



**Albuquerque Metropolitan
Arroyo Flood Control Authority
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1. Call to Order and Roll Call

Chair Thomson called the Regular Board Meeting to order at 10:03 a.m. Thursday, October 27, 2016. Roll was noted as follows:

Directors present:	Chair Bruce M. Thomson Director Cynthia D. Borrego Director Ronald D. Brown Director Deborah L. Stover Director Tim Eichenberg (left at 11:36 a.m.)
Directors excused:	None
Attorney present:	Attorney 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 Brown asked that Item 20. Executive Session, include an update on the recently completed FY-2016 Audit.

Director Brown made a motion to approve the agenda, as amended. Director Borrego seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. November 17, 2016, 10:00 a.m. – Regular Meeting**
- b. December 15, 2016, 10:00 a.m. – Regular Meeting and Holiday Luncheon**
- c. January 3, 2017, 11:00 a.m. – Special Meeting**
- d. January 26, 2017, 10:00 a.m. – Regular Meeting**

Chair Thomson asked that the January 3, 2017 Special Meeting start at 11:00 a.m.



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4. Items from the Floor/Public Comments

No one signed up for Public Comment. Mr. Nolan Bennett, AMAFCA Field Engineer, introduced AMAFCA's new maintenance worker, Mr. Jon Taylor. Mr. Taylor addressed the Board, summarizing his background and experience, including the fact that he was able to carry over his current Herbicide License to AMAFCA; no other AMAFCA crewmember has this certification. Responding to questions from the Board, Mr. Taylor confirmed he has a Commercial Driver's License, recapped his working knowledge of various types of equipment, and informed the Board that he had sold his racecars. The Board welcomed Mr. Taylor to AMAFCA.

5. Approval of Minutes

a. September 22, 2016

Director Borrego asked for some slight modifications. Pages 2, under Items from the Floor/Public Comments, take out the word "had" in the first sentence and reduce the empty gap on page 10.

Director Borrego made a motion to approve the minutes of September 22, 2016, as amended. Director Brown seconded the motion, which passed (4-0). Director Brown abstained, as he was not present at the meeting.

6. Financial Matters

a. FY 17 Budget to Actual

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the FY 17 Budget to Actual. Mr. Chavez referred the Board to the analysis and graphs submitted with the Board mailout. He stated that AMAFCA is trending to both the 5-year average and projected budget. The December timeframe should show significant property tax payments. Expenditure budget to actual was covered showing a trend below budget, noting that the City of Albuquerque (CoA) is behind on sending payroll invoices. General Administrative Expenditures started above budget due to insurance payments, association fees, and the budget will exceed the actual later in the year. Responding questions from Chair Thomson, Mr. Lovato stated that the second phase of the yard improvements would include building a small retaining wall, moving PNM guidewires, (\$200K +/- to move the guidewires), extending the parking lot by 6 feet, extending fencing, putting in a gate, additional work downstairs, and the design for lighting the parking lot. Mr. Lovato mentioned that Mr. Bennett would bring a plan to modify the downstairs file room, pending what is left in the Capital Budget, to the Board at a later date.



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b. AMAFCA Cash & Investments

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, referred the Board to the graph from the mailout. He pointed out that the gray color indicated restricted funds and green area shows funding which is not restricted. Responding to a question from Director Eichenberg, Mr. Chavez stated that he was confident that AMAFCA was not caught up in the Nationwide Wells Fargo issue, which seemed to be limited to small businesses and individuals. He further stated he is happy with the personal customer service from Ms. Elena Garcia at Wells Fargo.

c. Approval of September 2016 Expenditures

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the September 2016 Expenditure report. Responding to a question from Chair Thomson, Mr. Lovato stated that the Hotel expenses associated with the trip to participate in the CO-NM Regional Extreme Precipitation Study were costly due to the location of the Conference in downtown Denver, Colorado. Mr. Chavez stated that AMAFCA staff intentionally looked for more cost effective accommodations in the Denver suburbs for the trip taken on October 24. Chair Thomson stated that he was not concerned with AMAFCA staff, but wanted to make sure the individuals who are hosting the meeting(s) are aware of the expenses and the financial constraints of the attendees. Responding to a question from Director Borrego, Mr. Chavez stated that the parking charge for \$70.00 was for a different trip/staff member, which ended up being for nine nights in Washington D.C. Director Eichenberg suggested that for the safety of AMAFCA employees, AMAFCA should have staff look into flying to Colorado, as opposed to driving. He further stated that it was appropriate to spend the extra dollars to ensure staff safety while traveling

Director Brown made a motion to approve the September 2016 Expenditure Report. Director Stover seconded the motion, which passed (5-0).

d. Financial Position Recap September 16, 2016 through October 15, 2016 & Forecast October 16, 2016 through November 15, 2016

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Financial Position Recap and Forecast. Responding to a question from Director Borrego, Mr. Chavez stated that the CoA should be catching up on payroll invoices soon. He further stated that CoA is most likely under the same Audit(s) and closing out of Year-End financials pressure as AMAFCA, and that may be the reason for their delay in submitting invoices for payment.

