



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 25, 2018
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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:02 a.m., Thursday, October 25, 2018. Roll was noted as follows:

Directors present: Chair Ronald D. Brown
Director Cynthia D. Borrego – left at 1:10 p.m.
Director Tim Eichenberg
Director Deborah L. Stover
Director Bruce M. Thomson

Directors excused: None

Attorney present: Randy Autio, Robles, Rael & Anaya

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

A quorum was present.

2. Approval of Agenda

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that items 7a Executive Engineer's Report, 10 La Cueva Arroyo Facility Plan, and Storm Water Quality items 16a and 16b, were late mailout items for the Board. The Closed Session would include the Upper Piedras Marcadas Volcano Heights area.

Director Stover made a motion to approve the agenda. Director Thomson seconded the motion, which passed (5-0).

3. Meetings Scheduled

- a. **November 15, 2018, 10:00 a.m. – Regular Meeting**
- b. **December 13, 2018, 10:00 a.m. – Regular Meeting and Board Holiday Luncheon**
- c. **January 24, 2019, 10:00 a.m. – Regular Meeting**

There were no changes made to the dates listed above.

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4. Items from the Floor/Public Comments

Col (Retired) Richard D. Leonard, former AMAFCA Executive Engineer, addressed the Board stating that he had a conversation with Ms. Genieva Meeker, former AMAFCA Staff and Board member. Ms. Meeker is adapting to the Missouri winter and is doing very well. The Board thanked Col Leonard for the update.

5. Approval of Minutes

a. September 27, 2018

Director Thomson asked that it be noted under the Executive Engineer's report that he made presentations at the EPA Region 6 Conference held in Albuquerque.

Director Stover made a motion to approve the minutes of September 27, 2018, as amended. Director Borrego seconded the motion, which passed (4-0). Director Thomson abstained due to not being present at the September meeting.

b. October 15, 2018 (Special)

Director Stover made a motion to approve the minutes of October 15, 2018. Director Thomson seconded the motion, which passed (3-0). Directors Eichenberg and Borrego abstained due to not being present at the October Special meeting.

Chair Brown stated that agenda **Items 6a through 6g** were on the Consent Agenda. Director Thomson made a motion that the Board accept the items on the Consent Agenda. The motion taken approved the following:

- First Extension for On-Call Geotechnical and Materials Testing Services Contracts with NV5, YeDoma Consultants, LLC, and Wood E & IS, Inc.; and
- First Extension for On-Call Land Survey Services Contracts with Souder, Miller & Associates, Community Services Corporation, Wilson & Company, Cobb Fendley, and Bohannon Huston, Inc.; and
- First Extension for On-Call Real Estate Appraisal Services Contracts with Shipman / Foley & Associates and Commercial Appraisal, Inc. (CBRE Valuation and Advisory Service declined to extend); and
- First Extension for On-Call Oblique Aerial Photography Services Contract with Eagle's Eye Photo; and
- Ditch and Water Safety Coordinator Professional Services Agreement with Griffin and Associates (to be signed by Executive Engineer); and
- Legislative Liaison / Lobbyist Services – Executive Engineer Recommendation (contract to be negotiated with Alarid Consulting); and
- Out of State Travel to the World of Concrete Conference for one staff member; and
- Advertisement for Construction Bids for the Agency and Area-Wide Flood Control Rehabilitation VIIIb.

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

7. **Executive Engineer's Report**

a. **Notification of Past Month's Activities**

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

- **General & Administrative**

Office Service Contracts: AMAFCA staff had been reviewing current service contracts and service duties to determine if changes need to be made. AMAFCA had made changes to reduce costs and / or to increase service(s). It is anticipated that changes would continue until the end of the calendar year.

AMAFCA Campus security: Over the last two months, crime activity has increased in and around the AMAFCA campus. Upgrades in lighting by abutting properties had resulted in the AMAFCA campus being the darkest and least visible property in the area. As part of the Kirtland Air Force Base (KAFB) project, KAFB will allow AMAFCA to salvage the LED street lighting along Gibson Boulevard. It is estimated to be a \$10K cost saving measure for taxpayers.

