



**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 10:05 a.m. Thursday, June 28, 2012. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Bruce M. Thomson Director Ronald D. Brown (arrived at 10:27 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. Director Brown arrived at 10:27 a.m. due to a prior commitment that went longer than expected.

2. Approval of Agenda

Chairman Eichenberg stated that the two items on the Consent Agenda would be moved to the regular agenda.

Mr. Lovato noted that there was supplemental information on agenda items 7b, 16, and 18, which had been delivered electronically after the Board's mailout. Hard copies were provided in the Board's meeting folders.

Director Hernandez made a motion to approve the agenda as amended. Director Lyon seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. **Tuesday, July 24, 2012, 10:00 a.m. – Regular Meeting**
- b. **Thursday, August 23, 2012, 10:00 a.m. – Regular Meeting**
- c. **Thursday, September 27, 2012, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.



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4. Items from the Floor/Public Comment

None.

5. Approval of Minutes

a. May 24, 2012 Regular Meeting

Chairman Eichenberg made one correction to the minutes, stating that near the top of page 23, he'd intended to say County Assessor rather than County Clerk. Director Lyon made a motion to approve the minutes of the May 24, 2012 Regular Board Meeting as corrected. Director Thomson seconded the motion, which passed (4-0).

6. Financial Matters

a. Approval of May 2012 Expenditures

Mr. Lovato noted that the memo from Irene Jeffries, AMAFCA Finance and Administration Manager, provided the May 2012 Expenditure Report.

Responding to a comment from Director Thomson, Mr. Lovato stated that new computers with 64-bit operating systems were purchased to bring the office up to the current standard.

In response to a question from Chairman Eichenberg about work boots, Mr. Lovato stated that employees who work in the field are allowed a \$150 per year stipend to purchase steel-toed work boots, which are considered personal protective equipment. Any cost over that amount is paid by the employee. Responding to a follow-up question from Director Lyon, Mr. Lovato stated that AMAFCA also provides other personal protective equipment to employees, such as gloves, eye protection, uniforms, insulated coveralls, air monitoring devices, safety vests, and hard hats.

Director Thomson made a motion to approve the May 2012 Expenditure Report. Director Hernandez seconded the motion, which passed (4-0).

b. Investment Report for May 2012

Mr. Lovato stated that Ms. Jeffries' memo presented the investment report for May 2012.

Chairman Eichenberg had several questions about comparing the recap and the investment report. He commented that the investment report covered the previous calendar month, and the recap and forecast covered mid-month to mid-month periods. He stated that the reports would be easier to compare if they covered the same periods.



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Mr. Lovato stated that he would look into the report dates to see if a change could be made, and will report back to the Board.

No Board action was required.

c. Financial Recap May 16, 2012, through June 15, 2012

Mr. Lovato noted that Ms. Jeffries' memo presented the Financial Recap for May 16, 2012 through June 15, 2012. There were no questions, and no Board action was required.

d. Financial Forecast June 16, 2012, through July 15, 2012

Mr. Lovato stated that Ms. Jeffries' memo presented the Financial Forecast for the period June 16, 2012, through July 15, 2012. The memo requested Board approval of the forecast.

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

e. Consideration of Finding to Delete Certain Items from Inventory

Mr. Lovato noted that Ms. Jeffries' memo stated that Resolution 2006-16, *Relating to the Disposition of Obsolete, Worn-out or Unusable Personal Property*, requires the Board to make a specific finding that items are worn-out, unusable, or obsolete before they can be removed from the inventory. In the past year, a number of items became worn out, obsolete, or unusable and needed to be removed from the AMAFCA inventory.

The memo listed the items as follows:

- EDSI Fund Accounting Software (obsolete)
- EDSI Fund Accounting Software Update (obsolete)
- 4 Personal Computers (obsolete, and hardware failure)
- HP DesignJet Plotter/Printer (obsolete)
- Pressure Waterbroom (broken)
- Hose reel air hose attachment (unsafe)
- 1993 Ford F800 Dump Truck (surplus)

The memo also stated that the executed Official Finding will be sent to the State Auditor as required by Resolution 2006-16.

In response to a question from Director Thomson about the dump truck, Mr. Lovato confirmed that the truck listed would be donated to the Village of Corrales.



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Responding to a question from Director Lyon, Mr. Lovato stated that the dollar values listed on the inventory were the original purchase prices of the items. He stated that the current value could also be listed on the next resolution. Chairman Eichenberg noted that at a previous meeting, the Board had learned that the truck had a probable residual value of under \$5,000.

