



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
September 28, 2017  
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**1. Call to Order and Roll Call**

Chair Thomson called the Regular Board Meeting to order at 10:06 a.m. Thursday, September 28, 2017. Roll was noted as follows:

Directors present:	Chair Bruce M. Thomson Director Ronald D. Brown Director Tim Eichenberg Director Deborah L. Stover Director Cynthia D. Borrego – arrived at 11:02 a.m.
Directors excused:	None
Attorney present:	Attorney Randy Autio, Robles, Rael & Anaya
Others present:	Jerry M. Lovato, P.E., Executive Engineer Staff

A quorum was present.

**2. Approval of Agenda**

Director Brown made a motion to approve the agenda. Director Stover seconded the motion, which passed unanimously (4-0).

**3. Meetings Scheduled**

- a. **October 26, 2017, 2017, 10:00 a.m. – Regular Meeting**
- b. **November 16, 2017, 10:00 a.m. – Regular Meeting**
- c. **December 14, 2017, 10:00 a.m. – Regular Meeting and Board Holiday Luncheon**

Director Stover mentioned she might miss the October 26, 2017 meeting. It was noted that both November and December meetings are not on the usual fourth Thursday, due to the holidays. There were no changes made to the dates listed above.

**4. Items from the Floor/Public Comments**

Mr. Jim Wible, Real Estate Investor with NAI Maestas and Ward, addressed the Board regarding the Upper Piedras Marcadas watershed; he met earlier in the morning with Mr. Jeff Willis, AMAFCA Real Estate Manager, and was informed the item was on the agenda; and he appreciated AMAFCA moving forward with the project. Chair Thomson reminded the audience that he had attended a meeting with Director Brown, Mr. Lovato, and Mr. Perry with the City of

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Albuquerque (CoA) at City Hall regarding the project. He stated that this meeting helped to raise visibility, if not priority on the part of CoA. Mr. Keith Meyer, Real Estate Investor with NAI Maestas, had not signed up for public comment, but stated that he was also a representative for property in the Amole Dam area. He further stated that he met with Mr. Willis approximately two years ago; is pleased that development in the Albuquerque area is moving forward after a ten year hiatus; a property that he is interested in, contains a parcel owned by AMAFCA. The AMAFCA parcel contains a diversion berm that directs flows into the Amole Channel. Responding to a request from Chair Thomson to summarize the area, Mr. Lovato stated AMAFCA had revisited the Amole Hubbell Drainage Management Plan for the area; Amole Dam is lacking approximately 250 acre-feet of storage; addressing the possibility of expanding the Hubbell Dam with land from CoA open space; the property that takes water into the Amole Channel had not been surplus by the Board; this could be brought back to the Board in approximately three months for consideration. There was a brief discussion regarding an Albuquerque Public School (APS) in the area, an 84-inch pipe collector pipe, creating an easement along the south end of a new subdivision, and putting in a concrete open channel. Mr. Bingham stated that the previous discussions included replacing the diversion with a mid / large storm drain in a future subdivision; today drainage works fine; but improvements would be development driven to unencumber the property. Mr. Lovato explained two options for the area. Responding to a question from Chair Thomson on diverting water south to Hubbell and the Guac site becoming surplus, Mr. Lovato stated Bohannon Huston is looking at the amount of water and how water gets in and what direction or area it flows from. Mr. Bingham mentioned the project would depend on the final design of the Hubbell and Amole Channels and expansion of the Amole Dam. Mr. Lovato introduced Mr. Paul Smith, Executive Director of the Albuquerque International Balloon Fiesta (AIBF). Mr. Smith thanked the Board and AMAFCA for all the help with the Balloon Fiesta grounds over the years. He stressed that staff bent over backwards during the last year. He stated that new construction on the grounds is a great benefit; there is an additional parking area west of the park for volunteer parking allowing more guest parking on the east and south sides of the park; and Pueblo of Sandia had provided better access for the park. Mr. Bradley Bingham, AMAFCA Drainage Engineer, introduced Mrs. Nicole Friedt, AMAFCA's incoming Development Review Engineer. Mrs. Friedt addressed the Board, summarizing her background and experience. Responding to a question from Director Eichenberg regarding time away from her duties to serve as Chair of the New Mexico Floodplain Managers Association, Mrs. Friedt stated that it is a volunteer effort for a small organization that does not have a heavy workload, and the time commitment is minimal. The Board welcomed Mrs. Friedt. The Board concurred that AMAFCA staff should volunteer and be active in the community.

