contingency Fund.

She stated revenues included \$100,000 transferred from the Operating Fund and interest revenue of \$11,492 based on 0.2343% of the monthly balance in the LGIP fund. Expenditures



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include the normal estimate of \$400,000 for emergencies. \$3,645,000 of the \$4,480,453 ending balance is set aside as reserved funds for specific future projects.

She requested Board review and comment on the draft budget.

Chairman Eichenberg asked if the entire \$50,000 reserved for redistricting had been needed in the recently completed redistricting effort. Mr. Troutman stated that Research and Polling was paid \$6,500 for their assistance, and the balance of the work was done in-house. Chairman Eichenberg praised the cost savings and effective use of tax dollars.

c. Draft FY-2013 Building and Yard Improvement Fund Budget

Ms. Jeffries provided the Board with the first draft of the FY-2013 Building and Yard Improvement Fund Budget. The budget shows a beginning balance of \$58,597, with a \$50,000 transfer into the fund. The anticipated ending balance is \$109,597.

Mr. Lovato noted that he planned to build up sufficient balance to expand the yard to the north. The existing yard is very tight to store, maneuver and load supplies and equipment. The Board briefly discussed this plan, and encouraged Mr. Lovato to gather more information and continue developing this idea.

d. Draft FY-2013 Debt Service Fund Budget

Ms. Jeffries provided the Board with the first draft of the FY-2013 Debt Service Fund Budget. She noted the starting balance was \$9,791,342, and the ending balance \$9,706,873. She stated she had included tax revenue and interest income, minus the reappraisal fee, for total revenues of \$8,699,204, and expenditures of principal and interest payments on August 1, 2012, and the interest payment on February 1, 2013, totaling \$8,783,673, in her projections.

Chairman Eichenberg noted that this budget, also, was based on an estimate of zero percent growth in assessed valuations. He praised the conservative estimate.

e. Draft FY-2013 Construction Fund Budget

Mr. Lovato had provided the Board with the second draft of the FY-2013 Construction Fund Budget as a handout. He stated that the budget was presented in a declining balance format, for both the "bond passes" and "bond fails" scenarios. Projects with other agencies were moved or eliminated to focus on AMAFCA projects and projects which directly tie into the AMAFCA backbone structure. This reduced the total amount of projects over a six year period by about \$40 million.

He stated that the revised budget concentrates on completing AMAFCA's backbone infrastructure and continues efforts to address storm water quality. AMAFCA is able to



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accomplish a lot of projects if the bond passes, and is still able to meet its obligations for projects in the pipeline, if the bond fails. He requested Board review and comment on the draft budget.

The Board briefly discussed the budget, and had no changes. The budget will be finalized in May.

27. Unfinished Business

Director Thomson addressed the Board regarding EPA's interaction with the MS4 partners, which tends to fractionalize the partnership rather than lead to collaborative solutions. With the move towards a regional watershed-based permit system, the smaller agencies are reluctant to participate, in part because they don't believe they contribute much to the stormwater problems in the watershed.

He suggested high-level meetings with the Regional Administrator of EPA Region 6, and the New Mexico Governor, federal congressional delegation, and the mayors or heads of the MS4 partners, along with the members of the governing bodies (councils and commissions) of the MS4 partners. These would be small meetings, by invitation only. This would be educational to both the EPA and to the leadership of the MS4 partners, and would focus high level attention on this issue.

Director Thomson noted that New Mexico is the only state that EPA writes discharge permits for, and the hydrology is different here than elsewhere. Other states write their own permits. The political landscape here is different due to the many pueblos, the Rio Grande Compact, and other issues.

He suggested that AMAFCA initiate both organizing and hosting the event, perhaps with the help of other interested parties, such as SSCAFCA. The meeting should be held before the new permit is finalized, perhaps around the first week of August. The leaders themselves should attend, not their deputies.

Director Lyon suggested involving Senator Jeff Bingaman, as the clout of his name would help ensure better participation.

Chairman Eichenberg agreed, suggesting additional legislators who could be involved. Chairman Eichenberg also suggested using an off-site location or meeting site. He asked the Board if they were comfortable fronting the funds necessary to begin exploring what would be involved to put together an event like this.

Mr. Lovato stated that AMAFCA was a chief instigator in beginning the New Mexico Watershed and Dam Owners' Coalition, beginning with a \$10,000 seed contribution from AMAFCA. Two years ago, AMAFCA spearheaded the Flood Fighting Workshop held in



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Albuquerque. He stated he could pull together \$12,000 – \$18,000 to begin putting a meeting together, and would ask for funding from other agencies as well.