Director Hernandez made a motion that the Board approve deletion and removal from AMAFCA's Capitalized Fixed Asset Inventory and authorize the disposition of inventory items listed above, and the Board execute the Official Finding for submission to the State Auditor. Director Lyon seconded the motion, which passed (4-0) on a roll-call vote.

f. Acceptance of Inventories

Mr. Lovato stated that the memo from Ms. Jeffries stated that she had verified and signed the Office Inventories, and that Maintenance Superintendent Larry Trujillo had verified and signed the Maintenance Inventory. The memo requested that the Board review and accept the inventories attached to the memo, which did not include the items listed in the previous agenda item.

Director Lyon made a motion that the Board accept the inventories. Director Hernandez seconded the motion. After brief discussion, the motion passed (4-0).

g. Ricci & Company – Required Letter of Communication

Mr. Lovato noted that the memo from Ms. Jeffries stated that Ricci & Company had provided the required letter of communication regarding the FY 2012 audit, and provided the Board with a copy of the letter. There were no questions, and no Board action was required.

7. Legal

a. Status Report

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

b. Closed Session – Pending Litigation

Mr. Lovato stated that discussion of a pending litigation matter would be in closed session.

Director Brown arrived at 10:27 a.m.

Director Hernandez made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meeting Act, A Compliance Guide for New*



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Mexico Public Officials and Citizens,” seventh edition, 2010, to discuss a pending litigation matter. Director Brown seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 10:28 a.m.

Director Hernandez made a motion that the meeting be re-opened, stating a pending litigation matter was discussed in the closed session, 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 12:01 p.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):** A meeting was held with local homeowners on June 22, 2012 to discuss the current ponding issues along the Los Padillas Extension and the leaking gates on the Los Padillas Outfall at the Rio Grande. The meeting was coordinated by Congressional delegation staff.

Calabacillas Arroyo: The COE Hearing Officer traveled to Albuquerque for the Jurisdictional Determination Appeal on May 2, 2012. AMAFCA staff, Attorney Rael, COE staff and the COE attorney met on the site and conducted the appeal. No additional information had been received.
- **City of Albuquerque (COA) – Boca Negra Dam:** Mr. Lovato stated that this had been covered during the closed session.

There were no questions from the Board.

b. Notification of On-Call Services Task Orders

Mr. Lovato stated that thirteen on-call task orders had been issued this month as described in his memo, and gave further information to the Board.

He stated that seven firms had been asked to do concept designs for the water quality facility along Second Street at Price's Dairy. This is being done to illustrate to the Fish and Wildlife



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Service that AMAFCA is going through a planning process for the facility. The resulting concepts will be used at public meetings for the urban wildlife refuge. The firms had been given the design parameters of the Drainage Management Plan for the area, a five acre footprint, three different types of diversions, and the requirement that the facility remove gross pollutants, floatables, and silty materials.

He answered several questions from the Board on the other items as well.

Director Brown stated that if the appraisal for Pond 187/187a pipe easements listed on the on-call assignment showed that the cost of obtaining an easement is similar to the cost of obtaining the appraised property in fee simple, the Board should consider obtaining the property in fee simple rather than obtaining an easement. He noted that many times, the values are similar.

Consent Agenda

Chairman Eichenberg noted that both items on the Consent Agenda had been moved to the regular agenda.

Regular Agenda

9. United States Geologic Survey Cooperative Program

The memo from Kevin Daggett, AMAFCA Stormwater Quality Engineer, stated that AMAFCA, the City of Albuquerque, and the United States Geologic Survey (USGS) have participated in the cooperative program since 1976. Over time, the focus of the program has shifted from rainfall and runoff measurements, to an increased emphasis on water quality.

Mr. Lovato stated that the Fiscal Year 2013 program includes additional water quality testing and monitoring to meet new EPA mandates, and fewer reporting activities. AMAFCA's share of the contract is \$177,025.00 for Fiscal Year 2013. Sufficient funds have been budgeted. The memo requested that the Board authorize the Executive Engineer to execute the Cooperative Agreement with the USGS and the City of Albuquerque, with the AMAFCA share not to exceed \$177,025.00.

Mr. Lovato noted that last year, the City of Albuquerque paid more than AMAFCA did. This year, the AMAFCA share is up to equal that of the City. This year's contract includes additional PCB testing and dissolved oxygen testing, and decreased reporting. The PCB testing is particularly expensive. In addition, AMAFCA needs to collect rainfall data from many more locations than was done previously.

In response to a question from Director Brown, Mr. Lovato stated that the local USGS office in Albuquerque employs about 120 people.



