



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 24, 2011**

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1. Call to Order and Roll Call

Chairman Hernandez called the Regular Board Meeting to order at 10:03 a.m. Thursday, February 24, 2011. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Ronald D. Brown Director Bruce Thomson
Directors excused:	Director Tim Eichenberg Director Daniel Lyon
Others present:	Jerry M. Lovato, P.E., Executive Engineer Attorney Marcus Rael, Jr. Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Brown made a motion to approve the agenda. Director Thomson seconded the agenda, which passed (3-0).

3. Meetings Scheduled

- a. **Thursday, March 24, 2011, 10:00 a.m. – Regular Meeting**
- b. **Thursday, April 28, 2011, 10:00 a.m. – Regular Meeting**
- c. **Thursday, May 26, 2011, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule. Mr. Lovato noted that there was a typographical error on the agenda, stating that the April Board meeting will be held on April 28, not April 24.

4. Appointments to Boards and Committees

- a. **Personnel and Salary Committee**

Chairman Hernandez noted that he had made the various Mid-Region Council of Governments appointments following the January 27, 2010, Board meeting. He then appointed Director



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Brown and himself to the Personnel and Salary Committee, with Director Brown to serve as Chairman of the committee. Director Brown agreed to serve.

5. Items from the Floor / Public Comment

None.

6. Approval of Minutes

a. January 27, 2011

Director Brown made a motion to approve the minutes of the January 27, 2011 Regular Board Meeting. Director Thomson seconded the motion, which passed (3-0).

7. Financial Matters

a. Approval of January 2011 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the January 2011 Expenditure Report. There were no questions from the Board.

Director Thomson made a motion to approve the January 2011 Expenditure Report. Director Brown seconded the motion, which passed (3-0).

b. Investment Report for January 2011

Ms. Jeffries presented the investment report for January 2011. She noted that the transfer for the Vista del Rio Storm Drain was made to a special account in the Local Government Investment Pool (LGIP), as per the agreement. There were no questions, and no Board action was required.

c. Financial Recap January 16, 2011, through February 15, 2011

Ms. Jeffries presented the Financial Recap for January 16, 2011 through February 15, 2011. She noted that the recap showed transfers from the Operating Fund to the Contingency Fund and Building and Yard Improvement Fund, per the budget, and the Debt Service Fund showed an interest payment on the bonds. There were no questions, and no Board action was required.



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d. Financial Forecast February 16, 2011, through March 15, 2011

Ms. Jeffries presented the Financial Forecast for the period February 16, 2011, through March 15, 2011. She noted that the Construction Fund forecast included payments on five construction projects, in addition to engineering services.

Director Brown made a motion that the Board approve the Financial Forecast. Director Thomson seconded the motion, which passed (3-0).

e. Consideration of Resolution 2011-3, *FY 2011 Budget Adjustments*

Ms. Jeffries gave a further explanation of the budget adjustments that Resolution 2011-3, *FY 2011 Budget Adjustments*, would accomplish. The \$37,001 transfer from the Contingency budget to the Operating budget addresses the vacation and sick leave payment to the retiring Executive Engineer. She stated that the full amount does not need to be transferred due to salary savings in the Executive Engineer and Drainage Engineer positions, and due to the Drainage Engineer position being left open almost six months.

Ms. Jeffries noted that, after adoption by the Board, the resolution will be sent to the New Mexico Department of Finance Administration (DFA).

Director Brown made a motion that the Board adopt Resolution 2011-3, *FY 2011 Budget Adjustments*, and authorize the Chairman and Secretary-Treasurer to sign the Resolution. Director Thomson seconded the motion, which passed (3-0), on a roll-call vote.

f. Consideration of Resolution 2011-4, *FY 2011 Budget Adjustments*

Ms. Jeffries further explained the budget adjustment that Resolution 2011-4, *FY 2011 Budget Adjustments*, would accomplish. Resolution 2001-4 increases the transfer from the Building and Yard Improvement Fund to the Operating Fund by \$553, to cover additional unforeseen costs in the remodel of the Embudo Conference Room. She stated that this resolution will also be sent to DFA after adoption by the Board.

Director Brown made a motion that the Board pass and adopt Resolution 2011-4, *FY 2011 Budget Adjustments*, and authorize the Chairman and Secretary-Treasurer to sign the Resolution. Director Thomson seconded the motion, which passed (3-0).

g. Budget Recap 2011 Operating Fund Budget

Ms. Jeffries gave a brief recap of the budget review of the Operating Fund Budget. This included a summary of projected revenues, and a summary of the budget, with line item listings



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for the Operating Fund budget with actual expenditures through January 14, 2011. She stated that revenues are projected to be slightly over budget, and expenses slightly under budget. There were no questions.

