



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
June 28, 2018
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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:01 a.m., Thursday, June 28, 2018. Roll was noted as follows:

Directors present: Chair Ronald D. Brown
Director Tim Eichenberg
Director Deborah L. Stover
Director Bruce M. Thomson
Director Cynthia D. Borrego – arrived at 10:29 a.m.
left at 12:22 p.m.

Directors excused: None

Attorney present: Attorney Randy Autio, Robles, Rael & Anaya

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

A quorum was present.

2. Approval of Agenda

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

3. Meetings Scheduled

- a. **July 26, 2018, 10:00 a.m. – Regular Meeting**
- b. **September 27, 2018, 10:00 a.m. – Regular Meeting**

The Board concurred that no Regular meeting will be scheduled for August. There were no changes made to the dates listed above.

4. Items from the Floor/Public Comments

Mr. Keith Meyer, Real Estate Investor with NAI Maestas and Ward, addressed the Board asking for an update on the Upper Piedras Marcadas project (Paseo del Norte and Unser Boulevard) and the Amole Dam area for properties he represents. There was a brief discussion that included items from earlier in the year, the AMAFCA Board of Directors directed staff look into the possibility of purchasing property along Unser Boulevard for a regional drainage facility to redirect water to the north; the area is limited by topography and basalt rock, which limits the depth of existing pipes; the area to the south contains City of Albuquerque (CoA) property suitable for a detention

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facility (no commitment from CoA at this time); AMAFCA staff had been in contact with CoA (owners of the northern extent of the Unser portion) and the National Park Service (NPS) to connect the federal lands to a new ponding area with parking access; staff is working with the applicable entities to get temporary and permanent access for the project; the purchase of property on the northern extension is anticipated to close in approximately 45-60 days; the northern section is more of an immediate need and the southern section contains area from CoA and Open Space that would be adequate for drainage; discussions between AMAFCA and CoA for the southern section are estimated to be held by the end of the year; AMAFCA has a dam modification plan, if approved by the Board, for the Piedra Marcadas Dam, which would allow free drainage once the modifications have been made; the bid for the modifications are estimated to be 60-90 days out; the channel currently uses a manual valve and once the modifications are in place it will be change to a system monitored by telemetry to drain into the Piedras Marcadas automatically. Regarding the Amole Dam, the AMAFCA parcel diverts flows into the Amole Channel; today the diversion is still needed whether or not anything is done with the Amole Dam; water will drain from Coors to the CoA facility. Responding to whether the diversion was really needed, Mr. Lovato stated the diversion of floodwaters is still needed. If the developer puts in their own plan to divert storm water into the channel to AMAFCA's satisfaction, then the infrastructure could be eliminated, Mr. Lovato stated that option would then become a topic of discussion at a future Board meeting.

5. Approval of Minutes

a. May 24, 2018

Director Eichenberg made a motion to approve the minutes of May 24, 2018. Director Stover seconded the motion, which passed (4-0).

6. Financial Matters

a. FY 18 Budget to Actual

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 May 2018 Expenditures

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

Director Eichenberg made a motion to approve the May 2018 Expenditure Report. Director Thomson seconded the motion, which passed (4-0).

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d. Financial Position Recap May 16, 2018 through June 15, 2018 & Forecast June 16, 2018 through July 15, 2018

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

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

e. Fiscal Agent Funds – Proof of Cash and Savings

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

f. Acceptance of Inventories

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

Director Thomson made a motion that the Board accept the Inventories as presented. Director Stover seconded the motion, which passed (4-0).

g. Approval of “Exhibit A,” Resolution 2006-08, Reimbursement for AMAFCA Goods and Services

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

Director Thomson made a motion that the Board approve "Exhibit A" of Resolution 2006-8, Reimbursement for AMAFCA Goods and Services. Director Stover seconded the motion, which passed (4-0).

h. Other Financial Matters

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There was a brief discussion regarding the name / ownership change of the Audit firm; the firm is considered a Corporation; Corporations in New Mexico are considered an entity; the firm had already started working on the FY 18 audit; it may be considered a successorship type issue that would assume all debts, liabilities, and commitments; as a matter of practice, the State Auditor approves the audit firm, writes the contract, and has already approved the audit firm to complete the AMAFCA FY 18 audit (third year); documentation is on file stating the firm is accepting the prior commitments; documentation from the State Auditor acknowledging the name change would be requested; and if there is a problem with respect to the audit firm a Special meeting would be convened in July in order to have the Audit completed on time. Mr. Randy Autio with Robles, Rael, and Anaya advised the Board he would look into the contract and concerns discussed. Mr. Lovato stated staff will follow-up with the Board.