Director Hernandez suggested involving councils, commissions, and other leaders of communities up and down the Rio Grande.

Chairman Eichenberg and Directors Brown, Hernandez, and Lyon all had additional venue suggestions.

Chairman Eichenberg stated that an experienced event planner might help decide if a Monday-Tuesday or Thursday-Friday event would be better attended, and other similar details.

Director Thomson introduced Tim Karpoff, who has been coordinating the meetings of the 20 agencies working on the regional watershed-based permit. Mr. Karpoff stated that the stakeholder discussions to this point have been basically middle-management level. The group has made some suggestions to the EPA permit writer, and is working on equitable funding. He noted that EPA is testing regional watershed-based permitting in three pilot programs throughout the United States. This is the only pilot program in the southwest.

Due to prior commitments, Directors Brown and Hernandez left the Board meeting at 1:02 p.m., but not after expressing their support of Director Thomson's idea. Director Hernandez offered to help with the planning.

Chairman Eichenberg appointed a committee, consisting of himself, Director Thomson, and Jerry Lovato, to begin planning the event for no later than the first week in August. The committee was authorized to hire a professional to help plan the event if necessary. Consensus of the Board was to spend up to \$20,000 on the event, and if expenses got to \$15,000 and were still rising, to bring the matter back to the Board for further discussion.

23. Southeast Valley Studies

a. Resolution 2012-07 – Adoption of the Southeast Valley Drainage and Water Quality Management Plan

Lynn Mazur, AMAFCA Development Review Engineer, introduced Mario Juarez-Infante of Wilson and Company, and requested that the Board formally adopt the Southeast Valley Drainage and Water Quality Management Plan, which had previously been presented to them in depth at the March 2012 Board meeting.

Her memo noted that the plan presented the selected alternatives for the Mountain View, Far Southeast Valley, and Broadway Southeast watersheds. It also presents a new channel outfall to the Rio Grande from the Price's Dairy property to provide more flood relief for the Far



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Southeast Valley area and to reduce the cost of flood control infrastructure. It also includes a discussion of stormwater quality treatment options.

The memo noted that adoption of resolution 2012-07, *Adoption of the Southeast Valley Drainage and Water Quality Management Plan*, will provide a working hydrologic model for future development and will present proposed drainage options for controlled development and construction of drainage facilities in the watershed. It will also address drainage requirements for future development of the Price's Dairy property.

Director Lyon made a motion that the Board adopt Resolution 2012-07, *Adoption of the Southeast Valley Drainage and Water Quality Management Plan*. Director Thomson seconded the motion, which passed (3-0) on a roll-call vote.

b. Resolution 2012-08 – Adoption of the Investigation of Lower Tijeras Arroyo Flow Capacities Report

Ms. Mazur introduced Elvidio Diniz, of Weston Solutions, formerly Resource Technology, Inc. She noted that the Board had approved the adoption of the report in July 2008 but had not formally accepted it via resolution.

She noted that the 100-year and 500-year flow rates from the report have been used for planning and design projects since 2008. The report also identified freeboard capacity issues in the concrete channel section of the Tijeras Arroyo near the outlet to the Rio Grande. She recommended that the Report be formally adopted by the Board since the results have been and will continue to be used by staff and the community.

In response to a question from Chairman Eichenberg, Mr. Diniz stated that the study showed some freeboard issues, especially at the lower end, but that capacity of the channel itself was sufficient, because peak flows are at different times. Responding to a question from Director Thomson, he stated that the improvements at University Boulevard are not an issue, as the bridge was built according to the numbers developed in the study.

Director Lyon made a motion that the Board adopt Resolution 2012-08, *Adoption of the Investigation of Lower Tijeras Arroyo Flow Capacities Report*. Director Thomson seconded the motion, which passed (3-0) on a roll-call vote.

c. Urban Wildlife Refuge – Update

Ms. Mazur introduced Paul Tashjian of U.S. Fish and Wildlife.

Ms. Mazur updated the Board on the Urban Wildlife Refuge planned for the former Price's Dairy property, and how AMAFCA would acquire the necessary easement. A meeting was



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held on April 16 with the U.S. Fish and Wildlife Service (FWS), The Trust for Public Lands (TPL), Bernalillo County, the Bureau of Reclamation (BOR), and AMAFCA staff.