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Director Hernandez made a motion that the Board authorize the Executive Engineer to execute the Cooperative Agreement with the United States Geological Survey and the City of Albuquerque, with the AMAFCA share not to exceed \$177,025.00. Director Brown seconded the motion, which passed unanimously (5-0).

10. Approval of Exhibit "A," Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*

Mr. Lovato stated that Exhibit "A" of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*, was brought to the Board annually for review and approval. He provided a breakdown of the fees received during FY 2012. He recommended all fees remain the same for FY 13. The memo requested that the Board approve Exhibit "A" of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*.

Director Lyon made a motion that the Board approve Exhibit "A" of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*. Director Hernandez seconded the motion.

In response to a comment from Director Lyon, Mr. Lovato noted that the amounts listed in the memo included Gross Receipts Tax. Director Lyon suggested that AMAFCA consider charging for easements, also, the next time this exhibit is updated.

The motion passed unanimously (5-0).

11. AMAFCA Joint Project with New Mexico Transportation Department

- a. East I-40 Embudo Channel – *Cooperative Study, Design, Construction, and Assumption of Maintenance Agreement Between the New Mexico Department of Transportation and the Albuquerque Metropolitan Arroyo Flood Control Authority for the East I-40 Embudo Channel Reconstruction Project - Update***

Kurt Wagener, AMAFCA Field Engineer, introduced Tony Abbo of the New Mexico Department of Transportation (NMDOT).

Tony Abbo also introduced the study team, consisting of Mark Fahey of NMDOT, Bert Thomas and Craig Hoover of Bohannon Huston, and Eric Froberg of TY Lin.

Mr. Abbo stated that, over the last few years, the NMDOT has been studying future needs for transportation and drainage in the I-40/Embudo channel area, and future maintenance needs of the channel. AMAFCA and the NMDOT cooperated in funding a study of the drainage capacity and deficiencies of the current channel. He also noted that the NMDOT has been a



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partner in the Area-Wide Maintenance contract, doing about \$150,000 – \$300,000 a year in repairs to the channel, which has worked well.

Bert Thomas summarized the results of the analysis of the channel from San Mateo to Juan Tabo. He noted that the quad box near San Mateo is undersized. Most of the channel has a 25 year or more expected lifespan remaining. There are areas with only a 15-18 year expected lifespan, due to ASR (Alkali-Silica Reactivity) and joint failures. One section between Eubank and Wyoming has about an 18-20 year expected lifespan remaining due to some joint failures causing uplift. Maintenance would extend the lifespan of these channel sections. Most of the channel meets a 50 year standard for deterioration, but only meets a 25 year standard for uplift, with the exception of the Embudo Arroyo penetration which meets or exceeds the 50 year standard for both.

He noted that the transportation analysis showed that the current condition was good, due to recent pavement rehab and reconstruction, with some congestion showing up by 2035. The traffic level is acceptable for the next 20 years, with some additional lanes possibly needed in the future.

Mr. Thomas noted that the quad box is a drainage capacity bottleneck. It also has structural issues, and maintenance or rehab may be necessary.

He noted that this channel drains a major portion of the northeast heights, and has 117 pipe penetrations in the four mile section studied. He commented that the agencies might want to consider limiting future pipe penetrations into the channel. Regular maintenance should continue to extend the life of the channel.

He stated that the three alternatives they looked at were the "no-build" (maintenance only) option, with a cost of \$4-12 million, the "rehab" (overtop) option, at \$26 – 35 million, and the "rebuild" option, at \$45-55 million. He broke down the costs of each option for each section of channel.

Mr. Abbo stated that, based on the costs, it appeared to be in the best interests of AMAFCA and NMDOT to finish out the study, terminate the study at the end of the current project contract, and continue with the maintenance-only option for the time being. NMDOT will retain ownership and maintenance of the channel, and continue to work with AMAFCA by funding the Agency and Area-Wide Flood Control Maintenance contract.

Mr. Wagener noted that, according to the agreement, AMAFCA was to fund half the cost of this study, up to \$500,000. NMDOT would like AMAFCA's portion of the funds for the study to be transferred into the Agency and Area-Wide Fund to be used for NMDOT's portion of the Agency and Area-Wide Maintenance contract.



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In response to a question from Director Brown about what remained in study tasks, Mark Fahey stated that the tasks remaining in the study included a detailed analysis of the preferred alternatives.

Mr. Wagener added that the funding agreement for the study had a decision point built in at this point. NMDOT wants to finish the report to identify problems for future use in planning maintenance and repairs.

Mr. Fahey noted that the original \$1 million contract included an environmental document for the project, which is not needed. The NMDOT would like the rest of the contract to be completed, which would identify the preferred alternatives and project organization planning for future programming.

