



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 1

1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:03 a.m. Thursday, December 13, 2012. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Bruce M. Thomson Director Ronald D. Brown Director Daniel F. Lyon
Directors excused:	None
Others present:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA

A quorum was present. Mr. Lovato stated that Attorney Rael was not at the meeting due to surgery. He noted that the Journal had an article about Corps of Engineers' 404 Permit jurisdiction issues, and Mr. Rael's office was researching the matter before sending someone to the AMAFCA meeting.

2. Approval of Agenda

Mr. Lovato noted that there were late mailout memos for agenda items 6c, 6d, 8a, and 10. These had been emailed to the Board and hard copies were in their meeting folders. Director Lyon made a motion to approve the agenda. Director Hernandez seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. Wednesday, January 2, 2013, 10:00 a.m. – Special Meeting
- b. Thursday, January 24, 2013, 10:00 a.m. – Regular Meeting
- c. Thursday, February 28, 2013, 10:00 a.m. – Regular Meeting

After discussion, the Board decided to hold the January 2, 2013 Special Meeting at 9:00 a.m. instead of 10:00 a.m. Chairman Eichenberg asked staff to research whether another Board member could swear in the recently-elected Directors. There were no other changes to the meeting schedule as presented. The revised schedule is:

- a. **Wednesday, January 2, 2013, 9:00 a.m. – Special Meeting**
- b. **Thursday, January 24, 2013, 10:00 a.m. – Regular Meeting**
- c. **Thursday, February 28, 2013, 10:00 a.m. – Regular Meeting**



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 2

5. Approval of Minutes

a. November 15, 2012 Regular Meeting

Director Hernandez made a motion to approve the minutes of the November 13, 2012 Regular Board Meeting. Chairman Eichenberg seconded the motion, which passed unanimously (5-0).

4. Items from the Floor/Public Comment

Mr. Lovato introduced Herman Gabaldon, who was recently promoted from Maintenance Oiler to Maintenance Superintendent, noting that Mr. Gabaldon had been an AMAFCA employee for 18 years, 3 months. The Board welcomed Mr. Gabaldon to his new role. Mr. Gabaldon stated he had big shoes to fill, but he felt he is up to the task.

6. Financial Matters

a. Approval of November 2012 Expenditures

Mr. Lovato presented the November 2012 Expenditure Report, which had been prepared by Irene Jeffries, AMAFCA Finance and Administration Manager. He stated that Ms. Jeffries was out of the office and unable to attend the meeting, due to a family emergency.

In response to questions from Director Thomson about the new T-1 internet connection, Kevin Troutman, AMAFCA GIS Manager, stated that AMAFCA had recently upgraded to a 20 Mb/sec fiber optic internet connection, instead of the previous 1.5 Mb/sec shared T-1 line. Mr. Lovato noted that AMAFCA paid to bring the fiber optic line in from Menaul. Mr. Troutman indicated that there had been a billing error and Century Link had inadvertently overcharged AMAFCA for the monthly service. He stated they will be crediting the overcharge to subsequent services. The monthly charges should be around \$1,900 a month.

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

b. Investment Report for November 2012

Mr. Lovato presented the investment report for November 2012, which had been prepared by Ms. Jeffries.

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



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 3

c. Financial Recap November 10, 2012, through December 7, 2012

Mr. Lovato presented the Financial Recap for November 10, 2012 through December 7, 2012, which had been prepared by Ms. Jeffries and was included in a late mailout. In response to a question from the Board, he noted that Ms. Jeffries had been out for about ten days due to a family emergency, but had come in for a few minutes to complete the Financial Recap and the Financial Forecast. Director Thomson expressed the Board's appreciation that she had come in to prepare the reports.

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

d. Financial Forecast December 8, 2012, through January 18, 2013

Mr. Lovato presented the Financial Forecast for the period December 8, 2012 through January 18, 2013, which had been prepared by Ms. Jeffries and was included in a late mailout.

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

Noting that legal counsel had not yet arrived, Chairman Eichenberg stated that agenda item 7a would be delayed until later in the meeting.

8. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Lovato's Executive Engineer's Report highlighted significant activities of the past month. Between the memo and the further information given in the meeting, Mr. Lovato covered the following:

- **New Mexico Department of Transportation (NMDOT)** – NMDOT and AMAFCA have commented on the draft report which is being prepared as a result of the study of the East I-40 Embudo Channel. The final report should be issued by the January 24, 2013 Board meeting. NMDOT expects the final costs of the study agreement to be approximately \$869,000.00. AMAFCA is responsible for 50% of the actual costs (\$434,500.00). Upon this amount being paid to NMDOT, the agreement will become null and void.
- **Corps of Engineers (COE)** – Numerous meetings have been held concerning the final close out of Phase One of the South West Valley Flood Damage Reduction Project (SWVFDR).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 4

- **Ditch Safety** – The Ditch Safety Task Force has been drafting a new agreement to address funding inadequacies, delegation of responsibilities, identifying goals and providing for reporting and accountability to all member agencies. Staff hopes to have the final draft agreement for the Board’s review at a future meeting, after it completes legal review. A redline-strikeout version of the current draft of the agreement had been provided to the Board. The agencies involved have been modifying the agreement for about a year.

In response to questions from the Board, Mr. Lovato stated that the COE had accepted about 80-90% of the SWVFDR Project. AMAFCA is concerned that the project may not have been constructed to the lines and grades of the construction documents. AMAFCA had as-built surveys done and has submitted those to the COE. The COE has not identified that any of the project has been built incorrectly. The way the Project Cooperation Agreement (PCA) is written, the COE could turn the project over at any time. AMAFCA's maintenance crew has done some cleanup of the project to help it drain, and to help identify what the problem is.

Kurt Wagener, AMAFCA Field Engineer, stated that the contractor re-poured two of the slabs at the siphons because they were built incorrectly. They also regraded one cell, but it is still not completely correct. He reported that he has had discussions with Bernalillo County about fixing the project after the COE hands it over to the local sponsors. It would require about 10,000 to 20,000 CY of dirt, and cost about \$100,000 to fix the project with AMAFCA and County crews. The COE is awaiting the as-builts from the contractor. Lacking the as-builts, AMAFCA has done field surveys to verify the project.

Mr. Lovato noted that AMAFCA has been pushing this issue hard in the last three months because there is only a small window of opportunity to do the regrading this winter before the water table rises again.

In response to a question from Director Thomson, Mr. Lovato stated that it is common for a COE PCA to turn over projects upon completion, whether or not it has been constructed according to the plans. AMAFCA and Bernalillo County can't fix the project themselves until it is turned over to them, and the COE has not made arrangements to fix the project itself.

Director Hernandez commented that it would be better to have AMAFCA or Bernalillo County manage future projects with the COE, noting that this is the second time a recent COE project had been built incorrectly.

Responding to a question from Director Lyon, Mr. Lovato stated that the PCA is written to state that the local sponsors have to accept the project for maintenance when it is turned over to them. For the past year, he has been attempting to get the project fixed before it is turned over. Now, he would prefer that it just be turned over so that the local sponsors could fix it.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 5

Discussion followed. Director Brown asked whether a reasonable person would accept the project in its current condition. Director Lyon noted that it would be reasonable to assume that the project was built correctly and functions as it was designed, and to ask that it be built correctly before being turned over. Director Brown noted that there was a small window of opportunity to fix the project this winter, and suggested maybe it would be a better solution just to take acceptance of the project and fix it before the window closes in March. Director Hernandez agreed that this should be fixed by March.

Consensus of the Board was to have someone from the COE attend the January 24, 2013 Board meeting to discuss the project further.

b. Notification of On-Call Services Task Orders

Mr. Lovato stated that four on-call task orders had been issued since the last Board meeting, as listed in his memo. He gave further details on each.

9. Storm Water Quality Education Coordinator Services – Consideration of Agreement with Cooney Watson and Associates, Inc.

Kevin Daggett, AMAFCA Storm Water Quality Engineer, provided the memo for this item.

Mr. Lovato stated that at the November 15, 2012 Board meeting the Board authorized staff to proceed with contract negotiations with Cooney Watson and Associates, Inc. for professional services for the Storm Water Quality Education Coordinator. The total fee of \$35,000 has been allocated approximately half for hourly services and half for special services billings, including advertising and printed materials. The fee is a portion of the annual budget of the Storm Water Team. The agreement had been reviewed by Attorney Rael, and is between AMAFCA, as the Storm Water Team's Fiscal Agent, and Cooney Watson.

