



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 23, 2014**

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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:02 a.m. Thursday, January 23, 2014. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Bruce M. Thomson Director Ronald D. Brown (arrived at 10:03 a.m.) Director Daniel F. Lyon
Directors excused:	None
Attorney excused:	Attorney Marcus Rael, Jr.
Others present:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Jerry Lovato, AMAFCA Executive Engineer, noted that there had been late mailout memos on agenda items 10a, 10b, 15, 18, and 20. There were no changes to the agenda.

Director Lyon made a motion to approve the agenda. Director Hernandez seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. February 27, 2014, 10:00 a.m. – Regular Meeting**
- b. March 27, 2014, 10:00 a.m. – Regular Meeting**
- c. April 24, 2014, 10:00 a.m. – Regular Meeting**

No changes were made to the meeting schedule as presented.



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- 4. Election of Officers**
 - a. Chairman**
 - b. Vice Chairman**
 - c. Secretary-Treasurer**
 - d. Assistant Secretary-Treasurer**

Noting that Director Brown had not yet arrived, Chairman Eichenberg stated that the Board would return to agenda item 4 after Director Brown's arrival.

- 5. Approval of Resolution 2014-1, *Open Meetings Standards***

Mr. Lovato stated that the resolution was similar to those passed in prior years. It had been modified to include the proposed meeting dates for 2014, and the new 72-hour agenda requirement as passed by the Legislature in 2013. He noted that AMAFCA had immediately implemented the 72-hour agenda requirement, but it was included in the Open Meetings Standards resolution for the first time this year.

Director Hernandez made a motion that the Board approve and adopt Resolution 2014-1, *Open Meetings Standards*, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Thomson seconded the motion. The motion passed on a 4-0 vote. (*Note: this item was revisited later in the meeting and voted on again via a roll call vote.*)

- 6. Items from the Floor/Public Comments**

Chairman Eichenberg recognized John Barncastle. Director Brown arrived at 10:03, during Mr. Barncastle's remarks.

Mr. Barncastle addressed the Board regarding bike trails. He stated that he was following up on his comments to the Board at the December 2013 Board meeting, specifically regarding the North Pino Trail. He mentioned three other bike trails, in Bernalillo County and in the City of Albuquerque, where gravel mulch has been used adjacent to the trail. He also requested that the City-maintained arroyo, Bear Canyon Arroyo between Moon and Eubank, be concreted so that the bulldozers maintaining the dirt arroyo don't tear up the bike trail during their annual maintenance.

Director Brown stated that where an AMAFCA dirt arroyo is stable, AMAFCA does not want to concrete it in. The Bear Canyon Arroyo is City-owned and maintained in the section mentioned. He also noted that the other areas mentioned by Mr. Barncastle were all maintained by other agencies, rather than by AMAFCA. Even along AMAFCA-owned channels, the trails are licensed to, built by, and maintained by other agencies. He recommended that Mr. Barncastle report his concerns to those agencies rather than to AMAFCA.



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Kurt Wagener, AMAFCA Field Engineer, stated that occasionally AMAFCA has licensed the landscaping of channel right-of-way to the adjacent landowner. Last year, he had contacted the licensee along the North Pino Arroyo area that Mr. Barncastle had mentioned in December, and some changes were made to the landscaping. He stated that very little gravel was on the trail, which is licensed to the City, because most people stay on the trail rather than walking on the landscaping gravel.

In response to a question from Chairman Eichenberg, Mr. Wagener stated that there is very little AMAFCA can do about existing landscaping licenses, short of revoking or modifying the licenses. In future landscaping licenses, AMAFCA will work with the City to request a three foot "recovery zone" as recommended by the AASHTO (American Association of State Highway and Transportation Officials) Roadside Design Guide. Mr. Wagener also noted that many AMAFCA maintenance roads have gravel base course next to them, because they are maintenance roads and not just trails.

Responding to a question from Director Thomson, Mr. Wagener stated that the AMAFCA crew and AMAFCA contractors clean up the trails after their maintenance work, as required in AMAFCA's agreements. He did not expect that the various City departments had internal agreements amongst themselves with similar requirements.

There were no other public comments.

On behalf of the Board, Chairman Eichenberg wished a belated "Happy Birthday" to Mr. Lovato.

5. Approval of Resolution 2014-1, *Open Meetings Standards*

Returning to agenda item 5, Chairman Eichenberg noted that the resolution required a roll-call vote. The motion was repeated, and then the Board voted again.

Director Hernandez made a motion that the Board approve and adopt Resolution 2014-1, *Open Meetings Standards*, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Thomson seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

Chairman Eichenberg informed Director Brown that he had skipped over the Election of Officers and the Board was now ready to return to that agenda item.



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- 4. Election of Officers**
 - a. Chairman**
 - b. Vice Chairman**
 - c. Secretary-Treasurer**
 - d. Assistant Secretary-Treasurer**

Director Hernandez nominated the following slate of officers: Danny Hernandez as Chairman, Ronald D. Brown as Vice Chairman, Bruce M. Thomson as Secretary-Treasurer, and Tim Eichenberg as Assistant Secretary-Treasurer.

Director Brown made a motion that nominations be closed. Chairman Eichenberg seconded the motion. The motion to close nominations passed unanimously (5-0).

The Board then voted on the nominated slate of officers. Approval of the proposed slate of officers passed unanimously (5-0). The new Board officers, who took office immediately, were:

Danny Hernandez, Chairman
Ronald D. Brown, Vice Chairman
Bruce M. Thomson, Secretary-Treasurer
Tim Eichenberg, Assistant Secretary-Treasurer

Director Eichenberg thanked the Board. Chairman Hernandez chaired the remainder of the meeting.

- 7. Approval of Minutes**
 - a. November 21, 2013 Regular Meeting**

Director Thomson made a motion to approve the minutes of the December 19, 2013 Regular Board Meeting. Director Brown seconded the motion, which passed unanimously (5-0).

- 8. Financial Matters**
 - a. Approval of December 2013 Expenditures**

Ms. Jeffries presented the December 2013 Expenditure Report. She answered a question from Director Thomson, stating that in this case the reference to payroll, "PPE" means "Pay Period Ending" rather than "Personal Protective Equipment." At Director Thomson's request, she explained the layout of the bank reconciliation report to the Board.



