



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
November 15, 2018  
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**1. Call to Order and Roll Call**

Chair Brown called the Regular Board Meeting to order at 10:03 a.m., Thursday, November 15, 2018. Roll was noted as follows:

Directors present:                      Chair Ronald D. Brown  
   Director Cynthia D. Borrego  
   Director Tim Eichenberg  
   Director Deborah L. Stover  
   Director Bruce M. Thomson – left at 11:51 a.m.

Directors excused:                      None

Attorney present:                      Robert White, Robles, Rael & Anaya

Others present:                         Jerry M. Lovato, P.E., Executive Engineer  
   Staff

A quorum was present.

**2. Approval of Agenda**

Chair Brown asked that the scheduled Recess at 11:20 a.m. and all of **Item 14 Field Highlights** be moved to after the Executive Session. Director Eichenberg asked that all of **Item 16 Real Estate** be moved up to the Consent Agenda. Director Eichenberg made a motion to approve the agenda, as amended. Director Borrego seconded the motion, which passed (5-0).

**3. Meetings Scheduled**

- a. **December 13, 2018, 10:00 a.m. – Regular Meeting and Board Holiday Luncheon**
- b. **January 24, 2019, 10:00 a.m. – Regular Meeting**
- c. **February 28, 2019, 10:00 a.m. – Regular Meeting**

There were no changes made to the dates listed above.

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

None.

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### 5. Approval of Minutes

#### a. October 25, 2018

Director Thomson requested a minor change. Director Borrego made a motion to approve the minutes of October 25, 2018, as amended. Director Stover seconded the motion, which passed (5-0).

Chair Brown stated that agenda **Items 6 a through 6 e** and **16 a through 16 c** (moved at the beginning of the meeting), were on the Consent Agenda. Director Borrego made a motion that the Board accept the items on the Consent Agenda.

The motion taken approved the following:

- Advertisement for the Agency and Area-Wide Flood Control Rehabilitation Design and Construction Management Services Contract IX;
- First Extension for On-Call Storm Water Quality / Environmental Engineering Services Contracts with CDM Smith, Inc., Bohannon Huston, Inc., Weston Solutions, Inc., and SWCA Environmental Consultants;
- Professional Services Agreement with Alarid Consulting for Legislative Liaison / Lobbyist Services;
- Out of State Travel to the 2019 ESRI International Users Conference;
- Added a new Fee Schedule with NV5 for the 2017 On-Call Other Services contract; and
- Third extension of the agricultural lease agreement with Mr. Ron Maestas for the Herring Property;
- Third extension of the agricultural lease agreement with Mr. Marvin Abeita for the Rutherford Property; and
- Third extension of the agricultural lease agreement with Mr. James Moya for the Raven Pond Property.

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

### 7. Executive Engineer's Report

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

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the handout which highlighted significant activities from the previous month and answered questions from the Board.

- **Governmental Affairs**

#### **City of Albuquerque (CoA)**

*Caravan Site:* No progress had been made on the draft funding agreement with CoA to build a regional drainage facility and improvements to the Dallas Storm Drain System as part of the new City Library on Central Avenue. Staff has had discussions with Mr. Patrick Montoya, to determine the point of contact, for new agreement negotiations. Mr. Montoya

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was invited to the Board meeting; however, he was not present. The draft agreement would address funding of land purchases, design, and construction.

*CoA Discussion regarding University of New Mexico (UNM) North Golf Course:* Staff had initial discussions with CoA concerning the long-term maintenance of the proposed drainage improvements. At this time, nothing had been finalized and staff would keep the Board apprised of the project progress.

*CoA 2019 General Obligation (GO) Bond:* Staff attended an Environment Planning Commission (EPC) hearing on November 5, 2018. AMAFCA staff presented the Board's concerns to the EPC during the public comment period. The EPC Board received AMAFCA's written comments and requested additional information during the public comment period. The EPC Board asked directly, what project(s) needed to be evaluated to put them back on the GO Bond schedule. AMAFCA requested \$10M dollars be added to the current request, with the Marble Arno Pumps station being fully funded to start construction for Phase I at the end of 2019. Mr. Frank Martinez, spokesperson for the Citizens for Information of Martinez Town Community, had grave concerns that the flooding problems in Martinez Town are not being addressed in a timely manner. Director Thomson and AMAFCA staff were in attendance and Director Stover had been kept updated. CoA was asked questions by the public concerning the timeline for the project which were not fully answered, due to the unknown funding stream for the project.