In response to a question from Director Thomson, Mr. Lovato stated that the \$35,000 is a portion of the Storm Water Team's budget. AMAFCA contributes \$10,000 a year to the Storm Water Team. Responding to a question from Chairman Eichenberg, Mr. Lovato noted that Cooney Watson and Associates have been the Storm Water Quality Education Coordinators for the past eight years. They have also worked with the Albuquerque Bernalillo County Water Utility Authority.

Director Lyon made a motion that the Board approve the Professional Services Agreement for Storm Water Quality Education Coordinator with Cooney Watson and Associates, Inc., for the Time and Materials, Not to Exceed amount of \$35,000.00, excluding New Mexico Gross Receipts Tax. Chairman Eichenberg seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 6

**10. Calabacillas West Branch Arroyo Drainage and Water Quality Management Plan
– Selection Advisory Committee Selection**

Brad Bingham, AMAFCA Drainage Engineer, provided the memo and late mailout memo for this item.

Mr. Lovato stated that five proposals had been received by the deadline. The Selection Advisory Committee had met and scored the proposals. Tetra Tech, Inc., had been ranked the highest. He requested that the Board approve the selection of Tetra Tech, Inc., and authorize the Executive Engineer to commence negotiations per the provisions of the Procurement Code.

Mr. Bingham noted that John Kelly of Tetra Tech was in the audience. Mr. Kelly stated that he would be Tetra Tech's Project Manager for this project.

Director Brown made a motion that the Board accept the recommendation of the Selection Advisory Committee and authorize the Executive Engineer to commence negotiations with Tetra Tech, Inc. Director Hernandez seconded the motion, which passed unanimously (5-0).

Mr. Kelly thanked the Board, and stated that he looked forward to working with AMAFCA and SSCAFCA on this project.

**11. Request for Authorization of Out of State Travel – ESRI International User's
Conference, July 8-12, 2013**

Mr. Lovato stated that ESRI is the publisher of AMAFCA's ArcGIS software. The 2013 ESRI International User Conference will be held in San Diego, California on July 8-12, 2013. He requested authorization to send Kevin Troutman, AMAFCA's GIS Manager, to the conference, stating that the many educational workshops and presentations would be of great value to AMAFCA and Mr. Troutman. The registration for the conference is included in the annual software maintenance license fee.

In response to a question from Chairman Eichenberg, Mr. Troutman stated that online courses run about \$200 - \$300 each, so the total costs would be about the same as attending the conference, for a lesser experience.

Director Hernandez made a motion that the Board authorize out of state travel and expenses for Kevin Troutman, GIS Manager, to attend the 2013 ESRI International User's Conference in San Diego, California, July 8-12, 2013, not to exceed \$2,500.00, pursuant to Resolution 1998-16. Director Brown seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 7

12. Request for Authorization for Out of State Travel – Association of State Dam Officials, Soil Mechanics for Dam Safety, February 5-7, 2013

Mr. Lovato stated that the Association of State Dam Officials 2013 Conference will cover Soil Mechanics for Dam Safety. The conference will be held in Oklahoma City, Oklahoma, on February 5-7, 2013. He requested authorization to send Kurt Wagener, AMAFCA's Field Engineer, to the conference, as it would be of benefit to AMAFCA and Mr. Wagener.

Responding to a question from the Board, Mr. Wagener stated that he had not had a course in Soil Mechanics since he was in college.

Director Brown made a motion that the Board authorize out of state travel and expenses for Kurt Wagener, Field Engineer, to attend the ASDO Soil Mechanics Conference for Dam Safety in Oklahoma City, Oklahoma, February 5-7, 2013, not to exceed \$2,500.00, pursuant to Resolution 1998-16. Director Hernandez seconded the motion.

Director Thomson noted that a refresher course in Soil Mechanics would be very valuable to AMAFCA and Mr. Wagener.

The motion passed unanimously (5-0).

13. Approval of Resolution 2012-19, 2012 Bond Question Canvass

Mr. Lovato stated that Resolution 2012-19, *2012 Bond Question Canvass*, was the same as was used in the past but with updated information. The Bernalillo County Commission, acting as the Board of Canvassers, certified the election results on November 16, 2012. He recommended that the Board adopt the resolution.

Director Brown made a motion that the Board adopt Resolution 2012-19, *2012 Bond Question Canvass*. Director Hernandez seconded the motion, which passed unanimously (5-0) on a roll-call vote.

