

MINUTES OF THE
THE CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD MEETING

March 5, 2015

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Joseph Maestas, Chair, at approximately 4:30 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Councilor Joseph Maestas, Chair
Commissioner Liz Stefanics
Commissioner Miguel Chavez

Member(s) Excused:

Ms. Consuelo Bokum
Councilor Carmichael Dominguez

Others Present:

Nancy Long, BDD Board Consulting Attorney
Charles Vokes, BDD Facility Manager
Stephanie Lopez, Staff Liaison
Mackie Romero, BDD Finance Manager
Teresa Martinez, County Finance Director
Bernadine R. Padilla, BDD staff
Michael Dozier, BDD Staff
Kyle Harwood, BDD Board Counsel

[Exhibit 1: Sign-in Sheet]

3. APPROVAL OF AGENDA

[Exhibit 2: Agenda]

CHAIR MAESTAS: Are there any changes from staff to the agenda?
CHARLES VOKES (Facilities Manager): No changes.
CHAIR MAESTAS: Okay. Any changes from the Board?
COMMISSIONER STEFANICS: I'll move for approval.
COMMISSIONER CHAVEZ: Second.
CHAIR MAESTAS: Okay. Motion and a second. Any discussion on the

motion?

The motion passed by unanimous [3-0] voice vote.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 9

I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of April, 2015 at 11:33:29 AM
And Was Duly Recorded as Instrument # 1761677
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Maecella [Signature] Geraldine Salazar
County Clerk, Santa Fe, NM

4. APPROVAL OF CONSENT AGENDA

CHAIR MAESTAS: Are there any changes from staff regarding the Consent Agenda?

MR. VOKES: No changes.

CHAIR MAESTAS: Okay. Any changes from the Board?

COMMISSIONER STEFANICS: I'll move approval.

CHAIR MAESTAS: Okay. We have a motion on the floor. Do I have a second?

COMMISSIONER CHAVEZ: Second.

CHAIR MAESTAS: We have a second. Any discussion on the motion?

The motion passed by unanimous [3-0] voice vote.

4. APPROVAL OF MINUTES: February 5, 2015

CHAIR MAESTAS: Are there any changes to the minutes from staff?

STEPHANIE LOPEZ (Staff Liaison): No changes.

CHAIR MAESTAS: No changes? Okay. Members of the Board, what's your desire?

COMMISSIONER STEFANICS: I'll move for approval.

CHAIR MAESTAS: Okay, I have a motion. Do I hear a second?

COMMISSIONER CHAVEZ: Second.

CHAIR MAESTAS: Second. Any discussion on the motion?

The motion passed by unanimous [3-0] voice vote.

6. MATTERS FROM STAFF

CHAIR MAESTAS: Any Matters from Staff?

MR. VOKES: No additional items, sir.

7. REPORT ON MARCH 3, 2015 FISCAL SERVICES AUDIT COMMITTEE

CHAIR MAESTAS: This ought to be brief. Hi, Mackie. How are you?

MACKIE ROMERO (Finance Manager): Hello. We did not have a FSAC meeting.

CHAIR MAESTAS: Okay. Thank you.

8. INFORMATIONAL ITEMS

Update on the Diversion Structure Inspection and Repairs

MR. VOKES: Thank you. Mr. Chair, members of the Board, as we discussed last Board meeting, the BDD staff, the BDD project manager, Rick Carpenter, along with other members of the City of Santa Fe support team, and our engineering

firms have been implementing the plan to isolate the diversion structure for inspection and repair. Here's what has been accomplished as of today.

First item, the mapping of the river has been completed. The results did not indicate that there have been any significant changes in the river bottom over the last few years. This report will be used for the construction of the coffer dam and also in the long term rehab of the diversion structure.

We have in place no-cost agreements with the engineering firms of CDM and CH2MHill to provide oversight for the inspection and the repair of the diversion structure. We have provided copies of these agreements to the Board members.

