



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

Chair Brown called the Regular Board Meeting to order at 10:01 a.m., Thursday, September 27, 2018. Roll was noted as follows:

Directors present:	Chair Ronald D. Brown Director Cynthia D. Borrego – left at 11:15 a.m. Director Tim Eichenberg Director Deborah L. Stover
Directors excused:	Director Bruce M. Thomson
Attorney present:	Robert White, Robles, Rael & Anaya
Others present:	Jerry M. Lovato, P.E., Executive Engineer Staff

A quorum was present.

2. Approval of Agenda

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

3. Meetings Scheduled

- a. **October 25, 2018, 10:00 a.m. – Regular Meeting**
- b. **November 15, 2018, 10:00 a.m. – Regular Meeting**
- c. **December 13, 2018, 10:00 a.m. – Regular Meeting and Board Holiday Luncheon**

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. July 26, 2018

Director Eichenberg made a motion to approve the minutes of July 26, 2018. Director Borrego seconded the motion, which passed (4-0).

Chair Brown stated that agenda **Items 6 through 9** 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:

- Recommendation from the Selection Advisory Committee approving Griffin and Associates for the Ditch and Water Safety Coordinator; and
- Advertisement for Construction Bids for the Tijeras Sediment Retention Structure Phase II; and
- A new appointee to the Technical Standards Committee; and
- Out of State Travel to the Environmental Protection Agency Region 6 – State/EPA Program Managers Meeting and the ENR award presentation for West I-40.

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

Chair Brown recapped the change that restructured the Agenda and stated that the new system will be tried out for a couple of months to see if it works or not.

10. Executive Engineer's Report

a. Notification of Past Month's Activities

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

- **General & Administrative**
FY 2018 Audit: AMAFCA staff is working with the Auditor to complete the field work which encompasses approximately six to eight hours to complete. It is anticipated that the audit will be finished on time and AMAFCA should be able to submit the CAFR to the State Auditor by November.
- **Governmental Affairs**
Pueblo of Sandia: AMAFCA staff have continued discussions with Pueblo of Sandia staff concerning possible projects along AMAFCA's northern boundary for the diversion of flows into the Camino Arroyo and storm water quality projects that would benefit both the Pueblo and AMAFCA. Responding to questions from the Board, Mr. Lovato stated that the Pueblo of Sandia had been asked to help resolve avulsion problem(s). The discussions stopped regarding this topic and it is hoped the concerns are moving up to the Pueblo Council; however, this is an issue that may need to wait for next Governor in the January / February timeframe. The current concerns of the Pueblo are development and runoff east and west of I-25. The Board concurred that if the Pueblo wants AMAFCA to address their

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concerns it would be appropriate from the Pueblo to address AMAFCA's concerns. This is a two-way street. Mr. Lovato will bring the concerns to the Pueblo's attention again. There is a feasibility design for the Hamilton Dam. AMAFCA knows what the size, location, volume, and downstream requirements will be, and public roadway has been vacated to allow for construction of Hamilton Dam. AMAFCA followed this direction due to no positive response in the last 35 years from the Pueblo regarding the diversion.

- **City of Albuquerque (CoA)**

Caravan Site: AMAFCA staff have been in discussions with CoA staff concerning the funding agreement to build a regional facility and the Dallas Storm Drain System as part of the new CoA Library.

Memorandum of Agreement (MoU): AMAFCA staff has been reviewing and commenting on a new MoU with the CoA concerning the annual administrative fee for services provided to AMAFCA (payroll and employment processing). The draft agreement may be ready for Board review at the November Board Meeting.

- **Planning, Engineering, & R&D**

South Diversion Water Quality Structure – Possible lease of property: AMAFCA staff has had a few calls with representatives of Karsten Manufactured Homes to discuss the possibility of a lease agreement to expand employee parking. Karsten is increasing operations in New Mexico. A portion of the property on AMAFCA right-of-way is being used for a pond which could be minimized in size to include a parking lot. A lease agreement, similar to the one with Liberty Gym, could be done.

- **University of New Mexico (UNM)**

UNM Hydraulic Lab: AMAFCA staff has met with the new UNM Hydraulics Laboratory Manager to discuss the possibility of creating a hydraulic model for a water quality structure at Indian School near the north Golf Course.

North Golf Course: After two years, AMAFCA staff and UNM staff are still in negotiations. The concern on how the draft agreement is being put together and how maintenance is being done is still pending. Director Eichenberg advised the Board he had received a phone call from Commissioner Maggie Hart Stubbins on this topic. He reiterated to the Commissioner what the AMAFCA Board had done over the years to get the project started; how AMAFCA supports the need to get the project done; a right-of-way lease and / or easement to do construction is still needed; he volunteered to go to the next meeting during Director Thomson's absence (out of the Country); and while it is not an AMAFCA project AMAFCA supports the need to have it done and AMAFCA is the agency to get it done.