14. Approval of Resolution 2012-20, 2012 AMAFCA Directors Election Canvass

Mr. Lovato stated that Resolution 2012-20, *2012 AMAFCA Directors Election Canvass*, was the same as was used in the past but with updated information. The Bernalillo County Commission, acting as the Board of Canvassers, certified the election results on November 16, 2012. He recommended that the Board adopt the resolution.

Director Hernandez made a motion that the Board adopt Resolution 2012-20, *2012 AMAFCA Directors Election*. Director Lyon seconded the motion, which passed unanimously (5-0) on a roll-call vote.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 8

15. AMAFCA FY-2012 Audit – Acceptance of Audit

The memo for this item had been prepared by Ms. Jeffries.

Mr. Lovato stated that the Board had already held the audit exit conference in closed session on October 25, 2012. The Release Letter from the Office of the State Auditor, dated November 29, 2012, had been received. Per Section 12-6-5 NMSA 1978, the audit report does not become public record until five days after the date of the release letter. Sufficient time has elapsed that the audit is now a public record.

He noted that Herman Chavez, of AMAFCA's Auditors, Ricci and Company, was in the audience to answer any questions.

Mr. Lovato requested that the Board accept the audit so that it could be sent to the bond rating agencies and the Nationally Recognized Municipal Securities Information Repository as required under the Continuing Disclosure Undertaking related to AMAFCA's bonds.

In response to a question from Director Thomson, Mr. Chavez stated that a current liability is one that will be paid within a year. A non-current liability is one that is not expected to be paid within a year. Examples are bonds, and uncompensated absences that won't be paid this year.

Director Hernandez made a motion that the Board accept the FY-2012 Audit. Director Brown seconded the motion, which passed unanimously (5-0).

16. Proposed Development by Pino Dam and Proposed Turnkey Agreement for Pino Arroyo Improvements

Lynn Mazur, AMAFCA Development Review Engineer, stated that this agenda item concerned a proposed development east of the Pino Dam, west of Tramway. She reminded the Board that AMAFCA does not own Pino Dam, but has three overlapping easements covering the embankment and arroyo. AMAFCA has to be very careful about what is developed in the dam pool, and how it is developed.

She stated that staff had met with John Mechenbier several times over the past several years. The Pino Arroyo runs through Mr. Mechenbier's property. He would like to revise the FEMA floodplain on his property by channelizing the arroyo and showing a reduction of the backwaters of the Pino Dam. This can be done by showing the updated PMF elevation. Mr. Mechenbier has asked AMAFCA to take maintenance of the Pino channel project once completed.

Ms. Mazur noted that the FEMA floodplain hasn't been updated since 1983. The existing floodplain on the FEMA map is probably greater than the 100-year floodplain. In addition to



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 9

the 100-year flood, AMAFCA also is concerned with the Probable Maximum Flood (PMF) event. She noted that, in order to remove properties from floodplain, Mr. Mechenbier will use fill and provide compensatory ponding volume for the PMF floodplain.

Responding to a question from Director Hernandez, Ms. Mazur showed the approximate boundaries of the PMF floodplain on the map. She stated that Mr. Mechenbier's project will be coordinated with Dr. Galbreth's project just to the west.

Mr. Lovato gave further details on the dam pool easement. He stated that AMAFCA needs to maintain easements for the PMF dam pool, and for the arroyo.

Referring to the map, Ms. Mazur showed the three easements which would be vacated. New easements to cover the PMF dam pool and fee right-of-way for the arroyo would be granted by Mr. Mechenbier. She stated that she planned to bring a draft turnkey agreement to the Board at a future meeting, probably in January 2013.

She requested Board input on the proposed development, and concurrence to proceed with a draft Turnkey Agreement for Pino Arroyo Improvements. She noted that staff was interested in pairing this project with Dr. Galbreth's project for one consistent analysis for the dam for the PMF and the 100-year storm.

Discussion followed. In response to a question from Director Thomson, Ms. Mazur stated that Mr. Mechenbier would need to provide sufficient fill to elevate his lots above the PMF elevation. Mr. Lovato stated that staff is assuming that the project will not affect OSE dam approval.

Ms. Mazur stated that as a part of his development, Mr. Mechenbier would like AMAFCA to quitclaim easements 6, 7, and 4 as shown on the 2010 Bulk Land Plat. He will dedicate in fee the proposed waterway for the Pino Channel improvements, including maintenance road. Staff anticipated a draft agreement would come before the Board at the January 24, 2013 Board meeting.