### **5. Approval of Minutes**

#### **a. August 24, 2017**

Director Stover made a motion to approve the minutes of August 24, 2017. Director Brown seconded the motion, which passed (4-0).

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**6. Financial Matters**

**a. FY 18 Budget to Actual**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

**b. AMAFCA Cash & Investments**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

**c. Approval of August 2017 Expenditures**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. Responding to a question from Director Eichenberg regarding the Pitney Bowes postage machine rental, the cost of postage and machine rental was recapped.

Director Eichenberg made a motion to approve the August 2017 Expenditure Report. Director Stover seconded the motion, which passed (4-0).

**d. Financial Position Recap August 16, 2017 through September 15, 2017 & Forecast September 16, 2017 through October 15, 2017**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

Director Brown made a motion to approve the Financial Position Report. Director Stover seconded the motion, which passed (4-0).

**e. Fiscal Agent Funds – Proof of Cash and Savings**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. Chair Thomson complimented staff on the new Financial Reports and stated that they are much clearer versus a year ago. Mr. Chavez stated that a new format will be pushed out in preparation of State's requirement to move to a General Ledger program which includes a specific numbering system. He further stated he had discussed with staff and does not see an issue; however it the new system may impact both the 2019 budget process and how to prepare or summarize the Board reports. He will be attending a two day training for the program in November and will not be present for November Board meeting.

**7. Legal**

Attorney Randy Autio stated the month was quiet. The depositions on the Trails Case were finished up and a Settlement Conference to settle the portions of the case will be set in the future. The month included issues with how to proceed with the Montano Levee project and the unique working relationships of all the entities involved.

**8. Executive Engineer's Report**

**a. Notification of Past Month's Activities**

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that Mr. Patrick Chavez attended a conference in San Antonio for Region 6 EPA. While there he received a Certificate of Appreciation for his efforts in bettering stormwater quality. During the conference Mr. Chavez gave three presentations and due to his experience in Total Maximum Daily Loads (TMDLs) was asked to give a presentation via national webcast to EPA officials on TMDLs in the Rio Grande.

Mr. Lovato highlighted other significant activities from the past month:

- **University of New Mexico (UNM) North Golf Course:** A new draft agreement between UNM, Bernalillo County (BernCo) and AMAFCA is being drafted by BernCo to allow access to construct drainage facilities that will control flow leaving the UNM North Golf Course area. The modifications will address flows entering the North Diversion Channel. The draft agreement will be the subject of a future Board Meeting.
- **City of Albuquerque**  
*Marble Arno Pump Station Update:* Mr. Bingham participated in a preliminary scoping report for the pump station. CoA thinks they have a way to build the pump station for a little over \$18M.  
  
*Caravan Site – Regional Flood Control and Water Quality Improvement Update:* CoA purchased the property and asked AMAFCA to draft an agreement for the Regional Facility at the Caravan Site, which may be available for the next Board meeting, pending concurrence from CoA. Responding to a question from Chair Thomson regarding the Caravan Site not happening, Mr. Lovato stated that CoA wants AMAFCA to take a lot more responsibility for building the pond and to take care of the park. The AMAFCA Board was very clear that AMAFCA will assist, but will not to take the lead on the project.
- **AMAFCA State Fair Parade 2017:** There were 300 plus entrants in the fair. Everyone had a great time. The Twinkle Light parade is the next event.

**b. Notification of On-Call Services Task Orders**

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

Chair Thomson stated that agenda **Items 9 through 12** were on the Consent Agenda. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda. The motion taken approved the following:

- Approve the Selection Advisory Committee's recommendation and authorize the Executive Engineer to negotiate a contract with each of the firms recommended for On-Call Land Surveying Services; and

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- Approve the Selection Advisory Committee's recommendation and authorize the Executive Engineer to negotiate a contract with each of the firms recommended for Geotechnical/Materials Testing Services; and
- Approve the Selection Advisory Committee's recommendation and authorize the Executive Engineer to negotiate a contract with each of the firms recommended for On-Call Real Estate Appraisal Services; and
- Accept the recommendation of the Selection Advisory Committee and authorize the Executive Engineer to commence negotiations with Conley Engineering LLC for design and construction management services for the Agency and Area-Wide Flood Control Rehabilitation Contract VIII.