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In response to a question from Director Lyon about reimbursements for professional license renewals, Ms. Jeffries stated that AMAFCA's policy for reimbursement of up to two professional licenses and organizations per employee per year is in the Personnel Manual. Mr. Lovato added that AMAFCA pays for the licenses which are required for employees to do their jobs, such as the Professional Engineer licenses held by the engineering staff, and the Commercial Driver's Licenses held by the crew.

Chairman Hernandez noted that the Personnel Manual had been approved by the Board, so the policy was a Board policy.

Responding to a question from Director Lyon about whether this policy extended to the Board, Director Brown noted that AMAFCA reimburses employees for licenses which are required in order to do their jobs. There are no specific licenses required for a director to serve on the Board, so it was not proper for AMAFCA to pay for the Board's various professional licenses.

Director Lyon stated he wanted to be sure that all staff and crew are treated the same in this regard, and that all employees were aware of the policy.

Director Brown made a motion to approve the December 2013 Expenditure Report. Director Eichenberg seconded the motion, which passed (4-1). Director Lyon voted against the motion.

b. Investment Report for December 2013

Ms. Jeffries presented the Investment Report for December 2013.

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

c. Financial Recap December 16, 2013, through January 15, 2014

Ms. Jeffries presented the Financial Recap for December 16, 2013, through January 15, 2014.

Director Thomson noted that the Forecast and Actual figures were very close and congratulated Ms. Jeffries on the accurate forecast.

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

d. Financial Forecast January 16, 2014, through February 15, 2014

Ms. Jeffries presented the Financial Forecast for the period January 16, 2014, through February 15, 2014. She noted that the recommended actions for the Capital Projects/Construction Fund include payments on several construction projects, and payments of various engineering



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invoices. The Debt Service Fund forecast showed a \$343,000 interest payment on the General Obligation bonds due February 1, 2014. She requested approval of the Financial Forecast.

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

e. Mid-Year Budget Recap Fiscal Year 2014 Operating Budget

Ms. Jeffries stated that Tax Revenues for the year were anticipated to exceed the budget, because AMAFCA is conservative in estimating tax revenue receipts when planning the budget. For the purposes of the mid-year recap, she is projecting tax revenues at budget. The recent Treasurer's Office report will put AMAFCA at 64% of the budgeted tax revenues. She stated that Total Other Revenues will be over budget due to an unanticipated large sediment sale which had recently occurred.

Ms. Jeffries stated that the FY 2013 Salary and Payroll line item had been under budget due to late payroll billings from the City of Albuquerque. Therefore the FY 2014 Salary and Miscellaneous Employee Expenses line item will be over budget, as invoices for five pay periods in FY 2013 were paid in FY 2014. She also noted that, due to software changes at the City of Albuquerque in June 2013, AMAFCA had been under-billed for insurance since that time. Instead of invoicing AMAFCA the actual premium amounts, only an insurance administrative charge had been invoiced. She noted that AMAFCA had recently received invoices for insurance from the last pay period of June 2013 through the last pay period of November 2013, a total of approximately \$93,600. Invoices for December 2013 and January 2014 were also expected soon, and insurance invoices should be current from this point on.

In response to a question from Director Eichenberg about the possibility of pre-paying insurance premiums, Ms. Jeffries stated that, in order for the funds to be properly applied at the City, AMAFCA needed to wait to be invoiced for the actual amount, which varied from pay period to pay period. AMAFCA staff had been in discussions with the City over the issue of the missing insurance premiums since the invoice for the last pay period in June 2013 was received.

Director Brown noted that an invoice number was also necessary for audit purposes, in order to leave an audit trail. Ms. Jeffries agreed, stating that without such an audit trail, double payments were possible.

She noted that, as a part of the mid-year budget review, there would be a new line item added under Board, Elections, Government Affairs to account for additional insurance, and an adjustment to Planning, Engineering, R&D to cover the final FY 13 invoice from UNM, which was submitted after the fiscal year end.



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She noted that the FY 2013 budget underspent Salary, Payroll Expenses and Other Expenses by approximately \$373,000. This amount was carried forward into the FY 2014 beginning balance. These adjustments to the budget will reduce the growth in the beginning balance for FY 2015.

Ms. Jeffries stated that she would bring a resolution to the Board to address the budget adjustments discussed, for their approval at a future Board meeting.

There were no further questions.

9. Legal

a. Status Report

Marcus Rael, Jr. stated that his memo briefed the Board on the status of various legal matters. Water rights issues would be further discussed later in the meeting.

There were no questions from the Board.

10. Executive Engineer's Report

a. Notification of Past Month's Activities

The Executive Engineer's Report highlighted significant activities of the past month.

Between his handout memo and further information given in the meeting, Mr. Lovato covered the following:

- **Corps of Engineers (COE)** – *Southwest Valley Flood Reduction Project Phase II*. Congress passed and sent to the President an omnibus appropriations bill, which the President signed. The bill funds government agencies and programs through the end of the federal fiscal year (September 30, 2014), but does not contain funding specifically for the Southwest Valley Flood Reduction Project Phase II. The Albuquerque District will be attempting to find funding for this project from within the division.

Mr. Lovato explained that there would be a meeting on January 24, 2014, to discuss funding of the project. Albuquerque Public Schools has two projects at Rio Grande High School in the fall and winter of 2014, which will require the majority of the excavation of Pond 187 to be done by October 2014. AMAFCA will probably need to contract the Pond 187 excavation work, in order to have it completed in time. The COE would come in afterwards to do the concrete work on the pond after November 2014. The Board has already authorized AMAFCA to advertise the excavation work if needed. He gave the



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Board notice that he was 99% certain that AMAFCA would be doing the excavation work on Pond 187. It was possible that some of the dirt may end up in the Paseo del Norte interchange project.

- **City of Albuquerque (COA) – Channel Road Phase II.** Phase II of Channel Road, between El Pueblo and Hawkins, will be the first phase of the road to be constructed along the North Diversion Channel (NDC). As a part of the design, AMAFCA has asked for additional maintenance ramps to be installed at the North Pino Inlet, and that mountable curb be installed to allow truck access to the AMAFCA maintenance road. Phase II is currently at 50% design and will need to be at least 65% design before AMAFCA submits the design to the COE for approval. The COE needs to approve modifications to the NDC as a part of the PL84-99 program.

