



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
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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, September 26, 2019. Roll was noted as follows:

Directors present:	Chair Ronald D. Brown Director Cynthia D. Borrego Director Deborah L. Stover Director Bruce M. Thomson
Directors excused:	Director Tim Eichenberg
Attorney present:	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 Borrego made a motion to approve the agenda, as amended. Director Thomson seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. October 24, 2019, 10:00 a.m. – Regular Meeting**
- b. November 21, 2019, 10:00 a.m. – Regular Meeting**
- c. December 19, 2019, 10:00 a.m. – Regular Meeting and Holiday Luncheon**

There were no changes to the above dates.

4. Items from the Floor / Public Comments

Mrs. Liz Chavez, wife of Patrick Chavez, AMAFCA Storm Water Quality Engineer, stated that earlier in the week, at the Storm Water Quality conference in Chicago, high performing MS4s were recognized. AMAFCA, a Phase I MS4, received a Silver ranking for Innovation and a Gold ranking for Program Management. Certificates for these recognitions are in the mail. The Board congratulated AMAFCA.

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Mr. Isaac “Ike” Eastvold stated he was present for the Boca Negra item(s) and passed out a handout for the Board. Chair Brown asked Mr. Eastvold to stay to incorporate the handout into the discussion.

5. Approval of Minutes

a. July 25, 2019

Director Borrego made a motion to approve the minutes of July 25, 2019. Director Stover seconded the motion, which passed (4-0).

Chair Brown stated that agenda **Items 6 a through 6 d** were on the Consent Agenda. Director Borrego made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Out of State travel for AMAFCA staff to attend the FEMA Region 6 Community Assistance Program – State Support Services Element Bi-Annual Meeting in Denton, Texas (travel costs covered by the New Mexico Floodplain Managers Association); and
- Advertisement of Construction Bids for the Valle de Oro Outlet Structure Project; and
- Advertisement of Construction Bids for the AMAFCA Miscellaneous Construction Projects IX; and
- Executive Engineer to negotiate a contract with the Selection Advisory Committee recommended firm, Tetra Tech, Inc., for the Calabacillas Arroyo Facility Plan Above Swinburne Dam Project.

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

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 past couple of months and answered questions from the Board.

- **General & Administrative**

Safety and Security of the AMAFCA Campus: There had been a few security issues within the past month. AMAFCA made changes for employee access and procedures concerning public access, outsourced security personnel to make random visits each day to the AMAFCA campus to address trespassing, and AMAFCA is in the process of reviewing proposals for camera installations, and modifications to exterior doors.

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- **Governmental Affairs**

Central New Mexico Community College: AMAFCA staff is working with Central New Mexico Community College to draft a funding agreement to address the future construction of drop structures within the CNM westside campus. The work is needed to address a future powerline installation that will connect to a new solar panel installation.

Open Space Advisory Board (OSAB): AMAFCA staff was asked to present again to address solutions to drainage deficiencies in the Boca Negra and Amole-Hubble systems. The OSAB board requested that AMAFCA ensure that the work that has been identified will comply with federal requirements associated with federal funds used to purchase the property. AMAFCA staff is confident that the procedures used, by City of Albuquerque Open Space Department, that allowed the installation of utilities and the multiuse trail within the open space area can be used to install the needed drainage facilities.

UNM North Golf Course: AMAFCA received a draft agreement that addresses AMAFCA concerns. AMAFCA needs to add two items into the agreement to clarify why the facility is needed. UNM agreed to allow AMAFCA permanent access to the project and UNM would maintain the facility on a daily basis. AMAFCA would only be responsible for catastrophic failures.

- **Facilities Operations & Maintenance**

Agency and Area-Wide Flood Facilities Rehabilitation Project IX: AMAFCA received a written protest on September 20, 2019. The written protest was received within the seven-day period outlined in the contact documents. AMAFCA stopped the process to award the construction contract. AMAFCA extended the bids and bid bonds for an additional fifteen days. AMAFCA intends to award the contract within 45 days of the Bid Opening which are subject to other provisions in the specifications.