Third item, we have selected a construction firm, ASI, for the design and construction of the coffer dam. We have received a quote and we are working on the contract. As I mentioned last month, their initial quote was between \$250,000 and \$350,000. The quote that I received this week was for \$350,000, but that will include \$25,000 in case there are concrete repairs that are needed. So if there are no repairs needed then we would not be spending that additional \$25,000. We anticipate that this contract will be completed by next week and ASI has assured us that once they're under contract that they'll have the dam in place between four and six weeks from now.

Part of the process has been CDM Smith, our engineering firm, and Rick Carpenter have been in communication with the US Forest Service, the US Army Corps of Engineers, the New Mexico Environmental Department, to obtain all the permits and permissions necessary to proceed with the coffer dam and the project. The New Mexico Environmental Department has approved the project. I'd like to say that amazing progress has been made by these parties in obtaining these permissions. Every indication we've had from the agencies has been that we're okay to proceed. We should have the formal permissions, I would think, within a week.

So what does that do to our timeline? Essentially, the current timeline would put us essentially back in service with all the repairs and everything done about the first week of May. So we're still within our timeframe. I did – one other item, per Ms. Bokum's request, we did reach out to Dr. Thompson with the University of New Mexico to see if he was interested in participating in the project. He may be out of town. I haven't heard back from him but I'll keep trying to pursue that. And of course we do have the Army Corps of Engineers involved in the project through the permitting process.

One of the things I'd like to recognize and thank the two engineering firms, CDM and CH2MHill. They have really stepped up to the plate, have just been really, really wonderful to work with and they're all working very hard to make sure that this project is successful. So with that, I'll answer any questions from the Board members if you have any.

CHAIR MAESTAS: Any questions? Yes, Commissioner.

COMMISSIONER CHAVEZ: I appreciate that presentation and the information provided. My question then, and this may be a moot point because – and maybe we're already passed that, and it may not be worth going back to second guess or question what caused the problem or problems to begin with. I think that will be part of the scope of services that you'll be going through anyway, right?

MR. VOKES: Yes, sir. That will – once we get the structure dry and we can see what's going on then we'll know how to proceed as far as with the repairs and

then any future projects on the structure to ensure that it can be successfully operated and maintained.

COMMISSIONER CHAVEZ: Yes, and because if there were some – if there was a question about how some of the screens or components – there were certain components that were modified, all of that will be fixed once that's redone. That will have to be monitored, I would imagine, on an ongoing basis, to be sure that things are not being undermined in any way in the future.

MR. VOKES: Right. And part of the monitoring process will be both engineering firms will be onsite to look at that. We'll also have Rick Carpenter, who is the original project manager, and our staff. We will be present. If we see something that we're very concerned about and we need to hire outside expertise to look at that then we would be prepared to do that, but to this point I don't expect that. I expect full cooperation from the two firms.

COMMISSIONER CHAVEZ: That's all I have, Mr. Chair.

CHAIR MAESTAS: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. In both – okay, so the construction is what company?

MR. VOKES: It's ASI Constructors. They're out of Pueblo, Colorado, and they're the firm that did the recent coffer dam for the City of Albuquerque.

COMMISSIONER STEFANICS: Okay. So in both of these letters from CH2MHill and CDM [*Exhibits 3 and 4*] it indicates that the fee, if any, would be postponed until the completion of the investigation and diagnosis, and then CH2MHill says, fee, if any, postponed until the completion of phase 1 services. So how do we know what level they're going to come into and whether it's within our parameters that we set at our last meeting?

MR. VOKES: I believe when they're referring to a potential fee, right now they are doing the engineering at no cost. And I think what they've put that in there is if they find something and they do a great job then they may come before the Board and say, gee, we did a really great job and it cost us \$100,000, that would be the Board's prerogative whether there would be any compensation or not. But the current contracts do not call for any compensation. Is that right, Nancy?

NANCY LONG (Board Consulting Attorney): Yes, that is correct. They're not entitled to any compensation as the contracts are written.