- **Planning, Engineering, & R&D**

*North Diversion Channel (NDC) Outfall Project:* After completion of the project it was determined that the Outfall was built 18 inches too high. Weston, the engineer, proposed that in lieu of building a new physical model to determine the effect of the as-built conditions on the location of the standing wave at the bath tub, that a one-dimensional model be used instead. This approach, in the past, had been determined to not adequately represent flows in the NDC. The problem has been an issue for over two years and needs to be resolved in 2019 by either accepting the model, building a new physical model, or start removing concrete at the problem area(s) and rebuild.

*Tijeras Arroyo Facility Plan:* AMAFCA had been contacted by private development concerning the possibility of partnering on flood control structures identified in the Tijeras Arroyo Facility plan. The Board had directed staff to approach possible private public partnerships in the same way that was used for projects associated with the Calabacillas Arroyo. The cost for facilities, as well as flows, in the Tijeras Arroyo are approximately three times the cost and flows on the Calabacillas. There was a brief discussion regarding the left, right, and center (AMAFCA responsible for center) banks; KAFB had advised of a possible funding stream for 2020 that would include two drops structures for approximately \$15M; the vertical drop on KAFB is estimated at 30 feet; Mesa Del Sol is not part of the Plan, but those homes on the top are; and it was suggested that AMAFCA staff look into the land value in both the Calabacillas area and Tijeras.

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### University of New Mexico

*North Golf Course:* AMAFCA has not met with UNM since the last Board Meeting. Staff will keep the Board apprised of the project progress

- **Public Outreach**

*ENR Award for Technical Merit:* AMAFCA received an award for technical merit from Engineering News-Record (ENR) for the West I-40 Phase IV Project. The award was presented in Phoenix on November 12, 2018.

*2019 Twinkle Light Parade:* AMAFCA is currently cleaning AMAFCA facilities and looking for candidates for this year's Tumble Weed Snowman. AMAFCA will be participating in this year parade, scheduled for December 1, 2018.

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

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo for task orders that had been issued over the last few months. There were no questions.

### 8. Financial Matters

- a. FY 19 Budget to Actual**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. He noted that due to the passing of the Local Election Act, AMAFCA Board Election costs would hit the Governmental Affairs budget line. Details still need to be worked out with the Bernalillo County Clerk on how payment would work. 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 October 2018 Expenditures**

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

Director Thomson made a motion to approve the October 2018 Expenditure Report. Director Stover seconded the motion, which passed (5-0).

- d. Financial Position Recap October 16, 2018 through November 15, 2018 & Forecast November 16, 2018 through December 15, 2018**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. He stated that the Forecast is shorter than average (November 10, 2018

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through December 9, 2018) due to the December meeting happening earlier in the month. There were no questions.

Director Thomson made a motion to approve the Financial Forecast Report. 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, summarized information provided in the memo. There were no questions.

### **f. Other Matters – Update on possible AMAFCA FY 19 Budget Adjustments and 2018 AMAFCA Bond Question**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. He noted that the Secretary of State's webpage showed the Bonds passed 2.88/1 which is the second highest in AMAFCA recorded history. Responding to questions from the Board it was noted that the exact totals of contributions are still being finalized; letters are going out to those individuals who sat on the committee; there would be a presentation at the December Board meeting; and Mr. Pat Conley with Conley Engineering who served as Bond Committee Chair, and Mr. Craig Hoover with Bohannon Huston were present. The Board thanked both gentlemen for their hard work on the Bond Committee.

## **9. Personnel and Salary Committee**

### **a. AMAFCA Staffing Recommendation**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. He reported that the Personnel and Salary Committee (PSC) met to discuss proposed modifications to the engineering staff structure in order to help address workload balancing, training, and completion of AMAFCA projects. There is a need to re-class the AMAFCA Project Manager position that is currently in the FY-18 Operation Budget, into two engineering positions, to allow AMAFCA more flexibility to fill positions with qualified individuals within the current budget constraints. After trying to fill the Project Manager position it became apparent that the position was not competitive in the Albuquerque market. The type of engineer needed to fill the Project Manager position, would need a minimum of 10 years of experience in project management along with 3 - 5 years of experience in design and / or construction management. With the elimination of the vacant Project Manager position, two Engineer positions would be created. Staff does not anticipate both positions would be filled before the end of FY-18.