- **Public Outreach**

North Edith Neighborhood Association (NENA): AMAFCA participated in the NENA annual meeting last month. NENA was concerned with the amount of work that AMAFCA crews have done in the past three months improving access roads. NENA was pleased to find out that during an emergency all AMAFCA maintenance roads will be available for emergency access and / or evacuation.

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

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

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8. Financial Matters

a. FY 19 Budget to Actual Final Analysis

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board.

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 July and August 2019 Expenditures

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board.

Director Borrego made a motion to approve the July and August 2019 Expenditure Report. Director Stover seconded the motion, which passed (4-0).

d. Financial Position Recap August 16, 2019 through September 15, 2019 & Forecast September 16, 2019 through October 15, 2019

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

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

e. Fiduciary 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

a. Mill Levy Rate Update

b. Financial Advisors Update

c. Audit Update

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. Mr. Chavez introduced Mr. John Archuleta with George K. Baum (GKB) for the Financial Advisors Update. Mr. Archuleta passed out information on Stifel the new company that has purchased GKB. He stressed that he would still be the representative working the contract which expires in April 2020 and anticipated a Bond Sale to happen in May 2020. It was noted by the Board that with the reports that need to be filed having the existing Financial Advisors help would be advantageous to AMAFCA.

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9. FY 2020 Budget

a. Approval of Resolution 2019-18, Amendment to Resolution 2019-09 Fiscal Year 2020 AMAFCA Budget to Adjust Attachment to NM DFA Approval

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. This Resolution adjusts the attachment that was submitted to DFA in May 2019.

Director Borrego made a motion that the Board approve Resolution 2019-18, Amendment to Resolution 2019-09 Fiscal Year 2020 AMAFCA Budget to Adjust Attachment to NM DFA Approval. Director Stover seconded the motion, which passed (4-0), on a roll call vote.

10. FY 2020 Budget

a. Approval of Resolution 2019-19, Budget Adjustment to Correct Fiduciary Fund Amounts

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board.

Director Borrego made a motion that the Board approve Resolution 2019-19, Budget Adjustment to Correct Fiduciary Fund Amounts. Director Stover seconded the motion, which passed (4-0) on a roll call vote.

11. Legal

a. Status Report

Attorney Randy Autio summarized information provided in the memo and advised Attorney William Zarr, who was present would be providing information on the next subject. There were no questions.

b. Default of GandyDancer LLC

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo which covered the process / timeline(s) that lead up to the default dates of the two contracts and answered questions from the Board. AMAFCA is working with Argonaut Insurance Company on a takeover agreement, that would allow new contractors to complete the projects. The timing of the takeover agreement and the notice to proceed for the new contractors is between eight and twelve weeks. Until the new contractors / operators are assigned, AMAFCA is working to comply with all permit requirements, provide site safety, and maintain both project sites. Attorney William Zarr provided a verbal recap on various items, stressed the differences between Takeover and Tender options when a company goes into default, and answered questions from the Board.

12. Boca Negra Drainage Management Plan

a. Boca Negra Drainage Management Plan History

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, referred the Board to the document titled, Western Albuquerque Metropolitan Area DMP, which documented everything west of the river, summarized information provided in the memo, and answered questions from the Board. The presentation covered topics such as the History of items approved for the Boca Negra Drainage Management Plan (BNDMP); many DMPs were completed prior to 2000 and adopted by the Board as stand-alone documents; Mr. Lovato stated that in 2003, a mistake was made and AMAFCA should not have insinuated there was a Resolution and DMP to be modified known as the BNDMP, there was no Resolution or DMP; in 2003, the AMAFCA Board had made a modification to a nonexistent DMP (the BNDMP); it is important to note, this is being presented for the first time today; the Board Memo would be attached to the BNDMP document to explain what happened in the past; there would be a DMP for all the sub basins; and the Board would approve each DMP through Resolution. Mr. Bingham stated that leading into agenda item 12b, the documents for the Board included old memos, resolutions, and minutes from Board meetings going back to 1975. Resolution 2019-20 is a cleanup of past actions. AMAFCA is not amending the Western Albuquerque Metropolitan Area as the 2005 Resolution had alluded, and this would be a stand-alone document for a stand-alone watershed. As stated earlier in the Board Meeting, staff attended the OSAB meeting to obtain their support for the North Geologic Window Dam on City Open Space, just above the North Geologic Window parcel of the Petroglyph National Monument; the OSAB Board voted 5-1 in favor of the location of the needed flood control facility.