Director Thomson commented that it appeared that if the "no-build" option was taken, annual maintenance costs would be in the \$300,000 - \$450,000 range. In response to a question about AMAFCA's investment in that maintenance, Mr. Wagener stated that AMAFCA has a time investment, but not a monetary investment at this point. Funding for maintenance is all from the NMDOT, but AMAFCA manages the program so staff time is involved.

Chairman Eichenberg wondered if a rebuild of the channel might be a good state capital funds project, as it would benefit 250,000 people. Rather than spending AMAFCA's \$400,000 for the study on maintenance, the state could spend \$25 million to do the repairs which are necessary because of the age of the facility.

Mr. Abbo stated that the NMDOT would like to stop the study when this portion of the study is complete. He asked if the Board concurred, or if they wanted NMDOT to go through with planning and putting out projects.

Director Hernandez supported the money going to the Agency and Area-Wide contract rather than the State Road Fund, and opined that the AMAFCA Board didn't need the rest of the study in order to make an informed decision. Chairman Eichenberg agreed.

In response to a question from Director Lyon, Mr. Abbo stated that one of the reasons the NMDOT wanted to complete the study was for federal funding reasons – to establish need, if future federal funding becomes available.

No Board action was required.

**b. Draft Agreement for Agency and Area-Wide Flood Control Maintenance
Design and Construction Management Services Contract 2013-2014.**

Mr. Wagener stated that the draft Agency and Area-Wide Flood Control Maintenance contract before the Board updates the 2008 agreement. The NMDOT has budgeted \$200,000 for



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channel repairs as a part of this agreement. They had requested a new agreement this year rather than further amending the 2008 agreement. Any changes to the agreement will be reviewed by AMAFCA's attorney before it is brought back to the Board for approval next month.

Mr. Lovato stated that there is a new district engineer now. The new district engineer and finance people would like a new agreement rather than amending the old one again.

Consensus of the Board was support of the agreement. Mr. Wagener stated that once the NMDOT engineering review is complete, the agreement will go through NMDOT and AMAFCA legal review.

12. AMAFCA Joint Project with City of Albuquerque, Jefferson Storm Drain – Consideration of Cost Share Agreement for Construction

Director Hernandez made a motion that the Board table this agenda item. Director Lyon seconded the motion, which passed (4-0). Director Brown abstained from the vote.

Chairman Eichenberg called a recess from 12:50 p.m., calling the meeting back to order at 1:04 p.m. He left the meeting briefly at 1:05 p.m., and Vice Chairman Hernandez chaired the meeting in his absence.

13. AMAFCA Joint Project with Bernalillo County, Sanchez Farm Tributary Storm Drain – Consideration of Approval of Goff Road Agreement for Design and Construction of Regional Drainage Facilities

Mr. Lovato introduced the agenda item.

Lynn Mazur, AMAFCA Development Review Engineer, stated that the Board had seen the draft agreement last month, and it was now final. Bernalillo County is taking over management of the design and construction of the Sanchez Farm Tributary Storm Drains, including regional drainage infrastructure in Sunset Road, Goff Road, and Isleta Boulevard. She requested that the Board approve the agreement, as the County is ready to proceed with the project.

Director Thomson made a motion that the Board authorize the Chairman to execute the *Cost Share Agreement for the Design and Construction of Goff Road Improvements Between Isleta Boulevard and Bridge Boulevard*, substantially the same as attached to the memo. Director Brown seconded the motion, which passed (4-0), Chairman Eichenberg being absent at the time of the vote. He returned shortly thereafter.



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14. 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.

Roger Paul, of Bernalillo County Public Works, stated that the new cameras along the bike trail will be used to monitor bicycle traffic volumes and traffic patterns. Four cameras have been installed along the trail system, and nine more will be installed when funding is available. The Mid-Region Council of Governments (MRCOG) will monitor the data obtained. Mr. Wagener stated that AMAFCA hoped that the cameras could be angled such that AMAFCA could also monitor the channel with them.

15. AMAFCA Projects

a. Southwest Valley – Black Mesa Phase 1a Project Update

Mr. Lovato stated that this project will connect three west side AMAFCA dams to the existing outfall pipeline to the river, which has been constructed by the Corps of Engineers.

Ms. Mazur stated that she and Mr. Lovato attended the May 14 Middle Rio Grande Conservancy District (MRGCD) meeting, where they reported on the public meeting. She noted that the project was well-received at the public meeting, and the public was especially appreciative of the project staying out of Coors Boulevard. The main concerns were the possibility of disruption of irrigation, and long term maintenance. She also stated that they reported on the results of the "seeps and leaks" geotechnical analysis which the MRGCD Board had requested. The report concluded that the threat from "seeps and leaks" was minimal in the soil type around the lateral.