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7. Legal

a. Legal Status

Mr. Randy Autio summarized information provided in the memo and answered questions from the Board.

8. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, highlighted significant activities from the past month and answered questions from the Board.

- **University of New Mexico (UNM) North Golf Course:** The agreement is under legal review at UNM. In order to keep the project moving forward, the UNM Real Estate office will grant temporary easements to AMAFCA to conduct topographic surveys of the two project sites. The access will only be for survey work at this time.
- **AMAFCA**
Fiscal Year 2018 Audit: The AMAFCA audit for Fiscal Year 2018 had started. The audit is expected to be completed early to ensure that AMAFCA's submittal is on time.

2018 Maintenance Summit: Over 75 people expressed interest in the Maintenance Summit addressing agencies responsibilities and various duties for field staff interactions during normal and emergency operations.

Raven Pond Neighborhood Meeting: Directors Stover and Thomson as well as AMAFCA staff met with concerned citizens on Wednesday, June 13, 2018. AMAFCA was supported by CoA Environmental Health, Albuquerque Bernalillo County Water Utility Authority (Water Authority), and a professional facilitator. AMAFCA crew moved materials around to deepen the ponds to enable more fish habitat. The smell of rotten eggs had diminished due to draining. Another public meeting will be scheduled in approximately four to six weeks. Director Thomson extended appreciation to the Water Authority and especially Mr. Mark Holstead, who furnished continuous odor logs, called Oda Log, that proved to be very helpful.

b. Notification of On-Call Services Task Orders

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

Chair Brown stated that agenda **Items 9 and 10** were on the Consent Agenda. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda. The motion taken approved the following:

- Approved Agreements for Engineering Services Design, Bidability, and Constructability Contractors (AUI, Inc., CBKN Dirtworks, Inc., New Mexico Underground Utilities, Inc., and RMCI, Inc.); and

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- Authorized the advertisement of construction bids for the Black Mesa 3 Dam Outlet Phase 1 Project.

Director Borrego seconded the motion, which passed (5-0). Director Borrego had arrived prior to this item.

11. Piedras Marcadas Dam Modifications – Project Introduction

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board. The presentation covered topics such as a brief history; the diversion plan; new equipment needed to upgrade telemetry for visual communication as well as new equipment at the siphon; protecting telemetry site from cyber-attacks; proposed project plan will be advertised as design build; Board to be updated at a later date on procurement plan; and discussions with Middle Rio Grande Conservancy District (MRGCD) are planned. The Board concurred on plan to advertise the project as a design build project.

12. Boca Negra DMP Update – Consideration of Amendment 3 to the Engineering Services Agreement

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

Director Stover made a motion to approve Amendment 3 to the Engineering Services Agreement with Bohannon Houston, Inc., to provide Engineering Services for the Boca Negra Drainage Management Plan Update. Director Borrego seconded the motion, which passed (5-0).

13. Climatology Update – 2017-2018 Winter/Spring Recap and 2018 Monsoon Forecast

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo. The presentation covered topics such as Precipitation Accumulation; Water Year, YTD and Monthly Precipitation Anomaly; La Niña General Pattern; Climate Alphabet Soup; Remote Measurement of Precipitation; Atmospheric River; Late May and Early June Rainfall; Typical Monsoon Forecast; Monsoon Model, CPC, and ENSO Forecast(s). The upcoming monsoon season is likely to be average, with the first rain bringing sediment issues, along with a wet and cool winter.

14. Storm Water Quality

a. Dry Season Monitoring – Program Review

Mr. Patrick J. Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the handout and answered questions from the Board. The presentation covered topics such as a discharge event in San Jose Drain; autosampler malfunctions; Compliance Monitoring Cooperative (CMC) collects one dry season sample at specific locations; six of seven samples collected; 2018 E. coli levels provided by Mr. James Fluke, former UNM intern; and various mutt mitt locations, neighborhoods responsible for monitoring mutt mitt stations, and bags supplied.

