



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

Chair Thomson called the Regular Board Meeting to order at 10:05 a.m. Thursday, May 26, 2016. Roll was noted as follows:

Directors present:	Chair Bruce M. Thomson Director Cynthia D. Borrego Director Ronald D. Brown Director Tim Eichenberg Director Deborah L. Stover
Directors excused:	None
Attorney present:	Attorney Randy Autio, Robles, Rael & Anaya
Others present:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Thomson stated that **Item 10. UNM Hydraulic Lab Modeling** might be a perceived conflict of interest and asked that the item be moved so he may recuse himself. Director Eichenberg stated he had some budget questions on Consent Agenda **Items 12. Calabacillas Arroyo Facility Plan – Swinburne Dam to the Rio Grande and 13. AMAFCA Audit Services**. All three items would be moved to the Regular Agenda.

Director Eichenberg made a motion to approve the agenda, as amended. Director Brown seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. June 23, 2016, 10:00 a.m. – Regular Meeting**
- b. July 28, 2016, 10:00 a.m. – Regular Meeting**
- c. August 25, 2016, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting dates listed.



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4. Items from the Floor/Public Comments

Mr. John Barncastle, bicycle activist, addressed the Board stating that he had obtained information from his 311 blog about homeless individuals living in tents at the North Diversion Channel (NDC) at both the I-40 and Carlisle bridges earlier in the month. He had shot pictures of the individuals to Mr. Raymond Maynes with the Albuquerque Police Department Crisis Outreach and Support Team (APD COAST), and APD Officer Mike Benavidez and his assistant. After contacting the individuals listed above, along with contacting Mr. Lovato with AMAFCA, the area was clean within three days. Mr. Barncastle stated that the 311 system works even though it is complicated. He thanked the Board and Mr. Lovato for the quick response to removing the individuals camping out along the CoA's multi-use trails.

5. Approval of Minutes

a. April 28, 2016

Chair Thomson stated that on page four, under Item 5. AMAFCA Right of Way and Easements – Presentation by Albuquerque Police Department Crisis Outreach and Support Team (COAST), the record should reflect that during the topic it was discussed that AMAFCA's legal counsel work up a Joint Powers Agreement with the City, State, and AMAFCA, which will give jurisdiction to allow another agency to remove homeless individuals or groups from AMAFCA facilities, as well as CoA and State facilities.

Director Borrego made a motion to approve the minutes of April 28, 2016, as amended. Director Brown seconded the motion, which passed (5-0).

6. Financial Matters

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, went over the new report format. He stated that AMAFCA staff had brainstormed for a better process for the reports. He further stated he was open for suggestions from the Board. There were no questions.

a. Third Quarter FY 16 Budget to Actual

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, referred the Board to the Revenues Graph. The fourth quarter revenues are projected to be \$1.3M to \$1.4M and will bring AMAFCA up to a little over \$3.6M for the year, which will exceed the original estimate by \$1.5K, and exceed the 2015 Collection by \$30-\$50K. AMAFCA will be ahead of last year and is currently trending under budget. There are no areas significantly above or below budget. Referring to the pie charts, Mr. Chavez stated that comparing the pie for the entire budget, and the slices of the pie



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for the actual expenses, the slices remain similar. Salaries were estimated to be 48% of budget, but actually 57% of budget. Once Capital Outlay is realized, the pie chart will change to balance out the pie pieces. Salaries are expected to be closer to projected over the last quarter of the year. Responding to a question from Director Borrego, Mr. Chavez stated that the reports were not done with a new software program. The charts were made from the current software program from information exported into an Excel file. Responding to questions from Director Eichenberg, Mr. Chavez stated that the salary expenses for Mr. Wagener's retirement would be hitting the FY-2017 budget, along with the dual position for field engineer. Salaries are not over budget for the entire year, total expenditures to date do not include \$400K for Capital Outlay. The interim pie chart is skewed because Capital Outlay has not been fully realized to date. He further stated that at the beginning of the year, Capital Outlay was projected to be 18% of the budget; it is sitting now at 7.9% of the budget. Mr. Lovato agreed that the third pie chart was misrepresenting the expenditures and the bar graph is a cleaner picture of what is happening. He further stated the presentation would be reformatted. There was a discussion that the next page of the presentation gave more information that might be easier to understand. Mr. Chavez stated he would work on a better presentation for this report. There was a brief discussion regarding buying out vacation and sick leave in a lump sum in June for FY-2016 versus starting early retirement leave in November 2016. Responding to a request from Director Borrego, Mr. Chavez stated he would put dates on the charts so that the Board and public are aware that the information provided is not the final version. Responding to a question from Chair Thomson, Mr. Chavez stated that the Capital Outlay for the Yard Improvement was originally budgeted at \$600K; \$400-\$450K would occur in FY-2016, and \$150K would be utilized in FY-2017. Mr. Lovato stated that part of the original budget included the purchase of the property next door for additional parking, which AMAFCA was not able to acquire. Chair Thomson complimented staff on the first cut on the new reporting format. Responding to a question from Chair Thomson, Mr. Chavez stated that in order to be transparent, as the website is improved, the Financial Reports, as well as the completed Audit would be available on the website.

Mr. Chavez continued his presentation stating staff is anticipating increased spending on protective equipment, boots, and summer uniforms. Auto Insurance will be over budget as AMAFCA failed to account for full year coverage on vehicles acquired in FY-2015. Although over budget, there will be no budget adjustment due to savings in other areas. Costs were incurred during the third quarter to acquire 10 new computers. The acquisition was planned so Windows 10 was preloaded on the computers. In the fourth quarter, Staff is anticipating additional costs related to web mapping and website updates, as well as updating one of the servers. Costs to acquire the loader and backhoe were lower than anticipated. Construction on the yard modifications recently began, and is scheduled to be completed by the end of the fiscal year.