Mr. Isaac “Ike” Eastvold, thanked the Board and referred to the handout provided to them earlier in the meeting. Mr. Eastvold presented from his handout and covered the following: the North Geologic Window Dam is located on the Major Public Open Space (MPOS) and shares a border with the non-contiguous tract of the Petroglyph National Monument known as the Northern Geological Window (NGW); the Boca Negra Management Plan identifies the location of the North Geologic Window Dam which protects downstream flood control facilities and the Northern Geologic Window, the AMAFCA document does not provide basic information about the sensitivity of the location to the indigenous people of the area. The location of the AMAFCA dam appears to visually bisect the line of sight between the NGW and the Volcanos for example – The discussion to acquire the MPOS started in 1978 as part of the Bond Ranch Project with the potential of using matching Federal funds; funds were disbursed to the State of New Mexico under the Federal Land and Water Conservation Fund (LWCF) Act through the Heritage Conservation and Recreation Service, and later, through the National Park Service (NPS) for low impact recreation; the proposed dam may constitute a conversion of use under Section 6(f)(3) of the Act; authority for consideration and / or approval of LWCF conversions is delegated to the NPS under standards set forth at 36 CFR Part 59; conversion of the MPOS for the AMAFCA dam and related facilities would need to be addressed by the State of New Mexico and the NPS. Mr. Eastvold reasoned that the placement of the dam would upset the agreed-upon constancy and threatens potential impacts to the NGW; for example ethnographic landscape information included in the study prepared for the NPS in 2002, “That Place People Talk About”: The Petroglyph National Monument Ethnographic Landscape Report, submitted by Kurt F. Anschuetz, page 3.33, states “Drawing upon their subjective realm of knowing, Sandia Pueblo consultants identify the West Mesa

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landform extending back from the petroglyph-covered escarpment as the location of spirit trails that recently departed souls travel on their way to other places...These spirit trails, the escarpment, and the volcanoes are understood to form an interrelated communication nexus. Spirit pathways, used by both spirits and worshippers, crisscross the entire area...and associate the movement of people to and from the West Mesa's escarpment, lava flows, volcanoes, and caves as a part of ritual pilgrimage.”; The AMAFCA DMP does not address indigenous peoples and cultures with their customs, habits, if the NGW site were analyzed using this information, Mr. Eastvold contends that the project would not meet the LWCF 36 CFR part 59 standards; therefore Mr. Eastvold contends no substitute land exists; it is urgent that AMAFCA abandon work on the NGW site and consider a range of new alternatives.

