



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

Page 1

1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:03 a.m. Tuesday, August 23, 2012. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Bruce M. Thomson Director Ronald D. Brown (arrived at 10:08 a.m.) Director Daniel F. Lyon
--------------------	---

Directors excused:	None
--------------------	------

Others present:	Jerry M. Lovato, P.E., Executive Engineer Attorney Marcus Rael, Jr. Staff Other attendees on file at AMAFCA
-----------------	--

A quorum was present.

2. Approval of Agenda

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

3. Meetings Scheduled

- a. **Thursday, September 27, 2012, 10:00 a.m. – Regular Meeting**
- b. **Thursday, October 25, 2012, 10:00 a.m. – Regular Meeting**
- c. **Thursday, November 15, 2012, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.

Mr. Lovato stated that Moody's and Standard and Poor's would be in Albuquerque on September 6 and 7, to discuss AMAFCA's bond rating. Ms. Jeffries added that the times were still to be determined. Chairman Eichenberg stated he would only be available to meet before noon. Directors Lyon and Thomson stated they would be unavailable those days. Director Hernandez stated he could make himself available for the bond rating presentations. Director Brown was not present during this discussion.



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

Page 2

4. Items from the Floor/Public Comment

Chairman Eichenberg recognized John Avila, Village Administrator of the Village of Corrales. Mr. Avila thanked the Board for the donation of the surplus 1993 Ford dump truck. He read a letter from Philip Gasteyer, the Mayor of Corrales, thanking the Board for the truck, which is a much-appreciated addition to their small fleet. Mr. Avila then returned the license plate from the truck. He also thanked AMAFCA for hosting the summit meeting between EPA officials and the heads of the entities which will be included in the watershed based MS4 permit.

Director Brown arrived at 10:08 a.m.

Brad Bingham, AMAFCA Drainage Engineer, introduced AMAFCA's new intern from the University of New Mexico, Adrienne Martinez, a graduate student studying water resources. Ms. Martinez addressed the Board, stating that she was excited about the opportunity, had learned a lot in her first week at AMAFCA, and looked forward to learning and contributing even more.

Chairman Eichenberg welcomed Ms. Martinez on behalf of the Board.

5. Approval of Minutes

a. July 24, 2012 Regular Meeting

Director Lyon made a motion to approve the minutes of the July 24, 2012 Regular Board Meeting. Director Thomson seconded the motion, then stated that he would like to make one correction to the minutes. He stated that on page ten, near the bottom of agenda item 13, he would like to change "over the appearance of the structure" to "over the appearance and multiple public uses of the facility."

Director Lyon stated he would second the amendment to his motion. The amendment to the motion passed (4-0). Director Brown abstained, as he was not at the meeting.

The amended motion to approve the minutes as corrected passed (4-0). Director Brown abstained, as he was not at the meeting.

6. Financial Matters

a. Approval of July 2012 Expenditures

Irene Jeffries, AMAFCA Finance and Administration Manager, presented the July 2012 Expenditure Report. In response to a question from Director Thomson, Mr. Lovato stated that the Legislative Liaison is an annual lump sum contract, paid in monthly installments. The payments are slightly higher the first two or three months of the year. Chairman Eichenberg



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

Page 3

added that this is because the Legislative Liaison covers interim committee meetings when the legislature is not in session.

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

b. Investment Report for July 2012

Ms. Jeffries presented the investment report for July 2012. Responding to a question from Director Thomson, she stated that the Investment Report covers the funds invested in the Local Government Investment Pool (LGIP). The Financial Recap and Financial Forecast report on the funds in AMAFCA's checking accounts.

No Board action was required.

c. Financial Recap July 16, 2012, through August 15, 2012

Ms. Jeffries presented the Financial Recap for July 16, 2012 through August 15, 2012.

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

d. Financial Forecast August 16, 2012, through September 15, 2012

Ms. Jeffries presented the Financial Forecast for the period August 16, 2012, through September 15, 2012. There were no questions. She 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).

e. Certification of FY 2013 Budgets

Ms. Jeffries reported that she had received the letter of certification from the State of New Mexico Department of Finance and Administration (DFA) certifying AMAFCA's FY2013 budgets. State law requires certification of the budget to be made part of the meeting minutes. The letter of certification was signed by AMAFCA's budget analyst at DFA, Susan Rodriguez.

7. Legal

a. Status Report

Attorney Marcus Rael, Jr., stated that his memo briefed the Board on the status of various legal matters, answering several questions from the Board.



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

Page 4

Responding to a question from Director Thomson, Mr. Lovato and Mr. Rael stated that no decision had been received from the Corps of Engineers regarding the Calabacillas Arroyo jurisdictional determination.

Mr. Lovato noted that this is holding up construction of the grade control structures on the arroyo and the bank stabilization project, but is not holding up the retirement home construction or occupancy permit. He would like to have the grade control structure just upstream of Golf Course Road built before next year's monsoon season. Mr. Lovato noted that there is a way to bypass the appeal, but that he did not think AMAFCA needed to go that route at this time.

Director Thomson commented regarding conversations with the Executive Engineer of the Southern Sandoval County Arroyo and Flood Control Authority (SSCAFCA) regarding the Calabacillas Arroyo. Mr. Lovato stated that SSCAFCA would be attending next month's Board meeting to discuss the work SSCAFCA is planning on the Calabacillas Arroyo.