Director Brown made a motion that the Board approve the Financial Forecast. Director Stover seconded the motion, which passed (5-0).



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e. Fiscal Agent Funds – Proof of Cash and Savings

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Fiscal Agent Funds. There were no questions.

7. Legal

a. Status Report

Attorney Randy Autio stated that the primary issue for the past month was preparing for mediation and finalizing the required documents. He further stated the issue should be resolved within the next week. Results would be covered in the Closed Session closer to the end of the meeting.

8. Executive Engineer's Report

Mr. Jerry Lovato, AMAFCA Executive Engineer, highlighted significant activities of the past month:

- **City of Albuquerque - Bear Arroyo Water Quality Pilot Project:** The Bear Channel is owned and maintained by CoA. CoA and AMAFCA staff held a field visit to locate potential projects sites to address stormwater quality on a regional basis. Two locations were identified which includes the tributary. The area near Spain to Wyoming itself needs work and does not have a maintenance road or bike trail. Responding to a question from Director Brown, Mr. Lovato stated the plan is to keep it looking natural and plant vegetation to help clean the stormwater by infiltrating the storm water. This is a prime location for sediment and debris removal prior to getting into the open area of the Bear Arroyo. Mr. Lovato further stated that at the unlike the tributary, the Mierhaven Arroyo has more room in the bottom of the channel that allows maintenance to be done from the center of the arroyo. The design may resemble what was done at Sanchez Farm, which will be an asset to the neighborhood. CoA indicated a 50/50 cost share is possible for this project, but it would not include an extension of the multi-use trail. A brief discussion took place regarding putting in a maintenance road, making a slope, which would be drivable and possibility handicapped accessible, the bottom of the channel being natural, trucks would not be able to load in the bottom of the channel, etc. CoA and AMAFCA will work on preliminary designs before a presentation to the full AMAFCA Board of Directors. Responding to a question from Director Eichenberg, Mr. Lovato agreed that the tennis courts in the area accumulate trash, homeless activity, and shopping carts. There was a discussion regarding how the CoA put in the concrete debris and that the Board strongly concurs to having the area cleaned up. Responding to a comment from



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Chair Thomson regarding selling shopping carts and Director Eichenberg stating someone repairs the carts, Mr. Lovato stated that AMAFCA contacts the stores to come pick them up or they can be recycled, and Mr. Willis mentioned that while the gentleman who repairs the shopping carts has not been around recently, AMAFCA is well aware of who he is, what he does, and AMAFCA gives him access to the channel and will continue to utilize his service(s). Responding to Director Eichenberg and the 50/50 cost share, Mr. Lovato stated that this is a perfect opportunity for the pilot project in the area.

- **Kirtland Air Force Base (KAFB) - Drainage at Gibson and Louisiana:** AMAFCA re-submitted the request forms needed to gain access to KAFB. Right of entry is expected in approximately two weeks. AMAFCA is hoping to get access to KAFB before Thanksgiving. AMAFCA will be using an On-Call Engineer to do the Biological Assessment of the area. An On-Call Engineer has started the design for possible alternatives to the Gibson Pond to comply with the National Environmental Policy Act (NEPA) process.
- **CO-NM Regional Extreme Precipitation Study:** Mr. Kevin Troutman and Mr. Bradley Bingham were attending the second meeting between the Dam Safety programs of Colorado and New Mexico. Staff intends to brief the Board during the November Board Meeting. Responding to a question from Chair Thomson, Mr. Lovato stated that AMAFCA legal counsel would look at the Resolution before bringing back to the Board. Chair Thomson stated that he conveyed to the Office of the State Engineer (OSE) and Dam Owners Coalition that the AMAFCA Board had concern with the Grant and did not want it to pay for expenditures from the NM OSE.
- **AMAFCA**
Vegetation Control: Mr. Lovato commended the AMAFCA crew for doing a great job taking care of weeds and trash on AMAFCA right-of-ways.