- **Facilities Operations & Maintenance**

Sediment Removal: AMAFCA has been actively removing sediment all year round. The Water Quality report for FY 2018 is being finished and information will be provided at a

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later date. Trash and debris has been removed from behind homes; letters have gone out asking that items not be dumped behind home(s) or into the arroyo / channel.

Painting of AMAFCA Facilities: AMAFCA is currently painting fencing, guard rail, and gates to enhance the curb appeal of AMAFCA properties and to identify AMAFCA's rights-of-ways. The North Diversion Channel property was finished last year. AMAFCA will be working in the Camino, La Cueva, and the Domingo Baca basins this year. This will be an annual project estimated to take four years to complete and is intended to reduce complaints received about unsightly structures.

AMAFCA staff (Nolen Bennett and Herman Gabaldon) had utilized an AED on an individual in the North Albuquerque Acres area. The gentleman was walking his dog and had a heart attack. Mr. Vigil and his family thanked AMAFCA and other first responders for helping to save his life. The training AMAFCA participates in paid off.

- **Stormwater Quality**

Public Outreach: AMAFCA Staff and UNM Intern (Nolan Bennett, Nicole Friedt, Brad Bingham, Patrick Chavez, Jerry Lovato, and Jared Romero) as well as Director Bruce Thomson made presentations, including facilitating public input, at the EPA Region 6 Conference held in Albuquerque. All presentations were well received.

AMAFCA Staff (Nolan Bennett, Brad Bingham, Patrick Chavez, and Jerry Lovato) participated in the Expo New Mexico State Fair. AMAFCA unveiled its version of the "Poop Fairy".

Mr. Lovato introduced Mr. Paul Smith, Executive Director of the Albuquerque International Balloon Fiesta (AIBF). Mr. Smith thanked the Board and AMAFCA for all the help with the Balloon Fiesta grounds over the years. He stated that this year he was surprised at how much AMAFCA does for the AIBF. The only time he heard the word no from AMAFCA was when AIBF cut into a berm 15 years ago. He stressed that his history with AMAFCA now is that AMAFCA attempts to find ways to say yes to requests. He uses AMAFCA as the model for agencies that do not take the easy way out by saying no but finding ways to say yes. The Board thanked Mr. Smith and acknowledged the importance that the AIBF plays in Albuquerque's economy.

- 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 over the last few months. There were no questions.

11. Financial Matters

- a. FY 19 Budget to Actual**

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

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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 August 2018 Expenditures

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. He reiterated that due to no Board meeting in August the current report took into consideration the months of July and August to make sure, as part of the AMAFCA control structure, all expenditures came before the Board. There were no questions.

Director Stover made a motion to approve the July and August 2018 Expenditure Report. Director Borrego seconded the motion, which passed (4-0).

d. Financial Position Recap August 16, 2018 through September 15, 2018 & Forecast September 16, 2018 through October 15, 2018

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. He stated that the Forecast for August 16, 2018 through September 15, 2018 could not be presented in August for approval due to no Board meeting; however, the same procedures were applied as any other month. There were no questions.

Director Stover made a motion to approve the Financial Forecast Report. Director Borrego 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.

12. Legal

a. Legal Status

Attorney Robert White summarized information provided in the memo. There were no questions.

13. Boca Negra Drainage Management Plan – Development of Options

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. The presentation covered the existing conditions briefing from two months ago; the basin location; the development of options being the last piece of the update to figure out what facilities are needed to control the arroyo; the three detention facilities; original plan along Paseo de Volcan was deemed not feasible; North Geological Window (NGW) is on CoA Open Space; Open Space would like to incorporate a road to connect to Paseo del Norte to the South Boca Negra Open Space; Open Space partnership would increase cost by approximately eight percent (however save AMAFCA and taxpayer funds); conceptual layout has a maximum embankment height of 33 feet, and a length of 4,300 feet; 1,380-foot long emergency

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spillway is 40 feet wide and is at an elevation of 5,604 feet with the Dam crest elevation at 5,613 feet; cost estimate for the conceptual NGW Detention Dam is approximately \$9.5 million and does not include land acquisition costs; Boca Negra Detention Dam receives flow diverted from a portion of the Upper Piedras Marcadas watershed via a future storm drain in Unser; and staff will be seeking Board adoption via resolution at the November Board meeting. Mr. Lovato stated the Board had been provided with all options last year. One option had small ponds and basins that would need to be maintained (52 small ponds or a couple big ones). The Board opted to maintain a couple of big ponds. Development had occurred anticipating that a portion of the NGW would not drain into Boca Negra Dam. Boca Negra Dam does not hold the 100-year storm and does spill. It still works downstream as it should and people and infrastructure downstream are protected. Responding to a question from the Board, Mr. Bingham stated that the main canyon and sub canyon would have two outfalls with ported risers and water quality enhancements to keep out sediment and trash and discharge through the embankment. The discharge pipe cannot penetrate the canyon, due to the petroglyphs on the National Monument. The existing arroyo would be the Boca Negra Canyon which has slope and will be a good discharge point for the emergency spillway thereby saving \$1.1 to \$1.8 million in construction costs. The Drainage Management Plan (DMP) would go to the Board via Resolution in November; an easement would be obtained from Open Space; the Board concurred that a public meeting should be held; with Open Space agreement preliminary design could start mid 2019 with construction bids by end of 2019.