Chairman Eichenberg stated that the discussions of a pending litigation matter in agenda item 7b and a personnel issue in agenda item 8a would be in separate closed sessions.

b. Closed Session – Pending Litigation

Director Brown made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *"The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,"* seventh edition, 2010, to discuss a pending litigation matter. Director Thomson seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 10:24 a.m.

At 11:05 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 11:05 a.m.

8. Personnel Matters

a. Executive Engineer Annual Review

Chairman Eichenberg stated that this agenda item would be deferred to next month.



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

Page 5

9. 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. Between the memo and the further information given in the meeting, he covered the following:

- **Corps of Engineers (COE) – Southwest Valley Flood Reduction Project (SWVFRP) Phase I:** AMAFCA and Bernalillo County have requested as-built information on the project.

Southwest Valley Flood Reduction Project (SWVFRP) Phase II: The COE notified AMAFCA that work to completed in the SWVFRP must be done by the COE. The proposed second modification to the Project Coordination Agreement (PCA) that would allow Bernalillo County and AMAFCA to complete the work had been denied. Bernalillo County and AMAFCA wanted to do the design and construct work for Phase II; this work would be reimbursable. An IDR (an internal document generated by the Albuquerque District to justify the PCA amendment) was submitted by the Albuquerque District to COE Headquarters. The amendment to the PCA to allow design and construction of Phase II was denied, therefore the work will be done by the terms in the original PCA, which has the COE designing and constructing the project. All design work by AMAFCA and Bernalillo County had been put on hold. He had requested copies of all documents including the IDR that form the basis of the denial.

In response to a question from Director Brown, Mr. Lovato stated that there is a little less than \$6 million remaining in the authorization through the original PCA, which congress will be sending to the Albuquerque District of the COE. AMAFCA and Bernalillo County have spent very close to the 35% that they are allowed to under the current PCA. The second modification of the PCA would have allowed the local sponsors to take over the design and construction of the projects to avoid some of the issues that have happened in the past on this project, and be reimbursed for those expenses.

Calabacillas Arroyo: No additional information had been received.

- **City of Albuquerque (COA) – Boca Negra Dam:** Seven addendums had been issued on the advertisement. The current bid date is September 6, 2012. An RFP to address the Office of the State Engineer Dam Safety Bureau's concern with the Emergency Action Plan for the dam was being advertised.

In response to a question from Director Lyon, Mr. Rael stated that he was waiting for a response from the Trails and RCS.



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

Page 6

Channel Road Along North Diversion Channel: COA held two public meetings to discuss the project. Kurt Wagener, AMAFCA's Field Engineer, attended on behalf of AMAFCA.

Mr. Wagener reported that the public did not think they had been engaged early enough in the process, and had concerns regarding dust and noise. He noted that additional information about this project would be discussed as agenda item 16.

AO Expo New Mexico: Staff has continued to maintain the temporary check dams to address bacteria from nuisance flows. Expo New Mexico had not responded to AMAFCA's requests for funding or information. AMAFCA had recently received an AO for illicit discharges from Expo New Mexico.

- **Bernalillo County** – *Sanchez Farm Tributary Storm Drains Update:* Bernalillo County has advertised the Goff Road Project, which incorporates the AMAFCA design report for the Sanchez Farm Tributary Storm Drains.

There were no further questions from the Board about the Executive Engineer's Report.

Director Thomson stated that the watershed based permit stormwater summit with the EPA the previous week had gone very well, with approximately 70 attendees. Many elected officials, directors of public works, and similar officials attended. He stated that the summit was very successful and the exchange of ideas was quite informative to all present.

Chairman Eichenberg agreed. He added that EPA had been impressed with the level of knowledge and expertise demonstrated by AMAFCA and the attendees.

b. Notification of On-Call Services Task Orders

Mr. Lovato stated that one on-call task order had been issued as described in his memo, and gave further information to the Board. The Ecosystem Preservation and Landscaping task order includes taking care of landscaping and plants on a number of projects throughout AMAFCA's system. AMAFCA will write task orders to take care of landscaping maintenance issues on a number of projects where AMAFCA is responsible for the landscaping for a year or two after construction is finished, before turning them over to the City of Albuquerque for continued maintenance.

In response to a question from Chairman Eichenberg, Mr. Lovato stated that AMAFCA is assisting the City to address a dam safety issue at the Arroyo del Oso Dam on the Arroyo del Oso Golf Course. Significant erosion had taken place at the outlet structure. The necessary work is being done without any delays, in order to preserve the dam and protect the area from future erosion. Kurt Wagener, Field Engineer, stated that photos of this project would be shown in the Field Highlights. Roland Penttila, of the City of Albuquerque, stated that the City and



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

Page 7

AMAFCA had worked together to quickly resolve the issue. It turned out to be a relatively minor issue, but an important repair job that needed to be addressed as quickly as possible.

10. Personnel and Salary Committee Update – Group Insurance

Mr. Lovato reported that staff had researched the question of the Directors accessing AMAFCA's group health insurance. AMAFCA's enabling legislation does not allow Directors to be compensated for serving on the Board other than receiving a per diem, which is taxable according to the IRS. To address the issue of additional compensation to the Director, Directors would be required to pay all costs associated with the medical coverage.

His memo noted that in order for the Directors to be eligible for coverage now, rather than waiting until the next open enrollment period in May-June 2013, the Board would have to make an official decision that would result in an official document, such as meeting minutes, to document their change from "ineligible" to "eligible" status. The effective date would be the first day of the pay period following the submission of each Director's paperwork to the City's Benefits Office. This must be done within 31 days of the Board's approval of the change of eligibility.