Trespasses on AMAFCA rights of way: Due to the work of Mr. Jeffrey Willis, AMAFCA Real Estate Manager, along with the AMAFCA crew, there are a lot less homeless individuals/groups camping on AMAFCA rights of way.

Erosions at Aspen Ranch Apartments: The Aspen Ranch Apartments are located along the Calabacillas Arroyo, west of Eagle Ranch. AMAFCA only has an easement in this area and is not responsible for maintaining. AMAFCA had made the property owners aware of various erosions that have started to cause damage to the apartment complex. Letters were sent to the property owners with the concerns AMAFCA noticed going back almost a year. The property owners have tried to do some work and did put up caution tape along the area(s) that should not be walked on. However, there is a safety concern



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(various pictures shown of the area). The next recourse will be to have AMAFCA legal counsel send a letter to the property owner. There was a discussion regarding the type of dirt that is developed upon and accumulates in the area, as well as the continuous development.

Black Dam – Constituent Complaint: Director Borrego and Mr. Lovato met with a constituent who had concerns with how AMAFCA maintained the Black Dam Water Quality Structure. There was a misunderstanding on how the water quality structure works. The biggest complaint was how the crew removed mud. It is too sloppy to move the mud by itself. Mr. Lovato stated that dry material is placed on top of the wet material to soak up the water in order to haul it out. Mr. Lovato stated it was very good meeting. Director Borrego stated that the constituent was satisfied and he had been invited to a future Board meeting.

Director Eichenberg stated that an individual who lives near Academy Hills Park thanked him recently for his help in getting repairs done in the area. Mr. Lovato stated that the AMAFCA crew did not do this work; it was done with the guidance of Mr. Kurt Wagener working with the Agency and Area-Wide Contract. He further stated CoA paid for the repairs.

b. Notification of On-Call Services Task Orders

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

Consent Agenda:

Chair Thomson stated that agenda Items 9 through 12 were on the Consent Agenda. Director Brown made a motion that the Board:

- Authorize the Executive Engineer to extend the on-call contracts with Brooks Pearsall Zantow, LLC, Commercial Appraisal Inc., and Shipman/Foley & Associates, Inc., for Real Estate Appraisal Services; each for a one-year term, as per the provisions of the contracts;
- Authorize the Executive Engineer to extend the on-call contract with Eagle's Eye Aerial Photo Solutions for a one-year term, as per the provisions of the contract;
- Authorize the Executive Engineer to extend the on-call contracts with Community Sciences Corporation, High Mesa Consulting Group, Souder Miller & Associates, and Wilson & Company for Surveying Services; AMEC Foster Wheeler Environmental & Infrastructure, Inc. and Terracon Consultants, Inc., for Geotechnical/Environmental Engineering Services; each for a one-year term as per the provisions of the contracts; and



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- Authorize the Executive Engineer to extend the agreement with Griffin & Associates for one year.

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

13. Agency and Area-Wide Flood Control Maintenance Design and Construction Management Services Contract 2016-2017 – Consideration of Agreement with the Larkin Group

Mr. Nolan Bennett, AMAFCA Field Engineer, noted that the agreement was the latest installment of the Agency and Area-Wide Contract with CoA and the New Mexico Department of Transportation (NMDOT). He pointed out a typo on the Board memo, which should state the agreement is with Larkin Group. The agreement will help fund \$1.5M of rehabilitation work in the NDC, Hahn, North Hahn, and the I-40 Channel. There were no questions.

Director Brown made a motion that the Board approve the Agreement with Larkin Group NM to provide Professional Engineering Services for the Agency and Area-Wide Flood Control Maintenance Project 2016 – 2017, on a time and materials basis, with the cost not to exceed \$122,480.63, not including New Mexico Gross Receipts Tax. Director Eichenberg seconded the motion, which passed (5-0).

14. Tijeras Arroyo Sediment Retention Structure – Consideration of Amendment Three

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that Mr. Kevin Troutman was in Denver attending the CO-NM Regional Extreme Precipitation Study meeting. The agreement is with Weston Solutions. The subject of Amendment Three was for Construction and Management Services, which includes inspections, monthly progress payments, etc., for a total of \$190,899.05.