Avenida Cesar Chavez Boulevard. City staff had moved forward with geotechnical and material testing of the concrete box culvert in that section in support of the design of the grate inlet replacement over the South Diversion Channel (SDC). City staff had met with AMAFCA staff to discuss the condition of the concrete section of the SDC, which is showing signs of alkali-silica reaction (ASR). The City design may need possible modifications to address material deterioration due to the ASR. Mr. Lovato noted that this means that the bridge abutments may not last as long as the bridge.

West I-40 Diversion Channel. AMAFCA has removed sediment and repaired erosions along the north side of I-40 between 98th Street and Unser Boulevard, following 2013's rains. The temporary channel improvements constructed with the La Presa Project require maintenance after most runoff events. Staff has been meeting with private landowners south of I-40 to discuss the possibility of removing floodplain between 98th and Unser by cutting off flows and diverting these flows into La Presa. The additional flows would require building the permanent, concrete-lined channel. This is included in the FY 2014 Project Schedule and could be funded in a three way agreement between AMAFCA, the City, and private landowners. This project was further discussed later in the meeting.

In response to a question from Chairman Hernandez, Mr. Lovato stated that the cost of the concrete channel and drop structure facility would be around \$2.6 million. He has asked property owners south of I-40 to contribute to the project, and it is still under discussion. Most of the dirt work for the permanent channel has already been done in order to accommodate the temporary channel, as part of the La Presa Project.

MS-4 Permit. AMAFCA and COA staff are preparing the annual report to EPA Region 6 for 2013, which was expected to be completed in March 2014.



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- **Bernalillo County – North Valley Drainage.** Bernalillo County and the Village of Los Ranchos and AMAFCA met to discuss complaints and concerns regarding flooding in the North Valley that occurred this past monsoon season. The meeting concentrated on floodplain removal north of Paseo del Norte. The meeting addressed ponding and flooding along North Fourth Street and drainage to existing infrastructure including the Alameda Drain and the New Mexico Department of Transportation Paseo del Norte storm drain system. As the conditions assumed in the current draft Drainage Management Plan for the area no longer exist, staff requested to advertise for Requests for Proposals for a new North Valley Drainage Management Plan later in the meeting.

South West Valley Flood Reduction Project Phase I. Bernalillo County modified the Los Padillas Extension to install a small maintenance road in the bottom of the channel to facilitate maintenance during the summer months. This consisted of adding approximately three feet of fill along the south side of the channel, which will be removed in the future once the entire system comes online.

- **USFWS – Valle de Oro National Wildlife Refuge.** See Public Outreach.

Valle de Oro Outfall Project. Mr. Lovato reported that he met with staff members of the Office of the State Engineer (OSE), Water Rights Bureau, and the Interstate Stream Commission (ISC) concerning the construction of swales in the Bosque. They are concerned that the work may violate state statutes concerning the impoundment of water or diversion of water. In this case, the diversion would be ground water to surface water.

A meeting was held with AMAFCA, USFWS, OSE, and the ISC staff to discuss the ISC's concerns with water rights and diversion of water within the Bosque. Then-Director Hernandez and Director Thomson attended the meeting. The ISC wanted details regarding the project. AMAFCA informed them that the flood control project associated with Valle del Oro has not been designed yet. The majority of the meeting dealt with AMAFCA's mission and the flood and water quality structures that are built and maintained to accomplish that mission. Detailed information was given to the ISC concerning how BMPs are used to clean storm water including the use of dams, offline ponds, and swales. The ISC is primarily concerned with the evaporation of intercepted ground water.

AMAFCA diligently collected and delivered the information requested by the ISC, and is confident that the small swales that will be constructed in the Bosque will not intercept ground water. The intent of the swales is not to intercept ground water or pond any water. The swales act as a BMP to comply with the Storm Water Pollution Prevention Program (SWPPP) on the project as it moves forward. Work on the outfall project continues on schedule.



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Mr. Lovato noted that AMAFCA may need to use water rights from other AMAFCA properties to address possible water losses due to evaporation and/or purchase water rights for water quality ponds and swales. Attorney Rael will audit AMAFCA's current water rights associated with fee right of way, and will investigate if and how to address efficiencies associated with runoff from concrete channels and pipes which supply more runoff to the Rio Grande.

- **EPA, Urban Waters** – *Urban Waters Federal Partnership*. AMAFCA staff, then-Chairman Eichenberg, and then-Director Hernandez attended a one day conference regarding the roles and responsibilities of entities in the Middle Rio Grande. The meeting focused on the authority of Federal, Tribal, State, County, and City stakeholders. The group also explored if the authority was statutory or by ordinance, and who defined the authority. EPA and AMAFCA want to improve communication and foster innovation in the Middle Rio Grande using the Urban Waters Federal Partnership project area, which will allow for innovative flood control projects that will aid in economic development and redevelopment opportunities that meet MS4 permit requirements.

Chairman Hernandez commented that this is a good process to go through so that everyone understands everyone else's authority and responsibilities, as well as their own.

- **AMAFCA** – *La Cueva Arroyo*. Staff had been approached concerning development east of Barstow along the La Cueva Arroyo. This area of the arroyo was the subject of a LOMR that was approved by FEMA last year. The preliminary discussions have concentrated on the removal of floodplain, addressing the low water crossing on Alameda and providing a more efficient inlet into the flood control channel. As the project moves forward, it will be introduced at a future Board meeting.

Funding to Design Green Infrastructure. AMAFCA has been approached to participate in a grant funding request to EPA to design a Storm Water Detention Demonstration Project (pond) that would also be the future home of the Veteran Farmer Project, which would be funded independently by the Urban Waters Federal Partnership. This proposal would not obligate AMAFCA funding, but it would require AMAFCA to take a lead role in assembling the project team. The Veteran Farmer Project would be built as part of the proposed downtown grocery store. The project would be managed under AMAFCA's water quality outreach program. It may also provide opportunities to involve ACE Leadership High School (a charter high school focusing on architecture, construction, and engineering) in the entire process from design through installation and maintenance of the drainage pond.