Director Thomson thanked Chairman Hernandez, Mr. Lovato, and Ms. Jeffries for meeting with him prior to the Board meeting to review AMAFCA's finances and explain the various funds that AMAFCA utilizes.

8. Legal

a. Status Report

Attorney Marcus Rael, Jr., briefed the Board on the status of various legal matters. There were no questions from the Board.

He also noted that he had provided a memo to the Board regarding telephonic meeting participation, outlining the steps the Board would have to take if they wished to allow such participation.

After brief discussion, consensus of the Board was to not allow such participation at this time.

b. Pending Litigation

Chairman Hernandez stated that discussion of pending litigation would be in closed session.

Director Brown made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *"The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,"* seventh edition, 2010, to discuss pending litigation. Director Thomson seconded the motion.

Chairman Hernandez stated that the closed session would be for purposes of discussion only, regarding pending litigation. The motion passed (3-0), on a roll call vote.

Chairman Hernandez closed the meeting at 10:15 a.m.

Director Thomson made a motion that the meeting be re-opened. Director Brown seconded the motion, which passed (3-0), on a roll call vote.

Chairman Hernandez reopened the meeting at 10:46 a.m., stating that the Board had taken no action during the closed meeting, but had discussed pending litigation.



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Director Brown recommended the Board defer a decision on the matter discussed as agenda item 8b until the March 24, 2011 Board meeting. The Board concurred.

Consent Agenda:

9. Trash and Debris Removal – Authorization to Advertise for Services
a. Manual Trash and Debris Removal

The memo from Kurt Wagener, AMAFCA Field Engineer, stated that the existing contract for Manual Trash and Debris Removal with Black Forest Tree Service has been very successful, but has reached the end of its allowable extensions. The memo asked for authorization to advertise for maintenance contract bids for Manual Trash and Debris Removal from Flood Control Facilities 2011.

b. Mechanical Trash and Debris Removal

The memo from Mr. Wagener stated that the existing contract for Mechanical Trash and Debris Removal with Southwest Sewer has been very successful, but has reached the end of its allowable extensions. The memo asked for authorization to advertise for maintenance contract bids for Mechanical Trash and Debris Removal from Flood Control Facilities 2011.

There being no further items on the Consent Agenda, and there being no questions, Director Thomson made a motion that the Board take action on consent agenda items 9a and 9b, as follows:

- Authorize the Executive Engineer to advertise for maintenance contract bids for Manual Trash and Debris Removal from Flood Control Facilities 2011; and
- Authorize the Executive Engineer to advertise for maintenance contract bids for Mechanical Trash and Debris Removal from Flood Control Facilities 2011.

Director Brown seconded the motion, which passed (3-0).

Regular Agenda

10. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Lovato highlighted significant activities of the past month. There were no questions.



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He noted that he and Ms. Jeffries had met with SSCAFCA's Finance Director and Accountant for a demonstration of their accounting software, as he is contemplating replacing AMAFCA's accounting software because it requires additional manual input in another program in order to produce reports.

Mr. Lovato also stated that the City has bid and awarded the El Bordo Project, but notice to proceed has not been issued. The City has identified a conflict between the contractors means and methods and the contract documents. There are deadlines in the AMAFCA/City funding agreement for this project, which may need to be addressed in the future.

b. Notification of On-Call Services Task Orders

Mr. Lovato stated that no on-call task orders had been issued this month.

11. EPA Watershed Based MS4 Permitting Pilot Project in the Middle Rio Grande – Briefing by Sarah Holcomb, Environmental Scientist/Specialist, Surface Water Quality Bureau, New Mexico Environmental Department

Kevin Daggett, AMAFCA Stormwater Quality Program Engineer, introduced Sarah Holcomb, Environmental Scientist/Specialist, Surface Water Quality Bureau, New Mexico Environment Department (NMED).

Ms. Holcomb briefed the Board on the EPA watershed-based MS4 permitting pilot project in the Middle Rio Grande, answering several questions from the Board during the presentation. This is one of three test sites in the U.S. where the EPA is studying the watershed approach to MS4 permitting. The goal of watershed-based permitting is to more effectively manage stormwater quality through the cooperation and teamwork of the stakeholders within the watershed area.