Responding to a question from Director Eichenberg, Mr. Lovato referred to the location of water quality structure and stated that a model was done at the University of New Mexico. There was an additional cost to be determined that was built into the contract once the model was completed, which was a subject of amendment one. The next phase of the scope included building the project, which originally estimated to be approximately \$5M. The second amendment provided that the original design would be broken into two separate projects to allow the project to be phased to accommodate funding. The third amendment to the contract is the Construction and Management Services associated with building phase I of the project. There was a brief discussion regarding past environmental concerns in the area where salvage vehicles are stored. Mr. Lovato stated that older facilities are the ones that will have issues. Salvage yards are not allowed to discharge waters therefore they have berms around them. Some of the sites



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along the SDC have ponds that are inspected by AMAFCA and BernCo. The inspections are well documented. Some of the water quality issues in the Tijeras arroyo have been traced back to brake dust coming off the freeway. There was an illicit discharge with a high concentration of copper, which had been tracked by BernCo and Mr. Patrick Chavez, AMAFCA Storm Water Quality Manager. Responding to a question from Director Brown, Mr. Lovato stated that the 5J's property drains onto Broadway. Responding to questions from Chair Thomson, Mr. Lovato stated that AMAFCA had asked the organizers of the Mud Volleyball Tournament for a preliminary design on what they are anticipating. He further stated that the Tournament would not affect construction on the Tijeras Arroyo Sediment Retention Structure. In order to help with a 25-year look ahead, AMAFCA and NMDOT are in discussions regarding a piece of NMDOT property and a piece of property NMDOT wants from AMAFCA.

Director Brown made a motion that the Board approve Amendment Three with Weston Solutions, Inc. to provide Construction Management Services for the Tijeras Arroyo Sediment Retention Structure Phase 1 in the amount of \$190,899.05, plus New Mexico Gross Receipts Tax. Director Stover seconded the motion, which passed (5-0).

15. Calabacillas Arroyo Facility Plan – Consideration of Amendment Two for Phase 2

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that Amendment Two was part of the Request for Proposal that stated there would be a decision point after the Board was given a review of the work to date. Existing structures have been inspected and new areas have been identified for new structures, improving existing structures, will be the subject of a hydrological analysis, and sediment transport.

Responding to a question from Director Brown, Mr. Lovato stated that there are 27+ structures and soil protection areas. AMAFCA wants to make sure the existing structures are working and protected when a sediment capture facility is built at Swinburne Dam. The facility would be built to comply with EPA requirements for existing and future development. If taking out significant amount of sediment AMAFCA wants to make sure there is no damage to the arroyo. Responding to a question from Chair Thomson, Mr. Lovato confirmed that Bohannon Houston is a subcontractor to Tetra Tech and that lower frequency storms (below 100 year) are being studied to address localized erosion between grade control structures near storm drain outfalls. Responding to a question from Director Eichenberg, Mr. Lovato confirmed that both phases identified in the amendment were lump sum and that phase two was 200 dollars more than phase one. Mr. Lovato felt confident that the scope for both phases of work contained enough detailed to eliminate the possibility of a fee increase later.

Director Borrego made a motion that the Board approve Amendment Two with Tetra Tech, Inc. for Phase 2 of the Calabacillas Arroyo Facility Plan – Swinburne Dam to the Rio Grande in the



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amount of \$153,800.00, plus New Mexico Gross Receipts Tax. Director Stover seconded the motion, which passed (5-0).

16. AMAFCA Projects

a. Tijeras Arroyo Facility Plan – Project Update by Smith Engineering

Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated Smith Engineering has been working on the Tijeras Arroyo Facility Plan since early 2016. The Tijeras Watershed had not been analyzed since the late 1980s and the CoA Management Plan was done and adopted in the 1990s. There has not been that much development driving unified improvements in the area. The Juan Tabo Hills subdivision has done some improvements and they plan to do some more improvements upstream of KAFB. KAFB personnel are very interested in getting the study results to help take care of issues on KAFB property. The entire watershed was evaluated and defined by Huitt-Zollars with an on-call contract to look a 30,000-foot view of the hydraulic analysis and create a general HEC-HMS Hydrologic model. In the 1970s, the USCOE had calculated the standard project flood on the SDC, which has not been revised. Ms. Mazur stated that she does not believe there is a need to revise standard project flood. Smith Engineering used the flow rate of 37,000 cfs for the standard project flood to analyze the SDC. The results showed that the bridge crossing had freeboard and there was a little freeboard in the channel on a curve downstream. AMAFCA was aware of the freeboard issue in the curve for the design flow. Responding to a question from Chair Thomson, Mr. Lovato confirmed that the 37,000 was the same rate used for the UNM physical model. Ms. Mazur stated that Smith Engineering looked at Tijeras upstream of the confluence and refined the flow rates that Huitt-Zollars calculated.