14. Black Mesa 3 Dam Outlet Raymac Dam to Don Felipe Dam Phase II Project

a. Award of Construction Contract to Qualified Bidder

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo stressing the challenging short time frame of the Middle Rio Grande Conservancy District's window of November 1 to March 1. There were no questions.

Director Borrego made a motion that the Board award the construction contract to the qualified bidder (AUI Inc.) for the Black Mesa 3 Dam Outlet Raymac Dam to Don Felipe Dam Phase II Project. Director Stover seconded the motion, which passed (4-0).

b. Approval of Amendment Three to the Agreement for Construction Management Services for Black Mesa Storm Drain Project

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo. There were no questions.

Director Borrego made a motion to approve Amendment Three to the Agreement for Construction Management Services for Black Mesa Phase 1A. Director Stover seconded the motion, which passed (4-0).

15. Miscellaneous AMAFCA Construction Projects 2018 – Award of Construction Contract to Qualified Bidder

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board.

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Director Borrego made a motion that the Board award the construction project to Pate Construction Company, Inc., in the amount of \$242,843.00, plus New Mexico Gross Receipts Tax for the Miscellaneous AMAFCA Construction Projects 2018. Director Eichenberg seconded the motion, which passed (4-0).

16. Joint Projects – Bernalillo County

a. Project Update – Ortega and Garduño Road Storm Drain Project – Presentation by Bernalillo County

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo. She introduced Mr. Howard Cake, Engineering Manager, and Mr. Jason Clark, Project Engineer with Bernalillo County. Mr. Cake provided a brief history of the agreement; floodplains and nuisance flooding; old options using Village of Los Ranchos (VoLR) property that did not work out; five other options that BernCo worked out to help resolve the issues; the NM Department of Transportation pond is the best option with the caveat that BernCo or AMAFCA maintains; BernCo is under contract with WSP for pond surveys; BernCo owns a soccer field to the east and are looking to see about ponding opportunities for multiuse; the Sunset Clause has negated the current agreement; BernCo believes they have a good solution; and BernCo talks with VoLR have indicated there is some acceptance that if some VoLR property is needed VoLR may be able to provide some for ponding. Some members of the Board have a long history on this issue and applauded BernCo for continuing to step up and find solutions on this issue.

b. Approve the Renewal of the Cost Share Agreement for the Design and Construction of Ortega and Garduño Storm Drain Project

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo. There were no questions.

The Board acknowledged Mayor Donald Lopez with the Village of Los Ranchos (VoLR) was present. The Board thanked Mayor Lopez for his persistence on this issue. Mayor Lopez thanked the Board for letting him comment on this agenda item. He stated he is in favor of the project and believes the Board of Trustees would be in favor as well. The Cost Share Agreement would be brought up at the VoLR Board of Trustees meeting on November 14, 2018. He further stated he did not have any reason to believe it would not be approved.

Director Eichenberg made a motion to approve the Renewal of the Cost Share Agreement for the Design and Construction of Ortega and Garduño Storm Drain Project. Director Borrego seconded the motion, which passed (4-0).

17. Joint Projects – City of Albuquerque

a. Marble Arno Pond - Project Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. The presentation covered the new and existing ponds and pump stations; CoA and AMAFCA own the interim Post Office Pond that allowed the work on the Mid Valley Drainage and Management Plan (DMP); the DMP recommended a lot of

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storage at a pump station at the site; a pond at Tijeras and Broadway to take care of a watershed that possibly contributed to the Marble Arno System; CoA and AMAFCA have a joint agreement to design the pump station and need to make sure it is the right size; one basin that is part of the Mid Valley may not be contributing to the Marble Arno and more research is needed in the next couple of weeks; the consultant will be adding the basin in question to the scope to make sure it is actually part of the water shed (if not could be 16 to 17 up to 30 acre feet); it is important to not create an orphan watershed that will impact Tijeras or Central.