She briefly covered the water quality issues the watershed faces. The permitted watershed is bounded by the Rio Puerco escarpment to the west, the crest of the Sandia Mountains and the Tijeras watershed on the east side of the Sandias to the east, Isleta Pueblo and the Isleta Urban Area to the south, and just south of the Angostura Diversion to the north. The study will also look at what is coming into the watershed area, primarily to the north and northeast.

She stated that NMED has been facilitating planning meetings, including two face-to-face meetings with EPA Region 6 Permits Branch. The new permit will involve nineteen entities, including three pueblos. Participation of all parties is essential, and will include dedication of staff for the planning effort, data sharing, and future funding. A Memorandum of Agreement will need to be drawn up between the parties to define roles and responsibilities.



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Director Brown noted that one of the possible solutions for cleaner water would be to allow longer retention of water before it is released. Engineer Don Lopez, formerly of the Office of the State Engineer (OSE), stated that he had worked at OSE 30 years. At the time, it was made clear that the 96 hour rule could be waived, and it had been waived many times in those 30 years. Mr. Lovato noted that AMAFCA held one of those waivers, for the Hubbell Dam.

Ms. Holcomb stated that some of the entities have not attended any of the planning meetings yet, although EPA has informed them that they must be involved in this process. The next meeting with EPA will be March 21, 2011, at the New Mexico Department of Transportation District 3 office.

12. Briefing on 2010 Annual Report to EPA for the Current MS4 Permit

Mr. Daggett summarized the 2010 MS4 Annual Report to EPA for the Board. He covered water quality issues at the North Diversion Channel Outfall embayment and in the Rio Grande, public education and outreach programs, AMAFCA stormwater quality and watershed cleanup expenditures, AMAFCA stormwater quality projects, and the ongoing water quality monitoring program, answering several questions from the Board.

He stated that two new water quality monitoring sondes have been set up this year in the river. AMAFCA spent \$47,168 on trash removal in 2010, removing 3,184 bags of trash and 66 dump truck loads of debris, and using 89 hours of Vactor truck time. The AMAFCA crew removed nearly 83,000 CY of sediment and 814 CY of trash from flood control facilities in 2010. In addition, AMAFCA spent \$185,387 on the cooperative USGS stormwater monitoring program, and \$10,000 on the NPDES and stormwater quality public education efforts (the "Storm Team").

13. Update on Sanchez Farm Tributary Storm Drains Project

a. Proposed Joint Funding with Bernalillo County for CLOMR

Lynn Mazur, AMAFCA Development Review Engineer, introduced the engineering team for this project, Dave Thompson of Thompson Engineering and Chuck Easterling of Easterling Consultants, and Roger Paul, Acting Deputy County Manager for Public Works, Bernalillo County.

She noted that at the October 2010 Board meeting, the Board had decided to defer a decision on authorization to proceed with Phase 1 – Conceptual Design of the Sanchez Farm Tributary Storm Drains Project until information became available on the U.S. Army Corps of Engineers Section 593 Program funding, and the County bond election.



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Ms. Mazur stated that the President's budget does not include an increase in the cap on the Corps' 593 Program. However, the County's bond measure passed in November, and the County has pledged to use that money to work on smaller projects. One project they are investigating is the feasibility of removing floodplain from the project area through a series of storm drains that would drain to this project's pipe, which is a backbone storm drain system.

She stated that the County has proposed entering into a cost share agreement with AMAFCA to fund a Conditional Letter of Map Revision (CLOMR) to submit to FEMA to remove floodplain in the project area. The CLOMR can be submitted with a preliminary design. Since the County has funds available to assist in this task, they would like to participate in the project to complete a preliminary storm drain design. She asked for Board approval to proceed with a Joint-Funding Agreement for a CLOMR for the project area.

Mr. Lovato noted that there is a CLOMR in the current agreement with Thompson Engineering. This joint funding agreement would expand the limits of the CLOMR.

After brief discussion, the consensus of the Board was to proceed with a Joint-Funding Agreement with Bernalillo County for a CLOMR for the Sanchez Farm Tributary Storm Drains Project.

b. Authorization to Proceed with Phase 1 – Conceptual Design

Ms. Mazur asked for Board authorization to proceed with the completion of the conceptual design of the project.

Director Brown made a motion that the Board authorize Thompson Engineering Consultants to proceed with the completion of Phase 1 – Conceptual Design for the Sanchez Farm Tributary Storm Drains Project. Director Thomson seconded the motion, which passed (3-0).

14. Update on Suncal Property Acquisition by Western Albuquerque Land Holdings, LLC

a. Briefing by Jeff Garrett, Garrett Real Estate Development

Ms. Mazur introduced Jeff Garrett, of Garrett Real Estate Development, representing Western Albuquerque Land Holdings (WALH), LLC, and Craig Hoover, of Bohannon Huston, Inc.