Ms. Mazur introduced Mr. Pat Stovall, Smith Engineering Project Manager. Mr. Stovall thanked the Board for allowing him to provide a Project Update for the Tijeras Arroyo Facility Plan. He thanked Ms. Mazur as well and stated she was a pleasure to work with. He advised the Board that the both he and Ms. Mazur walked the Tijeras Arroyo, except on KAFB property due to KAFB security issues. Various pictures showing erosions, exposed pipes and manholes, bed degradations, and various other issues were viewed.

The following is a brief recap of the presentation:

- Final report is due to AMAFCA in February 2017
 - Major Task and Progress Summary:
 - Base Map Preparation Field Reconnaissance and Survey - completed summer 2016
 - Hydrologic and Hydraulic Analyses - existing conditions completed fall 2016
proposed improvements
 - HEC-RAS model remains to be completed



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- Floodplain Analysis and Mapping with Prudent Line - completed in summer
- Recommend Conceptual Level Improvements - In progress
- Draft Facility Management Plan Report – In progress
- Final Facility Management Plan Report – after Draft Report Comments
- Goggle Maps was used for a view of the KAFB area
- Peak Discharges 100-year = 17,342 cfs, 500-year = 26,428 cfs
- Tijeras Arroyo Drainage Basins - Total Area 137 square miles
- Bridge and Channel Hydraulic Summary – all bridges had freeboard
- Floodplain and Prudent Line Summary
 - The floodplains developed in this analysis are similar to the FEMA floodplains
 - The Prudent Lines generally contain the floodplains with only minor exception
- Conceptual Design Concepts to stabilize the bed and banks include: grade control structures to mitigate bed degradation and assist in bank failure reduction and stabilization and guide banks and bank protection at critical bank and infrastructure locations
- Reach Distances and General Problem Descriptions
 - Total Reach Length = 12.0 miles at Four Hills Road to SDC Inlet
 - Total design reach length excluding KAFB = 7.1 miles
 - 4.5 miles downstream of KAFB west boundary, most severe with many bank failures and bed degradation and 2.6 miles upstream of KAFB east boundary with some bank failures and mild bed degradation
 - KAFB reach length = 4.9 miles
- A maintenance access road will be included, which is drive able

Responding to questions from Chair Thomson, Mr. Stovall stated the exposed manhole is at the Tijeras Interceptor and it is fairly deep. Ms. Mazur stated that east of I-25 and further east of University is the Valle del Sol subdivision, which will realign the arroyo and provide grade control. The rest of the area upstream is KAFB, CoA, and State property and there is no development in the area like the Calabacillas Arroyo, which will drive the improvements. However, AMAFCA will continue with the Study to show what can be done. Funding will not be addressed since there is nothing driving development. Responding to a question from Director Eichenberg, Ms. Mazur confirmed the land owned by CoA and the State and stated that other than Juan Tabo Hills there is nothing to drive improvements. Responding to a question from Chair Thomson, Mr. Lovato stated that Ms. Mazur has been talking to the KAFB technical folks who are concerned with erosions and he has been talking to others regarding base security. At this time, two structures are being discussed, one on the eastside and one on the westside. There was a structure that had failed along the west boundary of KAFB that was built for \$3.5M. The structure has a ten to twelve foot drop, and was constructed without rebar, which only lasted approximately two years. KAFB is very willing to work with AMAFCA to design something



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that will last. Responding to a question from Chair Thomson, Ms. Mazur stated the next steps are to look at some conceptual designs, look at the entire arroyo as a system, finalize the report, and bring it to the Board for adoption.

b. Hamilton Dam – Project Update

Mr. Jerry Lovato, AMAFCA Field Engineer stated that Mr. Brad Bingham was in Denver attending the CO-NM Regional Extreme Precipitation Study meeting. Hamilton Dam is in North Albuquerque Acres. The Dam would control flows from Avulsion One up in the Sandias and guarantee that flows are kept in the La Cueva Channel downstream, and provide flood protection to residents. AMAFCA has been working for approximately 25 years with the Pueblo of Sandia and has not been able to get Avulsion One constructed. The decision was made approximately a year and a half ago to look at the feasibility for Hamilton Dam. In 2015, a public meeting was held to get input. Approximately 50 people attended. Residents were concerned about having a dam, but were more concerned with the height of the dam (35 to 40 foot tall). They came up with the suggestion to take out Eubank, increase the volume of the dam, and decrease the size of the embankment. BernCo was open to the idea, but stated AMAFCA was to do a traffic study. The study was done which shows that three to four minutes will be added for emergency access to residents and will not affect regular traffic access. The consultant was instructed to see if the changes would make a difference to the Dam. The flaw with the decision is two homes are in the way of historic flows. Design one looks at 130-acre feet of storage, 114 cfs discharge, and a 66-inch pipe running down Glendale. The next design takes out Eubank and drops the elevation of the crest by four feet to 57.31 feet. The discharge rate will be reduced. The pipe will be extended down to Glendale. Responding to a question from Chair Thomson, Mr. Lovato confirmed the elevation of the crest is 57.31 feet. AMAFCA had been asked to meet with the North Albuquerque Acres Executive Board and will be attending their annual meeting on November 17, 2016 at 6:00 p.m. at Sandia Presbyterian Church. Responding to a question from Chair Thomson, Mr. Lovato confirmed the cost for Option 2 is the same as the cost for Option 1.