She stated that the focus of that meeting was the mechanism to be used to acquire the Price's Dairy property. TPL is brokering the purchase of the property. Closing on the first phase is due by June 30. The second phase will be purchased within the following twelve months, and phase three will be purchased within the twelve months after that. The Prices may request another appraisal in 2014. The purchase will be phased, with the southwestern portion of the property included in the first phase. The second phase will be the southeastern portion, and the third will be the remaining northeastern portion.

In response to a question from Chairman Eichenberg, Mr. Tashjian stated that the appraisal was complete, and that they expected a response back from the Prices within the next week. Once the information is public, it will be shared with AMAFCA's Real Estate Manager.

Ms. Mazur stated that about \$10.3 million will go towards purchase of the first phase. Some of the money is for water rights. AMAFCA's \$1 million investment in the project would buy the drainage easement necessary for the project. The first phase of the acquisition will buy AMAFCA what it needs in order to get the essential elements including the outfalls to the river. She requested direction from the Board to draft the necessary funding agreement.

Responding to a question from Director Lyon about what AMAFCA will receive for its \$1 million contribution towards the purchase of the property, Ms. Mazur stated that AMAFCA will receive a blanket drainage easement over the entire property, which would be expanded when further phases are purchased. Upon completion of the project, this would be reduced to a drainage easement over the specific portions of the property used by the drainage project. Director Lyon noted that until the appraisal and negotiations were complete, it was unknown exactly which property would be purchased in the first phase, and therefore, how big of an area would be covered by the initial easement.

Ms. Mazur noted that the current plan is to spread the required stormwater detention volume over a large area of the Refuge, but if more land is not available, the detention area can be confined to 50 acres with an outfall to the river. If the remaining land is sold to private land owners, AMAFCA can require granting of drainage easements and/or construction of drainage infrastructure by future developments, utilizing the Southeast Valley Drainage and Stormwater Quality Management Plan.

She noted that the FWS requested that all agencies provide their full funding commitments for the first phase purchase. She recommended that AMAFCA enter into an agreement with TPL for the \$1 million contribution for easement rights in the purchase of phase one of the Price's property. A draft agreement could be before the Board at the May meeting.



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Chairman Eichenberg noted that, by consensus, the Board had agreed to participate in the project, but no formal agreement or resolution had been made. The former chairman had suggested the AMAFCA contribution be capped at \$1 million. Once the appraisal has been accepted, the information about the land to be conveyed will be shared with the Real Estate Manager before the agreement is signed. Chairman Eichenberg also noted that, once the parcel boundaries are known, the AMAFCA contribution might go up or down, depending upon the Board's wishes. He also expressed that it is a wonderful project for the community, and that the Board supports it.

Ms. Mazur requested authorization to continue with drafting an easement rights agreement.

Chairman Eichenberg confirmed that the consensus of the Board was to continue to proceed with preparing an easement rights agreement.

Director Thomson expressed appreciation for the curved lines in the conceptual plan. Ms. Mazur stated this was a rough conceptual plan and may change, but that his message had been received.

24. Southwest Valley

a. Black Mesa Phase 1a – Project Overview

Ms. Mazur gave the Board an overview of the Black Mesa Phase 1a project. She stated the Black Mesa Phase 1a Project, also known as the Three Dam Outlet project, will connect AMAFCA's three southwest valley dams, Don Felipe, Raymac, and McCoy Dams, to the Black Mesa Phase 1 outlet pipe to the Rio Grande. The Phase 1 pipe was completed by the U.S. Army Corps of Engineers in 2010.

She described the three pipe alignments that have been studied by Wilson and Company. The least expensive alternative, along the Gun Club Lateral, would cause the fewest utility and traffic conflicts, although it will require lining and/or re-grading the Gun Club Lateral. At a coordination meeting in November 2010 among the New Mexico Department of Transportation, the Middle Rio Grande Conservancy District (MRGCD), the Albuquerque Bernalillo County Water Utility Authority, and AMAFCA, the Gun Club Lateral alignment along the MRGCD's irrigation ditch was preferred by all stakeholders with the exception of the MRGCD.