Mr. Lovato stated that Board members can pay 100% of the premium, covering both the employer and employee portions. The details of how this would be done still needed to be worked out.

Chairman Eichenberg stated that the Directors cannot exceed what the enabling legislation allows, so the only way for the Directors to access health care would be to pay their own premiums.

Attorney Rael commented that the enabling legislation states they shall receive no compensation for their services as director.

In response to a question from Director Lyon, Mr. Lovato stated that, as far as the City of Albuquerque is concerned, they are elected officials, not employees. Chairman Eichenberg stated that there were two designations at play: for the insurance pool, they are considered elected officials, and for payment of per diem, they are considered employees according to the IRS.

Chairman Eichenberg also noted that he paid both the employee and employer portions of the premiums for health coverage through the State Legislature.

In response to a question from Director Lyon, Attorney Rael stated that the Middle Rio Grande Conservancy District has different wording in their enabling legislation which allows for compensation, including insurance coverage. The AMAFCA enabling legislation allows only for per diem. In addition, according to the IRS, any compensation would be taxable.



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

Page 8

Director Lyon stated that Directors can take per diem and mileage in some cases. He also stated that it was not unusual to be involved in constituent activities several days a week, but that they do not take per diem for everything.

Chairman Eichenberg noted that not all Directors take per diem for AMAFCA meetings and other qualifying events. He stated the Board is conscientious of the fact that AMAFCA is operating on a tight budget.

Chairman Eichenberg stated that the consensus of the Board was for staff to move forward with the arrangements to have the Board vote to approve providing themselves with access to AMAFCA's group health policy.

11. 2012 Bond Sale

a. Bond Payout and Funding Informational Briefing by George K. Baum & Company, AMAFCA Financial Advisor, on Bond Sale Amount, Structure and Timing

John Archuleta, of George K. Baum & Company, AMAFCA's Financial Advisor, briefed the Board on the bond payout and funding, and the bond sale amount, structure, and timing. He stated that the \$10,000,000 bond sale will be the final sale from the 2010 bond authorization. The seven year payoff schedule will allow the mill levy rate to remain steady. He noted that representatives from Standard and Poor's will be in Albuquerque for a bond briefing on Thursday, September 6, 2012, at 1:30 p.m. and representatives from Moody's would be here on Friday, September 7, 2012, at 10:30 a.m. He noted that these were different analysts than had heard AMAFCA bond presentations in the past.

Director Brown stated that he would attend both briefings if possible, but may not be available on the 7th. Director Hernandez stated that he would be there. Chairman Eichenberg noted that at least one Director will be available for each briefing.

Mr. Archuleta stated that the bond rating presentation will be available by September 4 or 5 for staff review before the briefings.

b. Consideration of Resolution 2012-11, *Notice of Bond Sale*

Duane Brown, of the Modrall, Sperling Law Firm, AMAFCA's Bond Counsel, briefed the Board on Resolution 2012-11, *Notice of Bond Sale*. The 2012 sale will be for \$10,000,000 in general obligation bonds to be sold at 11:00 a.m. on September 27, 2012. This is the final sale of bonds authorized at the general election held November 2, 2010 and is structured with a seven-year repayment plan. He answered a question from Director Lyon about CUSIP numbers, stating they had been around a long time. Any bond or other debt is assigned a



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

Page 9

CUSIP number by the Committee on Uniform Security Identification Procedures, which is used for tracking purposes. Each number is unique.

Director Brown made a motion that the Board adopt Resolution 2012-11, *Notice of Bond Sale*. Director Hernandez seconded the motion, which passed unanimously (5-0) on a roll-call vote.

12. Adoption of Resolution 2012-12, *Ad Valorem Tax Levy for Tax Year 2012, Applicable to General Operating Fund*

Mr. Lovato stated that the maximum rates allowed by yield control are set individually for each class of rate payer. The New Mexico Department of Finance and Administration (DFA) had informed AMAFCA that the maximum rates allowed by the Yield Control Act and the AMAFCA legislation for the Operating Fund for next year are \$0.176 Residential and \$0.477 Non Residential. AMAFCA's enabling legislation limits the operating mill levy to \$0.500 or lower.

He noted that AMAFCA's current rates are \$0.170 and \$0.477. Based on the Board's desire to maintain the same mill levy rates, Mr. Archuleta and AMAFCA staff are recommending the operating mill levy rates for tax year 2012 be set at \$0.170 and \$0.477.

In response to a question from Director Brown, Mr. Lovato stated that AMAFCA would be requesting that the rates stay the same. Mr. Archuleta stated that, if anything, DFA might change the residential rate to \$0.176.

Director Brown informed Mr. Archuleta that if the DFA does try to raise the residential rate, the AMAFCA Board would say "no," and would lower the non-residential rate if necessary to keep the rates proportional.

The Board discussed the mill levy rates, giving Mr. Archuleta some background on the yield control formula and how it has affected AMAFCA's mill levy rates in the past, along with past years' interactions with DFA. Director Brown stated that the Board has been adamant in the past that the rates not be increased. Chairman Eichenberg stated that the budget has been tightened, including employees forgoing raises, in order to avoid raising AMAFCA's mill levy rates. He noted that a lot of commercial properties are under-assessed, which affects everyone's budget.

In response to a question from Director Hernandez, Mr. Archuleta stated that keeping the mill levy rates the same would probably not affect AMAFCA's bond rating. He stated that, based on the information available, he expected that the AAA rating would be retained.