### **b. Modification to the AMAFCA Compensation Policy**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information and answered questions from the Board. There was a brief discussion regarding the Policy needing to be analyzed every five years to see what changes should take place; the base salary should be modified to current needs; the Engineer I & II are current; however, for example, the Field Engineer and Drainage Engineer are outdated; AMAFCA would be missing out on qualified individuals due to

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the current base salaries; if the current meeting be the appropriate time to approve the Resolution to modify the Compensation Policy; should base salary levels be increased; should the Board wait until after base salaries have been changed to modify and approve the Resolution; waiting to approve the Resolution would delay the Executive Engineer to handle business; the current budget can handle the two positions; however, the upcoming budget would be impacted with an increase of approximately \$40-\$45K (to include benefits); due to possible new Board assignments in January 2019 members of the PSC might change; and if so, the new PSC would need to be consulted on the salary levels; and information was provided by a member of the PSC regarding CoA's current classification(s) for base salaries on Engineers.

Director Eichenberg made a motion that the Board adopt Resolution 2018-11, Employee Compensation Policy, which replaced the vacant Project Engineer position and added the positions of Engineer I and Engineer II. Director Borrego seconded the motion, which passed unanimously (5-0), on a roll call vote.

### 10. Legal

#### a. Legal Status

Attorney Robert White summarized information provided in the memo. There were no questions.

### 11. Storm Water Quality Education Coordinator

#### a. Storm Water Quality Education Coordinator – 2018 Program Review – Presentation by Storm Team Chair

Ms. Shellie Eaton with CoA and the Storm Team Chair, thanked the Board, and presented a recap of the 2018 Program. Part of the presentation covered: various activities for Mid Rio Grande Stormwater Quality Team that included Public Education and Outreach, Involvement and Participation for July 1, 2017 through June 30, 2018. Current partners include: CoA, AMAFCA, Town of Bernalillo, Ciudad Soil and Water Conservation District, Village of Corrales, Eastern Sandoval County Arroyo Flood Control Authority, City of Rio Rancho, Village of Los Ranchos, New Mexico Department of Transportation, Sandoval County, and the Southern Sandoval County Arroyo Flood Control Authority. Program activities included: Redesigned the website; Facebook page; Activities Based on Six Types of Common Pollutants; New Rack Cards; Updated Educational Kiosk; Educational Partners; Dry/Wet Weather Water Quality Testing; Septic and Sanitary Sewer Systems; Community Events; Survey and Survey Incentives; New Tabletop Display; Total Number of People Reached Through all Advertising, Education, and Public Outreach Activities (2016-2017) = 3,603,579; and Upcoming Plans/Projects. Responding to a request from the Board, it was noted that pesticides and herbicides, being equally important as the fertilizer sales, should be flagged as well. There were no questions.

#### b. Storm Water Quality Education Coordinator – Approval of Second Extension

There was no presentation or discussion needed on this item.

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Director Eichenberg made a motion to approve the Second Extension of the Professional Services Agreement with CWA (formerly Cooney Watson & Associates) Strategic Communications. Director Stover seconded the motion, which passed (5-0).

### **12. Storm Water Quality Program Enhancements and Potential MS4 Permit Changes**

Mr. Patrick J. Chavez AMAFCA Storm Water Quality Engineer, summarized information provided in the handout and answered questions from the Board. Mr. Chavez covered various aspects for the following: Improved Efficiency with 31 Program Enhancements (to save money and duplication efforts); 15 Potential Permit Changes; 7 Post Construction Runoff – Alternative Compliance; and Stormwater Credit Options for Public and Private Properties.

### **13. Total Maximum Daily Load (TMDL) Presentation to EPA Region 6 in Dallas, TX – Presentation by AMAFCA Stormwater Quality Engineer**

Mr. Patrick J. Chavez AMAFCA Storm Water Quality Engineer, highlighted significant items from his presentation provided at the October 2018 EPA Region 6 Managers meeting and answered questions from the Board. Mr. Chavez covered various aspects for the following: Impairment for E. coli removed from 3 of 4 assessment units for Rio Grande in watershed on latest 303(d) list; MRG MS4 Permit Impairments & TMDL; various aspects of Wet Weather, TMDL, and E. coli Monitoring; Debris removal; New Projects Since Permit Issuance; and Public Outreach. Responding to a question from Ms. Kathy Verhage with CoA on if there are there provisions (after a localized event) should the permittee not able to collect samples during a season would they be made up in a future season, Mr. Chavez advised it was not noted, but would be added to the list. She voiced her concerns with the old permit versus the new watershed-based permit.