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b. AMAFCA Cash & Investments

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that the format for this report is new. The graph shows the available and obligated funds. He stated that AMAFCA investments were intended to be liquid earning as opposed to money earning investments. He stated due to the misconception that AMAFCA has a lot of money, it was important to show that a vast majority of each fund was been committed to projects and how some funds can only be used for specific obligations. He referred the Board to page 2, which illustrated the inflows and outflows from both Wells Fargo and the Local Government Investment Pool (LGIP) accounts. The Bank Reconciliation used to be included in the Expenditure report; however, it is more appropriate to have the information reported within the Cash and Investment Report. There were no questions.

c. Approval of April 2016 Expenditures

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the April 2016 Expenditure report. He stated that the report is a similar format from past reports; however, now it only covers expenditures and not the bank reconciliation. He pointed out that there was a slight format error on Construction; it should read \$2,323,115. There were no questions.

Director Brown made a motion to approve the April 2016 Expenditure Report. Director Stover seconded the motion, which passed (5-0).

d. Financial Position Recap April 16, 2016 through May 15, 2016 & Forecast May 16, 2016 through June 15, 2016

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Financial Position Recap and Forecast. He stated the format had not changed. There were no questions.

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

e. Fiscal Agent Funds – Proof of Cash and Savings

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Fiscal Agent Funds. He stated that the report does have a new format that encompasses the beginning inflows and outflows, along with additional information. Responding to a question from Chair Thomson, Mr. Chavez stated that there were two financial institutions interested in helping to manage investments in order to get higher returns. Due to the extra monitoring efforts involved AMAFCA staff decided to leave the funds within LGIP.



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f. 17,500 GVWR Truck Replacement

Mr. Kurt Wagener, AMAFCA Field Engineer, stated that during the Equipment and Fleet evaluation for the Fiscal Year 2017 budget, staff recommended that Unit 106, a Dodge 4x4 Crew pickup truck with close to 170,000 miles be replaced. The current State Purchasing Contract expires on June 17, 2016. The State is working on a new Request for Proposals at this time. Prices will go up once the new State Purchasing Contract goes into effect. The FY-2016 budget has \$86,334.00 remaining in line item Purchase – New Equipment. Staff had recommended that the 17,500 GVWR Truck with utility bed be purchased in FY-17, but recommended purchase in the Fiscal Year 2016 for \$69,642.00. Responding to a question from Director Eichenberg, Mr. Wagener stated that the list of add-ons is quite extensive. The vehicle is a heavy duty, 2-ton, diesel engine truck, with four-wheel drive, a/c, utility bed, rack for carrying materials, and a 1200-pound winch on the front. The cost of a basic truck is \$36K, with an additional \$5K for the utility bed. Mr. Wagener further stated it is important to have a diesel engine due to the heavy workload. Responding to a question from Chair Thomson, Mr. Wagener stated that after July 1, 2016, AMAFCA would be getting bids for the welder, compressor, cutting torches, and other equipment that was budgeted in the FY-2017 budget.

Director Brown made a motion that the Board authorize the Executive Engineer to purchase a new 17,500 GVWR truck with utility bed under the current New Mexico State Purchasing Contract. Director Borrego seconded the motion, which passed (5-0).

7. Approval of AMAFCA FY-2017 Budget

a. FY-2017 Operating Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that there was a slight change from the previous month's presentation. AMAFCA is anticipating an increase in Auto Insurance due to the purchase of the welding truck. This is a proactive stance versus being reactive. Responding to a question from Director Eichenberg, Mr. Chavez stated that AMAFCA budgeted at a deficit this year. AMAFCA had a significant beginning fund balance in the amount of \$3.2M at the end of FY15. FY16 budget spent down that amount through Capital Outlay. Responding to a question from Director Eichenberg, Mr. Chavez stated that of the \$3.2M there is \$2M that needs to go to flood control, but it will not impede the beginning balances in any way.

Responding to a request from Director Borrego, Mr. Chavez stated that footnotes regarding the estimated fund deficiency would be included on the budget report, including what would be sent to DFA and for internal purposes. Responding to a comment from Director Brown, Mr. Lovato stated that AMAFCA had done a 25-year look ahead to identify any areas where there will be a deficit. When the analysis was done, it showed that in 2024 things need to come in just right. There



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will be \$100K-\$300K in the next few years to get down to that point. Continued expenses, such as salaries, will not be part of a spend down. There will be a specific amount of funds set aside to make vehicle purchases, which are considered a one-time purchase. Responding to a question from Director Brown, Mr. Lovato stated he does not have the estimated budget number for one-time purchases that will be carried over. It might be \$150K to \$175K and staff agrees that it needs to be a consistent number to be carried for a few years. He further stated that the Stormwater Quality Program is AMAFCA centric today. Costs in this area should come down in the future with participation from other cooperatives (CoA, SSCAFCA, etc.). AMAFCA was aware there would be a ramp up on the stormwater quality side until the cooperatives were set in place. Responding to a question from Director Brown regarding a deficit, Mr. Chavez referred the Board to page four of the 6a mailout. FY-2016 had a \$1.1M loss budgeted; however AMAFCA will be making up \$400K in expenditures. The bottom line loss is now approximately \$769K. Staff identified all items that could not have a budget decrease with remaining items having an approximate five percent cut across the board. Mr. Chavez further stated that he anticipates a balanced budget in 2024, which is ahead of the 2025 look-ahead date. There was a brief discussion that a financial disclosure, noting a deficit, will be confusing to the public; however, it was noted that AMAFCA has recognized the concern and has a strategy in place, to balance the budget. Responding to a question from Director Borrego, Mr. Lovato stated that in FY-2016, AMAFCA went into a modified accrual system for accounting. Now that the accrual budget is in place, AMAFCA will be moving to rectify the deficit within the next year. Responding to a question from Director Brown, Mr. Chavez stated that the Board would be involved with the Strategic Planning Committee and the FY-2016 Audit would include information regarding the AMAFCA look ahead and spend down process.