Director Brown made a motion that the Board adopt Resolution 2012-12, *Ad Valorem Tax Levy for Tax Year 2012, Applicable to General Operating Fund*, setting the mill levy at \$0.170



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

Page 10

Residential and \$0.477 Non Residential. Director Hernandez seconded the motion, which passed unanimously (5-0) on a roll-call vote.

13. Adoption of Resolution 2012-13, *Ad Valorem Tax Levy for Tax Year 2013, Applicable to Debt Service Fund*

Mr. Lovato stated that Resolution 2012-13, *Ad Valorem Tax Levy for Tax Year 2012, Applicable to Debt Service Fund*, would set the debt service mill levy at \$0.675 per \$1,000 of assessed value on all taxable real and personal property within AMAFCA's boundaries. Split rates are no longer required and no collections will be made from Sandoval County, as the 2004 Authorization bonds have been paid off. This is the same mill levy rate as last year.

Director Brown made a motion that the Board adopt Resolution 2012-13, *Ad Valorem Tax Levy for Tax Year 2012, Applicable to Debt Service Fund*. Director Hernandez seconded the motion, which passed unanimously (5-0) on a roll-call vote.

14. Authorization to Advertise for Bids for a Tandem Axle Dump Truck

Kurt Wagener, AMAFCA's Field Engineer, stated that purchase of a Tandem Axle Dump Truck had been included in the Operating Fund Budget for FY 2013, which was approved by the Board at the May 24, 2012 Board meeting.

Mr. Wagener stated that technical specifications are being developed. Upon authorization, bids would be taken on September 20, 2012, with a recommendation of award at the September 27, 2012 Board meeting. He requested authorization to advertise for bids for a Tandem Axle Dump Truck. Responding to a question from Director Brown, he stated that the estimated cost included in the budget was \$125,000. Several years ago, a tandem axle dump truck cost AMAFCA a little over \$116,000.

Director Hernandez made a motion that the Board authorize the Executive Engineer to advertise for bids for a Tandem Axle Dump Truck. Director Lyon seconded the motion, which passed unanimously (5-0).

15. Consideration of Resolution 2012-14, *Adoption of Mid-Valley Drainage and Water Quality Management Plan*

Brad Bingham, AMAFCA Drainage Engineer, stated that Resolution 2012-14, *Adoption of Mid-Valley Drainage and Water Quality Management Plan*, would adopt the Mid-Valley Drainage and Water Quality Management Plan (DMP), which the Board had been briefed on at the July Board meeting. He requested Board approval of the resolution, which had been reviewed by legal counsel.



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

Page 11

Director Hernandez stated that he had two corrections to make to the resolution: on page one, in the second whereas statement, he recalled two storm events in 2006, not “several;” and he did not see any statements about the Board’s desire and condition of purpose that the interim post office pond be “interim” and the need to make the land commercially available again as soon as possible. He suggested another whereas to address this point.

Director Brown stated that he supported the suggested changes. Director Lyon suggested that the new whereas also indicate that AMAFCA and the City are joint owners of the existing interim post office pond.

In response to a question from Director Thomson, Mr. Lovato stated that cost share funding will be addressed at a later time, via future agreements to be approved by the Board and the City. The resolution simply adopts the DMP.

Chairman Eichenberg requested that Mr. Bingham modify the resolution to address these two concerns, so that the Board may adopt it at the September Board meeting.

Responding to a question from Director Thomson, Mr. Lovato stated that delaying adoption of the DMP would not adversely affect any critical schedules.

16. City of Albuquerque – Channel Road Update

Mr. Wagener introduced Richard Costales, Project Manager, and Roland Penttila, Drainage Engineer, both of the City of Albuquerque, and Eric Froberg, of TY Lin, the Design Engineer for Phase I and II of the project.

Mr. Penttila gave the Board a recap of the overall project, further discussing Phase I of the project, which is the design and construction of Channel Road from Osuna Boulevard to Hawkins NE. The overall project consists of four phases.

Richard Costales, project manager on this project, noted that he had worked with AMAFCA on a number of projects in the past, including the recently-completed bike notches along the North Diversion Channel. He stated his appreciation for AMAFCA. Phase I plans for Channel Road are complete, with the exception of one approval signature.

He noted that the City of Albuquerque has impact fee monies to spend on the road, and needs to begin the project soon. Phase I covers Osuna Boulevard to Hawkins NE. Phase II is Hawkins to El Pueblo, at a cost of \$6.2 million. Design on this phase will begin soon, and the design will be complete in February 2014. Phase III continues the road from just north of Paseo del Norte to Alameda, and is expected to be constructed in about 2018. This will be about a \$5.7 million project. Phase IV will connect the roadway to Chappell via a bridge over the North Diversion Channel, and will close its connection to Osuna, no later than 2021. This is why the bike notch



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

Page 12

at Osuna is longer and deeper than at the other crossings – the notch needed to accommodate the future bridge footings and beams.

Mr. Wagener stated that, at the public meetings on this project, the neighborhood associations were assured that public meetings on future phases of this roadway project will be much earlier in the design process.

In response to a question from Director Brown, Mr. Costales stated that the intersection of Channel Road and Osuna is too close to Chappell to allow for a full intersection, so it will be a right in/right out only at Osuna, until Phase IV is completed.

Mr. Wagener noted that Osuna in this area will be widened into the median at some time in the future. He also commented on his supplemental memo, which noted that the Corps of Engineers would normally send a “letter of no objection” for a project such as this. The letter received from the Corps contained the same language as the letter which would normally be received, but did not state “no objection.” The Corps had concerns over the modeling of the hydrology and hydraulics of the double box culvert at the South Pino Inlet to the North Diversion Channel.