She noted that the MRGCD Board supported the project and directed AMAFCA staff to coordinate with MRGCD staff on the project. She and Mr. Lovato had met with Subhas Shah and Leonard Utter of the MRGCD.

She stated the project has been modified slightly to address MRGCD staff concerns regarding bank wash-outs from uncontrolled stormwater inflow from the west and long term maintenance. AMAFCA staff also had the consultant consider the option of putting the pipe on



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the west side of the lateral, but the east side was more beneficial. There are fewer turnouts on the east side, which makes construction easier, plus the east side is an embankment which will need to be carefully engineered and rebuilt to ensure it is sound.

Ms. Mazur stated that a utility coordination meeting was held and NMDOT staff gave preliminary approval to allow open trenching of the pipe across Coors Boulevard.

She noted that, due to the irrigation schedule, there will be a very tight construction schedule and any delay would really hurt the project. As a result, the project will be phased as three simultaneous construction projects. The consultant is proceeding with the final design, including breaking it out into three projects.

In response to a question from Director Thomson, Ms. Mazur stated the pipe is 36" to 48" along the lateral, and 60" at the connection to the manifold. The flows are approximately 120 cfs or a little less.

Mr. Lovato noted that the three dams are dry dams which are currently operated as gated structures that have to be manually opened after storm events, which is against current state regulations. With this project's completion, the gates will be removed, providing free discharge for the water. More water will be able to be stored as a result. The dams will also not need to be redesigned and rebuilt.

He noted that the hard part of the project, the outfall to the river, has already been built by the Corps of Engineers. AMAFCA and Bernalillo County contributed over \$700,000 toward that portion of the project.

In response to a question from Director Thomson, Ms. Mazur explained that the three phases of the Phase 1a Pipe Extension Project would connect to the Corps of Engineers' "Phase 1" pipe and outfall, which has already been built. Mr. Lovato noted that this project includes approximately 17,000 linear feet of pipe along the Gun Club Lateral, crossing Coors Boulevard, and connecting to the existing pipe at the manifold.

In response to a question from Director Lyon, Ms. Mazur explained that Coors will be crossed via an open trench, which will be faster and less expensive than boring under the road, as well as safer due to the number of utility crossings.

Director Hernandez noted that this would be less traffic disruption than if the project had gone down Coors, stating that a few days of disruption is better than months or a year of disruption.

No Board action was required.



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

Ms. Mazur stated that *Amendment Eleven to the Agreement for Design Engineering Services for Black Mesa Phase 1a Pipe Extension Project* with Wilson and Company would cover final design of the project and breaking it out into three projects, noting that it is more work to prepare three bid packages instead of one. The amendment also added a new task order for pre-bid activities, as the construction manager would not be on board until after the bids are opened. The amendment had been through legal review.

She requested that the Board approve the amendment to the agreement with Wilson and Company.

Director Thomson made a motion that the Board approve *Amendment Eleven to the Agreement for Design Engineering Services for Black Mesa Phase 1a Pipe Extension Project* with Wilson and Company, in the amount of \$171,752.00, plus New Mexico Gross Receipts Tax. Director Brown seconded the motion.

In response to a question from Director Brown about the total amount spent on the contract, Ms. Mazur stated that approximately \$600,000 had been spent so far. The project includes 17,000 linear feet of pipe, 13,000 linear feet of channel, five roadway crossings to be designed, and utility relocation work.

Mr. Lovato noted that this is a \$6.6 million project, and that with this amendment, design engineering would run 11% of the construction costs. The first portion of the contract was a feasibility study, which added to the overall costs of the contract. He stated that the design engineering contract was awarded by RFP in 2010, and AMAFCA had negotiated down to the best price they could possibly get.

Responding to a question from Chairman Eichenberg, Ms. Mazur stated that there had been ten prior amendments to the contract, totaling \$250,000. Mr. Lovato noted that each amendment had been brought to the Board for approval.

The motion passed (4-1). Chairman Eichenberg voted against the motion, stating his position that substantial changes to contracts should go out to RFP again.

c. Southwest Valley – Black Mesa Phase 1a – Authorization to Advertise Request for Proposals for Construction Management Services

Ms. Mazur stated that one firm would be selected to provide construction management services for all three simultaneous phases of the project. She requested that the Board authorize



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advertisement of the RFP. She anticipated the Selection Advisory Committee would meet in late July, and would bring a selection to the Board for their approval at the July Board meeting, with an agreement for the Board's approval at the August Board meeting.