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- **Public Outreach** – *USFWS Urban Refuge, Valle de Oro.* AMAFCA had progressed to the point in the Valle de Oro design scoping project where public input was needed. AMAFCA held an open house to explain the project and solicit feedback on the flood control project and the preliminary layout of Valle de Oro. The open house was well attended with over 150 people attending, in addition to then-Chairman Eichenberg, then-Director Hernandez, and Director Thomson.

Chairman Hernandez stated that the attendees were an inquisitive group, with lots of questions, positive comments, and public support.

Director Thomson noted that the meeting was very well attended. He praised the fact that AMAFCA took a leadership role in the public meeting. He stated that AMAFCA was shown in a very positive light. He congratulated staff on that accomplishment.

Storm Team. AMAFCA, the City of Albuquerque, and the other members of the Storm Team held an open house meeting to inform other smaller MS4 permittees of the benefits of working together to address new EPA requirements. The event was well attended with a number of smaller government agencies sending representatives.

b. Notification of On-Call Services Task Orders

Mr. Lovato stated that seven on-call task orders had been issued since the last report, giving further information on several of the task orders.

At 10:48 a.m., during this briefing, Chairman Hernandez briefly left the meeting. Vice Chairman Brown chaired the meeting in his absence.

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

11. Authorization of Out of State Travel – Association of State Dam Officials Technical Seminar: Inspection and Assessment of Dams, Little Rock, Arkansas, March 4-6, 2014

Mr. Lovato stated that the Association of State Dam Officials Technical Seminar on Inspection and Assessment of Dams, in Little Rock, Arkansas March 4-6, 2014, will be limited to the first sixty individuals to register. Participants will be familiarized with a variety of dam types, instructed in the function of typical dam features, and become aware of common dam failure modes and the conditions that can lead to those failure modes. Actual dam failure cases will be presented, so that participants will know what to look for and be able to identify potential deficiencies at dams before they become a problem. He requested authorization to send Kurt Wagener, AMAFCA's Field Engineer, to the seminar, with a cost not to exceed \$2,700.00.



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Director Thomson made a motion that the Board authorize out of state travel and expenses for Kurt Wagener to attend the ASDSO Inspection and Assessment of Dams Technical Seminar in Little Rock, Arkansas, March 4-6, 2014, not to exceed \$2,700, pursuant to resolution 1998-16. Director Lyon seconded the motion, which passed (4-0). Chairman Hernandez was absent at the time of the vote.

12. Consideration of Contract Extensions

a. Second Extension of Bond Counsel Services

Mr. Lovato stated that the contract with Modrall Sperling for Bond Counsel Services was let through an RFP process at the March 22, 2012 Board meeting. The first extension of that contract expires April 26, 2014. Per the provisions of the contract and subject to the Board's approval, it can be renewed for another year. Modrall Sperling has agreed to extend their contract for another year with no change in fees. The required AMAFCA Campaign Contribution Disclosure Form was executed and a copy provided to the Board. This would be the second extension of the contract.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to extend the contract with Modrall Sperling for a one-year term as per the provisions of the agreement, with no change in fees. Director Lyon seconded the motion, which passed (4-0). Chairman Hernandez was absent at the time of the vote.

b. Second Extension of Financial Advisor Services

Mr. Lovato stated that the contract with George K. Baum and Company for Financial Advisor Services was let through an RFP process at the March 22, 2012 Board meeting. The first extension of that contract expires April 26, 2014. Per the provisions of the contract and subject to the Board's approval, it can be renewed for another year. George K. Baum and Company has agreed to extend their contract for another year with no change in fees. The required AMAFCA Campaign Contribution Disclosure Form was executed and a copy provided to the Board. This would be the second extension of the contract.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to extend the contract with George K. Baum and Company for a one-year term as per the provisions of the agreement, with no change in fees. Director Lyon seconded the motion, which passed (4-0). Chairman Hernandez was absent at the time of the vote.



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c. Second Extension of On-Call GIS, IT, DBA Services

Mr. Lovato stated that the contract with AMEC Environment and Infrastructure for On-Call GIS, IT, DBA Services was let through an RFP process at the February 2012 Board meeting. The first extension of that contract expires in February, 2014. Per the provisions of the contract and subject to the Board's approval, it can be renewed for another year. AMEC Environment and Infrastructure has agreed to extend their contract for another year with no change in fees. The required AMAFCA Campaign Contribution Disclosure Form was executed and a copy provided to the Board. This would be the second extension of the contract.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to extend the on-call agreement for a one-year term as per the provisions of the agreement, with no increase in fees. Director Lyon seconded the motion, which passed (4-0). Chairman Hernandez was absent at the time of the vote.

Chairman Hernandez returned to the meeting at 10:52 a.m.

13. 2014 Bond Sale – Consideration of Resolution 2014-2, *Notice of Bond Sale*

Mr. Lovato introduced John Archuleta, of George K. Baum and Company, AMAFCA's Financial Advisor, and Duane Brown, of Modrall Sperling, AMAFCA's Bond Counsel.

Mr. Archuleta thanked the Board for extending the George K. Baum and Company contract, then passed out a market update to the Board. He stated that the municipal bond market was still quite advantageous for a \$12.5 Million Bond Sale in February. He anticipated an average interest rate below 2% on this bond sale.

In response to a question from Director Brown, Mr. Archuleta stated that the average bond life of the issue is 4.99 years. This sale will maintain AMAFCA's existing debt service schedule.

Mr. Brown also thanked the Board for extending the Modrall Sperling contract. Responding to a question from Director Thomson, Mr. Brown stated that the phrase "maximum net effective interest rate of 10%" in the resolution came from the statute as the maximum allowed on general obligation bonds under the statute. The phrase is not adjusted to current market conditions.

Mr. Brown then briefly reviewed Resolution 2014-2, *Notice of Bond Sale*. He stated that the bond sale and award would be scheduled for the February 27, 2014 Board meeting, with the closing set for approximately April 1 or 2. A bond rating trip may occur in about two weeks.

Mr. Brown also introduced his associate Daniel Alsup, of Modrall Sperling, who would be assisting with the bond sale.



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Director Brown made a motion that the Board adopt Resolution 2014-2, *Notice of Bond Sale*. Director Eichenberg seconded the motion, which passed unanimously (5-0), on a roll-call vote.