COMMISSIONER STEFANICS: Okay, so Mr. Chair and Nancy and Charles, let's look at the CH2MHill first, in the fourth paragraph on the first page it talks about we request the BDD Board's consideration of reimbursement of documented labor costs and expenses incurred following the determination of causal factors and responsibilities through these phase 1 services. That to me sounds like they're expecting something later. And then on the last paragraph of the first page of the other one, it says, postpone until the completion of the investigation and diagnosis phase.

So to me, they're saying they might expect something.

MS. LONG: They might be expecting something that it has been clear that they are not entitled to anything and they have no contractual right to any amount of money from the Board without it being in the contract. They wanted the right to be able to come back after a determination of maybe fault, if there is one, if the parties can come to an agreement about it, and be able to ask for some compensation for their labor and

expenses. But all of that will depend on what is found. And so in terms of it coming within the Board approved, that \$500,000, there was no need to really budget for that as part of the emergency work, because this could be taken up outside of that if that fund were exhausted, should the Board make that determination based on staff recommendations, that either or both of these two firms should receive some reimbursement. But it would not be done on an emergency basis and it would come back to the Board. It would not be something that would be done administratively.

COMMISSIONER STEFANICS: Thank you for that explanation. Mr. Chair, I think when I made the motion last time about up to \$500,000, I really meant it to be inclusive of everything. So I wasn't just talking about construction. So my intent was that we not really keep going, keep going, keep going. So I just wanted to put that on the table in reading these letters. Thank you very much.

CHAIR MAESTAS: Sure. So I guess it leads to the question why would these firms submit this letter of agreement that's contrary to the contracts they signed with us. Nancy, do you want to –

MS. LONG: Mr. Chair, these letters are the letters of agreement. So we don't have separate contracts with them other than the construction/engineering contracts, and we made clear in the conditions that this letter of agreement would not amend nor alter the terms of the contracts we already have with these organizations in the event that fault is determined such that the Board would sustain damages because of any design-build issues or if that determined, or construction issues, then those contracts are still in place and we have the remedies that are provided for in those contracts.

So this is the letter of agreement that was entered into. It's fairly simple.

CHAIR MAESTAS: So I think it maybe would have been helpful to have the overriding provisions of the original contracts. That way we can feel confident that if they do request any kind of reimbursement for services we'll know what the basis is for our refusal if in fact that's what we do.

MS. LONG: I have prepared a summary of key provisions of the two contracts regarding insurance and liability and damage limitations and I can certainly get that to you, to the Board members.

CHAIR MAESTAS: Now, since we have the – this was an issue that I had months ago in that here we have the original firms that were involved in the design and construction of the project and there could be a need for an objective third party to identify those causal factors for the construction or design flaws or whatever the outcome of the inspection is. So we certainly can't believe the consultant objectively so who do we as a Board rely on as an objective third party to make a determination or not we should even consider any kind of request for payment of services associated with this project?

MR. VOKES: Mr. Chair, I think it's all in the inspection process, once we see what's going on. We have staff that have had enough experience and if it's just solely the screen problem then there wouldn't be a need. If we see structural issues or major design problems and we feel like this is beyond the scope of what we're capable of handling then we are prepared to go on and get a third-party firm. I have some names. I've had some discussions with some firms in the event that we get to this point. But in the interests of cooperation with the two firms – as I mentioned both CDM and CH2 have really put forth a lot of energy, a lot of expense and a lot of time to get us to this point.

It's was CDM Smith's effort to push through the permissions and the permits and so I see no indication that they can't be trusted at this point.

But again, my belief is once we have the structure dry we intend to photograph every inch of the structure, take whatever measurements we need, and again, we have two independent, separate firms that CDM has taken on the role, literally, as the Board's engineering firm. They feel like they own that and they are stepping forward to represent the Board in this. CH2 of course was part of the design-build team and so they have more responsibility for the actual building and results of the diversion structure and indeed the plant. So that's been our approach and obviously, if the Board wishes us to employ another firm or wants us to go another direction then we're certainly willing to listen to the Board's recommendation.