Mr. Wagener stated that TY Lin had modeled the 500 year storm at 4,000 cfs, which is greater than the amount of water that will be able to reach the section modeled due to limitations at the freeway. The Corps modeled the box culverts at 5,000 cfs and worried that the boxes would have uneven water flows. The Corps requested a splitter wall upstream, which Mr. Wagener stated would not be possible due to access issues.

He stated that Mr. Bingham insisted the City keep the same capacity that AMAFCA had, around 12,000 cfs, which is the original capacity of the inlet. The box at 5,000 cfs does not fill up. Using an aerial map, Mr. Wagener detailed the areas of concern to the Corps, and why these were not an issue. He noted that the reason this was studied so carefully was because of the letter from the Corps.

Mr. Wagener noted that the standard language regarding liability issues in the Corps’ letter is the same as in a letter of no objection, but it did not use the words “no objection.” He also commented that use of a bridge in this location would be too expensive, due to the limited right of way, pipes in the area, and access issues. He stated AMAFCA will finalize the license agreements needed, incorporating the Corps’ liability language.

Mr. Penttila stated that the Director of Municipal Development, Mike Riordan, is agreeable to the inclusion of the Corps’ liability language in the temporary construction license.

Mr. Wagener reminded the Board that they had approved the agreement for the construction and maintenance of this roadway at the July 25, 2011 Board meeting. After the construction is



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

Page 13

complete, the City will come back to the Board to request easements or fee simple, as appropriate. These terms and funding were addressed in the agreement.

In response to a question from Chairman Eichenberg, Mr. Wagener stated that the normal City process regarding renaming of the road would have to be followed, but it was necessary that the working name of the project be "Channel Road" to be consistent with the funding documents.

Responding to a question from Director Hernandez, Eric Froberg stated that they will be looking at traffic impacts along El Pueblo, and the possibility of making the road a circulator route coordinated with the Rail Runner and/or making it High Occupancy Vehicle only, when Phase II is designed. He also noted that the cross section of the road has been changed to have bike lanes on both sides instead of a center left turn lane. He stated that the Mid-Region Council of Governments transit study uses the Channel Road alignment as one of their alternatives for part of their circulation pattern.

Mr. Wagener stated that one of the opinions expressed at the public meetings was the fact that some residents of El Pueblo were concerned about having more traffic on their street. Director Hernandez noted that El Pueblo is also a major bicycle route, and more traffic is not good where a large number of bicyclists are using the roadway. Mr. Wagener stated that at the public meeting, the City agreed to carefully consider the impacts on El Pueblo.

In response to a comment from Chairman Eichenberg about additional river crossings, wherein he noted that El Pueblo was to be the original location for a river crossing, Mr. Penttila stated that he was unaware of any long-term plans at the City for any additional river crossings.

Mr. Wagener stated that this item required no Board action at this time.

Chairman Eichenberg called a recess at 12:03 p.m. The meeting resumed at 12:14 p.m.

17. Field Highlights

a. Construction Report

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

b. Field Report

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



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

Page 14

The new time-lapse camera on the Embudo Arroyo near Carlisle captured some photos of the man who self-rescued after being caught in the arroyo during a storm over the weekend.

Mr. Wagener stated that the crew had begun applying asphalt millings on dam maintenance roads to reduce dust and stabilize the mostly dirt and gravel roads. This will minimize AMAFCA's maintenance roads contributing to the "brown cloud" during windy days. The millings were received free from the City of Albuquerque and from the New Mexico Department of Transportation.

He stated that the millings hold up well, and AMAFCA receives credit on its Fugitive Dust Permit as a result of use of the millings. The millings protect the crest of the dam and crest maintenance roads, minimize erosion, keep the maintenance roads in good condition, and help keep vegetation under control. He stated that dirt and gravel roads require blading, mowing, and other maintenance once or twice a year unless they are protected by millings.

There was significant discussion of this matter. Director Brown was adamantly against continuing the practice, for aesthetic reasons and because fewer people use the maintenance roads for recreation when they have been so paved. He stated that the maintenance road near the equestrian area was one of those roads paved, and they do not want to ride their horses on paving. He opined that this should be a policy decision, and if the Air Quality Board is requiring this, perhaps the AMAFCA Board needs to address the Air Quality Board.

In response to a question from Chairman Eichenberg, Mr. Lovato stated that the millings were used to address dust control and dam safety issues. Recreational use degrades the maintenance roads. The use of millings on the maintenance roads will reduce erosion and will also allow AMAFCA to save money on long-term maintenance of the maintenance roads in the future.

Director Brown stated that the maintenance roads are more accurately "emergency access points," not roads.

Director Thomson opined that he has used paved trails, and did not believe that paving the maintenance roads was detrimental to their use for recreational purposes.

Director Brown and Chairman Eichenberg opined that people do not like to walk on asphalt surfaces.

Director Thomson stated that he had used a lot of park trails which were paved or had millings, and had no problems with it.

Chairman Eichenberg stated that it is hotter to walk on a paved trail than a dirt or gravel trail.

Director Brown stated he lives near the North Domingo Baca Dam, and fewer people are using the area for recreation since the paving of the maintenance road.



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

Page 15

Stepping out from 12:30 p.m. to 12:31 p.m., upon his return Director Brown displayed a water bottle and some tire pieces that he stated he had pulled out of the millings.