Mr. Lovato introduced Fred Arfman, the engineer on the project. The dam has a lot more capacity than the 100-year event, so larger events have to be modeled.

Mr. Arfman stated that Mr. Mechenbier wants to make his land developable. A Conditional Letter of Map Revision (CLOMR) will be submitted to FEMA. The existing Pino Arroyo would be channelized. They are cooperating with Dr. Galbreth on the grading plan. The City of Albuquerque has vacated some excess Tennyson alignment and Tennyson Extension alignment. The developer is planning to get the other half of the roadway alignment vacated. They will retain the water easements. They are under contract with a company to develop a senior assisted living complex on the northern portion of the tract. Higher density housing would probably be built south of the channel.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 10

Director Thomson noted that the Easterling rainfall analysis will probably reduce the PMF for this dam. He asked when the new PMF would be available, if the new tool is accepted. Mr. Lovato responded that, whether HMR55A or a site-specific EPAT is used, it would take about two years to establish a new PMF for the dam. The tool would first be applied to existing dams. This would affect any dam modifications needed to pass storm waters from the PMF.

Mr. Lovato stated that Easterling and Associates will use both the existing HMR55A and the EPAT tool to get site-specific information, including peak flows, for the existing dam.

Mr. Arfman stated that the compensatory dam pool volume could be contained in landscaping areas within the development.

Consensus of the Board was to proceed with the draft turnkey agreement.

17. Consideration of Approval of the Memorandum of Understanding between the City of Albuquerque and AMAFCA for Financial Guarantees for Infrastructure

Mr. Lovato stated that Lynn Mazur would also present the proposed Memorandum of Understanding (MOU) between the City of Albuquerque and AMAFCA for Financial Guarantees for Infrastructure. He summarized the key elements of the agreement:

- AMAFCA will review and approve the Infrastructure List and cost estimate for drainage infrastructure that AMAFCA has agreed to maintain.
- The City will track and enforce the financial guarantees for AMAFCA. AMAFCA will pay legal costs.
- The City will surrender collected funds to AMAFCA.

Ms. Mazur stated that final attorney comments had been received from the Assistant City Attorney, Blake Whitcomb, and from Vanessa Chavez of Robles, Rael and Anaya, AMAFCA's attorney. AMAFCA Attorney Marcus Rael and Mr. Whitcomb drafted the agreement. She noted that it was ready for signature if approved by the Board.

She requested that the Board authorize the Chairman to execute the Memorandum of Understanding.

Chairman Eichenberg had questions about the "Termination" paragraph, which referred to an address earlier in the agreement. The City's address in the agreement was a Post Office Box. He stated he would like to see any notices to the City directed to a specific person (job title) rather than just the Post Office Box, as a return receipt was required.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 11

In response to a question from Director Brown about who has the authority to call the financial guarantees, Mr. Lovato stated that the City of Albuquerque had that authority. Director Brown suggested that wording be added to state that AMAFCA has the authority to direct the City to call the financial guarantee, when infrastructure is needed.

Director Hernandez noted that the "Payment for Performance" paragraph was weak.

Mr. Lovato stated that the suggested changes would be made, and the MOU brought back before the Board at their January 24, 2013 meeting.

18. Real Estate

a. Consideration of First Extension of Parking Lease with Liberty Gym – Jefferson Property

Jeff Willis, AMAFCA Real Estate Manager, stated that AMAFCA has leased a parcel on the west side of Jefferson at the Embudo Channel to Liberty Gym on an interim basis. The lease allows for options to extend the lease upon the same terms for two additional two year periods, upon the written agreement by both parties to do so. AMAFCA is not yet at the point of needing to use the property for flood control or storm water quality purposes.

He stated that Liberty Gym has complied with the terms of the lease, and he recommended extending the lease. This would be the first extension of the lease. The lease amount is \$2,500.00 per year.

Director Hernandez noted that sometimes cars are parked in such a fashion that they block the access gate. As this is used as an access point in arroyo rescues, it is important not to block the gate. He also noted that, with the lease, the area is maintained in better condition than it was before the lease began.

Mr. Lovato noted that signs to not block the gate were put up about four months ago.

Director Lyon suggested that language could be added to the lease extension requiring them to not block the access gate.

Director Lyon made a motion that the Board authorize the Executive Engineer to execute the Lease Option Extension Agreement with Liberty Gym, with the addition of a clause that parked vehicles must not block the access gate. Director Hernandez seconded the motion.