Director Hernandez made a motion that the Board authorize the Executive Engineer to advertise the request for proposals for construction management services for the Black Mesa Phase 1a Pipe Extension Project. Director Lyon seconded the motion.

In response to a question from Director Thomson about the expected cost, Ms. Mazur stated that construction management services typically cost about 5-6% of the construction cost. Director Brown commented that the testing and survey work included in the contract are typically about 5% of the cost.

Ms. Mazur noted that this would be one construction manager for all three project phases, stating that it would be prudent to have one firm manage all three projects.

Responding to a question from Chairman Eichenberg, Mr. Lovato stated that all construction activities had to be out of the irrigation ditches by May 1, with about 60 days after that to tie up the project. He anticipated it would be complete by July 1, 2013.

The motion passed unanimously (5-0).

16. New Mexico Homeland Security – Informational Briefing to the Board concerning co-locating a disaster canine search and rescue course at the North Diversion Channel Outfall

Mr. Lovato introduced Gregory Lee, Bureau Chief and US&R Program Manager, New Mexico Department of Homeland Security and Emergency Management, and Ralph Sedillo and Robert Trujillo of New Mexico Task Force 1 (NMTF1), and stated they would like to brief the Board concerning co-locating a disaster canine search and rescue training and certification course at the North Diversion Channel Outfall.

Mr. Lovato noted that Kurt Wagener had been working with Emergency Management for the past three years on emergency action planning and with the flood-fighting workshop. Those discussions were designed to maximize the public dollar and provide better protection for people in New Mexico and the Albuquerque metropolitan area.

Gregory Lee stated that the NMTF1 is a FEMA Urban Search and Rescue Team (US&R) based out of Albuquerque, one of 28 national FEMA-coordinated US&R teams, and is equipped to provide a coordinated response to disasters in urban environments. The task force is the first responders to state and national disasters including earthquakes, hurricanes, widespread tornadoes, and man-made technological and terrorist events. Their former training field was by Memorandum of Understanding with the Albuquerque Fire Department.



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He requested that the Board consider allowing them to build a certified, fully-engineered rubble pile to train and certify their K9 Rescue Team, on AMAFCA land north of the Balloon Fiesta Park. He noted that the rubble pile will be designed by registered engineers to meet certification requirements to certify rescue dogs, and it will also meet certification requirements for military disaster drills. It will primarily be built out of concrete barriers and concrete rubble, but is not just a pile of debris.

Mr. Lee stated that they would also conduct heavy rescue and collapsed structure training at this location. He stated that in the future, they would like to install a tower of Conex boxes on the site for confined space rescue training. The National Guard would also use the site for their first response training.

He stated that they would like to sign a Memorandum of Understanding (MOU) with AMAFCA allowing them to build the structure on this site.

Mr. Lovato stated that the site that makes the most sense for this facility is the old gravel pit north of the Balloon Fiesta Park. A staging area is available just to the west, and the site is generally located about 35 to 50 feet below eye level from the surrounding properties, being in a hole on three sides. The site would also allow zip lines to bring dogs down into the search area, enhancing their training. This site would not affect AMAFCA's ability to maintain the channel.

Director Hernandez stated he could support the facility as long as it did not interfere with the AMAFCA mission, nor with the aesthetics from Balloon Fiesta Park.

Mr. Lee noted that, once the facility is built, their plan is to provide public outreach or demonstrations for the public during any event where a large number of people are at the Balloon Fiesta Park.

In response to a question from Director Lyon, Robert Trujillo stated that there are 28 FEMA teams strategically placed throughout the United States. Other states have teams that are not part of the FEMA program. Mr. Lee stated that an MOU between the state and federal government provides grant money to the state to manage the program.

Ralph Sedillo stated that teams from other areas would travel to Albuquerque to train on this certified course, bringing money into the local economy. Right now, the Albuquerque team has to go to Colorado to train, or to one of the other training facilities in the country.

In response to a question from Director Brown, Mr. Lovato confirmed that the site would be restricted access, not open to the general public. The task force would need to get permission from the City to have access via Balloon Fiesta Park.



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Director Brown stated that he wouldn't want others to dump their rubble near the engineered rubble pile. Mr. Lee stated a sign would indicate it is a National Training Site, as well as the area being fenced.

Responding to questions from Chairman Eichenberg, Mr. Lovato stated that the site is adjacent to Pueblo of Sandia property, and is in a hole on three sides. Mr. Lee stated that the tower height was anticipated to be about 30-40 feet tall. It would be backed up to the hill, so that the top would be only 5 or 6 feet above the hill at the most.

