



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**November 21, 2019**  
**Page 1**

**1. Call to Order and Roll Call**

Chair Brown called the Regular Board Meeting to order at 10:04 a.m., Thursday, November 21, 2019. 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 10:05 a.m.

Directors excused: None

Attorney present: 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**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, asked that the **Agenda Item 20 e West Branch Calabacillas Arroyo Grade Control Structures – Consideration of Approval of Funding Agreement for Design, Construction, and Management with Central New Mexico (CNM) Community Collage** be removed from the agenda since AMAFCA needs to ensure that the claw back clause is included in the agreement in the event CNM not follow through on funding, AMAFCA would not complete the project. Mr. Jeffrey S. Willis advised that the presenters for **Agenda Item 13 a Ditch and Water Safety Coordinator – 2019 Program Review – Presentation by Sunny 505** may be late due to not being available at the scheduled time. The Board agreed that the presentation would be slipped in later.

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

**3. Meetings Scheduled**

- a. **December 12, 2019, 10:00 a.m. – Regular Meeting and Board Holiday Luncheon**
- b. **January 02, 2020, 10:00 a.m. – Special Meeting**
- c. **January 23, 2020, 10:00 a.m. – Regular Meeting**

## AMAFCA Regular Meeting Minutes

November 21, 2019

Page 2

### d. February 27, 2020, 10:00 a.m. – Regular Meeting

Director Stover advised she would not be available for the January 02, 2020 Special Meeting. There were no changes to the schedule.

#### 4. Items from the Floor / Public Comments

Chair Brown acknowledged Mr. Jerold Widdison, citizen, was present for Public Comments. The Chair asked Mr. Widdison if he would like to speak since he signed up to do so. Mr. Widdison asked to defer his comments for the agenda item on the Petroglyphs (**Upper Petroglyphs Drainage Management Plan – Project Introduction**). Chair Brown advised the Board would recognize him at that time. Chair Brown acknowledged Mr. Isaac Eastvold, citizen, was present for the same topic and advised he would be recognized as well at the appropriate time during the item presentation.

#### 5. Approval of Minutes

##### a. October 24, 2019

Director Thomson requested a couple changes. Director Stover made a motion to approve the minutes of October 24, 2019, as amended. Director Thomson seconded the motion, which passed (5-0).

Chair Brown stated that **Agenda Items 6 a through 6 d** were on the Consent Agenda. Director Thomson made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Second extension for On-Call Storm Water Quality / Environmental Engineering Services Contracts with CDM Smith, Inc., Bohannon Huston, Inc., Weston Solutions, Inc., and SWCA Environmental Consultants; and
- Out of State travel for AMAFCA staff to attend the 2020 ESRI International Users Conference in San Diego, CA, July 13-17, 2020; and
- On-Call Engineering Services Selection Advisory Recommendations with Smith Engineering Company, Parametrix, Inc., WHPacific, Inc., an NV5 Company, Bohannon Huston, Inc., Stantec Consulting Services, Inc., HDR Engineering, Inc., Thompson Engineering Consultants, Inc., Huitt-Zollars, Inc., WSP USA, Inc., River Restoration Org., LLC, ESP Associates, Inc., Conley Engineering, LLC., AECOM Technical Services, Inc., Weston Solutions, Inc., Wilson & Company, Inc., Engineers & Architects, Molzen Corbin, Ecosphere Environmental Services, Inc., Daniel B. Stephens & Associates, Inc., and Tetra Tech, Inc.; and
- On-Call GIS and Technology Support Services Selection Advisory Recommendation with Stantec Consulting Services, Inc.

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

## AMAFCA Regular Meeting Minutes

November 21, 2019

Page 3

### 7. Executive Engineer's Report

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

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

- **General & Administrative**

*2019 Local Election:* This year was the first time AMAFCA participated in the Local Election. Districts 3 and 4 were on the ballot. 23.24% of the all registered voters voted in the Local Election. Directors Eichenberg and Brown were re-elected to their respective districts.

*City of Albuquerque (CoA) 2019 General Obligation Bond:* In November 2018, AMAFCA requested that \$10M be added to the original drainage bond amount for the CoA Bond program. The additional funding was added and included in the Bond Question that passed on November 5, 2019. Funding for the Marble Arno Pump station was included in the Bond. CoA completed the design and indicated bids for construction would happen mid-year 2020. AMAFCA funding for the project is in place and CoA had already invoiced AMAFCA for a portion of the contract.

*AMAFCA 2019 Audit:* The AMAFCA 2019 Comprehensive Annual Financial Report (CAFR) had been completed and submitted to the Auditor for their final review. The Auditor's review has been completed. An exit interview, which is required before the 2019 CAFR can be submitted to the New Mexico State Auditor, has been scheduled with the Finance Committee for Monday November 25, 2019. The 2019 CAFR would need to be submitted no later than December 1, 2019.