17. AMAFCA Field Highlights

a. Field Report

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the past month.

The slides opened with a picture of a horned lizard (5th one since Mr. Bennett has been with AMAFCA) at the East Amole Surge Pond, followed by slides of the AMAFCA building and various hot air balloons along with hot air balloons at the Wilson and Company office building, AMAFCA Bond Committee banner on the Balloon Fiesta grounds, AMAFCA Crew Vegetation



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Control at Malpais and La Cueva Tributary. Responding to a question from Chair Thomson, Mr. Lovato stated that the gauge is a USGS gauging station. The presentation continued with various slides of the crew cleaning the Bath Tub, including hauling out a kitchen sink, a number of slides and drone cam pictures of concrete repair at the Black Arroyo Channel, slides of the repair due to the stolen, burned truck at the East Amole Surge Pond, various slides of the CoA Singer Road Widening and Trail Notch, a few slides of the Agency and Area-Wide NDC Floor Overlay Final Inspection, Sediment Sales at South Pino, San Antonio Arroyo Corps of Engineers Restoration Project, Calabacillas downstream of Swinburne, Calabacillas by Morning, Ladera Dam 10, Water at the Don Felipe Dam, CoA Emergency Manager Coordination Flood Plan meeting, a couple performing a dance at Valle de Oro, AMAFCA and the future Tumbleweed Snowman at the EXPO New Mexico State Fair, a rainbow in Corrales near Mr. Kurt Wagener's home (Mr. Wagener did not want a picture of himself included in Field Highlights), and closed with a picture of the AMAFCA Bond Committee sign on I-25.

b. Construction Report

Mr. Nolan Bennett, AMAFCA Field Engineer, referred to the Construction Report. Responding to a question from Director Brown, Mr. Lovato stated the Tijeras Water Quality Structure and West I-40 Channel are out to bid so there will be a couple of construction projects brought to the Board in approximately a month and a half. Mr. Bennett stated the Agency and Area-Wide Project would pick up quick as well. Responding to a question from Chair Thomson, Mr. Lovato stated that the Marble Arno Pond contract is currently being held up with the CoA. He reminded the Board that they had already signed the contract in hopes to speed up the process and CoA is working diligently on obtaining the piece of property needed for the pond. He further stated BernCo is working with the Village of Los Ranchos on the Drainage Management Plan.

18. Real Estate

a. Notice of Issuance of File Production License

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, stated a Film License was issued to "Better Call Saul." The scene was filmed in the Calabacillas Arroyo near Coors Boulevard on October 19 through October 21, 2016. AMAFCA invoiced the production company a fee of \$2,435.99, based on the fee schedule for goods and services.



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19. Storm Water Quality

a. Middle Rio Grande Watershed Based MS4 Permit No. NMR04A000 – Permit Update

Mr. Patrick Chavez, Storm Water Quality Engineer, stated the advertisement of AMAFCA's draft 2016 FY Annual Report for a Municipal Separate Storm Sewer (MS4), for public review and comment, was published in the Albuquerque Journal in October. A hard copy of the Annual Report is available for review and comment at AMAFCA, as well as a downloadable electronic version from AMAFCA's website. The permit requires a 45-day comment period. Advertisement of AMAFCA's draft 2016 FY Storm Water Management Plan (SWMP) update as an MS4, for public review and comment, was published in the Albuquerque Journal in October. A hard copy of the SWMP is available for review and comment at AMAFCA, as well as a downloadable electronic version from AMAFCA's website. The permit requires a 30-day comment period for the SWMP update. Both reports will be submitted by the December 1, 2016 due date.

Mr. Chavez referred the Board to their mailout showing the 2016 FY volume in cubic yards by location of sediment, trash, and vegetation removed from AMAFCA's flood control and water quality facilities. This information is derived from the crew's Daily Reports and the Manual Trash Removal contract. Sediment removal is an important part of permit compliance given AMAFCA's pollutant load reduction strategy. At some point, the report might cover rainfall in the water shed and how rainfall correlates with the removal of debris. This information is included in the Annual Report to EPA. There was enough volume removed in FY 2016 to bury a football field almost 3 feet deep in sediment.