Director Stover seconded the motion, which passed (4-0).

Director Eichenberg stated that in the future, contracts / agreements should list principles of companies, who would be doing the work as opposed to just the Company name. When Limited Liability Corporations (LLC) provide Campaign Disclosure Form(s) to AMAFCA it should be required that all principles and partners are supplying a copy as well. It was noted the State Investment Council recently had issues regarding campaign disclosures with LLCs. It would not hurt AMAFCA to expand the request to include all involved with the contract and it is not a bad thing to contribute to politicians. Director Eichenberg suggested that Mr. Lovato get with AMAFCA legal counsel to work out the details. Responding to a question from Chair Thomson regarding changes to the Campaign Contribution Disclosure form changing policy, Mr. Lovato stated that it would be changing the policy and need to come before the Board. Attorney Audio advised that it is the trend for some entities, such as Bernalillo County, to list all disclosures on their website.

### **13. Tijeras Arroyo Sediment Structure**

#### **a. Tijeras Arroyo Sediment Structure Phase II – Consideration for Approval – Agreement with Magellan**

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo. He covered the location, pipelines and various issue(s). Responding to a question from Chair Thomson regarding how often to recoat the pipes, Mr. Troutman stated AMAFCA would not be responsible for recoating, but may be responsible for the replacement / removal of the concrete. Mr. Lovato mentioned that pipe coating would have a 15 year window and both pipelines are inspected yearly and AMAFCA would be informed if there was a problem. Mr. Troutman stated that the timeline is constricted in order to meet the construction window. Responding to a question from Chair Thomson on the total cost, Mr. Troutman stated the estimated construction cost for the 2 ponds, box culvert, and weir structure is estimated at \$3M. Attorney Audio stated the encroachment is not an actual issue, it was just that the letter received from Magellan lacked the information, and it was important that Magellan acknowledge that no monies would be paid without the proper wording. Responding to questions from Director Eichenberg regarding the depth of the pipeline and ownership of the Tijeras Arroyo, Mr. Troutman stated the pipeline is at grade where it goes across the arroyo then varies up /down six feet depending on the location; the arroyo has degraded over a time; there is mixed ownership; AMAFCA owns the underlining property from the New Mexico Department of Transportation (NMDOT) right-of-way; and there is mixed ownership above AMAFCA's property (KAFB, NMDOT), etc. Responding to a

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question from Director Brown regarding the owner's for the portion of the land to the north, Mr. Troutman stated there is approximately 600 acres. Responding to a question from Chair Thomson on who owns the easement, Mr. Lovato stated the easement predated AMAFCA's ownership. There was a brief discussion regarding why AMAFCA would want to get involved in a fifty year old problem; the area that was excavated; an erosion was left; there is a buffer to protect the fuel line; if nothing was done to change the natural degradation the pipe owner would still need to do; the main flow was capped near the grade control structure to the west; the width of the easement; could build cutoff wall to stabilize; second phase could be built in a short time frame; could stabilize indefinitely; if the grantee of an easement was to do something it is on them to do; the Board recognizes the dilemma, but with a 60-year old pipeline the owner should consider replacing now; should bury the pipe; and ask if they make it a contribution to AMAFCA it would be considered a write off. The Board concurred to proceed with downstream stabilization to finish the project and begin negotiation with the pipeline, at their cost, to replace or maintain the pipe as a contribution to AMAFCA, then revisit the upstream improvements.

### **b. Tijeras Arroyo Sediment Structure Phase II – Consideration for Approval – Amendment Five with Weston**

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo. He stated Weston Solutions had made a number of presentations on the water quality structure at various conferences, as well as a Water Resources Engineering Group webinar, and even it its partial state had a wonderful water quality structures. Mr. Brad Sumrall with Weston Solutions was present. Responding to a question from Director Eichenberg on how the structure works, Mr. Troutman walked the Board through the various features. Responding to a question from Chair Thomson on the box culvert, Mr. Troutman pointed out the location. Responding to a question from Director Eichenberg regarding the Weston design, Mr. Sumrall stated the concrete section is there for the extreme high flow and acts as an emergency spillway structure. If the pond gets very full and the capacity of the box culvert is exceeded, water will flow over the concrete weir. The box culverts are the primary means of discharging water; there would be one additional box culvert up steam, under the Magellan pipeline. Mr. Troutman stated that the project includes access ramps so that there is an efficient haul route to remove sediment. Responding to a question and request from Director Eichenberg on were the pipeline originates, Mr. Troutman advised he was not sure, but will investigate.