CHAIR MAESTAS: So at this point you feel like you and your staff have the technical capabilities to do kind of a comprehensive forensic engineering report once we assess what the problems are and then you can maybe conclude what led to these problems.

MR. VOKES: Yes, Mr. Chair. Again, I think it's in seeing what we see. If it's solely a problem – the issue is with the screens then I believe that can be corrected relatively easy. If there are other structural defects then again, Mr. Carpenter has spent a whole lot of years with this process and he has a lot of expertise in that. I have my 40 years of experience in the water utility industry and again, we have an expert on diversion structures that is basically standing by so that if we get down there and we see what I determine are major issues then we will have discussions with other engineering firms and if need be, we can hire outside experts at that point.

CHAIR MAESTAS: Okay. Commissioner Chavez, do you have anything?

COMMISSIONER CHAVEZ: No. I'm good. Thank you.

CHAIR MAESTAS: Looking at the past diversions, we divert 400 acre-feet, right? Around April? I know it varies, but that shouldn't be a problem since we'll be basically out of service during the month of April.

MR. VOKES: It's my expectation that once we get the cofferdam in place that the inspections and the repairs should not take more than a couple weeks. The only thing that would extend that is if we do see something structurally that the ASI contractors are capable of pouring some concrete and fixing then we may extend that but again, we're up against a deadline of the river, and so it's my expectation that we need to get in and out of there no later than about the second week of May.

CHAIR MAESTAS: Is there a certain discharge that we're designing the cofferdam for, because obviously, for spring runoff our queue kind of peaks during that time. I'm not sure we have much of a snowpack but you never know. What's the capacity of a cofferdam? Do you think we'll be okay? In case there is a delay. What if we need additional concrete work and we're looking at maybe mid-May or late-May to be back in service?

MR. VOKES: Mr. Chair and members of the Board, the cofferdam that we're constructing is very similar to the original cofferdam. They essentially drive pilings 20 feet into the river bed and it's my expectation that again, if there are serious problems that we have to design and engineer and wait till the fall it's my expectation that we can simply remove a couple of sections from the cofferdam and the cofferdam will be in place irregardless of what the river throws at it in the meantime. So it is a significant

structure and it is being designed with that in mind, that there's a potential that the dam will have to stay in place until, say, next October or some later date in the event that we then need to put those two sections back in, pump it out and say, fix structural problems or whatever we find.

CHAIR MAESTAS: Okay. And maybe at the next meeting if you could provide the schedule. I know we had a schedule, which is very helpful when we signed off on authorizing all the contracts but I think it would be good to maybe track changes to the overall calendar or schedule.

MR. VOKES: Certainly. I will provide that next meeting.

CHAIR MAESTAS: Thanks, Chuck. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just heard, and so I need some clarification. Are you suggesting that the cofferdam might have to stay in place for a longer period of time in order to confirm the product?

MR. VOKES: The reason the cofferdam would stay in place is if we determine that there are significant issues with the structure that can't be repaired in the two- or three-week period. At that time what I suggest is that we remove a couple of sections of the cofferdam, allow the water flow back into the plant, get through the summer, and while that's going on the engineering firms will be looking for solutions and recommendations to that. I'm not expecting those types of significant problems, but again, I think what we need to focus on right now is that this needs to be fixed right at this time.

COMMISSIONER STEFANICS: So Mr. Chair and Charles, what is the cofferdam made of? I understand about the pilings, but what's it made of?

MR. VOKES: It's sheet pilings, so it's metal. So they basically take like metal I-beams and drive it in there and then they'll slide metal plates in between.

COMMISSIONER STEFANICS: And so that would be expected to withstand some of the raging floods and debris that we've had some summers from storms?

MR. VOKES: That's our intent with the design. And again, we have talked to ASI about the possibility of the structure staying in place. Again, they're taking these I-beams and driving them over 20 feet into the river bed, so I would expect that for the most part the dam would survive that. There may be some damage but it's our expectation that it would survive. If there's a 500-year flood or something like that in the event, then we would have to look at that, but the best thing we can do is not have to build the thing twice. So whatever can stay in place and will stay in place it will save us money in the long run if there are significant problems.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, I just know that in the past two summers we've had some 100-year floods so I just am apprehensive about what we're doing. Thanks.