- **Public Outreach**

*Twinkle Light Parade:* The 2019 Twinkle Light Parade will be held on December 7, 2019. AMAFCA will again have a float in the parade. Staff hopes to add an additional 4,000 lights to its entry this year and any help with lights would be greatly appreciated. More information would be communicated to the Board.

#### b. Notification of On-Call Services Task Orders

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo for task orders issued over the last few months, answered questions from the Board, and would provide Director Eichenberg a copy on dollars spent in the past 12 months for Eagle's Eye Aerial Photo Solutions.

## AMAFCA Regular Meeting Minutes

November 21, 2019

Page 4

### 8. Financial Matters

#### a. FY 20 Budget to Actual

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. Responding to a question regarding O&M expense line 5269 being over budget, Mr. Chavez confirmed that Security and Sign Rentals are being charged to 5269 in the general fund in order to not use Bond money in case something is not reimbursed. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, went a little further by stating that due to the default of GandyDancer, AMAFCA wanted to keep items separate in order to easily change funding accounts when needed once reimbursed by the Surety Company. He further thanked the Board for their inquiry. Responding to the expense a HHTA reimbursement, Mr. Chavez stated that items the student intern submits for reimbursement are coded in that line item so they can be tracked separately. Responding on whether AMAFCA had followed through on looking at increasing the protections of the technology system(s) and where it was forecasted, Mr. Chavez stated that Cordova CPA had submitted a proposal, would start work closer to December / January once their business dies down, and had not been forecasted at this time. Mr. Lovato stated that AMAFCA is purposely waiting until the Budget Adjustment is approved in February. Three items have been identified: Training from the State Auditor concerning Phishing and Inter-Bank Transfers, Self-Insured plan regarding IT, and a plan for a third party who had been attempting to break into the AMAFCA system.

#### 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 October 2019 Expenditures

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. Responding to a question on having a handle on how much is spent on outside vendors for storm water quality, Mr. Lovato stated cost information could be provided. It was recommended that AMAFCA include information from both Black Forest Tree Service and Southwest Sewer in the Annual Report since AMAFCA provides money to those small companies. Mr. Nolan Bennett, AMAFCA Field Engineer, advised that numbers are included on the report and dollars could be added. Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, stated that now would be the perfect time since the Annual Report to EPA would be submitted by December 1, 2019. Mr. Lovato stated that 80% of the \$179K goes to vendors since only a portion of the Storm Water Quality Engineer and UNM intern time is charged. Responding to a question from the Board regarding paying both Verizon and Century link for telephone services, had AMAFCA looked into using one provider, Mr. Lovato stated Century Link handles the fiber optics and security of the website / in-coming phone lines and Verizon handles the cellphones, GPS on the vehicles and Telemetry. He further stated that Mr. Kevin Troutman and Mr. Nolan Bennett have done a great job trying to identify what businesses provide the best service to AMAFCA. Responding to a question from the Board regarding contractor pricing at Lowes, Home Depot, etc., Mr. Chavez stated that retailer(s) recognize AMAFCA as part of the City of Albuquerque so AMAFCA may

**AMAFCA Regular Meeting Minutes**

**November 21, 2019**

**Page 5**

utilize the volume discount. There was a time, when bills were going to CoA instead of AMAFCA, which led to a headache, but now they are being directed correctly and AMAFCA gets a pretty good volume discount from them.

Director Thomson made a motion to approve the October 2019 Expenditure Report. Director Borrego seconded the motion, which passed (5-0).

**d. Financial Position Recap October 16, 2019 through November 15, 2019 & Forecast November 16, 2019 through December 10, 2019**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. He noted that this item would be a late mailout due to Construction checks being run on December 10, 2019. The property on Zuni is now a rental property that is being tracked separately. Responding to a question on when Marble Arno would show up on the forecast, Mr. Lovato stated the forecast is not done by individual projects. Mr. Chavez stated that **Agenda Item 8 b AMAFCA Cash and Investments** would show the committed fund.

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

**e. Fiduciary Funds – Proof of Cash and Savings**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. He stressed that next month the Agency and Area-Wide would not be reported in Fiduciary Funds. There were no questions.

**f. Other Matters**

This item was listed on the agenda; however, not an agenda item. There was no discussion.

**9. Agency and Area-Wide Capital Project Fund – Creation and Adoption of Budget to Comply with GASB Statement 84**

**a. Resolution 2019-20, Creation of the Agency and Area-Wide Capital Projects Fund**

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

Director Borrego made a motion that the Board approve Resolution 2019-20, Creation of the Agency and Area-Wide Capital Projects Funds. Director Thomson seconded the motion, which passed (5-0), on a roll call vote.

**AMAFCA Regular Meeting Minutes**

**November 21, 2019**

**Page 6**

**b. Resolution 2019-21, Adoption of the Agency and Area-Wide Projects Budget**

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

Director Borrego made a motion that the Board approve Resolution 2019-21, Adoption of the Agency and Area-Wide Projects Budget. Director Stover seconded the motion, which passed (5-0), on a roll call vote.