Director Borrego asked that AMAFCA have the consultant come and present to the Board. The public needs to be educated on what can and cannot be put into the facilities. She referenced a visit with Mr. Bingham during a field trip where she noticed a couch and other items in the arroyo. Mr. Lovato stated that the upcoming Request for Proposal was modified for the Storm Water Quality Coordinator, which will have a lot more integration regarding activities, monitoring, etc.

b. EPA Region 6 Stormwater Conference – Conference Debrief

Mr. Patrick Chavez, Storm Water Quality Engineer, stated he had attended and presented at the October 2016 EPA Region 6 Stormwater Conference held in Oklahoma City, OK. An exclusive breakout session, which usually happens at the end of the conference, was held this year on the second day of the conference for attendees from New Mexico. The discussion that ensued between various types of MS4 stakeholders from New Mexico was very informative. The watershed permit had been issued two years ago. The smaller MS4s (Farmington, Los Lunas,



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Las Cruces) are now going through what AMAFCA did a few years back. This is a new endeavor for them. Water quantity issues relative to the differing perspectives of the Interstate Stream Commission (ISC), Office of the State Engineer (OSE), and the New Mexico Environment Department (NMED) were shared in an open format that encouraged the exchange of ideas. The ISC, OSE, NMED is creating a guidance document that will be utilized with all the New Mexico MS4s.

The online Network Discharge Monitoring Report (NetDMR) system tracks stormwater quality compliance monitoring values, which are provided to EPA as part of the Annual Report. In the past, CoA did the monitoring report for all the entities. The current 12 members of the Compliance Monitoring Cooperative (CMC) would prefer to upload the compliance monitoring information a single time to NetDMR as opposed to having 12 MS4s individually upload the same values 12 different times. It was the opinion of the EPA staff that the water quality values be shared by a single submission to NetDMR on behalf of the entire cooperative. The suggested follow-up as a result of the breakout session discussion was a written request to EPA Region 6 for specific guidance concerning the NetDMR system. The watershed's Technical Advisory Group (TAG) is in the process of drafting the letter.

AMAFCA's presentation was on E.coli removal by microfiltration (done with mushrooms) in a simulated wet environmental pond. Despite the presentation being on the last day of the conference, it was well attended and several probing questions were asked by members of the audience. A funding proposal through NMED's 604(b) program was recently submitted on behalf of the Storm Water Quality to further study the characterization of bacterial regrowth along the Rio Grande near Albuquerque. Weston Solutions, Inc. also made a presentation at the conference.

Responding to questions from Chair Thomson, Mr. Chavez stated that New Mexico, Milwaukee, and Minnesota were Regional MS4s at one time. Right now, only New Mexico is remains as a functioning Regional MS4. The Award received last month from MRCOG will help with the recognition. The template that will be rolled out to the Statewide MS4 permittees, lessons learned from the urban setting in Albuquerque, and applying it to a rural setting statewide may help set up other Regional MS4s. During the recent EPA meeting, it was mentioned that there are collaborations happening. As others startup they may not have the same growing pains as New Mexico had. Mr. Lovato stated that in Washington there is a collaboration of communities and counties near Puget Sound that were force to come together to keep it clean. Maricopa and Clark County had contracted Mr. Lovato to see how to modify their permit on a regional basis, due to economic reasons. There is not a formal watershed based permit other than the Middle Rio Grande and the proposed one for the State of New Mexico. The proposed template is being looked at very closely by various entities to address stormwater quality on a regional basis.



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c. EPA Region 6 Site Visit – Discussion of Regionalization with NM Stakeholders and EPA

Mr. Patrick Chavez, Storm Water Quality Engineer, stated there is a statewide meeting taking place November 7, 2016 with ISC, OSE, and NMED that will cover the Guidance Document relative to Water Quality Law. The OSE had stipulated that AMAFCA cannot retain water, but can detain it. If a flood control authority or MS4, there is 96 hours to convey the water. The idea is to get the water to a flood control facility or storm sewer, and then the 96-hour exemption will start. Responding to a question from Chair Thomson, Mr. Chavez stated that meeting would be at the ISC office on San Antonio, in Albuquerque. Responding to a question from Director Borrego, Mr. Chavez stated that the meeting would be 9:00 a.m. to 4:30 p.m. Mr. Chavez stated he would send out information to the Board to confirm the location of the meeting.