Director Brown made a motion that the Board approve, substantially as attached, Amendment Five with Weston Solutions, Inc., to provide Phase 2 Design Services for the Tijeras Arroyo Sediment Retention Structure in the amount of \$29,970.00, plus New Mexico Gross Receipts Tax. Director Eichenberg seconded the motion, which passed (5-0).

### **14. Valle de Oro Second Street Flood Control Project – Consideration for Award of Construction Contract to Qualified Low Bidder**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, summarized information provided in the memo. She stated that CBKN Dirtworks had just informed her that their subcontractor for shotcrete had an error and did not include the material costs in the bid. CBKN offered to do the work themselves at the cost of bid. CBKN is licensed to do the work. Ms. Mazur stated the representatives for CBKN were present. Responding to a question from Director Brown on the delta, Mr. Lovato stated approximately \$300K. Responding to a question from Director Brown

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regarding specifics on the company, Ms. Mazur stated they were out of Bernalillo and that CBKN had done work good work for SSCAFCA. Mr. Lovato stated that CBKN is licensed to do the work; they had identified the subcontractor as required, and as the prime contractor they have the ability and right to do the work themselves, if they elect to do so; they are not asking to bring in a new subcontractor; their bonding company had been contacted; and they will meet the requirements of the project. There was a brief discussion regarding putting a company out of business by having them do the contract at a potential loss and jeopardize the completion of the project due to the error. Responding to a question from Director Eichenberg on the timeframe, Mr. Lovato stated AMAFCA is working with the MRGCD in one of their facilities to get work done in the winter while the facility is not being used. The MRGCD Barr lateral will be reconstructed along the west side of 2nd Street and if necessary, there is money in the contract should bypass pumping be needed. Ms. Mazur stated that it is important to stay ahead of the Federal Contractor who would be working in the area doing improvements on 2nd Street. Mr. Mark Pino with CBKN, Mr. Cody Longley CBKN Superintendent, and Ms. Cynthia Longley President with CBKN, introduced themselves. It was noted that there was a challenge with the public bid process. If CBKN was still willing to do work in line of subcontractor error the Board could accept the bid. On a legal standpoint, AMAFCA could allow CBKN to withdrawal the Bid with good cause. Attorney Audio stated that if the circumstances change the winning contractor could withdraw if they did not believe they could complete the project either at this time or before a contract is signed; however, since CBKN stated they can do the work it is on them. It was mentioned there are enough challenges in the construction industry; however, a highly competitive bid was put together. Responding to a question from Director Eichenberg on if there was a change order or mistake on AMAFCA's / Consultant's end, Mr. Pino stated the only thing found was the shotcrete cost error. Mr. Longley inquired about the bid bond and the Board advised it could be negated. It was the consensus of the Board not to impede the contractor and encouraged them to compete for future Bids. Mr. Longley asked if CBKN could have time to discuss. There was a brief discussion regarding continuing the item or scheduling a Special meeting so that the contract could be awarded.

Director Eichenberg made a motion that the Board defer this item until Monday, October 9, 2017 at 9:00 a.m. Director Brown seconded the motion, which passed (5-0).

### **15. Resolution 2017-18, Consideration for Adoption of the Tijeras Arroyo Facility Management Plan**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, summarized information provided in the memo. She stated that the new facility management plan has a clause stating that the updated flows will supersede the 2008 flows listed in the RTI study. She had spoken with Mr. Ron Bohannon with Tierra West and was advised Tierra West is in support of adoption of the Resolution. Responding to a question from Chair Thomson about receiving comment from KAFB, Ms. Mazur stated KAFB had seen the report and had been kept up to date throughout the process. Mr. Lovato stated that they had received a draft study and are interested in incorporating approximately 14-19 grade control structures identified within their boundaries into their capital program within the next 25 years. KAFB is interested in a joint project along their western boundary in the next three years with AMAFCA. Mr. Lovato stated he did not believe a formal comment would be received. There was a brief discussion regarding not getting a comment, if the Resolution is approved and a comment has been received a modification could

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be made, and the Facility Management Plan is a conceptual level design and things can alter as things are worked out.