The Board continued with other items of discussion, a cultural site survey would be done as part of the initial survey; the dam would block views from the NGW directly west, it is unknown if this would interfere with ritual prayer; there is a need for the project at this location to control runoff to protect downstream facilities and homes that are at risk of flooding today; the location of the project also protects the NGW; AMAFCA did analyze multiple scenarios and dam locations including multiple ponding areas from 2, 3, 4 up to 53 smaller ponds in the upper watersheds to address runoff; the system is not complete and without the BNDMP there is no document to address development in the area and existing facilities downstream are not protected as the policy states; the DMP impacts everything going up in the area; the City does not have to comply if there is not an AMAFCA approved DMP in the area; there is work going forward in the Omaha office of NPS where LWCF compliance is headquartered; the State is responsible for disbursing those federal funds, a State liaison is investigating the purchase of the MPOS and is asking the City for all the deeds on 53 properties associated with the Bond Ranch project; the BNDMP does show required diversions from the Piedras Marcadas Watershed that are in place now which requires a new facility upstream to manage flows upstream of the Boca Negra channel; AMAFCA had spoken with the NPS, in 2017, and was directed to get public access to Paseo del Norte to bring public access to the open space area as required by the LWCF and NPS requested that the AMAFCA dam project include a connection to a 17 mile trail system being developed by NPS, hence the reason AMAFCA staff reached out to the OSAB knowing their criteria that needed to be followed; all was done in anticipation of the BNDMP; AMAFCA would never put a project together that did not have a chance of going forward; AMAFCA understands the conditions set forth from the Federal Land Act and the conversion of any land by AMAFCA would follow the same process used to construct multiuse trails, water and sewer utilities in the MPOS; AMAFCA will go through the entire LWCF, provide the seven modeling concepts as part of the Hydrologic and Hydraulic Study identifying runoff in all sub basins in the watersheds; there is pressure to develop the west side and a plan is needed. Mr. Eastvold stated the AMAFCA staff who spoke with, Dennis Vasquez, NPS Petroglyph National Monument Superintendent, that Mr. Vasquez was a new employee with the Petroglyph National Monument; he completely missed the LWCF; NPS is nationwide and the people in the compliance departments are centered in Omaha; he would be glad to work with AMAFCA staff; should AMAFCA move forward they would regret taking on the task; the pueblos have not been listened to in the past; and they should be part of the hearings.

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b. Approval of Resolution 2019-20, Boca Negra Drainage Management Plan above Unser Blvd.

The Board concurred that this item would be deferred until AMAFCA staff and Legal Counsel had looked further into the project and should provide an update the Board at the November meeting.

13. Black Mesa Three Dam Outlet

a. Cost Share Agreement for Maplewood Avenue Storm Drain and Pond – Approval of Cost Share Agreement with Bernalillo County

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion that the Board approve the Cost Share Agreement for the Maplewood Avenue Storm Drain and Pond. Director Stover seconded the motion, which passed (4-0).

14. AMAFCA Field Highlights

a. Field Report

Mr. Jared Romero, AMAFCA Engineer I, gave a report of various projects and events over the last few months and answered questions from the Board.

b. Construction Report

Mr. Jared Romero, AMAFCA Engineer I, referred the Board to the charts, stressing where the work and payments for the Lower Bear and Agency and Area-Wide projects were reflected. There were no questions.

15. Real Estate

a. Danny's Diversion – Authorization to Advertise for Lease

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. There were no questions.

Director Thomson made a motion to authorize the Chief Procurement Officer to advertise the Danny's Diversion Agriculture Lease. Director Borrego seconded the motion, which passed (4-0).

b. Lot 17, Block 18, Tract 2, Unit 1 – Acceptance of Drainage Easement

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board.

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Director Thomson made a motion that the Board authorize the Chair to accept the Grant of Easement for Lot 17 of Block 18, Tract 2, Unit 1 of North Albuquerque Acres. Director Stover seconded the motion, which passed (4-0).

c. Transfer of North Albuquerque Acres Drainage Easements to Bernalillo County - Discussion

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo and answered questions from the Board. The Board concurred with staff's recommendations.

16. AMAFCA 2020 Project Schedule – Review of Projects

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Bingham stated that next month the draft document would be available and the Project Schedule would be adopted in November.

17. Unfinished Business

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, mentioned that he failed to state in his Executive Engineer report that Director Borrego had requested renaming the West I-40 Volcano, "Aqua de los Niño's" (Water of the Children); Director Borrego stated that it would be for community healing in honor of Victoria Martens, Lily Garcia; Renezmae Calzada, and Omaree Varela; all children murdered in New Mexico during the last couple of years. Mr. Lovato stated he would work on something for the November meeting and it was suggested that CoA and Bernalillo County be involved as well. The 2019 Election has a new commercial which features AMAFCA and other entities; no entity had been billed yet; AMAFCA would provide a donation to the League of Women Voters for their Voter Guide; and is a form of public education. The purchase of the Zuni property had been completed and letters to residents would be going out soon.

18. New Business

None.

19. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 1:11 p.m.

Deborah L. Stover, Secretary-Treasurer, 10/24/19

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.