- **Governmental Affairs**

Pueblo of Isleta: AMAFCA staff have been in preliminary discussions with the Pueblo of Isleta concerning a joint funded project to evaluate past and current water quality data to determine an appropriate background standard. AMAFCA intends to use an Environmental On-Call contract to obtain the necessary services to review and analyze the data. There was a brief discussion regarding the locations where levellogger readings are being taken; E. coli is currently a parameter and aluminum and gross alpha have been added; Pueblo water quality standard is different from the State standard; AMAFCA tracks exceedances even if there no rain had happened; and it is becoming very apparent that storm water quality standards that are set for the Rio Grande are so high the standards cannot be met.

Possible State Funding for Joint Projects on AMAFCA Right-of-Way (ROW): AMAFCA staff had been contacted concerning possible projects (parks, bridges, roadways) that could be co-located on AMAFCA ROW and / or abut AMAFCA projects. Information had been discussed with the AMAFCA Board Chair and AMAFCA's Legislative Liaison. Discussions are preliminary and any substantial discussions would be the subject of a future Board briefing.

City of Albuquerque (CoA)

Caravan Site: It was hoped a funding agreement would be before the Board at the October Board meeting to build a regional drainage facility and improvements to the Dallas Storm Drain System which is part of the new City Library on Central Avenue. Discussions with CoA staff were stopped and staff anticipates discussions would start again and that the draft agreement could be available for the Board in November.

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

North Diversion Channel (NDC) Overlay Program: AMAFCA is in the process of determining the magnitude of the next Agency and Area-Wide contract. Once the confluence work is complete just east of the AMAFCA office, the next phase of the overlay program will be located in a portion of the NDC (Osuna to the Outfall) that would enable two contracts concurrently to allow AMAFCA to complete twice as much work in the same amount of time.

Three Dam Outlet Project – Raymac Road Manhole Repair Project: AMAFCA had determined that a portion of the outfall pipe installed by the Corps of Engineers in Raymac Road may not be able to withstand sustained pressure during operation of the pipe to outlet the three AMAFCA dams. Repair work of the joints and the manholes have been noted. Initially, staff thought the work could be done in-house, since the Phase II project is underway, time is of the essence, therefore the Project is being re-packaged as a design, bid, and build project. Responding to a question on if there would be excavation for replacement of pipe or if it would be done with a liner, Mr. Lovato stated that the work will be done inside the pipe. This would include dewatering, put in joints, rebuild some manhole tops, etcetera. The pipe would be under pressure with the possibility of manholes blowing off the top of the pipe; anchoring would need to be done.

University of New Mexico (UNM)

North Golf Course: AMAFCA received the draft agreement from UNM. It is lacking in a few areas (future maintenance and long-term liabilities). UNM did not want to give AMAFCA access to the property. Staff had reviewed and made comments on the draft agreement and are ready to sit down with UNM to discuss soon. There was a brief discussion on who should be maintaining and why AMAFCA would maintain property that is not owned by AMAFCA; UNM does not want to take responsibility; if AMAFCA maintains it will be part of a LOMR and include the piece of flood control infrastructure which needs to be maintained by a public entity; AMAFCA had discussions with CoA and CoA does not want to take over the maintenance; it was explained to UNM that if they wanted to maintain in perpetuity it would need to be put in the agreement; when the project was first brought up it was not the Board's intention that AMAFCA would be maintaining in perpetuity (UNM or CoA would); it is obvious that CoA should maintain since it is a CoA issue; AMAFCA would have more maintenance on the road (Stanford) than on the gabion wall structure that would be approximately 80 – 120 feet long and 4 ½ to 6 feet tall. It was opined that the issues is a political question that had been talked about; it has a long-term benefit and risk analysis; from a legal perspective the agreement just needs to make it clear who maintains; and it is apparent when other government entities say they will not do the project they think AMAFCA will step up. Responding to questions from the Board it was noted that UNM maintains the golf course; the sunset clause has a 25 year agreement (4-5 years in at this time and who knows what will happen 20 years from now); the obligation of taking water out of the floodplain needs to be someone's responsibility; and AMAFCA would be committing in perpetuity without any say in the use of the property. Mr. Lovato stated he would pass on the Board's concerns to UNM. Director Thomson stated he would attend the meeting with UNM; if needed. Mr. Lovato stressed that the LOMR process would be a lot of money and once CoA and AMAFCA sign, AMAFCA

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will be responsible. Taxpayers will not pay flood insurance any more. The Board concurred that AMAFCA is willing to do the project, however, cannot commit to a long-term obligation of maintenance with no control of the property.