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b. Wet Season Monitoring – Program Update

Mr. Patrick J. Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the handout and answered questions from the Board. The presentation covered topics such as the CMC are not to sample during wet season; downstream notification process exceedances are better defined; Mercury, dissolved aluminum, and zinc added to parameter list; six of sample collection team defined; Rio Grande and Watershed E. Coli Spatial Distribution(s); and sediment removed.

Items 16 Real Estate, 17 Montano Levee Update, 19 Unfinished Business, and 20 New Business were moved up to before Item 15.

16. Real Estate

a. Lot 24, Block 4, Tract 3, Unit 3, NAA – Approval of Grant of Private Sanitary Sewer Easement

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board.

Director Eichenberg made a motion that the Board authorize the Chair to accept the Grant of Private Sanitary Sewer Easement for Lot 24 of Block 4, Tract 3, Unit 3 of North Albuquerque Acres. Director Thomson seconded the motion, which passed (4-0). Director Borrego abstained.

17. Montano Levee – Project Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the handout and answered questions for the Board. There was a brief discussion regarding the proposal letter that AMAFCA sent, asking that AMAFCA be responsible for the sub-grant agreement for all funding, procurement, project management, and certification to New Mexico Department of Homeland Security and Emergency Management (NMDHSEM); how hard CoA, BernCo, MRGCD, and AMAFCA worked over the last 24 months to get the project; Mr. Roger Paul with BernCo had numerous conversations with FEMA Region 6; not having this project leaves properties unprotected from serious flooding impacting 120,000 +/- people; AMAFCA should respond to the letter not only thanking them for a reply, but noting the various issues that have developed over time trying to get the four party agreement approved; the other parties to the agreement should draft their own letter as well; the monies for this project will be reallocated elsewhere in the State; the project can be submitted for future disaster funding; odds are it will take four to five years to go through the process again; cancelling the project will create problems for future development; existing development is unprotected from deficient levee; part of the name “Home” is in the title of NMDHSEM; and it was noted that the Deputy Cabinet Secretary of NMDHSEM signed the rejection letter, as opposed to the Cabinet Secretary. The Board concurred that a letter should be written for all Directors to sign, with the aid of AMAFCA’s legal team, thanking NMDHSEM for the letter and expressing AMAFCA’s disappointment while going into detail the deficiency, danger to efficiency, the years the entities have worked on getting the project, the massive impact of the project, etc.

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19. Unfinished Business

None.

20. New Business

Director Thomson commended Mr. Patrick J. Chavez, AMAFCA Storm Water Quality Engineer, for the excellent presentation he provided, on short notice, to water professionals at a recent tech luncheon. He also noted that Mr. Jared Romero, UNM Intern and Mr. Kevin Troutman, AMAFCA GIS Manager, would be giving a presentation in the near future, based on Mr. Romero's thesis, to the same group of individuals.

15. AMAFCA Field Highlights

a. Field Report

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the last couple of months and answered questions from the Board.

b. Construction Report

There was no discussion or questions on this item.

Director Borrego left the meeting prior to the Closed Session.

18. Executive Session (closed)

a. Discuss the Acquisition of Real Property (§10-15-1(H)(8)) – Upper Piedras Marcadas Watershed

b. Discuss the Acquisition of Real Property (§10-15-1(H)(8)) – Moon Mini Drainage Management Plan

Chair Brown advised that Items 18a and 18b were Closed Session agenda items. Director Eichenberg 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 the Acquisition of Real Property. Director Thomson seconded the motion, which passed unanimously (4-0), on a roll call vote. Mr. Lovato and Legal Counsel were asked to remain; Mr. Lovato asked that Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, and Mr. Kevin Troutman, AMAFCA GIS Manager remain.

Chair Brown closed the meeting at 12:23 p.m. Chair Brown asked for a motion to re-open the meeting at 1:11 p.m. Director Stover made a motion that the meeting be re-opened. Director Thomson seconded the motion, which passed unanimously (4-0), on a roll call vote. Chair Brown stated that no action was taken during the Closed Session. He further stated that pending acquisition of Real Property was discussed and staff had been provided with direction on how to proceed.

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21. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 1:14 p.m.

Deborah L. Stover, Secretary-Treasurer, 7/26/18