Director Brown made a motion that the Board adopt Resolution 2017-18, Tijeras Arroyo Facility Management Plan, with the understanding a formal response would like to be received from Kirtland Air Force Base. Director Stover seconded the motion, which passed unanimously (5-0) on a roll-call vote. Director Borrego arrived prior to this item.

### **16. AMAFCA Fees – Reimbursement of Inspection Time – Discussion**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, summarized information provided in the memo. Responding to a question from Director Brown on a fixed fee, Ms. Mazur agreed that a lump sum of \$500.00 would be a good starting point to recover average costs. Responding to a question from Chair Thomson regarding looking at a tier fee structure, Mr. Lovato stated that a tier structure had not been considered, but staff would compile one and bring back to the Board. Attorney Audio suggested including legal fees as well. There was a brief discussion regarding the intent was not to gauge the taxpayer; tracking, documenting time, and collection calls takes away from important engineering work. When monies are paid up front it alleviates some of those collection costs.

### **17. Recognition of Public Service – Recognition of Retiring AMAFCA Development Review Engineer Lynn Mazur**

Mr. Lovato introduced retiring AMAFCA Development Review Engineer, Ms. Lynn Mazur. He covered her career since moving from Texas to New Mexico, stated she is a great word smith, and one of the projects that AMAFCA will be known for in the future, is her work on creating the planning document for the Valle de Oro National Wildlife Refuge. Without Ms. Mazur's attention to details and her communications skills, the project would not be where it is today. She took information from the South East Valley Management Plan, worked with the US Fish and Wildlife Service and others to get this project up and running. Mr. Lovato presented Ms. Mazur with a plaque of appreciation from the Board, which stated, "In recognition of seventeen years of dedicated public service in providing flood control and protection of life and property to the citizens of Albuquerque and Bernalillo County." Members of the audience included Mr. John Kelly, Former AMAFCA Executive Engineer; Mr. Don Briggs with BernCo; Mr. Craig Hoover with Bohannon Huston, former employer; and Mr. Bradley Bingham, current supervisor, who all had well wishes. Ms. Mazur thanked the Board stating that she would miss AMAFCA, the staff, engineering community in Albuquerque who all work towards the same goal, flood control, which the citizens take for granted until a rainy day where the streets are flooding, and closed stating it was her pleasure serving the community and Board for all of the years. The Board congratulated her on her retirement.

### **18. AMAFCA Field Highlights**

#### **a. Field Report**

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the last month. The slides opened with pictures and video of the crowd and float taken at the EXPO New Mexico State Fair Parade and continued with slides of mowing at the North Diversion Channel, North Pino Water Quality, North Diversion Channel Grantline Pond, Agency

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and Area-Wide 2017, Balloon Bridge at the Albuquerque International Balloon Fiesta grounds, Miscellaneous Construction 2017 project, Tijeras Sediment Phase I, and the AMAFCA Telemetry Phase I with a live camera feed. Responding to a question from Chair Thomson on the blue line on the chart, Mr. Bennett stated it is a rainfall measurement that will reset every 12 hours. The presentation continued with numerous slides of the Valle de Oro Second Street project, slides, video, and drone video of the North Camino Diversion Dike, slides, videos, and a news clip from KOB TV, and closed with a picture of Ms. Lynn Mazur earlier in the day showing off her “Retired Shirt.”

### **b. Construction Report**

There was no discussion or questions on this item.

## **19. Real Estate**

### **a. Upper Piedras Marcadas – Consideration for Approval to Obtain Appraisal**

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. There was a brief discussion pertaining to who uses and parks at one location.

Director Borrego made a motion that the Board authorize AMAFCA staff to begin appraisal on parcels of land identified in the Upper Piedras Marcadas Watershed Drainage and Water Quality Management Plan known as the “Unser” Pond. Director Stover seconded the motion, which passed (5-0).