Facilities Operations & Maintenance

Sediment Removal: The Board had identified Blacks Dam as one of the locations for free sediment. The removal of sediment, at the contractor's expense, had helped tremendously. Pending obtaining property, AMAFCA still wants to remove sediment at Piedras Marcadas Dam by the end of the year. There has been an estimated 15 to 20 thousand cubic yards (cy) removed from Black's Dam and there is currently 15 thousand cy to be removed from the Upper Piedras Marcadas area.

Vegetation Control AMAFCA Facilities: AMAFCA had started mowing right-of-way to enhance the curb appeal of AMAFCA property and to ensure that the facilities are functional during the winter months. AMAFCA will be starting along the North Diversion Channel and then to the South Diversion Channel. Once the channels are complete, the crew will start in the southwest quadrant and move clockwise within the jurisdiction. There might be some complaints regarding heavy equipment moving around and mowing.

- **Stormwater Quality**

Expert Presentation: Mr. Patrick Chavez, AMAFCA Stormwater Quality Engineer, had been asked to give a presentation in Dallas, Texas at the EPA Managers meeting for EPA Region 6. The presentation would cover how AMAFCA and other permittees in the Middle Rio Grande were able to remove E. coli from the State of New Mexico's 303(d) list for the Rio Grande. This was accomplished in three years with the help of AMAFCA staff, Southern Sandoval County Arroyo Flood Control Authority, BernCo, and CoA. This is a testament to the effectiveness of the AMAFCA stormwater quality program.

Mr. Lovato mentioned the Bond Question on the November 6, 2018 ballot had received an endorsement by the Albuquerque Journal.

- 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.

- 8. 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. A discussion took place regarding recent high profile announcements for economic (Industrial Revenue Bonds (IRB) and Local Economic Development Act (LEDA) funds) incentives offered to companies who are thinking of moving to Albuquerque; how IRBs impact AMAFCA's budget (two percent of budget); how some areas in downtown (Gallery at Second and Tijeras) have no IRB benefit to AMAFCA; however,

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the Gallery is in a flood prone area; and AMAFCA is in the processing of scheduling a meeting with the BernCo Assessor to discuss these and other issues.

b. AMAFCA Cash & Investments

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

c. Approval of September 2018 Expenditures

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

Director Borrego made a motion to approve the September 2018 Expenditure Report. Director Stover seconded the motion, which passed (5-0).

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

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. He stated that the Forecast is shorter than average (October 15, 2018 through November 9, 2018) due to the November meeting happening earlier in the month of November for the Thanksgiving Holiday.

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

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. Other Financial Matters

i. AMAFCA FY 2018 Audit Update

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

9. Legal

a. Legal Status

Attorney Randy Autio summarized information provided in the memo and stated he plans on providing AMAFCA with memos on the exact relationships between the City of Albuquerque and AMAFCA and Bernalillo Country and AMAFCA under the State Statutory scheme; and how to

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handle the situation in the North Albuquerque Acres with homes in the flood plain; how homeowners are modifying their lots; and the impact had on the neighboring lots. There were no questions.

10. Joint Projects – Bernalillo County

a. La Cueva Arroyo Facility Plan – Project Introduction

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, and Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo and answered questions from the Board.

Development in North Albuquerque Acres (NAA) created a patchwork of homes, that individually did not significantly modify mapped FEMA floodplain, but together are now creating a situation, that any new development does significantly impact floodplain; individual lots that have flood / drainage easements are privately maintained; property / home owner(s) can construct bank protection or a scour wall to protect the home from flows in the La Cueva Arroyo and show they have little to no impact to the floodplain and the properties that abut them; and the cumulative effect of numerous home sites impinging on the arroyo, while although small individually, they are having a significant impact to the La Cueva Arroyo floodplain as a whole.