Item 14 was moved to later in the meeting.

### **15. AMAFCA Fleet – Authorization to Purchase Four Pieces of Equipment**

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding prior equipment purchases; age of equipment; all purchases may not be made at this time; had AMAFCA, in the past, asked for Capital Outlay funds for equipment; AMAFCA helps other municipalities during emergency situations; and how the purchase(s) would be paid out of the Acquisitions and Savings fund.

Director Eichenberg made a motion to authorize the Executive Engineer to negotiate the purchase of new equipment, and on a parallel basis, request Capital Outlay Funds. Director Borrego seconded the motion, which passed (5-0).

Item 16 was moved up to the Consent Agenda earlier in the meeting.

### **17. Albuquerque West Levee 593 Reimbursements – Middle Rio Grande Conservancy District – Discussion to Dedicate Portion to Levee Feasibility Cost Share**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated AMAFCA was contacted by Mr. Mike Hamman, Chief Engineer/CEO with the Middle Rio Grande Conservancy District (MRGCD),

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regarding the possibility of taking a portion of the upcoming reimbursement(s) from the West Levee 593 program owed to AMAFCA and BernCo and roll it into a Feasibility Study. MRGCD was given \$1.1M with AMAFCA and Bernalillo County (BernCo) to share 17.5% (AMAFCA \$125K / BernCo \$60-\$80K). BernCo is asking for 10% back with 7.5% to go MRGCD. MRGCD is getting reimbursed approximately \$800K. MRGCD had advised that they do not have all funding for local match. There was a brief discussion regarding if AMAFCA provides funds there would be no strings attached to what the funds would be used for; the biggest area for MRGCD would be on the east side of the mountains with a small portion of the Study within Bernalillo County; it is estimated that MRGCD would need \$2M for the study with a 25% match; what other public entities would be participating in the Study; what amounts would the other entities be providing; AMAFCA should not be the first entity putting in funds; what is the time frame; and why \$800K would not be enough to cover the cost of the Study. The Board concurred that they are receptive to consider participating in the Study; however, they need more information from MRGCD prior to being able to commit funds.

### 18. Executive Session (closed)

- a. **Discuss the Acquisition of Real Property (§10-15-1(H)(8)) – Upper Piedras Marcadas Watershed**
- b. **Discuss the Acquisition of Real Property (§10-15-1(H)(8)) – Moon Mini Drainage Management Plan**

Director Thomson was present for part of the Closed Session; however, left at 11:51 a.m., and prior to the Executive Session being re-opened.

Chair Brown advised Items 18 a and b were Closed Session agenda items. Director Stover 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 Acquisition of Real Property. Director Thomson seconded the motion, which passed unanimously (5-0), on a roll call vote. Mr. Lovato and Legal Counsel were asked to remain; Mr. Lovato asked that Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, remain.

Chair Brown closed the meeting at 11:40 a.m. Chair Brown asked for a motion to re-open the meeting at 11:52 a.m. Director Stover made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (4-0), on a roll call vote. Chair Brown stated that no action was taken during the Closed Session. He further stated that pending acquisition of real property was discussed and staff had been provided with direction on how to proceed.

### 14. AMAFCA Field Highlights

#### a. Field Report

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the last month and answered questions from the Board. Chair Brown mentioned that a few



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boulders, that were used for access control, had been removed from the northwest corner of the North Domingo Baca Dam. Mr. Bennett advised the AMAFCA crew would take care of the issue.

**b. Construction Report**

There was no discussion or questions on this item.

**19. Unfinished Business**

None.

**20. New Business**

None.

**21. Adjourn**

There being no further business to come before the Board, Chair Brown adjourned the meeting at 12:20 p.m.

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Deborah L. Stover, Secretary-Treasurer, 12/13/18

*If Draft is noted as a watermark, the minutes are in draft form, are not the official minutes of record, and are subject to approval by the AMAFCA Board of Directors.*