Regarding the bond rating presentations, Mr. Lovato stated that representatives of the bond rating companies could come to Albuquerque, AMAFCA representatives could go to Dallas, or the bond rating presentations could be done by conference call.

Chairman Hernandez stated that it would be his preference to have the representatives come here, or to do the presentations by conference call. The Board concurred. Director Thomson noted that it had been very advantageous to AMAFCA to have the rating agency analysts come to Albuquerque prior to the last bond sale.

Responding to a question from Director Eichenberg, Mr. Archuleta stated that the representatives' travel expenses are included in their rating fee. He stated that, as it had been two years since they had last attended a rating meeting in person, it would be a good idea to have the representatives come here again, noting that the analysts change from year to year. Director Eichenberg agreed that it would be a good idea to have the analysts visit AMAFCA for the bond rating presentation.

14. I-40 Diversion Channel between Unser & 98th Street – Briefing by City of Albuquerque Department of Municipal Development

Mr. Lovato introduced Wilfred Gallegos, of the City of Albuquerque Department of Municipal Development. Using a large aerial photo of the I-40 Diversion Channel between Unser and 98th Street, Mr. Lovato explained the issues regarding the flows through the temporary channel, and other area flows which might be diverted into the permanent channel.

Mr. Lovato stated that the temporary channel was built as a part of the La Presa Project. Every time it rains, AMAFCA repairs erosions on the temporary channel so that the freeway is protected. Additional material is stockpiled in the area for future use when the permanent channel goes in. With additional development set to occur, more of the permanent structures identified in the Drainage Management Plan could be constructed at this time.

Mr. Gallegos addressed the Board. He stated that the area is developing, and that drainage improvements are needed. The City would like to work with AMAFCA to get the improvements built as the area continues to get developed.

Mr. Lovato noted that among the recent developments in the area, the Albuquerque Public Schools Westside Stadium had been recently built, along with some drainage improvements in that area. A planned major diversion across 98th Street had not yet been built, and probably



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would not be built. The funds planned for that project could be diverted to the improvements planned for the West I-40 Channel between Unser and 98th. Western Albuquerque Land Holdings (WALH) has modified their Drainage Management Plan. He used the map to show which flows go which direction. Most of the drainage improvements for the area had been built, and this is a good opportunity to complete a major portion of the system.

Responding to a question from Director Brown, Mr. Lovato stated that the temporary channel is dirt, with grouted riprap drop structures to decrease the sediment load. Due to the steepness of the slope and the speed of the storm flows, the channel experiences erosion after rain events and is repaired each time. The sedimentation area of La Presa fills up during rain events, then the AMAFCA crew returns that sediment to the channel to do repairs.

In response to another question from Director Brown, who asked if additional drop structures would help to stabilize the arroyo without the addition of a large amount of concrete, Mr. Lovato stated that the right of way for the temporary channel is too narrow to allow additional drop structures, but AMAFCA could put in a larger facility, with approximately six to eight little drop structures, in a parcel of land at the northeast corner of 98th Street and I-40. This would slow down the water before it got to the channel, and minimize the maintenance needs. However, there would still be maintenance required in order to protect the freeway's northernmost lane.

Mr. Lovato requested guidance from the Board about going forward on the project.

Director Thomson stated that the Board would prefer a non-concrete permanent channel, but if concrete had to be used, he requested that the channel at least be made aesthetically pleasing. Mr. Lovato stated that AMAFCA had tried to make the channel more natural looking, but the slopes are too great and the right of way too narrow to accomplish this.

Director Brown noted that AMAFCA needs sufficient right of way, a suitable slope, and sufficient width in order to create non-concrete channels which are an amenity to the neighborhood. However, AMAFCA does not always have all three elements in order to accomplish this.

Responding to questions from Chairman Hernandez, Mr. Lovato stated that east of Unser, some of the channel flow is directed to a pipe so that there is less flow in the channel. However, there is not enough right of way available at the current location to use the same treatment between 98th Street and Unser. He noted that there is currently a bike trail along the channel between the channel and the freeway. This location was chosen at the adjacent homeowners' request.

In response to questions from Director Eichenberg about development to the west and south, Mr. Lovato stated that there is talk about some new development in the area. This is the weakest link in the upstream diversion which is already in place.



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Chairman Hernandez noted that, if this portion of the channel was put into a pipe or concrete box culvert, the City could create a linear park, similar to the one at the Parkway Storm Drain. Mr. Lovato stated that putting this entire portion of channel into a pipe would cost more than the other options.

Mr. Gallegos commented that, where the sediment load is heavy, it is very expensive to remove sediment from a concrete box culvert or pipe, such as under University near Rio Bravo. It might be possible to design the project to reduce the sediment load in the pipe, but if sediment is dropped in a pipe, the pipe can get plugged up and is very difficult to clean out.

Mr. Lovato suggested a feasibility study to come up with the best plan for this area. There were no objections.

No Board action was required.

Director Eichenberg briefly left the meeting at 11:18 a.m.

15. Authorization to Advertise Request for Proposals for the North Valley Drainage Management Plan

Mr. Lovato stated that, at the December 2013 Board meeting, the Board had been briefed on the need to re-evaluate the drainage in the North Valley. A draft Drainage Management Plan had been completed in 2004, but was never finalized because the assumptions made were no longer applicable. He requested Board authorization to advertise a Request for Proposals to re-evaluate storage needs along Paseo del Norte and drainage into the Alameda Drain.

Director Brown made a motion that the Board authorize the advertisement of a Request for Proposals for Engineering Services to provide a Drainage and Water Quality Management Plan for the North Valley. Director Thomson seconded the motion, which passed (4-0). Director Eichenberg was absent at the time of the vote.

16. Authorization to Advertise Request for Proposals for the Amole-Hubbell Dam System Analysis

Brad Bingham, AMAFCA Drainage Engineer, stated that, at the December 2013 Board meeting, the Board was briefed on the July 2013 storm that filled the Amole Dam, and how that related to the 1978 design plans of the dam and information extracted from the Amole Hubbell Drainage Management Plan (1999) and Update (2013). The Amole Dam is undersized, and has no emergency spillway. Excess runoff drains into the Hubbell Channel and ultimately to the Hubbell Lake Dam. Both dams currently empty into a Middle Rio Grande Conservancy District



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facility through a 36-inch diameter storm drain, which limits the ability to drain both dams within the OSE-mandated 96-hour timeframe.

