



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
July 26, 2018
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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:05 a.m., Thursday, July 26, 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 – left at 11:53 a.m.

Directors excused: None

Attorney present: Lance Hough, 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 Borrego seconded the motion, which passed (5-0).

3. Meetings Scheduled

- a. **September 27, 2018, 10:00 a.m. – Regular Meeting**
- b. **October 25, 2018, 10:00 a.m. – Regular Meeting**
- c. **November 15, 2018, 10:00 a.m. – Regular Meeting**

There is no Regular meeting scheduled for August. There were no changes made to the dates listed above.

4. Items from the Floor/Public Comments

None.

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5. Approval of Minutes

a. June 28, 2018

Director Borrego asked that the sentence noting she left the meeting prior to the Executive Session be moved up.

Director Thomson made a motion to approve the minutes of June 28, 2018, as amended. Director Stover seconded the motion, which passed (5-0).

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. Director Thomson inquired about the variance on the FY 18 Budget to Actual (page 1) which showed \$2.8M in revenue two thirds of the way down on the page versus \$3.8M income closer to the top of the page. Director Eichenberg asked that Mr. Chavez follow-up with the Board regarding the question that Director Thomson brought up. Mr. Chavez stated that he would research and come back to the Board with the recap during Unfinished Business.

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 June 2018 Expenditures

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 to approve the June 2018 Expenditure Report. Director Borrego seconded the motion, which passed (5-0).

d. AMAFCA Fourth Quarter Financial Report Ending June 30

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

e. Approval of Resolution 2018-10, AMAFCA Fourth Quarter Financial Report Ending June 30

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

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Director Borrego made a motion to approve adoption of Resolution 2018-10, AMAFCA Fourth Quarter Financial Report, ending June 30. Director Thomson seconded the motion, which passed unanimously (5-0) on a roll-call vote.

f. Financial Position Recap June 16, 2018 through July 15, 2018 & Forecast July 16, 2018 through August 15, 2018

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. It was noted that the report will still be done for August. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that the report would be for information only and no replies would be requested. The Board concurred that should a special meeting take place in August the report will be disseminated for action.

Director Stover made a motion to approve the Financial Forecast Report. Director Borrego seconded the motion, which passed (5-0).

g. 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.

7. Legal

a. Legal Status

Attorney Lance Hough summarized information provided in the memo. There were no questions.

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:** AMAFCA staff is negotiating with On-Call surveyors and hope to have a survey complete by mid-August with a design to quickly follow. AMAFCA stockpiled material for use on the project and will be seeking a new access with drive pad off Stanford Street. There was a brief discussion regarding if the drive pad would provide permanent or temporary access; would there be a pipe gate or chain link gate; why is UNM not stepping up to do the maintenance; would UNM give an easement; if no easement AMAFCA should not maintain since it is a liability / safety issue; access for the Survey came from the Real Estate Office not UNM Legal group; the Neighborhood Association started the process by asking for assistance; it is the City of Albuquerque's (CoA) responsibility yet Bernalillo County (BernCo) stepped up; this is in Director Thomson's district: it does not comply with AMAFCA's mission yet AMAFCA stepped in when others stepped aside and AMAFCA would get criticized (which is currently happening); four (estimated) properties would be taken out of the floodplain; there was flooding of garages / pools; runoff that was not planned for occurs on Stanford which is a CoA street; CoA is not part of the negotiations to fix the golf course; AMAFCA

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or another public agency would need to maintain to officially remove floodplain; maintenance would be required on the flood control structure which would have a gabion wall to hold water back for a slow release into a drainage easement that flows into the neighborhood; maintaining the gabion structure would include picking up trash and debris, wire rock structure inspections to make sure it is kept in place, and the pipe itself would need to be kept clean; 25 years from now the structure may need to be rebuilt and there may be a possibility that a lot of sediment has accumulated which would need to be cleaned out with a vactor truck, backhoe, etc.; there is a concern with illegal dumping over the pipe fence; AMAFCA has documented communications with UNM; why go through the expense of getting a survey; if an easement is refused UNM should pay for the survey; the Board concurred that it would be appropriate to memorialize in writing that this minor project would only have taken two to three days to construct; the process started two years; AMAFCA is still endeavoring to get answers two years hence; and the letter should be directed to the UNM President. Mr. Lovato stated he would pass on the Board's concerns.

- **City of Albuquerque Caravan Site:** AMAFCA and CoA staff have been in discussions regarding the drainage facility located at the Caravan site as part of a new CoA library. The current configuration has a small pond that would collect flows from Chico, Central Avenue and the new library, and discharge those flows into the Dallas storm drain. The pond would allow a regional stormwater quality treatment but would be less than five feet deep. The regional flood control structure is to be located upstream of the Caravan site. A draft joint funding agreement for the land purchase, design, and construction of the regional stormwater treatment and flood control facilities had been started and may be available for the September meeting.

- **AMAFCA**

North Diversion Outfall at Edith: The AMAFCA crew modified maintenance roads south of Roy and east of Edith to facilitate better access for AMAFCA maintenance. Balloon Fiesta paid for the rental equipment and provided some of the millings utilized for the project.

Belen Flood Event: AMAFCA was contacted by emergency personnel after the rain event that damaged a MRGCD ditch resulting in flooding downtown Belen. AMAFCA sent four field crew members, a front-end loader, an 8-inch pump, and a dump truck to aid Belen emergency personnel. AMAFCA's crew worked through the evening until 4:00 a.m. the following day.

Public Outreach: Presentations were made at numerous events by AMAFCA staff and UNM intern (Kevin Troutman, Patrick Chavez, Jerry Lovato, and Jared Romero) which included facilitating public input. All presentations were well received. Patrick Chavez is working on the 20th Annual Region 6 EPA Stormwater Conference for August.