### **b. Tract 4, Plat of Lands of Paulantis, North Albuquerque Acres – Approval of Quitclaim Deed / Partial Release of AMAFCA Drainage Easement**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, summarized information provided in the memo. There were no questions.

Director Brown made a motion that the Board authorize the Chair to execute the Quitclaim Deed / Partial Release of Easement for Tract 4, Lands of James T. Paulantis, North Albuquerque Acres, substantially the same as attached. Director Stover seconded the motion, which passed (5-0).

### **c. North Albuquerque Acres – Discussion of Assignment of Easements and Licenses to Bernalillo County**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, summarized information provided in the memo. Responding to a question from Chair Thomson regarding BernCo being comfortable taking the easements and licenses, Ms. Mazur stated that she had been in talks with Mr. Don Briggs with BernCo. Mr. Briggs stated that there is a duplication of effort and advised his experience did not go back far enough to know why AMAFCA took the easements in North Albuquerque Acres (NAA). He further stated that BernCo does have the experience; however, the question would go back to how AMAFCA got involved in the beginning. Mr. Roger Paul with BernCo, stated that the same process was in place when he started working on it 43 years ago; he thought Mr. Cliff Anderson had worked with BernCo on the easements back when there

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were only 50 – 70 lots developed in NAA. Some of his comments included that the area was wide open country back then; millions of dollars were spent on homes in the area; undeveloped lots that are left are difficult lots; NAA is not like any place in BernCo or the City due to the way drainage is handled in NAA; if the process is modified there are some AMAFCA facilities that would still require coordination between AMAFCA and BernCo. The Board concurred that talks should continue, the larger lots would require AMAFCA's involvement, and not sure why AMAFCA was involved with lots with as little as 15 cfs. Mr. Lovato stated that staff would put something together to present to the Board at a later meeting.

### **d. Harper Road Senior Living on Pino Arroyo – Consideration for Approval of Turnkey Agreement for Bank Stabilization**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, summarized information provided in the memo. Responding to a question from Director Eichenberg regarding maintaining the arroyo in its natural state, Mr. Lovato stated that the maintenance of the South Pino Arroyo was being done by the Academy at one time, they were moving sediment from the west end of the property to the east end of the property, CoA built a desilting basin closer to Wyoming; a LOMR was attached to that; this is where the agreement identified the 2,000 foot easement belonging to AMAFCA; AMAFCA and legal are looking at the easement to verify who owns it. There was a brief discussion that the Academy is not taking care of the area and payments have not been received. Responding to a question from Director Brown on the flow rate in the Pino, Mr. Lovato stated the flow is 2,400 cfs and the structure at Wyoming collects the flows from the golf course. Responding to a question on ownership from Chair Thomson, Mr. Lovato stated AMAFCA owns the temporary easement and that is the location where they want to put in a scour wall.

Director Brown made a motion that the Board approve the Turnkey Agreement, substantially the same as attached, and authorize the Chair to execute the Agreement with SP Albuquerque, LLC. Director Stover seconded the motion, which passed (5-0).

### **e. Short Term Recreation Licenses Board Notification**

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo.

### **f. Landscape License at North Domingo Baca Dam Discussion**

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo and covered the location and where the current AMAFCA fence is located. Mr. Lovato stated that there is a concern with activity from cars parking at the public area(s); BernCo had lights installed. He further stated that AMAFCA's stance is to leave as it is and that a driveway access, which is the issue, is not covered under a landscaping license. Responding to a question from Director Eichenberg on adequate parking, Mr. Lovato briefed the Board on the available parking. It was stated that the parking on the north side of the tennis courts is a nuisance and cleanup is needed every evening due to trash and other items on the ground. Mr. Lovato stated that every January a quitclaim deed is sent; however it has never been returned. Mr. Bennett stated that in 2012, when an agreement was made pertaining to the West I-40 project, staff had accommodated within weeks; however, the other party had never responded in kind. Responding to a question from Director Eichenberg on what had been signed, Mr. Lovato stated that a consent agreement had been signed; however a quitclaim to BernCo has never been signed.