He noted that, in order to address the lack of storage and timely discharge in the system, the Amole Dam, Hubbell Lake Dam, and future Guac Dam needed to be modeled as one facility with three different dam pools. The size of each dam is dependent on the rate of discharge and the available capacity of the receiving water body. The watershed draining to these facilities covers twenty square miles.

He stated that an analysis of the Amole-Hubbell System is needed in order to determine storage, discharge location, land requirements, and costs associated with each solution. A Probable Maximum Precipitation analysis will also be a part of the project. He requested Board authorization to advertise a Request for Proposals when the Scope is finalized. The cost of the analysis was estimated at approximately \$150,000.

Director Brown made a motion that the Board authorize advertisement of the Request for Proposals for the Amole-Hubbell Dam System Analysis Engineering Services Contract. Director Lyon seconded the motion, which passed (4-0). Director Eichenberg was absent at the time of the vote.

Director Eichenberg returned to the meeting at 11:20 a.m.

17. Adoption of Resolution 2014-3, Adoption of the Amole Hubbell Drainage Management Plan 2013 Update

Mr. Bingham stated that the Board had been briefed on the Amole Hubbell Drainage Management Plan 2013 Update at the May and December 2013 Board meetings. The 2013 Update updated the hydrologic and hydraulic characteristics of the watershed to address the area's rapid growth and re-evaluated the need and size of the remaining required facilities. He requested that the Board approve Resolution 2014-3, *Adoption of the Amole Hubbell Drainage Management Plan 2013 Update*. Adopting the DMP Update will allow AMAFCA to move forward with the future projects mentioned in the DMP.

Director Lyon made a motion that the Board approve Resolution 2014-3, *Adoption of the Amole Hubbell Drainage Management Plan 2013 Update*. Director Brown seconded the motion, which passed unanimously (5-0), on a roll-call vote.

Director Thomson requested a copy of the Executive Summary of the DMP Update. Mr. Bingham stated that he would forward the Executive Summary to the Board.



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18. Validation/Interpretation/Release of USGS Data

Karen Stearns, AMAFCA Storm Water Quality Engineer, stated that, at the December 2013 Board meeting, Director Thomson had requested a briefing on the USGS Monitoring Cooperative Agreement and issues pertaining to the quality of the storm water data collected and analyzed under this agreement.

Ms. Stearns noted that, shortly after beginning to work at AMAFCA last year, she was told that the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) Water Quality Laboratory had provided subpar E. coli data for a limited time under the AMAFCA-City-USGS Monitoring Cooperative. USGS staff confirmed this in May 2013, and assured her that the subpar data was isolated to a few years of E. coli data and that the quality issues at the ABCWUA lab were resolved.

She stated that, under the Monitoring Cooperative, the USGS has been compiling a water quality database, with data spanning back to 1979. It includes data analyzed by the State, USGS, and ABCWUA laboratories. This fall, AMAFCA Engineering Intern Adrienne Martinez requested a copy of this database to utilize for her Master's thesis. The USGS informed her that the water quality data in the database was not appropriate for trend analysis. After further inquiries, on September 30, 2013 the USGS released the ABCWUA lab comparison results for their quality assurance review. The data showed that the problem actually covers eleven years of data, 1998-2011, and 35 of the 42 analytes analyzed, both metals and non-metals. 2012-2013 information was not provided.

Ms. Stearns stated that 18% of the samples of known concentration sent to the lab in the years 1998-2011 had subpar results. Most of the subpar data exceeds three standard deviations from the most probable value, with the worst data result having over 500 standard deviations from the most probable value. Due to the federal government shutdown in October, staff was unable to address this issue with the USGS until early November 2013. On December 20, 2013, a meeting was held with USGS and the City of Albuquerque to discuss the data and the status of the 2012-2013 Water Quality Report. The USGS stated that the water quality data was not "bad data," but that it just was not "good data."

Ms. Stearns noted that AMAFCA does not want the subpar data published, as it does not pass quality assurance testing, let alone quality control testing. The USGS suggested publishing the data with a disclaimer stating the data did not pass quality assurance testing, but this is not acceptable to AMAFCA. She requested the USGS confirm in writing that they will not publish this data. In addition, she informed the USGS that AMAFCA expects immediate and direct notification of any future testing quality assurance and quality control issues.



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She stated that ABCWUA has made improvements to their lab in order to improve the quality control for testing storm water, but all parties have agreed to no longer use the ABCWUA Water Quality Laboratory for future testing. AMAFCA or the City will need to get another laboratory under contract for the 2014 monsoon season.

Ms. Stearns noted that USGS is currently working on the 2003-2013 Water Quality Report. They anticipated publishing the report by the end of July 2014. The quality assurance review of the 2013 data has not been completed. Going forward, the reporting for the data collected in 2013 and 2014 will be submitted to AMAFCA in 2014 on a quarterly basis, however, no reporting has been submitted for 2013.

She stated that AMAFCA and the City were writing the 2013 Annual Report, which is due to the EPA by April 1, 2014. She stated she intends to inform the EPA of the water quality data issues as a part of the annual report.

Chairman Hernandez thanked Director Thomson for bringing this issue to the Board's attention, and Ms. Stearns for her work to follow up on the issue.

Director Brown stated it was concerning that the municipal water department's lab was having so many quality control problems testing water. Mr. Lovato stated that testing stormwater is different than testing drinking water. Director Thomson stated that he believed that the ABCWUA lab tests everything except drinking water. The state lab tests drinking water. He noted that there had been management problems at the lab, which had supposedly been resolved. However, it was troubling that AMAFCA was not informed of the quality issues earlier, and that the USGS is so far behind at analyzing the data.

Ms. Stearns stated that AMAFCA would like to use an on-call water quality consultant to develop a water quality testing program. A detailed scope of work will be submitted to the on-call water quality firms used by AMAFCA, SSCAFCA, and the City of Albuquerque.

In response to questions from Director Thomson, Mr. Lovato stated that the USGS contract includes about \$135,000 annually from AMAFCA, with further funds from other partners. The USGS brings about \$240,000 annually as well.