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.

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9. Legislative Liaison / Lobbyist – Authorization to advertise Request for Proposals

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. There were no questions.

Director Borrego made a motion that the Board allow the Executive Engineer to advertise for Requests for Proposals to provide Legislative Liaison / Lobbyist Services to AMAFCA. Director Stover seconded the motion, which passed (5-0).

10. Ditch Safety Coordinator – Authorization to advertise Request for Proposals

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated Griffin and Associates had won an award for non-profit advertising and had a three-minute clip available for view (at Field Highlights). There were no questions.

Director Thomson made a motion that the Board authorize the advertisement of Request for Proposals for Ditch Safety Coordination Services. Director Stover seconded the motion, which passed (5-0).

11. Lower Bear Tributary Water Quality Pilot Project

a. Authorization to Advertise for Construction Bids

Mr. Patrick J. Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo. He stated plans were 99% complete, minor details need to be worked out, and expects to be able to advertise in the next few weeks. There were no questions.

Director Stover made a motion that the Board authorize the advertisement of construction bids for the Lower Bear Tributary Arroyo Regional Flood Control and Water Quality Improvements Project. Director Borrego seconded the motion, which passed (5-0).

b. Authorize the Executive Engineer to Accept Construction Bids

Mr. Patrick J. Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the Engineer's Estimate; timing of the bid; CoA needing to sign the amendment prior to advertising; construction to start after current monsoon season ends; anticipates two notice to proceed would be needed; possible contractor delays due to winter weather; only three Directors are needed for a quorum; and the Board should be held accountable for awarding the contract, not the Executive Engineer. The Board concurred once staff is close to accepting construction bids and can follow the required 72-hour agenda requirement for public meetings a special meeting could be held for the award of construction contract. An agenda item for the Financial Position for August would be included in this same meeting.

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12. Louisiana Gibson Regional Drainage Facility – Consideration of Award of Construction Contract

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Bingham stated Mr. Gus Harbaugh and Mr. Brian Hanlin with Franklin's Earthmoving, Inc. were present. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated CoA is helping to pay for the Drainage Facility Bid Lot 1. The Board congratulated Franklin's Earthmoving for being the winning bid; noted that Salls Brothers had been awarded a number of contracts recently; and it is good competition to have other companies be awarded construction bids.

Director Eichenberg made a motion that the Board award the Construction Contract to Franklin's Earthmoving, Inc. for the Louisiana Gibson Regional Drainage Facility. Director Thomson seconded the motion, which passed (5-0).

13. Raven Pond and Laguna de Cuervo – Project Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, covered topics such as the location; the Public Meeting held a couple months ago; the smell from an anaerobic reaction of H₂S (Hydrogen Sulfide) gas at night; AMAFCA crew deepened the channels (18 inches to 2 feet deep in some areas) to relieve the water pressure; the entire area was pumped out to dry out; Gambusia fish (mosquito fish) were put in for a fish habitat to eliminate mosquitos; Environmental Health monitors mosquito population; number of mosquitos decreased over last four weeks (60 – 90 thousand mosquitos in 24 hours versus the current 30 – 40 mosquitos); no more H₂S is being produced; a small area has a problem and with aeration from the windmill (was moved from the North Diversion Channel to Raven Pond) to generate air to aerate ponding water to take care of the problem; the generator was stolen from the site; the outlet structure was reinforced to seal in a new generator; the generator might not be needed for very much longer due to stabilized ground water elevations; the Laguna de Cuervo Pond near Rio Grande High School is completely balanced; at Raven Pond the higher temperatures would result in higher ground water; the smell from H₂S (Hydrogen Sulfide) gas would come back if not under control; all facilities have the same issues with mosquitos during this time of year; there are a few neighbors still upset with the conditions at Raven Pond; the Rocky Mountain Youth Corp (RMYC) had been working to remove willows and take care of plants; the plants are being harvested for use in other AMAFCA outfalls; the eight young adults with RMYC were working with only hand tools; the Audubon is excited about the work being done with the habitat and AMAFCA will be making a presentation to them soon; as long as AMAFCA is maintaining the project as a flood control facility and doing everything possible to make sure it drains like it is supposed to (maintenance is done; projects are done; maintenance schedule identifies what is being done, etc.) AMAFCA is covered by Tort for the open water issue.

14. Real Estate

a. Harper Road Senior Living Turnkey for Bank Stabilization – Project Update

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

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15. AMAFCA Field Highlights

a. Field Report

Mr. Kevin Troutman, AMAFCA GIS Manager, in the absence of Mr. Nolan Bennett, AMAFCA Field Engineer, showed a video from Griffin and Associates (won Best in the Biz for New Mexico Non-profit); gave a report of various projects and events over the last month; briefly recapped some information on the recent storms in Belen and Sandoval County; and answered questions from the Board.

b. Construction Report

There was no discussion or questions on this item.

16. Unfinished Business

a. Montano Levee Project – Follow up Correspondence

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions for the Board. The Board requested that the current New Mexico Congressional Delegation and Governor of New Mexico be copied. All Directors signed the letter.

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, passed out a corrected financial report for Item 6 a. He stated the current month was not formulated to add to the bottom portion of the report.

Director Borrego left the meeting prior to the Closed Session.

17. 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 17 a. and 17 b. were Closed Session agenda items. Director Stover made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in “*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*,” 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 11:54 a.m. Chair Brown asked for a motion to re-open the meeting at 12:15 p.m. Director Thomson made a motion that the meeting be re-opened. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Thomson stated that no action was taken during the Closed Session. He further stated that pending

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acquisition of real property was discussed and staff had been provided with direction on how to proceed.

18. New Business

None.

19. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 12:15 p.m.

Deborah L. Stover, Secretary-Treasurer, 9/27/18

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