164 lots, affected by the floodplain, range from easy to very hard to fix as follows:

- 27% (45 homes) are developed – easy fix
- 21% (36 homes) are undeveloped – harder fix
- 51% are inundated – very hard fix; will need to build on stilts
- 1% are unknown

Mr. Roger Paul, BernCo Deputy County Manager, stated that that area is one of the more blatant examples of the problem. He has been involved with BernCo for 24 years and it is an issue. A Plan / Study is needed that would be workable to resolve a good portion of the issues. The study would show how many of the hard lots can be recouped. The neighborhood plan changed years ago and what is being seen is now more typical of the (NAA) area. It is hoped will be a reasonable cost; there will be good buy in; attractive to privately fund; and would benefit all. Mr. Lovato reminded the Board that AMAFCA and BernCo had a joint funding agreement for the Isleta Drain (Central to Pueblo of Isleta and Isleta to Arenal) which had proven to be a great regulatory tool. There was a brief discussion regarding each engineer working on a home in NAA might be making Base Flood Elevation (BFE) changes; the model would be maintained by BernCo; need to look at the entire 164 lots; the facility plan would identify the improvements needed to allow development to proceed in NAA; and the facility plan would need to address publicly maintained and privately maintained modifications to the arroyo in the future. Hurricane Harvey was provided as an example where building was allowed in the 500-year floodplain and homeowners cannot buy flood insurance. It was asked if the walls in NAA were legal and permitted (BernCo would need to research); was there a violation of the site plan (concerned with how the garage made it through permitting); and if there will be a public facility the cost could range from \$80K to \$300K depending on what type of channel and the design. The Board concurred to go ahead with the La Cueva Arroyo Facility Plan.

11. Joint Projects – City of Albuquerque

a. City of Albuquerque 2019 General Obligation Bond Program - Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. He stated comments requested by the Board on the 79% reduction in the Department of Municipal Development's Storm Drainage Capital Program in the 2019 General Obligation Bond Program had been submitted; there had been no fruitful discussions; and it was hoped that Mr. Patrick Montoya with CoA would be present at the Board meeting. The Board agreed the issue at hand was very disappointing and AMAFCA is at a point where it is difficult to know how to proceed on the half dozen +/- projects that had been moving into design which have now been reduced and / or deferred.

12. Joint Projects – City of Albuquerque

**a. Marble Arno Pump Station - Project Update – Smith Engineering
Investigation of Current Drainage Sub-basins – Presentation by Smith
Engineering**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Chris Naidu with Smith Engineering, thanked the Board, presented Findings from South Broadway Impact Analysis, and answered questions from the Board.

Part of the presentation covered: Background - Mid-Valley DMP completed in 2012 recommended the Marble-Arno Facility; the pond was initially a gravity facility; other facility improvements were proposed to compensate for the volume requirements; South Broadway DMP (SB DMP) was done concurrently with the Mid-Valley DMP in 2012; SB DMP predicted overland flows that had to be assimilated into the Mid-Valley Study which radically changed the footprint of the Marble Arno pond; the shared boundary between Mid-Valley and SB DMP completed in 2013; and the Timeline of Marble Arno was reviewed.

Approach for Analysis - Evaluation of Subbasin Boundaries; Evaluation of Storm Water Management Model (SWMM) Input Parameters; Storm Drain & Inlet Capacity Evaluation; Determination of Surface Flow Patterns using HEC-RAS 2D; Overland Flow Accounting Based on HEC-RAS 2D Results; Incorporation of Final Overland Flows into Mid-Velley SWMM Model Evaluation of Subbasin Boundaries; Revision of Subbasin Boundaries; Evaluation of SWMM Parameters (Original SB Model versus Modified); Volumetric Difference Due to Changes in Parameters (Initial SB versus Modified Study); Storm Drain & Inlet Capacity Analysis; Inflows from both Central and Martin Luther King; Surface Flows Based On HEC-RAS 2D; Modifications to Mid-Valley Model; Conclusion – Predicted flows 228 cubic feet per second (cfs) / 11 AF; Computed Flows 9 cfs and 0.6 AF; and Impact on Current Design Effort for the Marble-Arno Pump Station Wet Well.