Mr. Lovato noted that, if the parties are having trouble getting good data from the lab, it is time to get a new lab. Thirteen years of bad data had been sent to the EPA. He stated that AMAFCA does not know if the errors were high or low. AMAFCA did not know if correcting the errors via accurate testing at a new lab will show a big jump in water quality, from the erroneous "low" value to a more correct "higher" value. This could be a problem when trying to analyze trends and evaluate water quality efforts.



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Responding to questions from Director Lyon, Ms. Stearns stated that changes had been made at the ABCWUA lab to "resolve" the problems, but they continued for years. Mr. Lovato added that all laboratories have quality assurance programs. If bad data is coming out of the lab, that should be noted on the results. The USGS had sent in calibrated samples and the results back were inaccurate. AMAFCA learned of this thirteen years after the problems began. The USGS should have informed AMAFCA of the problem years ago.

Director Thomson noted that it appeared that AMAFCA had difficulties getting information from the USGS. He inquired as to whether a letter from the Board would be helpful, to get information in a more timely manner. Mr. Lovato stated that such a letter had already been sent, to someone high up in the USGS hierarchy. If a response is not received, Mr. Lovato will send a follow-up letter. Mr. Lovato stated that he would like to have the USGS present at the February Board meeting to address the Board's concerns. Director Thomson suggested that Mr. Lovato's letter include information about the Board's concerns.

Director Lyon asked if AMAFCA was pushing ABCWUA's water quality laboratory to try to get better quality tests from them, and wondered why all the efforts were through the USGS.

Mr. Lovato stated that any laboratory has a Quality Assurance Program. If the data coming out of the laboratory has not passed their quality standards, they should note on the results that they do not meet their quality standards. In the same way, USGS has calibrated samples they send in, and those have not been meeting quality standards – for thirteen years. USGS has been paid to do the sample collection and oversee the testing, and they have not informed the partners of the difficulties with quality control. The lab should have marked the data as suspect, and USGS should have notified AMAFCA of the quality issues.

No Board action was required.

19. Legislative Liaison – Briefing on the 2014 New Mexico Legislative Session

Chairman Hernandez introduced Mark Fleisher, of Fleisher Consulting, an associate of Alarid Consulting, AMAFCA's Legislative Liaison.

Mr. Fleisher briefed the Board on the 2014 New Mexico Legislative Session, which was underway. He stated that, so far, it was a contentious session with a lot of animosity. The senators and representatives were fighting over constitutional amendments, taking time from the bills which they needed to consider and pass. He gave a summary of bills introduced so far, noting that it was only the third day of a thirty day session. 146 bills have been introduced in the House, plus six memorials and ten resolutions. 113 bills have been introduced in the Senate, and eleven memorials and one resolution. There have also been a number of joint memorials and resolutions. Thirty-seven bills have something to do with water, but most of them will probably



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have no effect on AMAFCA. He had sent the list to the Executive Engineer. He expected additional bills to be introduced. The Governor's message to the House had included sixteen issues, and her message to the Senate was to be delivered later that day.

In response to a question from Chairman Hernandez, Mr. Fleisher stated that he would send the list of the issues on the Governor's messages to the Executive Engineer.

Mr. Fleisher mentioned that considerable capital outlay funds would be available. Chairman Hernandez reminded him that AMAFCA does not seek capital outlay funds from the legislature; however, project partners, such as Bernalillo County and the City of Albuquerque, are free to do so to help with their portions of the projects.

Director Eichenberg suggested to John Barncastle that Mr. Barncastle contact his state senator and representative, as well as those in whose districts the arroyos and trails he would like to see improved are located, to see if capital outlay funds could be appropriated for those fixes. Chairman Hernandez and Mr. Fleisher gave him further advice regarding the process.

In response to a question from Director Thomson about the governor's proposed water projects, Mr. Fleisher stated he did not have a list yet, but would forward it to the Executive Engineer as soon as it was available.

Chairman Hernandez expressed a concern he had, that was related but did not directly affect AMAFCA. He noted that the ISC is updating the State Water Management Plan and is asking all sixteen regions to do the same, but there is absolutely no funding for this. Public meetings and input is required, but there is no funding to accomplish the mandated task.

Mr. Fleisher added that a state law had been proposed wherein no local agency was to contact the federal government regarding a water project until it was 100% financed. The Board did not think this would be a good law. Mr. Fleisher stated that information on this bill had been sent to the Executive Engineer.

Responding to a question from Director Lyon, Mr. Fleisher stated that the House and Senate have about \$1 million each in capital outlay funds to allocate. This is broken down to about \$800,000 in the House and about \$1,100,000 in the Senate.

No Board action was required.

Chairman Hernandez called a brief recess at 11:55 a.m. The meeting resumed at 12:08 p.m.



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20. Field Highlights

a. Construction Report

The memo from Mr. Wagener contained a summary of current construction projects. No Board action was required.

b. Field Report

Mr. Wagener gave a report of various projects and events over the past two months, answering several questions from the Board during his presentation. His report included December 2013 because the December Board meeting included a looped presentation of all 2013 field reports rather than a specific report for the month. Mr. Lovato also gave input regarding the modifications at the North Diversion Channel Outfall and the UNM model.

21. State Land Office Bankline Restoration Project – Award to Lowest Bidder

Referring to the memo and late handout from Lynn Mazur, AMAFCA Development Review Engineer, Mr. Lovato stated that seven bids were received on the project. Two were considered non-responsive. Guzman Construction Solutions was the low bidder at \$84,675.00, and staff recommended that the Board accept Guzman Construction Solutions as the lowest responsive bidder and authorize execution of the contract. The Engineer's Estimate on the project was \$127,000.

In response to a question from Director Brown, Mr. Lovato stated that Guzman's bid included a very low mobilization figure as they were on site for the Valle de Oro Drainage Outfall project already. Because they had expertise and experience in jetty jack removal on the other side of the channel, their bid for the jetty jack removal bid lot was also lower than the other bids.

Director Brown made a motion that the Board accept Guzman Construction Solutions as the lowest responsive bidder and authorize the Chairman to execute the contract for construction of the New Mexico State Land Office Bankline Restoration Project in the amount of \$84,675.00, plus New Mexico Gross Receipts Tax. Director Lyon seconded the motion, which passed unanimously (5-0).