Director Brown made a motion to approve the FY-2017 Operating Fund Budget for submittal to Department of Finance and Administration (DFA). Director Borrego seconded the motion, which passed (4-1). Director Eichenberg voted no.

b. FY-2017 Construction Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated there had been no changes from the April presentation. AMAFCA is not anticipating any significant events to take place that would require funding and / or obligate AMAFCA prior to the end of FY-2016. Responding to a question from Director Brown, Mr. Chavez stated that there is a budget and plan in place should a disaster occur. Responding to a question from Director Borrego, Mr. Chavez stated that many projects are multi-year projects. For projects that are carried into FY-2017, the obligated funds are reviewed, to take into account what has been paid so far, amount of funding left over, and the remaining amount that will be carried over into FY-2017.



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Director Brown made a motion to approve the FY-2017 Construction Fund Budget. Director Borrego seconded the motion, which passed (5-0).

c. FY-2017 Debt Service Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that the Budget had been updated to reflect the recent Bond Sale actuals. There were no questions.

Director Brown made a motion to approve the FY-2017 Debt Service Fund Budget Fund Budget. Director Borrego seconded the motion, which passed (5-0).

d. FY-2017 Building and Yard Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated there have been no changes from the April presentation. Responding to a question from Chair Thomson, Mr. Chavez stated that current year revenues are not spent since this is an account used as a type of savings account. Money is saved for work on the Building and /or Yard. Any unspent Capital Outlay that was being used for the Yard will be transferred into this account and will be drawn back out as needed. Responding to questions from Director Eichenberg, Mr. Chavez stated that the current Mill Rate for Residential is 1.7, 4.77 for Non-Residential, and the Debt Service is .67. He further stated it had been over 15 years since a change in the Mill Levy has occurred.

Director Brown made a motion to approve the FY-2017 Building and Yard Fund Budget. Director Borrego seconded the motion, which passed (5-0).

e. FY-2017 Contingency Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that there have been no changes from the April presentation. In April, the new Cash Reserves Policy was passed. The interest related to each fund is noted within the Budget.

Director Brown made a motion to approve the FY-2017 Contingency Fund Budget. Director Borrego seconded the motion, which passed (5-0).

f. FY-2017 Unassigned Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated there had been one modification to what was presented in April. The beginning cash balance did not account for the transfer to the General Fund scheduled to occur in June 2016. This will reduce beginning cash



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from approximately \$100K to \$80K, which will lower ending cash from \$55K to \$35K. No other adjustments were made. There were no questions.

Director Brown made a motion to approve the FY-2017 Unassigned Fund Budget. Director Borrego seconded the motion, which passed (5-0).

g. Resolution 2016-08 – Adoption of Fiscal Year 2017 Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated the Resolution adopts all AMAFCA Fund Budgets. AMAFCA's legal counsel had reviewed the Resolution. The summary page for each of the fund budgets would be attached to the Resolution for submittal to the DFA for approval by the June 1, 2016 deadline.

Director Brown made a motion that the Board approve adoption of Resolution 2016-08, Fiscal Year 2017 Budget. Director Stover seconded the motion. The motion passed (4-1), on a roll call vote. Director Eichenberg voted no.

8. Legal

a. Status Report

Attorney Randy Autio stated most of the items pertain to the legal issue that would be handled under closed session. He further stated that another item on the report referenced a subpoena issued to AMAFCA, even though AMAFCA was not a party to the case involving The Trails, LLC versus Steven J. Metro case. The subpoena is extremely broad, burdensome, and demanded to produce the documents in Texas, which is over 100 miles from the AMAFCA office. Legal counsel had sent a letter to the attorney located in Texas objecting to the subpoena to AMAFCA for production of documents. AMAFCA's legal counsel had not received any return phone calls or a response from the letter sent. It is anticipated that documents will need to be produced at some point. Responding to questions from Director Brown, Attorney Autio responded that as part of the subpoena for a non-party they would have to pay a witness fee, provide a request, and ask to do a deposition. AMAFCA should not be obligated to create documents in order to comply with the request. Any costs to produce the documents would be reasonable costs that are controlled by the Court, which would not be subject to the Inspection of Public Records Act (IPRA) cost schedule. Responding to a question from Director Borrego, Attorney Autio stated that the case involved a developer and person who is a landowner. Responding to a question from Director Eichenberg, Mr. Lovato stated AMAFCA does have a fee schedule. Attorney Autio stated that the request was not made under an IPRA request, but a subpoena, so the court would dictate reimbursement costs. Mr. Jerry Lovato, AMAFCA Executive Engineer, stated the reason the attorney was asked to send a letter was that after looking at the request, it would take approximately



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60 working days for three staff members to comply with the request. With only 22 people on staff, three people taken away from their normal duties would be a hardship for AMAFCA. Responding to a question from Director Eichenberg, Attorney Autio stated that sending a request such as this is to see what information is out there. Responding to a question from Director Eichenberg, Mr. Lovato stated that Mr. Metro is an Engineer.

b. Discussion on Pending Litigation – Closed Session (§10-15-1(H))

Chair Thomson advised that Item 8b was a Closed Session agenda item. Director Brown made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* eight edition, 2015, to discuss Threatened or Pending Litigation. Director Borrego seconded the motion, which passed unanimously (5-0), on a roll call vote. Mr. Lovato and legal counsel remained; Mr. Lovato asked that Mr. Jeffrey Willis, AMAFCA Real Estate Manager, remain as well.

Chair Thomson closed the meeting at 11:04 a.m. Chair Thomson asked for a motion to re-open the meeting at 11:50 a.m. Director Brown made a motion that the meeting be re-opened. Director Borrego seconded the motion, which passed unanimously (5-0), on a roll call vote. Chair Thomson stated that no action was taken during the Closed Session, where a couple of issues regarding pending litigation was discussed.

9. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Jerry Lovato, AMAFCA Executive Engineer, highlighted significant activities of the past month:

- **Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) - Access Control in open Arroyos:** AMAFCA is working with SSCAFCA to address vehicle trespassing, damage, and erosion to arroyos (Calabacillas and other areas on the west side) caused by four-wheel drive trucks, all-terrain vehicles, and motorcycles. Both agencies will be working with the Ditch Safety Task Force, CoA Open Space, and possibly other agencies to publicize the issue and to introduce control measures (such as jetty jacks) that will be built in the future.
- **City of Albuquerque (CoA) - Joint Projects:** There have been some intense discussions with CoA on projects. CoA has made a big effort in the last couple of weeks to work on finalizing contracts.