13. AMAFCA Projects

a. Louisiana Gibson Regional Drainage Facility – Project Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo. He stated that there were not too many complaints; however, there was concerns raised with the potholing (subsurface utility exploration) work. The workers are required to wear Tyvek suits (white suit covering head to ankle) for their own safety so there was some misconception that they were poisoning prairie dogs, which was not the case.

b. Black Mesa 3 Dam Outlet Raymac Dam to Don Felipe Dam Phase II Project – Project Update

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo. She stressed the fact that the area has a long and narrow work zone and would need to be completed before the start of the next MRGCD irrigation season (March 1, 2019).

14. AMAFCA Field Highlights

a. Field Report

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

b. Construction Report

There was no discussion or questions on this item.

15. Real Estate

a. Lot 17, Block 20, Tract 1, Unit 3 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. There was a brief discussion regarding what would happen if the Board did not approve the request; the legal issue would concern there being a legitimate business reason for denial (not being built in a safe and appropriate manner); the NAA easement is downstream of the proposed Hamilton Dam; the Dam is not in the design stage; there is 650 cfs without the dam; there is no commitment at this time to build; Mr. Lovato had talked to the Pueblo of Sandia and had not received an answer, which may come with the new Governor; there is at least one homeowner who does not use the road to get to the property which is a safety issue; Public Comment was very beneficial noting that AMAFCA was asked to make the foot print bigger so the Dam would not be so high; the road (Eubank) right-of-way had been vacated to build the Dam; the outlay pipe had been extended; approximated 200 lots will be taken out of the floodplain with the Dam; building the Dam would have flows to pipe(s); and

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AMAFCA should accelerate so that either AMAFCA, or another entity, can build infrastructure and have it done correct.

Director Eichenberg made a motion to authorize the Chair to accept the Grant of Easement for Lot 17 of Block 20, Tract 1, Unit 3 of North Albuquerque Acres Director Thomson seconded the motion, which passed (5-0).

b. Issuance of Short Term Recreational License

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

16. Storm Water Quality

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

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the sizes of the Annual Report for the Permit as well and the Storm Water Management Plan (SWMP). AMAFCA will be asking for modification to the SWMP; next year's MS4 Permit; and changing the dates of wet weather / dry weather testing. Mr. Jared Romero, UNM Engineering Intern, summarized items in the memo and answered questions from the Board. Part of the presentation covered the fact that both Annual MS4 and SWMP were in Public Review at this time; the reports would be submitted to EPA on December 1, 2018; AMAFCA was instrumental in the removal of the bacterial impairment from the New Mexico Environmental Department 2018-2020 303(d) list in 3 of the 4 segments of the Rio Grande; various testing areas and the impairments found; debris removal; vegetation removal; homeless debris removal; new permit updates – program enhancements; changes to post-construction runoff; other potential changes; and a scoping meeting with Pueblo of Isleta is planned to review surface water quality standards.

It was mentioned that former UNM intern, Mr. James Fluke, credited his master's thesis, "**Characterizing Patterns in E. Coli Levels in Rio Grande River Water and Riverbed Sediments Near Albuquerque, NM,**" on the data. He recently completed a paper for submission to a professional journal and had documented that E. coli is naturally occurring. It has not been proven definitively but several studies support his data.

b. EPA Region 6 Stormwater Conference – Conference Debrief

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

Director Borrego left the meeting prior to the items under Executive Session.

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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 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. Nolan Bennett, AMAFCA Field Engineer remain.

Chair Brown closed the meeting at 1:10 p.m. Chair Brown asked for a motion to re-open the meeting at 1:39 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. 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.

18. Business

None.

19. New Business

None.

20. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 1:40 p.m.

Deborah L. Stover, Secretary-Treasurer, 11/15/18

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.