Director Hernandez noted that this issue had not been included on the agenda as a decision item, and stated that he, personally, had no strong feelings about the issue as he had not seen it. However, since Director Brown had strong feelings about the use of millings on the maintenance roads, he thought that AMAFCA should look at other ways of reducing dust on the maintenance roads.

Director Lyon stated that what Director Brown said made sense, and he supported him on this issue. He opined that Director Brown must have a good reason for his position.

Chairman Eichenberg stated that the consensus of the Board was that AMAFCA should stop applying millings to the maintenance roads until the situation has been studied further. The Board will address it as a policy decision.

Mr. Wagener continued with Field Highlights, showing video of a recent 10-year storm running through the Journal Center and at the North La Cueva. He also had video of the North Diversion Channel during the same storm. Director Hernandez stated that StormCon attendees were astonished at the velocity of the water when they viewed the videos.

Upon viewing photos of the La Presa Project, which will have a City-funded paved bike/multiuse trail around it, Director Brown stated that paved bike trails are fine – that multiuse trails should be paved.

Upon viewing pictures of the Sagebrush Trail Dip Crossing Project in the Four Hills area, Roland Penttila, on behalf of the City, thanked AMAFCA for their contribution towards removal of the dip crossing. He stated that this has greatly improved safety in the neighborhood, especially for children walking to and from school. He noted that the City will add a rack at this location to assist in swift water rescues, and to keep large floatables out of the pipe immediately downstream.

Mr. Wagener concluded with photos of the Agency and Area-Wide projects, work being done by the AMAFCA crew, and the ribbon cutting on the Three Notches project.



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

Page 16

18. Real Estate

a. Consideration of Resolution 2012-15, *Authorization to Proceed with Acquisition of Right of Way for the Southeast Valley Drainage Water Quality Management Plan Gravity Outlet to Rio Grande*

Jeff Willis, AMAFCA Real Estate Manager, stated that Resolution 2012-15, *Authorization to Proceed with Acquisition of Right of Way for the Southeast Valley Drainage Water Quality Management Plan Gravity Outlet to Rio Grande*, will authorize the acquisition of permanent and temporary easements as shown on the map attached to the memo, for a cost of \$1,811,500. The Board was provided with a copy of the appraisal for the easements, and a map showing the permanent easements in purple and the temporary easements in yellow.

Mr. Lovato stated that, after the design is approved by U.S. Fish and Wildlife, the permanent easement will be moved to the actual location needed by the design.

In response to a question from Director Lyon, Mr. Willis confirmed that the easements included sufficient access points to construct and maintain the drainage facilities.

Responding to another question from Director Lyon, Mr. Lovato stated that the next agenda item would define AMAFCA's rights in both the permanent and temporary easements.

Director Hernandez made a motion that the Board adopt Resolution 2012-15, *Authorization to Proceed with Acquisition of Right Of Way for the Southeast Valley Drainage Water Quality Management Plan Gravity Outlet to Rio Grande*. Director Lyon seconded the motion, which passed unanimously (5-0) on a roll-call vote.

b. Agreement with the Trust for Public Lands and the U.S. Fish and Wildlife Service to purchase temporary construction easements and permanent drainage easements within Price's Dairy

Mr. Lovato stated that the agreement with the Trust for Public Lands and the U.S. Fish and Wildlife Service addresses AMAFCA's rights in the temporary construction easements and the permanent easements. He explained the details of the agreement to the Board.

Chairman Eichenberg recognized Greg Hiner, of the Trust for Public Lands (TPL). Mr. Hiner stated that the TPL Board had authorized proceeding with the purchase of the Price's Dairy property pending the decision of the AMAFCA Board at this meeting.

Clay Campbell, of Bernalillo County Parks and Recreation, reported that the Bernalillo County Commission had approved their funding for this project, and the County Manager had entered into an agreement with the Fish and Wildlife Service.



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

Page 17

Tom Harvey, of the U.S. Fish and Wildlife Service (FWS), thanked the AMAFCA Board for working with them on this project.

Director Hernandez requested that Mr. Harvey also thank Dr. Tuggle on behalf of the Board, for being willing to consider an AMAFCA project in conjunction with the Wildlife Refuge project. Director Hernandez stated that the project is a win-win for everyone.

Chuck Easterling, of Easterling and Consultants, thanked the Board on behalf of John Price, stating John and Leslie Price were very excited that this project was coming together.

In response to a question from Director Thomson, Mr. Hiner stated that the City of Albuquerque has not committed funds to Phase I of the project, but he is in discussions with the City regarding funding for Phase II. He is in discussions with the Mayor about how this project fits into the City's Rio Grande Plan.

Responding to a question from Chairman Eichenberg, Attorney Rael stated that he had reviewed the agreement prior to the mailout, but the font and formatting of the document had changed since his review. He stated he would like to review it again to be certain that nothing had changed.

Chairman Eichenberg stated that the agreement could be approved subject to Mr. Rael's final review, due to the formatting and font changes.

Director Hernandez made a motion that the Board authorize staff to proceed with the acquisition of the temporary and permanent easements for drainage and water quality features at Price's Dairy based on the terms included in the *Temporary Construction Easement and Permanent Drainage Easement Agreement For Drainage and Water Quality – Price's Dairy*, attached to the Board's memo, and authorize the Executive Engineer to sign same. Director Lyon seconded the motion.

Director Hernandez amended the motion to approve the agreement subject to review by AMAFCA's attorney. Director Lyon seconded the amendment, which passed unanimously (5-0).