Ms. Mazur noted that MRGCD staff had suggested that if the alignment was to be along the Gun Club Lateral that it should be replaced with a concrete lined facility. This requirement would add approximately \$2 million to the project. At the AMAFCA Board's November 2010 meeting, staff was directed to pursue the Gun Club Lateral alignment without the addition of the channel lining. Mr. Lovato met with Subhas Shah, MRGCD Chief Engineer, and learned that Mr. Shah's primary objections were disturbance of the existing irrigation facility and



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possible disruption of service. Wilson and Company has since identified a portion of the Gun Club Lateral that is outside of its right-of-way.

She stated that Mr. Lovato presented the project to the MRGCD Board at their April 9th meeting. The Board expressed the same concerns and wanted more input from their constituents, beyond the seven public meetings in 2005 and 2006. AMAFCA will hold a public meeting on this project on May 7th at the Los Padillas Community Center to gather additional public input. The project is scheduled to be heard again at the May 14th MRGCD Board meeting. Mr. Lovato plans to ask permission to install the outfall pipe in the Gun Club Lateral right-of-way.

Ms. Mazur stated that AMAFCA staff has met with Bureau of Reclamation staff about this project, and will be asking the Bureau's Area Manager for a formal letter of approval.

b. Black Mesa Phase 1a – Consideration of Approval of Amendment Seven to Agreement for Design Engineering Services for Black Mesa Phase 1a Pipe Extension Project with Wilson and Company

Ms. Mazur stated that this project can be shovel-ready for construction in FY13. When it is complete, AMAFCA will be able to proceed with the McCoy Dam Diversions A and B, and the Johniece Storm Drains. This will remove many properties from floodplain. She stated that the design includes rebuilding the Gun Club Lateral, 18 irrigation turnouts, five roadway crossings, and an accelerated design process to avoid disrupting the irrigation season.

She requested Board approval of Amendment Seven on the contract with Wilson and Company, noting that it had been reviewed by AMAFCA's attorney.

Mr. Lovato stated that Bernalillo County participated in Phase I of the Black Mesa project, contributing the same amount as AMAFCA did. When AMAFCA fixed the problems with the pipe easement, the County paid for the repaving of Raymac Road.

Responding to a question from Director Thomson, Mr. Lovato stated that AMAFCA has not agreed to line the channel. AMAFCA will put two maintenance roads along the Gun Club Lateral and will rebuild the Gun Club Lateral within its easement.

Chairman Eichenberg stated he wished to see what happened in the May 7 public meeting before approving this amendment.

Mr. Lovato stated that, if the full amendment is delayed, he would like to have an amended Amendment Seven, which would provide \$115,000 to keep the preliminary design process moving forward.



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Director Lyon made a motion that the Board approve a revised Amendment Seven to the *Agreement for Design Engineering Services for Black Mesa Phase 1a Pipe Extension Project* with Wilson and Company, in the amount of \$115,000.00, plus New Mexico Gross Receipts Tax, to finish the preliminary design. Director Thomson seconded the motion, which passed 2-1. Chairman Eichenberg voted against the motion.

c. Pond 187 and 187a – Project Overview

Brad Bingham, AMAFCA Drainage Engineer, briefed the Board on this project so far, and, using maps, pointed out where easements are necessary in order to complete the project. He requested authorization for the Real Estate Manager to obtain appraisals for the easements. Once the easements are obtained, Ponds 187 and 187a, and their associated outfalls, can be designed and constructed. It is anticipated that the ponds will be in design by the end of the calendar year. The storm drain serves Rio Grande High School and the area north of Arenal.

In response to a question from Chairman Eichenberg, Mr. Lovato stated that the agreement stated that AMAFCA would put in and maintain the drainage structures for this project, and Albuquerque Public Schools will maintain the surface, field, and so on. Multi-uses are planned for ponds 187 and 187a.

Director Thomson made a motion that the Board authorize the Real Estate Manager to obtain an appraisal of the necessary easements on the identified properties. Director Lyon seconded the motion, which passed (3-0).

25. Real Estate – Issuance of a Temporary Encroachment License for Film Location

Loren Hines, Real Estate Manager, stated that a Film Production License had been issued for a one-day shoot at the Powerline Channel. The location under the power line was praised for its resemblance to early-1960s Las Vegas, Nevada, and was left in better condition than it was before the shoot. AMAFCA's fee for film productions is \$1,000 a day plus New Mexico Gross Receipts Tax.

28. New Business

None.



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29. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 1:42 p.m.

Bruce M. Thomson, Secretary-Treasurer, 5/24/12

Recorded by Pamela Woodruff, Executive Administrative Assistant