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- **City of Albuquerque, New Mexico Department of Transportation Joint Project (NMDOT) - Joint Water Quality Project at Bridge Crossings:** AMAFCA is working with NMDOT and CoA to address homeless issues under the I-40 Bridge at the North Diversion Channel (NDC). This work will address an existing water quality issue as well. The CoA COAST team had identified issues with homeless veterans. There is a possible project to help homeless veterans.
- **New PNM Transmission line along the NDC - License Request:** Staff has been working with CoA, Albuquerque Bernalillo County Water Utility Authority (ABCWUA), and PNM to identify a possible route along the North Diversion Channel for a transmission line. An alternative route was identified that minimizes conflicts and satisfied PNM needs, and does not conflict with the existing utilities.

b. Notification of On-Call Services Task Orders

Mr. Lovato referred to his memo for the task orders that had been issued the prior month. There were no questions.

Chair Thomson turned the meeting over to Vice Chair Borrego to cover the **Item 10. UNM Hydraulic Modeling and Technical Assistance Proposal**. There was no discussion.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to execute the necessary proposal acceptance forms for the UNM Open Channel Modeling and Technical Assistance proposal for Fiscal Year 2017. Director Brown seconded the motion, which passed (4-0). Chair Thomson recused himself.

Consent Agenda:

Items 12 and 13 were moved to the Regular Agenda.

Vice Chair Borrego stated that agenda Items 11 and 14 were on the Consent Agenda. Director Eichenberg made a motion that the Board:

- Authorize Executive Engineer to extend each of the above listed Design, Bidability, and Constructability Agreements for the second one-year extension, as per the provisions of the agreements; and
- Authorize the Executive Engineer to advertise a Request for Proposals for biological assessment services for twelve sites within AMAFCA's jurisdiction.

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



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Vice Chair Borrego turned the meeting back over to Chair Thomson.

**12. Calabacillas Arroyo Facility Plan – Swinburne Dam to the Rio Grande –
Consideration for Approval of Selection Advisory Committee Recommendation**

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that Mr. Kevin Troutman was on a trip with his family. Three proposals were received in response to the Request for Proposal (RFP). Tetra Tech, Inc. received the highest total points. Responding to a question from Director Eichenberg, Mr. Bradley Bingham, AMAFCA Drainage Engineer, stated the blind estimates ranged between \$160K up to \$215K. He further stated the engineer's estimate was approximately \$185K - \$200K. Responding to questions from Director Brown, Mr. Bingham stated that the plan would be for a hydraulic study of the Calabacillas from the Swinburne Dam to the River. There are 21 drop structures and bank protection in multiple locations. The project will give AMAFCA a chance to reevaluate what has been installed over the last 5-18 years and determine what projects are still needed. It will identify if additional drop structures and bank protection are needed and determine the order to install new infrastructure. Responding to a question from Director Brown, Mr. Bingham stated that this would update and replace all of the Mussetter plans. For example, the original Mussetter plan had nine drop structures. In the last few years, more grade control structures have been put in. Mr. Lovato stated that the Mussetter studies took AMAFCA out to 2025. Mr. Bingham stated that sediment transport, stable bank slope, and numerous cross sections will need to be modeled to make sure what is needed in that section of the arroyo. Responding to a question from Director Eichenberg, Mr. Bingham stated that the Facility Plan would be completed in April. Any projects identified in the report go through the Project Schedule process with possible inclusion in the Project Schedule. Staff is not sure at this time that any facility will be added. Responding to a question from Director Eichenberg, Mr. Lovato stated that there was an issue in the Calabacillas Arroyo for three grade control structures; the setback line was encroaching on private property. In this area development has already occurred. Mr. Bingham stated that the drop structures that are in place now have already become exposed (top and bottom sill exposed). Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated that AMAFCA would like to look at putting a Dam within a Dam (like Black Arroyo Dam). It will change sediment load within the arroyo. The Calabacillas is very dependent on sediment load transport. This would be a big part of the study and the impact on future structures. Mr. Kurt Wagener, AMAFCA Field Engineer, stated that he did an inspection recently of the entire Calabacillas Arroyo and there was nothing immediate; however, there are some very large erosions below Swinburne Dam so it probably will require a project there. Responding to a question from Director Borrego, Mr. Bingham reiterated each project identified would be added to the Project Schedule, which is a two-year process. Responding to a question for Chair Thomson, Mr. Bingham stated that the collaborative study between SCAAFCA and AMAFCA was for Swinburne upstream and it is still in a draft process. There is a question on the right Hydrology. There is still collaboration; however, neither document has been finalized. Mr. Lovato stated that the study would not affect



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everything downstream from Swinburne. Responding to a question for Chair Thomson, Mr. Lovato stated this project would be a carryover from FY-2016. Responding to a question from Director Borrego, Mr. Wagener stated that the item that was being discussed was a planning document for the future. He further stated he inspected the area to make sure the drop structures were not being undermined and are working, as they should. The reason Drop Structure 7b was done due to structure 7a being flanked. He had notes from the last three inspections below Swinburne to keep an eye on erosions in the future. Swinburne had riprap pads that had dropped five feet in 10 years. He further stated he is 99% sure that there is need for a project below Swinburne for a structure and he is in full support of the Facility Plan. Mr. Bingham stated that structure 7b was planned and anticipated approximately five to seven years in advance. Mr. Wagener stated that all of the structures that were identified in the two Mussetter reports have been built.

Director Borrego made a motion that the Board accept the recommendation of the Selection Advisory Committee and authorize the Executive Engineer to commence contract negotiations with Tetra Tech, Inc. Director Brown seconded the motion, which passed (4-1). Director Eichenberg voted no.