Chairman Eichenberg expressed concern that this puts an obstacle on a potential crash location for balloons.

After further discussion, the consensus of the Board was that NMTF1 should brief the City of Albuquerque and the International Balloon Fiesta, requesting permission for access across the Balloon Fiesta Park. They should also give the Pueblo of Sandia a courtesy informational briefing to let them know about the project. When NMTF1 comes back with these tasks accomplished, the Board will consider a draft MOU for three years with possible extensions.

Mr. Lovato stated that Mr. Lee has offered AMAFCA use of their large generator on a 40' trailer, if the agency were ever in need of an emergency power source.

Chairman Eichenberg noted that Director Brown had to leave soon for another commitment, and stated that agenda items 18 a and 18 b would be heard next.

18. Real Estate

a. Urban Wildlife Refuge – Update

Mr. Lovato stated that another coordination meeting was held between the partners. There was further discussion of expanding AMAFCA's blanket drainage easement, which is currently better described as a floating easement, which doesn't have as much strength or property rights associated with it.

He noted that this became important because he had recently learned that a portion of the funding was to come from the Natural Resources Conservation Service (NRCS). However, the NRCS funding has conditions that conflict with both Bernalillo County's conservation easement, and the AMAFCA permanent drainage easement. It is necessary to define the blanket easement at the time the land is purchased and the agreement signed.

He stated that the US Fish and Wildlife Service (FWS) has agreed to a modification to the easement language that will allow a blanket easement to be used as long as the property is defined in the agreement. AMAFCA is working with Bernalillo County and the Trust for



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Public Lands to define the property being purchased in Phase One (as further discussed in agenda item 18b).

He also noted that the FWS's rendering of the reconstructed oxbow had been shown to the Board at the last Board meeting. The FWS is working on a conceptual drawing of the urban wildlife refuge. FWS is willing to help maintain the vegetation and surface conditions on the seasonal wetlands and the flood control facilities, at their cost. AMAFCA will handle maintenance of large erosions on the flood control facilities. Mr. Lovato used a map to describe the areas that the FWS would maintain, and the work that they would do. AMAFCA will maintain any concrete structures.

Responding to a question from Director Thomson, Mr. Lovato confirmed that the facilities being proposed by the seven on-call firms, as described during the Executive Engineer's Report, would be located on the Price's Dairy property. He used the map to show where this facility would be located. He noted that this facility will control stormwater, groundwater, and MRGCD irrigation water. If there is public concern, this is the facility that will be most important.

He stated that it makes more sense for AMAFCA to define its easement with Phase One, as a metes and bounds description that is a part of the agreement discussed in the next agenda item.

No Board action was required.

b. Draft Agreement with the Trust for Public Lands

Mr. Lovato stated that the agreement with the Trust for Public Lands (TPL) had been redrafted. It now identifies the temporary easement and the drainage easement. It is to be reviewed by TPL, but FWS and AMAFCA are in agreement. It has been drafted so that the AMAFCA drainage easement and Bernalillo County conservation easement are compatible. Care has been taken so that both easements are whole, the flood control facility can be built, and that FWS can use the property as they need to.

He stated that TPL is seeking additional funding for Phase One of the purchase of the dairy to offset the use of the \$1.8 million NRCS funding, so that it will not have to be used for the purchase of Phase One. Phase One will purchase the bulk of the land, approximately 390 acres, and will provide AMAFCA the best opportunity to minimize construction costs and to maximize storm water quality in the future. It will provide two outfalls to the river. AMAFCA has received permission from the State Land Office to use the bosque area as well. The entire AMAFCA facility can be placed within Phase One of the purchase.

He emphasized that for AMAFCA to save money on future land acquisitions and construction of flood control facilities, purchase of Phase One must go through. In addition, future maintenance costs to AMAFCA will be minimized by the joint use of the area by AMAFCA



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and the FWS. The FWS will do daily surface maintenance of the area, and will maintain the perennial wetlands and riparian wetlands. AMAFCA will maintain the structural components of the flood control facilities and will maintain the water quality structures.

Mr. Lovato's memo suggested that the best way for AMAFCA to ensure they get all the property rights they need before any federal ownership is involved is to purchase all the land needed for the enlarged flood control requirements identified in Phase One. With additional funding, AMAFCA will be able to identify the limits of the drainage easement in the agreement. By defining the easement now, AMAFCA is guaranteed access to the Rio Grande for storm water discharge, and access for the construction and maintenance of flood control facilities. AMAFCA can guarantee that it has all the rights needed while realizing a cost savings by partnering with other agencies.