Responding to a question from Director Thomson, Mr. Lovato stated that the dirt removed during construction of this project and the Valle de Oro Outfall swales would be stockpiled on the Valle de Oro site.



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22. Black Mesa Phase 1a Pipe Raymac Dam Outfall Project - Update

Referring to Ms. Mazur's memo, Mr. Lovato stated that bids were postponed on this project, due to the discovery of groundwater at approximately seven to nineteen feet below grade. The plans had indicated pipe installation at approximately twelve feet below grade, so construction dewatering will be required for approximately 900 feet of the 60 inch pipe.

He stated that he had also had the AMAFCA crew check the manhole where the Raymac outfall connection will be. The manhole is full of water, and a groundwater leak to the pipe was suspected. New Mexico Underground Contractors was contracted on an emergency contract to pump the water out. Inspection revealed a bad seal at the plug at the end of the pipe, which will be removed as part of the project, when the new pipe is connected.

Mr. Lovato stated that, as the dewatering and other changes were significant, AMAFCA elected to re-issue the entire plan set and Specifications and Contract Documents by addendum. The bid opening was delayed about three weeks to give contractors time to look at the new plan set.

No Board action was required.

23. Briefing on the Upper Piedras Marcadas Watershed Drainage Water Quality Management Plan

Ms. Stearns stated that a public meeting on the Upper Piedras Marcadas Watershed Drainage and Water Quality Management Plan was held on December 17, 2013, and was attended by more than thirty-one people, including then-Director Hernandez and Director Lyon, and County Commissioner Lonnie Talbert. At the meeting, AMAFCA staff explained that, while sized sufficiently for current conditions, the Piedras Marcadas Dam is insufficiently sized for future developed conditions. Additional diversions and possibly other options, including Low Impact Development (LID) to increase infiltration and reduce runoff, will be required. Landowners supported diversions to adjacent watersheds and drainage infrastructure within Volcano Heights, having that infrastructure built before development goes in, and reimbursement of the cost of those diversions at the time of development of the various parcels.

She stated that much of the meeting focused on reimbursement mechanisms for funding of the drainage improvements. As the development timetable for development of property in the area ranges from nearly immediate development to ten or more years out, a mechanism that calls for reimbursement to AMAFCA upon development of the land was the preferred method.

Ms. Stearns stated that, at the meetings with landowners, various infrastructure financing tools were presented, including Special Assessment District (SAD), Infrastructure Development Zone



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(IDZ), Public Improvement District (PID), Tax Increment Financing (TIF), and Developer Agreement/ Drainage Easement. AMAFCA also met with the City of Albuquerque.

She noted that none of these methods completely meets AMAFCA's needs, as AMAFCA was not guaranteed a presence on any of the governing boards required by most of the financing tools. Also, the SAD, IDZ, PID and TIF do not allow for deferred reimbursement, and will not do so unless the existing legislation regarding these tools is changed. In the case of the Developer Agreement/Drainage Easement, the drainage easement is not considered a priority lien. In the event of a default, AMAFCA would be reimbursed subsequent to the priority liens, such as a mortgage.

She noted that the Boca Negra Dam construction project had shown the importance of building major infrastructure in advance of development when substantial rock excavation will be required. She stated that staff could have AMAFCA's Bond Counsel at the February Board meeting in order to present the feasibility of developing a public infrastructure financing tool in line with AMAFCA's needs.

Director Brown commented that perhaps AMAFCA did not need or want a presence on the governing board of the financing vehicle, if AMAFCA had a note that was an encumbrance on the property until it is paid.

Mr. Lovato stated that this would be similar to what was done at the Chamisa Storm Drain, but the property lien was not a priority lien. AMAFCA's Bond Counsel suggested a tool be used which would better protect AMAFCA's rights.

Director Brown suggested working with the City to see if AMAFCA could have the infrastructure reimbursement set up as a development impact fee, for example \$3,000 per acre, to be paid when the property is developed. The impact fee would be set up based on the value of the infrastructure provided to that parcel.

Chairman Hernandez noted that AMAFCA would have to work with the City Council to get an impact fee implemented.

Director Brown stated that creating a new impact fee for the area might be easier and less expensive than the other financing tools (TIF, SAD, Easement, and so forth). AMAFCA would eventually be paid whenever development occurred. Director Brown stated that the impact fee option would avoid the complicated legal process of the SAD/TIF/PED/TDZ options.

Director Eichenberg supported investigating the impact fee option. He noted a Memorandum of Understanding with the City would also be required, so that collected funds would be turned over to AMAFCA. He asked Attorney Rael to look into what would be needed.



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Chairman Hernandez also supported the impact fee option.

Director Brown noted that other public infrastructure is in place all around this area. The City and AMAFCA desire efficient development. It makes sense to put in all the infrastructure to complete this portion of the system before development goes in.

Ms. Stearns commented that AMAFCA's concern was that sufficient language be included to have the impact fees so collected turned over to AMAFCA to reimburse it for the infrastructure costs, and to be certain that the fee is a priority lien so that the money is turned over to AMAFCA in the event of a default.

Director Brown noted that the fees would be collected from the developer at the time of development as a part of the permitting process. The land might not be developed for a long time, but the money would eventually be collected. Impact fees do not have the option of an interest rate accrued.

Chairman Hernandez noted that the other options all have risks to be accepted. Director Brown noted that only the impact fee option was unaffected by the possibility of default.

Director Eichenberg noted that the impact fee could also be paid earlier, if the property changes ownership.

No Board action was required, beyond Board input and guidance on the best course of action to pursue. Consensus of the Board was to pursue adding an infrastructure impact fee to properties in the Upper Piedras Marcadas/Volcano Heights area.

Director Brown and Chairman Hernandez noted that it would be much more efficient and cost effective to build the project before development goes in. Chairman Hernandez noted that it could be a \$6 million project, one project and done, before development. After development, it may take a series of projects that total \$10 million.

24. Unfinished Business

None.

25. New Business

None.



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26. Adjourn

There being no further business to come before the Board, Chairman Hernandez adjourned the meeting at 12:57 p.m.

Bruce M. Thomson, Secretary-Treasurer, 2/27/2014

Recorded by Pamela Woodruff, Executive Administrative Assistant