13. AMAFCA Audit Services - Consideration for Approval of Selection Advisory Committee Recommendation

Mr. Herman Chavez, AMAFCA Finance and Business Manager, passed out the Selection Advisory recap.

Responding to a question from Director Eichenberg, Mr. Lovato stated that the scores had been handed out to the Board. The agreement is for one year with two additional years at the pleasure of the Board.

Mr. Chavez introduced Mr. Robert Cordova with RPC. Mr. Cordova stated the firm (formerly Accounting Consulting Group is now RPC) changed names in November 2015. RPC stands for Robert Pendergrass and Company. Mr. Cordova further stated that RPC had done approximately 70 audits in New Mexico. They are currently working with SSCAFCA. He stated RPC is aware of AMAFCA's objectives. There was a discussion on how the Selection Committee reviewed the responsiveness of the submittals and the client list(s) provided. There were nine proposals submitted and six were deemed quite good. The Selection Committee had a hard time coming up with the first choice. There is a lot of confidence with the firm chosen.

Director Eichenberg made a motion that the Board accept the recommendation of the Selection Advisory Committee and authorize the Executive Engineer to execute the contract with RPC CPAs + Consultants, LLP. Director Brown seconded the motion, which passed (5-0).



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15. Office of the State Engineer Dam Safety Bureau – Update on Development of a PMP Tool

Mr. Jerry Lovato, AMAFCA Executive Engineer, referred the Board to the graphic in the Board mailout and stated that PMP stands for Probable Maximum Precipitation. This information can be found in HRM55A, which was developed by NOAA in the early 1980s. There have been a lot of issues with HRM55A. It crosses the United States, goes through New Mexico, Colorado, and up into Canada. The area runs across the Rocky Mountains. There is an issue with how the numbers were developed and today information cannot be recreated in HRM55A. HRM55A dictates how spillways are designed for the dams. There is a direct cost to AMAFCA; if there is 17.5 inches coming down in 6 hours, you have to design the spillway to pass that amount of water. Example for the Boca Negra Dam took 38,000 cfs, but the Dam holds less than 78-acre feet. Back in 2013, it was understood there were issues. The Office of the State Engineer (OSE) executed a \$400K on-call contract to work on a tool to do develop a local PMP. The State of New Mexico did not like the results of the report and stopped funding the effort. The OSE wanted to update the HRM55A by themselves; however, the cost was approximately \$1M. The Board understood there was a benefit for AMAFCA to be involved, but did not authorize the Executive Engineer to manage the project for the OSE office in 2013. In 2014, the OSE, in conjunction with Natural Resources Conservancy Services, approached the State of Colorado, who was doing a PMP Study for Colorado. They found out there might be a chance to work with Colorado, share in their storm library, and create a PMP for the State of New Mexico (NM). The OSE gave a presentation to the Board. The Board supported working with the State of Colorado since it would reduce costs, but would only get involved if the State of New Mexico managed the project. The OSE took it to heart, were able to get an agreement in 2015 between NM and Colorado, and started work on the joint Colorado and New Mexico Regional Extreme Precipitation Study in March 2016. They have limited funds to finish up FY-16 and are looking for funding for FY-17. The New Mexico Watershed and Dam Owners Conference (NMWDOC) passed a Resolution last year to authorize \$50K to the OSE to complete that study. A check for \$50K was turned over to the OSE at the May NMWDOC meeting. Staff asked for the Board's guidance and direction concerning AMAFCA funding a portion of the Colorado and New Mexico Regional Extreme Precipitation Study for \$50K. The benefit to AMAFCA would be to reduce the amount of rainfall in the PMP, which would reduce the size of spillways.

Responding to questions from Director Borrego, Mr. Lovato stated the boundaries are the States of New Mexico and Colorado and the study is not related to the program with Ms. Laura McCarthy. There was a discussion regarding the difference between the mountain ranges east and west being very different and the different set of parameters for eastern New Mexico and Texas. Mr. Lovato stated that Texas had completed their study and Arizona is going through one now. Both programs used current information and technology. Responding to a question from Director Brown, Mr. Lovato stated he needed direction from the Board. The Board advised to move forward.



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Responding to a request from Directors Borrego and Eichenberg, Mr. Lovato stated he would get a list of other agencies who are committing to the project.

16. Not Used

This agenda item was not used or discussed.

17. City of Albuquerque Joint Project Update

a. West I-40 Phase IV Project Update

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that there was a concern with monies being held up at the City. Mr. Lovato had spoken with Ms. Melissa Lozoya, Director Department of Municipal Development, concerning the status of the funding agreement. The agreement slipped through the cracks during the transition between Ms. Lozoya and Mr. Wilfred Gallegos. The agreement is currently at CoA Legal for review. AMAFCA anticipates receiving a redline strikeout of the agreement before the next Board Meeting. If the changes in the agreement pertain to new signatories only, the Board would be notified at the next meeting. If the agreement had been substantially modified, the agreement would be brought back to the Board for approval at the next Board Meeting.

b. Marble / Arno Pond Pump Station Project Update

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that the same issues with the agreement falling through the cracks happened here. An electronic version of the agreement was transmitted to the CoA for review. The legal review from CoA Department of Municipal Development is not complete. Once the Department of Municipal Development reviews the agreement, the agreement would be forwarded to CoA Legal for review. AMAFCA anticipates receiving a redline strikeout of the agreement after the next Board Meeting. If the changes in the agreement pertain to new signatories only, the Board would be notified at the July Meeting. If the agreement had been substantially modified, it would be brought back to the Board for approval at the next Board Meeting.

c. Mid Valley DMP Water Quality Project – Project Introduction

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, stated that the DMP was adopted two years ago. It identified Water Quality projects at the both the Alcalde and Barelás Pump Station Outfalls. The report had a preliminary earthen dike to be constructed to slow down flow. Mr. Chavez referred the Board to various pictures of debris that is currently being collected in both locations, as well as showed a concept-level design for the two facilities that would involve



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installing a staged weir and gaging station to measure discharge, and a sampling station to quantify efficiency. Mr. Lovato stated that this would be the last opportunity to build a regional facility before it discharges in the Rio Grande. It will also be a regional solution for portions of downtown as an offset for stormwater quality and CoA's stormwater ordinance. This will allow the community to satisfy its EPA permit requirements and comply with CoA stormwater ordinance.