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There was a brief discussion regarding BernCo putting in automatic locks / lights; however, AMAFCA does not have a say in that matter since it would be under BernCo's area of responsibility. There was a brief discussion regarding the location, how AMAFCA only has a portion, and that Legal could get involved; however, there is not much that can be done with the landscaping license. Responding to a question from Chair Thomson regarding the privileges of a landscape license, Mr. Lovato stated it would be revocable, plants can be added, put up fencing; however cannot interfere with flows, etc. He further stated that when an access license is given AMAFCA needs to worry about liability. It was the consensus of the Board that AMAFCA should stick to the original agreement; a landscape license does provide access to a property; the northern section has been vacated; a purchase option is not required; the previous agreement had not been complied with; the Board may consider looking at it in five years; and AMAFCA had done what could be done.

### **20. AMAFCA Projects**

#### **a. Louisiana-Gibson Regional Drainage Facility at Kirtland AFB**

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that Mr. Herbert "Bo" Bohannon with KAFB Civil Engineering, was present. Mr. Lovato covered the drainage facility location and various pictures. KAFB is willing to do a joint project to allow an alternate access to KAFB to be located along the new drainage facility with access to Louisiana Boulevard south of Gibson Boulevard. Mr. Bohannon thanked the Board and staff for the work done so far getting the project to where it is today. He stressed that a joint project would work with AMAFCA doing the design and construction of the project. Both the gate and drainage facility would be moved to accommodate the project. Mr. Bingham stated there would be a delay to the Drainage Facility in order to accommodate the joint project; however, it would be a benefit to the area. Responding to a question from Director Borrego on how much of a delay, Mr. Bingham stated that a traffic study is needed, signalization approved, approval of street modifications, and getting through the CoA DRC process which would take approximately four months. There was a brief discussion regarding putting in a "Y" further up Gibson, how the west bound lanes will stay in place, the North Dam is located in the area, and other options for turning left or right.

#### **b. Montano Levee Project**

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated staff had been working to see how the project could be built within the set time frame. He provided the recent history and how AMAFCA was asked to come in and take the lead. Mr. Bennett was assigned to lead the project for AMAFCA. The four party agreement has not been signed by all of the agencies. The City Council has not approved the acceptance of the FEMA Grant. AMAFCA has had preliminary conversations with EPA, FEMA, Corp of Engineers, and the Bureau of Reclamation regarding how to compress the schedule. Without the CoA on board nothing can be done. No clarification had been provided to AMAFCA regarding having the project on the next City Council agenda. Mr. Bennett covered the project location and the various site investigations and survey work done. The schedule was covered and showed where delays are taking place. It was noted that if the City Council did not approve the project in October, it might not happen until January 2018 due to the upcoming City Election. There was a brief discussion regarding CoA needing to send a request to FEMA for an extension right away should the City Council approve the project; FEMA may take funds away; Phase II dollars for construction had not been allocated by FEMA, only design dollars; should New Mexico's Congressional Delegation get involved; AMAFCA

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staff is not the grantee and has no authority to make project decisions, the item was introduced to the full council the 6th of September and will need to go back up to the full council from the Government Oversight committee; Councilor Ken Sanchez may not be aware of the hold up, etc.

**21. AMAFCA CY 2018 – Project Schedule – Review of All Projects**

Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo. There were no questions.

**22. Executive Session (closed)**

**a. NMSA 1978 Open Meetings Act, §10-15-1(H)(6)**

**i. Executive Engineer's Evaluation**

Chair Thomson advised that Item 22 was a Closed Session agenda item. Director Borrego 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,”* eighth edition, 2015, to discuss the Executive Engineer’s Evaluation. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chair Thomson closed the meeting at 1:21 p.m. Chair Thomson asked for a motion to re-open the meeting at 2:03 p.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. Director Brown stated personnel matters were discussed and no action was taken during the Closed Session.

**23. Unfinished Business**

None.

**24. New Business**

Director Stover mentioned that she read an interesting article mentioning Mr. Patrick Chavez and AMAFCA in a write-up from *Rocky Mountain Water*, September 2017 edition, titled “Remote Monitoring Improves Stormwater, Stream Flow, and Groundwater Management.” It was made available to the Board.

Director Brown stated that the Board had discussed Mr. Lovato’s evaluation. Director Brown made a motion to extend the Executive Engineer’s contract and to implement a five percent raise. Director Borrego seconded the motion, which passed unanimously (5-0).

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**25. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 2:05 p.m.

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Ronald D. Brown, Secretary-Treasurer, 10/26/17