Mr. Chavez stated he had traveled to Washington, D.C. to meet with legislative assistants from New Mexico's congressional delegation on July 25, 2016. A meeting was held at AMAFCA on August 8, 2016 with EPA, local stakeholders, and Congresswoman Michele Lujan Grisham. During those meetings, the possibility of a field visit was discussed in order for EPA and all stakeholders to better understand how regionalization has been implemented in the Middle Rio Grande. The site meeting would allow MS4 permittees to illustrate to EPA the uniqueness of the Albuquerque urban area as it pertains to the development of flood control facilities.

Representatives from EPA Region 6, NMED, OSE, and the ISC will be in Albuquerque on November 8, 2016 from 9:00 a.m. to 3:00 p.m. for a field trip to four locations in the watershed. The purpose of the field trip is to visit sites for stormwater quality runoff mitigation banking. Also to discuss with the regulatory stakeholders the need to allow permittees to determine locally that a site use is inconsistent with the capture and reuse of stormwater given where New Mexico water law limits the ability to manage the stormwater quality volume on site.

The four locations that have been selected to demonstrate regionalization of stormwater quality between various MS4s in the Middle Rio Grande were reviewed. Those locations are Alcalde and Barelás Pump Stations, La Orilla Development, Paseo del Norte with the Interstate 25 Interchange, and Hawks Landing Private Development. Mr. Chavez referred the Board to the locations and the reason(s) each site was chosen.

The current NPDES MS4 Permit allows for stormwater management within the watershed, if the site to be developed meets certain conditions. This aspect of the permit had been the focus of many discussions within the MS4 community and numerous municipalities. The concern raised was what potential liability a given MS4 permittee has if EPA enforcement disagrees with the local determination to utilize post construction offsite treatment of stormwater for individual projects. AMAFCA had dealt with this situation during the re-construction of the Paseo del Norte



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and Interstate 25 Interchange Project. Kiewit Construction was allowed to build and use a regional water quality facility to capture and treat stormwater runoff from the project. As part of the agreement, AMAFCA assumed ownership after the facility was built and maintained the facility during construction. Today, the North Domingo Baca Water Quality Structure continues to clean stormwater two years after the re-construction of the interchange. The form of the agreement was reviewed and approved by EPA and the NMED.

The MS4 permit as written allows for Alternative Compliance for post construction stormwater management, but only after establishing a given project's infeasibility due to site constraints. Removing and / or providing guidance relative to what constitutes "infeasibility" will better provide MS4 permittees flexibility to comply with New Mexico Water Law, protect the quality of the river, and not constrict development in the watershed.

Responding to a question from Director Brown, Mr. Lovato stated that the locations chosen were due to the area(s) already being developed. The Calabacillas Arroyo is considered undeveloped and would not fit into the requirements for the visit. Mr. Chavez stated that there are approximately twenty people signed up for the site visit. Mr. Lovato stated that Albuquerque Public Schools had offered a bus that will fit 75 people. It was suggested by the Board to see if a chartered bus can be utilized. Mr. Lovato stated it would be looked into. Mr. Chavez stated he would send out the details to the Board.

20. Executive Session (closed)

- a. NMSA 1978 Open Meetings Act, §10-15-1(H)(6)**
 - i. Pond 187 - Discussion of Threatened or Pending Litigation**

Chair Thomson advised that 20a, 20b, and 20c were a Closed Session agenda items. 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*," eight edition, 2015, to discuss Threatened or Pending Litigation, the Executive Engineer's Evaluation, and the FY-2016 Audit. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Eichenberg had left earlier in the meeting.

Chair Thomson closed the meeting at 12:35 p.m. Mr. Lovato asked that Mr. Jeffrey Willis and Mr. Herman Chavez remain for portions of the closed session.



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- b. NMSA 1978 Open Meetings Act, §10-15-1(H)(2)**
 - i. Executive Engineer Evaluation - Limited Personnel Matters**

- c. NMSA 1978 Open Meetings Act, §10-15-1(H)(2)** (added at the beginning of the meeting)
 - i. FY-2016 Audit**

Chair Thomson asked for a motion to re-open the meeting at 1:37 p.m. Director Borrego made a motion that the meeting be re-opened. Director Brown seconded the motion, which passed unanimously (4-0), on a roll call vote. Chair Thomson stated pending Litigation, the Executive Engineer's Evaluation, and the FY-2016 Audit were discussed. No action was taken during the Closed Session.

21. Unfinished Business

None.

22. New Business

None.

23. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:37 p.m.

Ronald D. Brown, Secretary-Treasurer, 11/17/16