Responding to a question from Director Brown, Mr. Chavez stated the location is south of Bridge, near the Hispanic Cultural Center. Responding to a question from Director Borrego, Mr. Lovato stated that the cost for AMAFCA is approximately \$300K, per site. Sites are unknown at this time and would be identified in the agreement. Responding to a question from Director Borrego, Mr. Lovato stated that Tingley Beach flows in a different direction. The water will run over the levee and into the river. Responding to a question from Director Eichenberg, Mr. Lovato stated that cost share with CoA will be 50/50. Responding to a question from Chair Thomson, Mr. Lovato stated this is only for Water Quality; AMAFCA would not be replacing pipes or pumps. Responding to a question from Director Eichenberg, Mr. Chavez stated that in order to comply with the Regional Water-Shed Based Permit everyone is dealing with the issue together. Before the flow goes into the river, it will go through the CoA pump station. Responding to questions from Director Eichenberg, Mr. Lovato stated that if it becomes a regional facility, there will be an opportunity for reimbursement in the future and there will be additional water quality capacity for sale in the future. Responding to a question from Chair Thomson, Mr. Lovato agreed that the water originates in the incorporated part of Albuquerque. There was a discussion where water originates, all the agencies involved, and why only some agencies are coming to the table. The Board agreed to move ahead.

d. Comanche Water Quality Project – Project Introduction

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, stated that this was another potential joint project, which had been identified in recent discussions with CoA. Staff is requesting input and guidance regarding a possible cost share agreement for the future regional Comanche Water Quality Project. The concept is to improve stormwater quality before it enters the NDC by constructing a sequence of water quality structures. Mr. Chavez referred the Board to the image showing the vacant property and associated stormwater quality functions for the Comanche Water Quality Project Location. The ideas for each location were as follows: Location 1 would have slope stabilization to ensure efficient usage of the existing curb inlet; location 2 would include a potential bio swale outlined with permeable pavers; and location 3 may have an artistically designed weir structure to slow runoff and capture debris. Responding to a question from Director Brown, Mr. Lovato stated that the water would go from the ballfields to a pipe under Comanche, then into the pond. Responding to a question from Director Brown, Mr. Lovato agreed that instead of doing work in the street, it would be proposed to CoA that the water be desilted to the big pump (with a gage around the pump). There was a discussion regarding the pond at the



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location had been a dumpsite for excess debris for years. Responding to a question from Director Eichenberg, Mr. Lovato stated that the area to the south and east of the ballfields is the Bryn Mawr location. CoA had asked AMAFCA to participate over the last few years; however, AMAFCA and CoA could not come to an agreement. CoA moved forward on their own with the design to improve the Bryn Mawr location. It had been put out for construction and should be ready to start in approximately two months. Responding to a question from Director Eichenberg, Mr. Kevin Daggett with CoA Municipal Development stated that construction would start around the end of monsoon season. The plan is to replace pipe in the problematic earthen channel, add a Water Quality device at the upper end near Aztec. The water will come into the pipe, go around the corner before crossing Bryn Mawr. Because of the profile in the road it will go into a shallow wide box. The dip section will be filled in as well. Responding to a question from Director Eichenberg, Mr. Daggett stated water comes from the mobile home park and Carlisle. The Board voiced concerns that the three features would have high level of debris, which will end up having many maintenance problems in the area and utilities will need to be relocated. Responding to the concerns, Mr. Lovato stated that he would talk with Mr. Daggett to come up with a quality enhancement that will reduce the sediment and debris.

e. Private Public Partnership – Project Proposal

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that due to concern with the homeless problem, and in order to alleviate doing fencing around facilitates, it was suggested that housing possibilities be looked into. The Greater Albuquerque Housing Partnership (GAHP) and the New Mexico Veterans Integration Center (NMVIC) had approached AMAFCA to possibly partner with them in the redevelopment of a property near San Mateo and Gibson. There is a large floodplain across the entire property and the owner cannot get a loan to develop the area. Responding to a question from Director Brown, Mr. Chavez stated that the area had been identified for a regional pond in the San Mateo Mini DMP that would reduce flows in the San Mateo storm drain. The facility would be for homeless veterans to access transitional housing, food programs, other housing, and have retail uses. Mr. Lovato stated that the CoA would convey the property to the NMVIC and AMAFCA would get an easement and take care of the surface pond. The facility would take care of trash in the pond. A conceptual site plan for the support facilities indicate that approximately half the property would be needed; the other half could be used as a regional flood control pond.

Responding to a question from Director Brown, Mr. Bingham stated that the Kirtland Air Force (KAFB) Pond would help through the San Mateo Storm Drain. Responding to a question from Director Brown, Mr. Bingham stated that the parking lot has 300 cubic feet per second (cfs), which the pond will reduce to 20-25 cfs. Mr. Bingham stated that at San Mateo and Gibson there is 220 cfs alone that cannot get into the San Pedro system. Responding to a question from Director Brown, Mr. Lovato agreed that if AMAFCA did their work on KAFB, AMAFCA would have already done



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a substantial contribution to the area. Mr. Lovato stated that CoA does not have funding for the Base.

There was a discussion regarding zoning, the school, apartments in the immediate area, why AMAFCA is being approached for a project such as this, how to infuse an area that had gone downhill economically, should AMAFCA help with drainage only in the area, how AMAFCA would help KAFB even though it is the US Government's problem, AMAFCA taking care of the flooding, which would help substantially with drainage in the City. AMAFCA should be a passive participant not take the lead for projects that are not in AMAFCA's area of responsibility. AMAFCA is not involved in the planning in certain areas, yet AMAFCA is being approached for funding. With AMAFCA having a deficit, AMAFCA needs to look at every project on a case-by-case basis. AMAFCA should not be maintaining small ponds, and should be concentrating on the threshold for a major flow rate of 2,000 cfs for AMAFCA helping with a facility.