In response to a question from Director Hernandez, Greg Hiner, of TPL, gave a rundown of the current funding. He stated that TPL has lined up about \$9.75 million of the \$11.7 million needed for the September 14 closing of the first phase, along with closing on the water rights. The funding breaks down as follows: \$5 million from Bernalillo County, \$1 million from AMAFCA, \$1.75 million from the FWS (FY12 reprogram funds), and \$2 million from the Bureau of Reclamation for water rights.

He noted that the Mayor of the City of Albuquerque supported the project but had not provided any money to help fund it, even though it directly fits his "ABQ The Plan" initiative. The City Council unanimously passed a resolution in support a year ago, but no funds were attached. No funds from the State of New Mexico have been pledged, either.

Director Hernandez stated that he would support adding another \$1 million to the AMAFCA contribution to help close the gap. He also suggested officially challenging the City of Albuquerque to put \$1 million into the project, as it benefits the entire region.

Director Brown stated that he would support increasing the AMAFCA contribution by \$1 million. He also supported the concept of AMAFCA obtaining a proprietary easement interest before the federal government owns the property.

Chairman Eichenberg stated that AMAFCA needs to obtain an appraisal for their easement prior to the purchase, because it is an acquisition. The easement needs to be appraised. AMAFCA's contribution would be limited to the amount of the appraisal, plus up to 10% more. He also expressed concern that the federal government could take away the land without notice, if they needed it, regardless of the MOU.

Mr. Hiner stated that his understanding was that AMAFCA would retain a property right on the land covered by the easement. Director Brown stated that AMAFCA would take a proprietary easement prior interest to the government purchase. Chairman Eichenberg stated that this would require an appraisal.



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Before leaving at 2:12 p.m. due to a prior commitment, Director Brown stated his support of staff finding a way to get the appraisal so that AMAFCA can buy the easement, or of AMAFCA obtaining the property in fee simple, as the project would be of substantial financial benefit to AMAFCA.

In response to a question from Director Thomson, Chairman Eichenberg stated that the \$5 million that AMAFCA will save on construction costs could not factor into the appraisal results.

Director Lyon suggested that the land could be obtained by condemnation.

Director Hernandez pointed out there were many secondary benefits of the project to the region. He also noted that, although the State of New Mexico had not contributed funds, the State Land Office is allowing use of their lands to make the project work better.

Chairman Eichenberg summarized that the consensus of the Board was to follow through on the deal, and allow staff to figure out a way to accomplish this.

Chairman Eichenberg also stated that he believed the City of Albuquerque needed to step up and help fund the project, even though the project is outside of the City limits.

He noted the federal appraisal was for the value of the land and water rights at its highest use, which included potential developed value. AMAFCA needs the value of an easement across this property in its current state, as agricultural property. He noted that the appraisal needed to be the value of the easement in an open market. The current transaction is not an arms-length transaction for AMAFCA's easement appraisal purposes, as the County agreed to contribute a certain sum before the appraisal was done.

Responding to a question from Director Thomson, Mr. Lovato stated that \$2 million was available in the budget, by re-allocating the second \$1 million from other projects. Chairman Eichenberg stated that AMAFCA could allocate some of the funds from the next bond sale to this project as well.

Chairman Eichenberg and Director Lyon agreed that an appraisal needed to be obtained. Director Thomson requested that Attorney Rael provide an opinion on this issue.

17. AMAFCA Water Quality

a. Update on Albuquerque MS4 Permit Issued March 2012

The memo from Mr. Daggett gave an update on the new MS4 permit issued by the EPA which became effective March 1, 2012. The memo reviewed the reports due in the first few months of



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the permit. Work is ongoing on drafting a Memorandum of Understanding between the partners. It also described AMAFCA compliance efforts to date. There were no questions, and no Board action was required.

b. Update on Watershed-Based Permit

The memo from Mr. Daggett gave the Board an update on the status of the watershed-based permit. Mr. Lovato stated that Attorney Rael has been working with the City of Albuquerque on a Memorandum of Understanding. He also noted that recently, the EPA changed this watershed-based permit to a statewide permit, which should be issued by November 2012. No Board action was required.

19. Unfinished Business

Pamela Woodruff, AMAFCA's Executive Administrative Assistant, stated that the only candidate to submit nominating petitions for the Director Election in District 3 was Tim Eichenberg, and the only candidate to submit nominating petitions for the Director Election in District 4 was Ronald D. Brown. Each had provided nominating petitions with at least fifty signatures by the nomination deadline.

20. New Business

None.

21. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 2:25 p.m.

Bruce M. Thomson, Secretary-Treasurer, 7/24/12

Recorded by Pamela Woodruff, Executive Administrative Assistant