The Board briefly discussed the form this clause should take – whether it should provide that any vehicles blocking the gate may be towed, or whether the agreement should completely prohibit parking in that area. Removable bollards were suggested. Director Hernandez suggested a simple reminder to the gym.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 12

The motion passed unanimously (5-0).

b. Consideration of First Extension of Agricultural Lease with Marvin Abeita – Rutherford Property

Mr. Willis' memo stated that a parcel of land at the southeast corner of Isleta and Malpais SW has been leased to Marvin Abeita on an interim basis. The lease allows for options to extend the lease upon the same terms for three additional one year periods, upon the written agreement by both parties to do so. AMAFCA is not yet at the point of needing to use the property for flood control or storm water quality purposes.

He stated that Mr. Abeita has complied with the terms of the lease, and he recommended extending the lease. This would be the first extension of the lease. The lease amount is \$500.00 per year.

Director Brown made a motion that the Board authorize the Executive Engineer to execute the Lease Option Extension Agreement with Marvin Abeita. Director Lyon seconded the motion, which passed unanimously (5-0).

c. Consideration of Second Extension of Agricultural Lease with Scott Rasband – Terpstra Property

Mr. Willis' memo stated that a parcel of land south of Don Andres Road SW has been leased to Scott Rasband on an interim basis. The lease allows for options to extend the lease upon the same terms for three additional one year periods, upon the written agreement by both parties to do so. AMAFCA is not yet at the point of needing to use the property for flood control or storm water quality purposes.

He stated that Mr. Rasband has complied with the terms of the lease, and he recommended extending the lease. This would be the second extension of the lease. The lease amount is \$1,950.00 per year.

Director Hernandez made a motion that the Board authorize the Executive Engineer to execute the Lease Option Extension Agreement with Scott Rasband. Director Brown seconded the motion, which passed unanimously (5-0).

19. Construction Report

The memo from Kurt Wagener, AMAFCA Field Engineer, contained a summary of current construction projects. Mr. Lovato noted that work on the Boca Negra Dam started the previous day. The previous week, the contractor had worked on the pad for the PNM substation, which would be turned over to PNM prior to December 25, 2012, as agreed. There were no questions.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 13

Mr. Lovato stated that the Field Highlights would run as a continuous loop during the holiday luncheon.

20. Unfinished Business

a. Review of Senate Bill 85 – Regular Session 2012

Mr. Lovato stated that, as directed by Chairman Eichenberg at the November 15, 2012 Board meeting, he had provided copies of Regular Session 2012 Senate Bill 85 for their review, discussion, and direction. Senate Bill 85 had been introduced by Senator Eichenberg. It amends the Rio Grande State Park to expand it to provide better recreation opportunities, and also use the property at Price's Dairy (the Valle de Oro Wildlife Refuge).

Chairman Eichenberg stated that the bill had passed the Senate with only one negative vote. It passed the House committees, but didn't make it to a House vote due to stalling tactics on the last day of the session. He noted that the Cabinet Secretary had opposed the bill, even though it did not call for any funding, because it could lead to funding requests in the future.

Chairman Eichenberg stated that for this reason, it would be a good idea to lobby the Governor regarding the bill if it is re-introduced at the upcoming legislative session.

Discussion followed. Director Hernandez stated he had met with Senator-Elect Michael Padilla, who is strongly in favor of the bill. He might be a good person to champion the bill if it is re-introduced.

Chairman Eichenberg asked Director Hernandez to find out if Senator-Elect Padilla would champion the bill. He also suggested that AMAFCA seek the opinion of the AMAFCA Legislative Liaison. He would like an opinion from Ms. Alarid that the bill would be well-received before Senator-Elect Padilla works on it. He noted that the language used regarding funding stated "may" not "shall," so the possibility of funding might be there someday in the future, but this bill does not include any funding.

Chairman Eichenberg commented that the State considers it a "ghost park" as the State does not want to acknowledge it. It was originally created to allow riverboat gambling between the Sandia and Isleta Pueblos.

Director Brown stated that he had no problem with re-introducing the bill. Chairman Eichenberg, and Directors Thomson, Lyon, and Hernandez agreed.

Consensus of the Board was to support re-introduction of the bill.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 14

Director Thomson noted that the Wildlife Refuge is consistent with the Mayor's Plan for Albuquerque, and asked if the City of Albuquerque could be brought on board. Chairman Eichenberg stated that the City of Albuquerque has not supported the wildlife refuge financially.