Mr. Garrett stated that WALH had acquired the former Suncal property in west Albuquerque late last year. He briefed the Board on WALH's plans for the property. He stated that WALH will fulfill the outstanding obligations through existing agreements with AMAFCA, the New



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Mexico Department of Transportation, and Bernalillo County, and future obligations outlined in current drainage reports and drainage management plans.

Mr. Lovato stated that at the East Amole Surge Pond, there is a drainage easement that covers the entire area. Once the project is complete, the drainage easement will be reduced to fee right-of-way to include maintenance access. This area is also controlled by a drainage management plan.

b. Proposed Turnkey Agreement for Ladera Dams 8 and 9 Expansion

Ms. Mazur stated that when the Stormcloud Subdivision was planned in 2005, it was anticipated that Ladera Dams 9 and 10 would be expanded to provide sufficient volume for storm water runoff from future upstream development.

She stated that as the first phase of the Stormcloud development included filling in a FEMA floodplain on a natural arroyo, Westland had to obtain a 404 permit from the Corps of Engineers. The permit required compensatory mitigation for the removal of natural habitat. Discussions with AMAFCA staff showed that the expansion of Ladera Dams 8 and 9 instead of 9 and 10 would fulfill not only the need for habitat mitigation, but also the need for additional storage capacity in the Ladera Dam system.

She noted that expansion of the dams will require additional drainage easement. The granting of permanent drainage easements will be written into the Turnkey Agreement. The pipe between the dams will also be shortened to accommodate the expansion, and the existing maintenance access road will be moved.

After brief discussion, the consensus of the Board was approval to proceed with drafting the Turnkey Agreement for Ladera Dams 8 and 9 Expansion with Western Albuquerque Land Holdings, LLC, for consideration at the March Board meeting.

15. 2011 Legislative Session – Briefing by Alarid Consulting

Vanessa Alarid, of Alarid Consulting, briefed the Board on a number of bills that she is tracking at the state legislature, answering several questions from the Board, with additional input from her consultant, Mark Fleisher, of Fleisher Consulting. She will continue to watch the progress of bills which may affect AMAFCA, and will keep staff and the Board informed.

Chairman Hernandez called a recess at 12:14 p.m., resuming the meeting at 12:25 p.m.



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16. Field Highlights

a. Construction Report

Mr. Wagener had provided a memo regarding current construction projects. There were no questions.

b. Field Report

Mr. Wagener gave a report of various projects and events over the past month, answering several questions from the Board.

17. Las Ventanas Detention Dam Park – Briefing by David Flores, City of Albuquerque Parks and Recreation Department

Brad Bingham, AMAFCA Drainage Engineer, introduced David Flores, of the City of Albuquerque Parks and Recreation Department, and Chris Green, of Consensus Planning.

Mr. Bingham's memo stated that the City of Albuquerque is in the planning process to expand and master plan the Ventana Ranch Community Park, a portion of which is located in the dam pool of the Las Ventanas Detention Dam. As a part of this effort, the City will be seeking to change the existing R-LT zoning to SU-1 for Community Park and Related Purposes. The City will be submitting the site plan to EPC for approval. Because the park improvements are located in the dam pool, State Engineer approval will also be required.

Mr. Flores briefed the Board on the City's plans for the park, answering several questions from the Board.

Mr. Lovato stated that the City would like a letter from AMAFCA stating its support of the rezoning effort, as was done for the North Domingo Baca Park rezone. The rezone is necessary in order to master plan the park. Mr. Lovato asked for the Board's concurrence with the zone change and the site plan, which will be brought back to the Board in more detail at a later date.

Director Brown made a motion that the Board authorize the Executive Engineer to send a letter of support for the zone change and the site plan. Director Thomson seconded the motion, which passed (3-0).



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18. Boca Negra Dam Update

a. Unser Boulevard

Loren Hines, AMAFCA Real Estate Manager, stated that the City of Albuquerque has awarded the construction contract for the extension of Unser Boulevard, which is adjacent to the Boca Negra Dam Project. In an effort to minimize traffic congestion and to allow safer access to Volcano Vista High School, the City has proposed a detour across a corner of the old Atrisco Road alignment and some of the property deeded to AMAFCA by KB Home, which will require a temporary license. The City has already been granted a temporary easement from Longford Homes for the portion of the detour that is on property still owned by them. When that property is transferred to AMAFCA, a temporary license from AMAFCA will be required.