Director Stover asked if the watershed in question was not initially included in the analysis. Mr. Bingham stated the watershed at the onset of the South Broadway DMP analysis was included because the storm drain at Broadway goes into the South Broadway ponds (Katheryn and Commercial). At the end of that analysis was the Mid Valley analysis for which the CoA Project Manager at time put it in the Mid Valley DMP. The new analysis would also need to address flows programmed to be stored at Broadway and Tijeras. The parcel, located at Broadway and Tijeras, is no longer available for a pond site due to development. AMAFCA is asking that additional analysis be done to ensure that the new wet well can be designed for 18-acre feet of storage, or if additional contributors are identified, the wet well needs to be approximately 30-acre feet. Topographically a storm drain already bisects some of the upper watershed and down to the Copper Storm Drain at Central. Director Stover reiterated this has been going on for a really long time and asked if it is an issue because the property is no longer available. Mr. Bingham stated that is one of the issues and covered the design of the wet well size and the design of the pond. Mr. Lovato stated the interim pond is supposed to be 25-acre feet and it is only 17-acre feet due to CoA not building as deep because a new storm drain to the pump station would be needed; currently using existing pipes which are flat for water to go north or south; the Mid Valley DMP by Smith Engineering took the water path into consideration; it is prudent (to save \$10 million dollars) to spend a little time (a month) and get it correct; the water table level is 60 feet at the pond; Kevin Daggett with CoA was in a bike accident but the meeting is still scheduled to develop the schedule for the analysis which is at 40-50% currently; the analysis needs to be fully documented; at 25% schedule at for mark on design; CoA has facade concepts that they are sharing with their administration and will be shared with AMAFCA Board as soon as possible; power requirement, lighting, landscaping, hydraulics, etc., have been figured out; how deep the pump and how to drain pond below existing wet well will affect the structural hydraulics; their schedule for design was a year and they are four months in; the month to analyze should not affect the design; and it was the consensus of the Board to keep pushing to get done.

The Board moved Item 20 up.

Director Borrego left the meeting prior to the items under Real Estate.

20. Real Estate

a. Lot 14, Block F, Tract 3, Unit 1 NAA Drainage Easement – Acceptance of Easement

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

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Director Eichenberg made a motion to authorize the Chair to accept the Grant of Easement for Lot 14 of Block F, Tract 3, Unit 1 of North Albuquerque Acres. Director Stover seconded the motion, which passed (3-0).

b. Lot 32, Block 13, Tract 3, Unit 1 NAA Drainage Easement – Acceptance of Easement

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo. There were no questions.

Director Eichenberg made a motion to authorize the Chair to accept the Grant of Easement for Lot 32 of Block 13, Tract 3, Unit 1 of North Albuquerque Acres. Director Stover seconded the motion, which passed (3-0).

c. 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.

Director Eichenberg made a motion to authorize the Chair to accept the Turnkey Agreement for Pino Arroyo Improvements as Related to Harper Road Senior Living and Temporary Construction. Director Stover seconded the motion, which passed (3-0).

d. Juan Tabo Hills West – Acceptance of Easement for Floodway and Storm Drainage Works to AMAFCA

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 to authorize the Chair to accept the Grant of Easement for Tract B-2 of Juan Tabo Hills West. Director Stover seconded the motion, which passed (3-0).

e. Issuance of Short Term Recreational License

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. There were no questions. It was noted that the athletes should park on the baseball field at the North Domingo Baca Dam so that parents and spectators have parking. This will also help to eliminate congestion on Eubank.

The Board moved Items 18 and 19 to behind Item 20.

18. 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

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There was no discussion or questions on this item.

19. Agency and Area-Wide Flood Control Maintenance Program

a. Program Review and Revisions

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board.

b. Approval of Amendment Six to the Design and Construction Management Engineering Services for Agency and Area-Wide Flood Control Rehabilitation VIII Contract – Conley Engineering, LLC

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo.

Director Eichenberg made a motion to approve the sixth amendment to the contract with Conley Engineering, LLC for Construction Management Services for Agency and Area-Wide Flood Control Rehabilitation VIII. Director Stover seconded the motion, which passed (4-0).

The Board continued with Items 21 through 24.

21. 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 21 a. and 21 b. 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 Stover seconded the motion, which passed unanimously (3-0), 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 12:14 p.m. Chair Brown asked for a motion to re-open the meeting at 12:30 p.m. Director Stover made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (3-0), 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.

22. Unfinished Business

None.

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23. New Business

Chair Brown stated that the Board would need to address the Legislative Liaison Lobbyist Services Proposal that was received and he would be working with Mr. Lovato on it. The proposal was not scheduled to be part of the current agenda and would be approved at another Board meeting. Director Eichenberg requested that when AMAFCA's Attorney meets with Bernalillo County Commissioner Hart Stebbins that he express AMAFCA's willingness and cooperation in trying to get the North Golf Course project done for the community and should AMAFCA get the access and documentation that is required the project could be complete by December. Attorney White was provided background information for the upcoming meeting.

24. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 12:34 p.m.

Deborah L. Stover, Secretary-Treasurer, 10/25/18

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.