Director Thomson noted that this is much bigger than the wildlife refuge. He suggested that the AMAFCA Legislative Liaison talk to the City about the project.

21. New Business

Mr. Lovato noted that two photographers from the National Geographic would be in town the following week to look at tumbleweeds and photograph them, and photograph the AMAFCA tumbleweed snowman as well. Their story will cover the persistence and pervasiveness of tumbleweeds and other aggressive weeds, and will examine them in their natural habitat as well as work with scientists developing means to defeat them.

7. Legal

a. Status Report

Chairman Eichenberg noted that the memo from Attorney Marcus Rael, Jr. briefed the Board on the status of various legal matters. There were no questions and there was no discussion.

22. Recognition of Roland Penttila, Retiring City of Albuquerque Employee

Chairman Eichenberg introduced former AMAFCA Directors Geneva Meeker, Linda Stover, and Janet Saiers, and former AMAFCA Executive Engineers Col. Richard Leonard and John Kelly.

Chairman Eichenberg introduced Roland Penttila, formerly of the City of Albuquerque, who had retired the day before. Mr. Penttila introduced his wife Peggy, and daughter Kim, who were in the audience.

Chairman Eichenberg presented Mr. Penttila with a plaque from the Board in appreciation of his work in cooperation with AMAFCA, and in recognition of his service to the community.

Mr. Penttila was acknowledged with applause from the audience.

Mr. Penttila thanked the Board. He stated that since 2007, he had been an advocate for storm water quality. He had not been popular at the City for that uncompromising stance, but now the City is considering issues like the EPA's storm water quality requirements, and is updating the Storm Drainage Ordinance.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 15

23. Recognition of Larry Trujillo, Retiring AMAFCA Employee

The AMAFCA Maintenance Crew joined the meeting.

Chairman Eichenberg noted that Larry Trujillo, AMAFCA Maintenance Superintendent, was retiring after many years of service to AMAFCA. He had started at AMAFCA in 1980, and had been running the maintenance department since 1985. He mentioned several accomplishments, including being an official "Quacker" of the Hahn Arroyo Duck Race, helping to fight the Los Alamos Fire in 2000, and, with the maintenance crew, completing the North Diversion Channel Outfall Embayment Project almost a year ago.

He stated that he was pleased that Mr. Trujillo had been willing to stay on two more years during the transition period for the new Executive Engineer, as his knowledge and expertise were invaluable.

He presented Mr. Trujillo with a plaque from the Board in recognition of his many years of service to AMAFCA and the community. Board members commented, expressing appreciation to Mr. Trujillo for over 32 years of service. Sal Hernandez, of the AMAFCA maintenance crew, spoke for the crew, expressing the crews' appreciation for his years of leadership.

Former AMAFCA Executive Engineer John Kelly related how the ultimate test of a project was whether or not Mr. Trujillo had approved of it after AMAFCA took over maintenance of the project. Mr. Trujillo's comments over the years led to improved project designs that were easier to maintain.

Former AMAFCA Board Chair Geneiva Meeker noted that Mr. Trujillo had seemed very young when he started at AMAFCA. The question at that time was whether or not he could do the job, and he quickly proved that he could.

Former AMAFCA Board Chair Janet Saiers congratulated Mr. Trujillo, and told him to enjoy his retirement.

Former AMAFCA Director Linda Stover stated she thought she would see him doing a lot of two-stepping in his free time.

Mr. Lovato noted that, as a child, Mr. Trujillo would cross the North Diversion Channel at the Alameda Bridge on trips into town for groceries and supplies. He used to wonder how they cleaned that big ditch. Years later, he was cleaning it himself.

Mr. Lovato thanked Mr. Trujillo for his hard work.

Chairman Eichenberg also introduced Mr. Trujillo's wife Anna, who was also in attendance.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2012**

Page 16

Mr. Trujillo thanked the Board, staff, and crew. He stated that he had learned a lot in his 33 years at AMAFCA, and he would never forget those he had worked with.

The audience expressed their appreciation of Mr. Trujillo with applause.

24. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 11:41 a.m.

The Board's annual Holiday Luncheon immediately followed the meeting.

Bruce M. Thomson, Secretary-Treasurer, 1/24/13

Recorded by Pamela Woodruff, Executive Administrative Assistant