Mr. Lovato, along with Mr. Bingham, answered a question regarding the upstream drainage easement width in the Volcano Cliffs Sector Plan area, stating that he would obtain an update for the Board at a later date.

b. Boca Negra Dam

Mr. Lovato stated that reciprocal encroachment agreements have been worked out with the utilities that have facilities within the dam. One regarding the waterline easement has been executed already. The agreement with NM Gas Company is undergoing final revisions and then will be sent for legal review. PNM and AMAFCA have agreed on their agreement, but must wait till the property from Longford Homes has been transferred before executing the agreement. Longford Homes has stated that it will take another week or two to finish conveying this property to AMAFCA.

He also noted that Wilson and Company and Geotest continue to modify the dam design to address OSE comments. He anticipated a final design being ready for submittal to the OSE by the end of March.

19. Consideration of Time Extension of Pino Dam Turnkey Agreement with Dr. William Galbreth

Chairman Hernandez stated that this item would be deferred to the March Board meeting, as Director Brown would be abstaining from this agenda item and there would be a lack of a quorum.



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20. Consideration of Turnkey Agreement for Side Inlet Channel Improvements on the South Diversion Channel as Related to Motor Vehicle Department Specialists and Retail Building

Ms. Mazur stated that an existing building at the northwest corner of South Broadway and Rio Bravo, adjacent to the South Diversion Channel (SDC), will be demolished and a new building erected. The site produces a 100-year runoff rate of 7 cfs and receives some runoff from Broadway. Offsite drainage from the east flows through culverts under Broadway and through an unlined swale on the north side of the property. Onsite flow will be collected in a storm drain system that will drain to a water quality manhole in the northwest corner of the property. The 18 inch outfall pipe will drain to a riprap pad that will connect to the existing side inlet to the SDC.

She stated that the improvements in the AMAFCA right-of-way will be constructed via a Turnkey Agreement similar to the recent one for development on South Broadway near the SDC. The property owner will maintain the onsite facilities. AMAFCA staff have right of entry to inspect the water quality manhole. If the manhole is deficient in its water quality function, cleanup enforcement will be under the County's Maintenance Covenant.

Director Brown made a motion that the Board approve the Agreement, substantially the same as attached to the memo, and authorize the Chairman to execute the *Turnkey Agreement for Side Inlet Channel Improvements on the South Diversion Channel as Related to MVD Specialists and Retail Building*. Director Thomson seconded the motion, which passed (3-0).

21. Unfinished Business

a. Southeast Valley Storm Water Quality and Drainage Management Plan Public Meeting

Ms. Mazur stated that the Southeast Valley Storm Water Quality and Drainage Management Plan Public meeting had been confirmed with the Chairman, and with County Commissioner Art De La Cruz and City Councilor Isaac Benton, and the meeting room at the Mountain View Community Center had been reserved. The public meeting will be on Tuesday, April 19, 2011, from 6:00 to 7:30 p.m.

She noted that invitations will be sent to the stakeholders and participants. A postcard invitation has been created and will be reviewed by Chairman Hernandez, Commissioner De La Cruz, and Councilor Benton before being sent out. In addition, the meeting will be advertised in the Albuquerque Journal and the South Valley Ink newspapers.



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b. Update on Meeks Drainage Easement

Mr. Wagener gave the Board a brief update on the Meeks drainage easement. Revised easement agreements have been executed and the total of all additional payments to Mr. Meeks was \$23,043.67. These costs will be recovered from the Corps of Engineers as project costs for obtaining easements.

He noted that MRGCD approved the license agreement and AMAFCA began the construction of the Black Mesa Crossing of the Los Padillas Acequia Feeder Structure. The Agency and Area-Wide contract was utilized, and the work should be completed by March 1, 2011. The turnout has been submitted to the MRGCD and is scheduled to be completed before March 1, 2011. Survey work for the turnout has already been done.

Mr. Wagener stated that staff will be meeting with Mr. Meeks and his laser leveling contractor next week. Leveling will be done in the next few weeks. The existing cobble road will be replaced with gravel after the laser leveling is complete.

There were no questions.

22. New Business

None.

Chairman Hernandez noted that a recent Albuquerque Journal article about the pigeon population shows why avian pollution is a problem for area agencies.

23. Adjourn

There being no further business to come before the Board, Chairman Hernandez adjourned the meeting at 1:13 p.m.

Bruce M. Thomson, Secretary-Treasurer, 3/24/11

Recorded by Pamela Woodruff, Executive Secretary