The amended motion passed unanimously (5-0).

c. Two Short Term Recreational Licenses

Mr. Willis stated that two short term recreational licenses had been issued. One was for a cross country race at the North Domingo Baca Dam on August 25, 2012, and the other for a cross country meet at the John B. Robert Dam on September 23, 2012. Insurance certificates have been received for both events.



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

Page 18

Director Hernandez left the meeting at 1:05 p.m. due to a prior commitment.

d. Consideration of Extension of Encroachment License with Bernalillo County for Temporary Parking Lot at Las Ventanas Detention Dam

Mr. Willis stated that in 2008, the Board had approved a Temporary Encroachment License with Bernalillo County Parks and Recreation Department for a temporary parking facility at the Las Ventanas Dam. The parking facility has provided much-needed parking in the area, and has improved safety for those using the recreation facilities. Bernalillo County has requested an extension of the license for four more years. During this period the County will continue to work on their Master Plan for the Las Ventanas Dam area. The temporary license allows for renewal if the Board decides to do so at the end of the license period.

His memo noted the license is the same as the previous license, which had been approved by then AMAFCA Attorney Bregman and the County legal department. He recommended approval subject to final legal review by Attorney Rael.

Director Lyon made a motion that the Board approve the License Agreement and authorize the Chairman to execute the License Agreement, substantially the same as attached to the memo, subject to final legal review by AMAFCA Attorney Rael. Director Brown seconded the motion, which passed (4-0), Director Hernandez being no longer present.

19. Turnkey Agreements

a. Consideration of Turnkey Agreement for Drainage Outfall to Raymac Dam Outlet as Related to Tierra de Sandia Subdivision, Tract A

Lynn Mazur, AMAFCA's Development Review Engineer, stated that this project was a minor riprap rundown to the Raymac Dam Outlet at the Tierra de Sandia Subdivision, Tract A. The property is located east of Coors Boulevard and north of Raymac Road. The property owner plans parking lot improvements which will include a riprap lined swale rundown to the Raymac outfall ditch to drain stormwater runoff from the paved parking lot.

She noted that this agreement had been approved in 2009 but the work was not completed within the two year period specified in the original agreement. The property owner is now ready to do the work and is requesting reapproval of the agreement.

Ms. Mazur noted that in 2009, she had discussed the project with the AMAFCA Field Engineer and Maintenance Superintendent. They advised that riprap lining this swale will help relieve a small, long-time maintenance problem where the Coors Boulevard bar ditch has eroded the side of the Raymac Outlet ditch.



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

Page 19

Director Thomson made a motion that the Board approve the Agreement, substantially the same as attached to the memo, and authorize the Chairman to execute the *Turnkey Agreement for Construction of Drainage Outfall to Raymac Dam Outlet as Related to Tierra de Sandia Subdivision, Tract A*. Director Brown seconded the motion, which passed (4-0).

b. Review and Comment on *Turnkey Agreement for Channel Improvements on the Mirehaven Arroyo as Related to Stormcloud Subdivision*

Ms. Mazur stated that this project was major drainage infrastructure approved in 2006 with Westland Development Company, then-owners of the property. The current owners are Western Albuquerque Land Holdings LLC (WALH). A portion of the work was done in 2006, but not all of it. The final improvements still need to be done to stabilize the grubbed-out channel. AMAFCA will maintain the channel after construction is complete.

Ms. Mazur noted that the channel improvements include dumped riprap, a natural sand bottom, and grade control structures to stabilize the channel. This is the same treatment as the downstream section of the channel. This will reduce the sediment load that currently reaches Ladera Dam 12. Subdivision improvements will also include installation of two storm drain outfalls to the Arroyo.

She stated that there is an existing AMAFCA easement on the property that was granted in 1996. The Temporary Drainage Easement matches the current FEMA floodplain. The owner is requesting quitclaim/release of the easement, contingent upon receipt of a Letter of Map Revision (LOMR) from FEMA based on the proposed Arroyo improvements, which will confine floodplain to the constructed channel. This is the last remaining piece of the Temporary Drainage Easement granted by the 1996 plat.

Ms. Mazur stated that the agreement includes a paragraph that states AMAFCA will issue an Encroachment License for work within the easement until the LOMR is approved. The City and AMAFCA have allowed such work to proceed in a floodplain as long as a note is added to the final plat stating that flood insurance may be required until the LOMR is approved.

She noted that execution of the Turnkey Agreement will bring this section of the Arroyo under AMAFCA maintenance. WALH will dedicate right-of-way in fee simple to AMAFCA for the improved channel and a maintenance road alongside the channel.

Ms. Mazur pointed out that the agreement includes something new for AMAFCA, a financial guaranty for construction. As previous financial guaranties through the City have fallen short on some previous projects, staff proposes that the owner furnish a financial guaranty for 125% of the engineer's estimate for the Arroyo improvements directly to AMAFCA in a form suitable to AMAFCA, in lieu of the financial guaranty with the City. She asked for Board input on this proposal, as it would require a new policy, and a tracking mechanism.



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

Page 20

She also asked for Board comment on the draft agreement in general, stating that she planned to present the final agreement for approval at the September meeting.

Director Brown stated he was not sure that AMAFCA should get into the bond business with the financial guaranty clause in the agreement. He noted that it takes considerable time to track, administer, and enforce such guaranties. He also noted that the City of Albuquerque has the authority to request that all public works be in place before a certificate of occupancy is issued. He opined that AMAFCA should affirmatively require City support of AMAFCA's interests in a timely manner, in spite of their having difficulties with the guaranty on one project.