CHAIR MAESTAS: All right. Any other questions regarding the update on the diversion structure inspection and repairs? All right. Thank you, Mr. Vokes.

All right. That really concludes our agenda.

MATTERS FROM THE PUBLIC

CHAIR MAESTAS: Are there any matters from the public? Anyone that wished to address the Board at this time? Going once, twice. All right.

MATTERS FROM THE BOARD

CHAIR MAESTAS: Any matters from the Board?

COMMISSIONER CHAVEZ: I have one quick one.

CHAIR MAESTAS: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: On snowpack, I know that we have in our packet information that's suggesting that the snowpack is about 50 to 60 percent of normal for this time of year. Do we have anything more recent? Has the snowpack increased slightly with the last couple of storms that we've had?

RICK CARPENTER (Water Resources and Conservation Manager): Mr. Chair, Board members, good afternoon. Yes, Commissioner. We do have updates that we've received in the past few days. This last series of storms were very good to us and a lot of snow and the snow was very wet. The snow/water equivalent was very high and right now the current projections are about 70 to 75 percent of normal.

COMMISSIONER CHAVEZ: So you're saying that the moisture content was also very high in these last two storms?

MR. CARPENTER: That's correct.

COMMISSIONER CHAVEZ: That's encouraging.

CHAIR MAESTAS: Anything else? Rick, I know we left the annual operating plan on the Consent but I had one question about all the water delivery orders of all the partners. We know we're not going to get a full allocation from Bureau of Reclamation for San Juan/Chama water so how does that affect the delivery or at least the orders?

MR. CARPENTER: Mr. Chair, we're hoping we'll get 100 percent. If we're up to 75 or 76 percent now and we have a wet March and maybe a wet April we might get pretty close to 100 percent. The good news is, and I need to get another update from MRGCD in Albuquerque. The problem is when there's not a lot of runoff and there's not a lot of carryover storage MRGCD tends to run out of water before the irrigation season. When that happens Albuquerque quits ordering water and then there's not enough carriage water in the river. That affects the amount of water that we call for because we suffer inordinate carriage losses in that scenario.

If, however, this wet pattern continues and the water that these other larger agencies are calling for are large enough to maintain flows such that we don't incur large carriage losses our orders should be about normal.

CHAIR MAESTAS: Okay, but the water orders in the AOP assume 100 percent allocation.

MR. CARPENTER: That's correct.

CHAIR MAESTAS: Anything else? Any other matters from the Board?

COMMISSIONER STEFANICS: Yes, Mr. Chair.

CHAIR MAESTAS: Commissioner Stefanics.

COMMISSIONER STEFANICS: I believe Ms. Martinez, Teresa Martinez is getting ready to retire from the County as our Finance Director and I would like to thank her publicly for all her service to participating with the Buckman Direct Diversion Board and our financial statements and our audits here, along with the City staff and the BDD staff. But Teresa is going to be very much missed. It's probably not good English, but I'm going to miss her. Thank you.

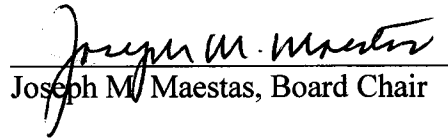
CHAIR MAESTAS: Congratulations. Any other matters from the Board?

NEXT MEETING: Thursday, April 2, 2015 @4:30 P.M.

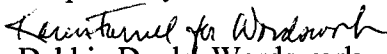
ADJOURNMENT

Having completed the agenda, Chair Maestas declared this meeting adjourned at approximately 5:00 p.m.

Approved by:


Joseph M. Maestas, Board Chair

Respectfully submitted:


Debbie Doyle, Wordswork

FILED BY:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

4-9-2015

ATTEST TO:


YOLANDA VIQUE
SANTA FE CITY CLERK