Mr. Daggett with CoA stated that CoA now has funding for the KAFB pond that he had been meaning to discuss funding with Mr. Lovato. He advised there was \$1M for the KAFB pond and \$50K for the study. The Board was happy to hear that CoA had set funding aside.

18. Legislative Update

Mr. Mark Fleisher, working with Alarid Consulting, provided a brief recap. Part of his presentation covered the following:

The number of Bills, as well as the number of contested races. In the Senate, there are 10 contested Primary races - 8 Dems and 2 Rep. Two retiring Senators are Sue Wilson Beffort & John Ryan. There are 16 contested General Election races. In the House, there are 12 contested Primaries - 11 Dems and 3 Rep. Two retiring legislators are Dona Irwin - Dianne Hamilton & Nora Espinoza. There are 28 contested General Elections.

Legislature passed a \$6.2 billion spending plan without raising taxes. Last year's budget projections were \$6.53 billion; however oil and gas revenues dropped significantly, which left the Legislature with \$6.2 billion for the budget, as well as the Medicaid shortfall. Gross receipt taxes were down in general. 7,700 jobs mining jobs were lost. One topic of discussion pertained to Medicaid applications and the employees inflating the bank accounts for applicants. The inflated monies prevented needy families from receiving emergency assistance, when they qualified for assistance. This had been hit on heavy in the news outlets. The Water and Natural Resources Committee will hold its organizational meeting on June 14, 2016. As part of the handout, there was a list of races to watch for in the upcoming election.



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Responding to a question from Director Eichenberg regarding talk of a special session, Mr. Fleisher stated there would probably not be a Special Session. Responding to a question from Chair Thomson, Mr. Fleisher stated that the cost per barrel of oil is \$50.00, and more reductions are anticipated. There was a discussion regarding past budget cuts. Mr. Fleisher asked if he should come back in July or August to provide a summary of the General Election; the Board did not think it was necessary. Mr. Fleisher stated he will send information to Mr. Lovato and will come back when requested.

19. AMAFCA Field Highlights

a. Field Report

Mr. Kurt Wagener, AMAFCA Field Engineer, gave a report of various projects and events over the past month.

The slides opened with a picture of a wild turkey taken near the NDC Outfall. The presentation continued with slides of the work done by the AMAFCA crew at the natural arroyo at Pajarito Arroyo South B – a property owner had advised AMAFCA that in 1995 an agreement was done with AMAFCA that stated the arroyo was to be put back to 1985 conditions. Asbuilts were located and the surveyor was able to come up with a 1985 contour map. Responding to a question from Chair Thomson, Mr. Wagener stated that AMAFCA installed three grade control structures in the arroyo. Responding to a question from Director Brown, Mr. Wagener stated that the Pajarito Training Dike was built in 1992. Before 1985, the dike blew out. The training dike dropped approximately six feet. He further stated that the owners might have thought that AMAFCA was letting more water in the arroyo than what the owners thought should be allowed in. The presentation continued with various pictures of the Miscellaneous AMAFCA Construction Project work on the AMAFCA Wash Bay, various slides of the CoA Osuna Widening and Singer Road Widening Projects. Responding to a question from Chair Thomson, Mr. Wagener stated that these projects were grandfathered in and the 408 Permit process did not apply to them. Slides of the APS/RFK Pedestrian Bridge was viewed. Responding to a question from Chair Thomson, Mr. Wagener stated that the bridge could handle the same type of weight and vehicles as any other road for HS-20 loading. Various pictures from the Agency and Area-Wide Contract showing work done at the Bear Canyon Arroyo to repair a void. This is a CoA project and will be the only task order with CoA due to limited CoA funding. Responding to a question from Director Brown, Mr. Wagener stated that area was up near Eubank. The slide presentation continued with pictures of the NDC floor overlay near the University of New Mexico near Tucker, a picture of Mr. Kevin Troutman, AMAFCA GIS Manager, who gave a presentation at the ASCE Conference, a slide of Chair Thomson giving a presentation at the recent NMWDOC, and closed with a picture of Mr.



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Larry Blair, Mr. John Kelly, and Mr. Jerry Lovato (two former and one current AMAFCA Executive Engineer) from the same NMWDOC conference.

b. Construction Report

Mr. Kurt Wagener, AMAFCA Field Engineer, referred to the Construction Report. There were no questions.

20. Real Estate

a. Balloon Fiesta - Consideration for First Extension of License to City of Albuquerque for Balloon Fiesta 2016

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, stated that the Balloon Fiesta first extension is essentially the same as the contract. It is a one-year license with three one-year extensions.

Responding to a question from Director Borrego, Mr. Willis stated that AMAFCA does not receive any revenues from the Balloon Fiesta.

Director Brown made a motion that the Board authorize the Chair to execute the extension for the 2016 Balloon Fiesta License with the City of Albuquerque. Director Stover seconded the motion, which passed (5-0).

b. Sandia Presbyterian Church – Consideration for Approval of Quitclaim / Release of Drainage Easement

Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated the original Grading and Drainage Plan was submitted and approved in 1992. The church property is located on the south side of Paseo del Norte (PdN) between Eubank Boulevard and Browning Street. In the mid-2000s, the PdN roadway and drainage improvements project included roadside swales, inlets, and storm drain that effectively diverted the arroyo flow away from the church property. The current plan for the church is for a building addition that will extend into the existing easement. It has been reviewed and approved by BernCo and AMAFCA staff. Since the offsite 100-year flow entering the property has been reduced to below the 30 cfs threshold, the easement is no longer needed. There were no questions.

Director Eichenberg made a motion that the Board authorize the Board Chair to execute the Quitclaim Deed / Release of Easement for Lots 23 and 24, Block 1, Tract 3, Unit 2, of North Albuquerque Acres. Director Brown seconded the motion, which passed (5-0).