Ms. Mazur noted that the channel will take public water as well as water from the subdivision, so the project is in the City's best interests also.

Director Brown agreed, reiterating that the City has the capability to administer and enforce financial guaranties, so this function should remain with the City, rather than duplicating efforts. The City has the advantage of being able to hold off on occupancy permits until all conditions are met.

Director Lyon agreed, and asked Attorney Rael for his legal opinion.

Attorney Rael gave the opinion that financial guaranty tracking, renewals, releases, and so on would substantially increase AMAFCA's operating expenses. He recommended that financial guaranties remain a function of the City of Albuquerque.

Chairman Eichenberg noted that just with releases, partial releases, renewals, extensions and so forth, it would require another staff person to track everything.

Director Brown noted that only two projects out of about 6,000, twenty years' worth of projects, had experienced problems with the City administering the financial guaranties.

Discussion followed. Consensus of the Board was support of the agreement with the removal of the financial guaranty section.

20. Dam Safety – Briefing on EPAT

Mr. Lovato briefed the Board on a meeting he attended with the new Dam Safety Bureau Chief, Chuck Thompson, and a meeting with Chuck Easterling of the New Mexico Watershed and Dam Owners Coalition (NMWDOC), and John Kelly, who had just stepped down as the Chairman of that group. They are looking at revising the type of storm event that would be used to size a dam's spillway.



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

Page 21

He stated that currently, the PMP (Probable Maximum Precipitation) event is used, but the Office of the State Engineer has a new tool called the EPAT program to look at extreme precipitation activities and look at how much rain could theoretically occur at a dam. He gave the example of the Pino Dam, where the EPAT model showed 17 inches of rain over a 72 hour period, asking if that was a realistic estimation.

Mr. Lovato reported that the Office of the State Engineer is agreeable to working with the group to investigate an alternative method. He stated he would like to come to the Board next month with a cooperative agreement wherein AMAFCA would manage this effort. This would be about a \$50,000 to \$60,000, perhaps up to \$75,000, to begin investigating the best way to do this. He stated he would request \$50,000 from the NMWDOC to help pay for this effort. AMAFCA would take care of the fiscal responsibilities and manage the project.

He stated that he hoped to work with the State Engineer's Office to provide QA/QC oversight, and that could end up costing the State Engineer \$20,000 to \$25,000. Right now the State Engineer is stating those funds can be made available beginning in January. He opined it looks like there is an opportunity to work with the new Dam Safety Bureau Chief and get a standard that is more realistic than HMR-55, which is outdated, and nobody can reproduce the information anymore.

He asked for input from the Board, stating he would like to bring this before the Board next month.

Director Brown supported Mr. Lovato's recommendation, stating that this is within AMAFCA's area of expertise, and very appropriate for AMAFCA to take the lead in this effort.

Director Thomson agreed, stating that it is timely, and this will make a big contribution to not only the local area, but also the whole state.

In response to a question from Chairman Eichenberg about if other agencies in the state would follow AMAFCA's lead, Mr. Lovato stated that he had been asked to attend a meeting of the South-Central New Mexico Stormwater Management Coalition (SCNMSMC), which is facing the same issues as AMAFCA. The meeting will be in September in Las Cruces.

In response to a question from Director Thomson about leveraging resources with other agencies, Chuck Easterling stated that the SCNMSMC includes the Elephant Butte Irrigation District (EBID). They have serious issues with their dams where this approach will provide a significant amount of relief to them. He stated that the EPAT software tool needs to be modified so that it fits what really happens.

Mr. Easterling stated that dam owners are being told by the Dam Safety Bureau that holding 95% of the Probable Maximum Precipitation (PMP) is inadequate, and the dam needs to be fixed. However, the 95% PMP storm will probably occur once in every 30,000 to 50,000 years.



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

Page 22

Dams in the region are designed for the 100 year storm. Being able to handle a 75% PMP, with a probability of once in every 15,000 to 20,000 years, is probably good enough. If engineers knew those numbers, limited resources could be more wisely spent where they would do the most good.

Mr. Easterling stated that NMWDOC has \$50,000 to spend on this effort. He reported he had a long conversation with Richard Rose, the new head over the Dam Safety Bureau, as well as with Chuck Thompson, and Scott Verhines, the new State Engineer, and they all agree that this is something that needs to be done. He also opined that due to its reputation and expertise, AMAFCA is probably the best entity in the state to head up this task. Compared against the cost of upgrading one dam, this would be money well spent.

Director Thomson stated that he had held conversations with an engineer who consults with the EBID. He opined that it should not be a hard sell to have other agencies, such as EBID, join with AMAFCA to fund this effort.

21. Unfinished Business

Director Lyon noted that Kevin Troutman, AMAFCA GIS Manager, had been on television on channel 13 the day before. Mr. Troutman reported that the news story was regarding a party in the North Diversion Channel on August 20. Approximately 200 people were in the arroyo. The party was broken up by the Albuquerque Police Department.

Mr. Troutman reported that Kurt Wagener, AMAFCA Field Engineer, was interviewed in a story on Channel 7 regarding fifteen tires dumped in the Hahn Arroyo, and also in a followup story on AMAFCA picking up the tires.

22. New Business

None.

23. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 1:34 p.m.

Bruce M. Thomson, Secretary-Treasurer, 9/27/12

Recorded by Pamela Woodruff, Executive Administrative Assistant