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**c. APS Mountain View Elementary School by South Diversion Channel –
Consideration for Approval of Turnkey Agreement for Storm Drain
Connection**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated the storm drain connection is located just south of the South Diversion Channel (SDC). In mid-2015, Albuquerque Public Schools (APS) began site improvements at the school. The plan included a detention / stormwater quality pond, with a new storm drain outfall connection to the SDC. Construction is proceeding on the site and they have been waiting on staff's permission to install the storm drain. Ms. Mazur had submitted the plan to the U.S. Army Corps of Engineers (USACE) in June 2015 for a Section 408 permit. AMAFCA addressed the USACE's comments and have not received the permit. Mr. Bruce Jordan with USACE had informed AMAFCA that approval is forthcoming. Ms. Mazur stated the Board approved a similar turnkey agreement for the new ABQ Health Partners clinic on the SDC at I-25 at last month's meeting and concurred that it is in the public's best interest for AMAFCA to assume ownership and maintenance of drainage facilities located within its rights-of-way. Staff requested the same consideration for a turnkey agreement for the APS project.

Responding to a question from Chair Thomson, Mr. Lovato stated that AMAFCA does not get away from the 408 requirement; AMAFCA is still responsible and will deal directly with the USACE. The pond is not designed for retaining water and it is a public safety issue. Responding to a question from Chair Thomson, Ms. Mazur stated that the pipe is 36 inches on this site. Attorney Autio stated this was an example of the 408-permit issue where an application was made, there is a long delay, and the USACE had indicated there would be an approval

Director Eichenberg made a motion that the Board approve the Turnkey Agreement, and authorize the Chair to execute the Agreement. Director Stover seconded the motion, which passed (5-0).

**d. Juan Tabo Hills Estates on Tijeras Arroyo – Consideration for Approval
Turnkey Agreement for Bank Stabilization**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated this development is part of the larger Juan Tabo Hills development next to the Tijeras Arroyo. AMAFCA staff has met with the owners, Mr. Scott Grady and Mr. Rex Wilson and their engineers, Mark Goodwin and Associates, to discuss the requirements for work in and adjacent to the Tijeras Arroyo. The Board approved a draft Turnkey Agreement for the project in October 2012.

The owners want to reclaim FEMA floodplain on the property by constructing a scour wall along the western fill of the subdivision, similar to the one completed last year, which is working very well. A blanket drainage easement will be granted to AMAFCA over both HOA tracts. During design of the project, staff required the bank protection be extended further north to tie into higher



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ground. An existing ABCWUA sanitary sewer was found to be in conflict with the proposed scour wall, so the owners agreed to relocate it. It will be partially within AMAFCA's parcel, and ABCWUA has requested a 30-foot wide easement. The relocation of the pipe will move it out of the potential flow path of the arroyo and behind the proposed bank protection. Mr. Lovato stated that there is approximately 20+ acres that AMAFCA owns covering the arroyo. There will be a Letter of Map Revision (LOMR) submitted. Responding to a question from Chair Thomson, Mr. Lovato stated that the sanitary sewer is the Tijeras interceptor.

Director Brown made a motion that the Board approve the Turnkey Agreement, and authorize the Chair to execute the Agreement. Director Stover seconded the motion, which passed (5-0).

21. North Diversion Channel Outfall "Bathtub" Structure Project – Project Update

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that the project took care of the hydraulic jump at the railroad tracks and created the water quality structure. The design was done by Weston Solutions, Inc. and construction was done by Mountain States Constructors. After the completion of the NDC Embayment Regrading Project, additional surveying was done on the sedimentation area between the Bathtub and the Equipment Crossing in anticipation of the AMAFCA crew regrading the sedimentation area to alleviate ponding water. Because of that survey and a closer look at the as-built drawings for the Bathtub Project, AMAFCA realized the Bathtub Project was not constructed according to the physical model completed by the University of New Mexico (UNM) and approved by the US Army Corps of Engineers (USACE). The physical model was provided to Weston.

The west end of the Bathtub is approximately 8" too high and the two side maintenance roads are 12" too high. A detail highlighting dimensions shown on the Bathtub plan set did not correctly reflect dimensions from the UNM model. The contractor did construct the project, per the plan set. The dimensions on the plan set did not reflect the dimensions from the UNM model; the design team did not catch the mistake during design review or during construction.

Weston Solutions, Inc., the design engineer, was given a verbal notice that the final design did not conform to the UNM model. Weston Solutions will need to demonstrate that the Bathtub Project, as constructed, will function as modeled and approved by USACE, or identify modifications that are required to the Bathtub Project to produce acceptable results.

Responding to a question from Director Eichenberg, Mr. Lovato stated that Sonny Cooper with Weston Solutions was present. Mr. Cooper stated Mr. Lovato's update on the project was correct. Weston will take on the cost to build another physical model and are in discussion with UNM on the cost(s). Responding to a question from Director Eichenberg, Mr. Lovato stated that the contract specifically stated that the Project would be built, based on the model from UNM. Responding to



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a question from Director Eichenberg, Mr. Lovato stated that AMAFCA found the problem where a detail for an elevation pointed to the wrong location (top of the wall versus middle of the wall). Weston had stepped up and acknowledged the mistake. He further stated that Weston would work directly with UNM. UNM felt that since the contract for the physical model was originally between UNM and AMAFCA there would be a liability issue. Since the contract is with AMAFCA, a different contract would be required between Weston and UNM. The Board agreed that Weston should work with UNM on another model, at Weston's expense, and thanked Weston for stepping up the plate to take care of the mistake.

22. Unfinished Business

None.

23. New Business

Responding to a request from Director Eichenberg, Mr. Lovato will sign off on a letter drafted pertaining to complaints received on the Hahn Arroyo. AMAFCA is responsible for the concrete portion of the arroyo and the CoA is responsible for the other areas, including maintaining the vegetation. It was suggested that the applicable City Counselor, Mayor, CoA Parks and Recreation Department, and Neighborhood Coalition for District 8 be copied on the letter.

24. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 2:15 p.m.

Ronald D. Brown, Secretary-Treasurer, 6/23/16