**10. Legislative Liaison**

With Board approval, Ms. Alarid made her presentation prior to approving the first extension of the Professional Services Agreement.

**b. Briefing before 2020 New Mexico Legislative Session**

Ms. Vanessa Alarid of Alarid Consulting referred to the handout that as provided to the Board. A brief recap is as follows: The Capital Outlay document from the Governor's Political Office was provided and Ms. Alarid stressed the importance of submitting early; important dates for the 56th Legislative Session were covered; the 2020 Session is 30-days; the Governor's Priorities were recapped; FY 2019 Budget \$7.924 B Total recurring revenue (36% from Oil and Gas), \$196.8M Oil and Gas Tax Stabilization Fund, which is a rainy-day fund in FY 2019 to expand use of the tax stabilization reserve fund; oil and gas taxes that exceeds a 5-year rolling average tax collections that go into the reserve fund instead of the State's general fund, \$3.117B Total Oil and Gas contribution revenue to general fund; FY 2020 estimates were presented in August 2019 with new revenue estimates to be brought before the Legislative Finance Committee on December 9, 2019; Revenue projection changes reflect 2019 Legislative Session Bills on film credit, tobacco tax and gross receipt tax; New Mexico's economy is positive with oil production soaring and job growth rising; mining jobs increased 8.9 percent; construction jobs increased 8.4 percent; leisure and hospitality jobs increased 6 percent; unemployment rate is currently 4.9 percent, slightly higher than the U.S. average; expectation of oil prices to increase from \$51.80 per barrel in FY 2019 to \$52.50 per barrel in FY 2020; oil production is expected to increase from 298 million barrels produced in FY 2019 (45.6% increase) to 356 million barrels in FY 2020 and 500 million barrels in FY 2021; and New Mexico is leading the nation's top four producing states in oil production growth.

**a. Legislative Liaison – Approve First Extension of Professional Services Agreement with Alarid Consulting**

Director Borrego made a motion that the Board approve the first extension of the professional services agreement with Alarid Consulting. Director Eichenberg seconded the motion, which passed (5-0).

## AMAFCA Regular Meeting Minutes

November 21, 2019

Page 7

### 11. Memorial Plaque Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that AMAFCA had not received any information from CoA or Bernalillo County (BernCo) on what to place on the plaque; however, AMAFCA had identified a location for the plaque. Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo, covered various pictures pertaining to the site, and stressed there is a lot of historical and cultural significance in the Boca Negra Dam area. Included in the Board memo was the process that BernCo utilizes. There was discussion that included some of the following points: BernCo process is extensive and substantial; AMAFCA should not need to go through a process like BernCo; AMAFCA does not have a process for naming memorials; the renaming of Danny's Diversion was not handled in the same way; the proposed location is an AMAFCA facility leased to CoA that includes a trail; the location already contains a boulder appropriately sized for a memorial next to the CoA bench / trail; a process and procedure is recommended; the next agenda should have the process that may dovetail what CoA and BernCo does but might not have all their requirements; a ribbon cutting could be held after a process had been established and everything finalized; this item had been discussed for a year; CoA approval is not needed to place a memorial plaque on the designated boulder; the design and language needs to be provided to AMAFCA; AMAFCA is in the flood control business and memorial plaques are not something that AMAFCA does as part of flood control; the intent is to pay homage to the children who have been murdered in our community, provide community healing, and give people a place to go to reflect; the message drafted by Director Stover was deemed appropriate (wording below) and only a simple plaque is needed to memorialize the children; and it was suggested that AMAFCA consult a pastor who would have experience in how to properly word a memorial plaque. Director Borrego voiced her concern that there is a delay in the trial for the accused killers of Victoria Martens and as a Flood Control Director it would provide a good gesture to the community on AMAFCA's behalf; if a pastor is chosen, with the multiple religions throughout the community, it needs to be kept neutral so not to further complicate the process. The discussion continued with whatever is decided, it should be recognizable by the community today as well as 50 years from now; the sentiment was expressed that the topic was a very emotional thing to do while trying to separate the issue from what is done by being an AMAFCA Director. Mr. Autio reminded the Board the item had not been an action item for the Board to adopt and proceeded with possible steps to take. After further discussion, the Board would approve the location, language for the plaque, and the official process that AMAFCA would utilize for this request. Mr. Bennett asked for Board input on the plaque (font, size, color, etc.). The Board concurred to have on the December agenda the location, language for the plaque, and a process that AMAFCA would follow. Mr. Lovato confirmed that this would need to be an Action Item(s).

An example of the wording had been read as follows:

In memory of the lost innocents  
Their absence is a silent grief  
Their young lives a beautiful memory

**12. Legal**

**a. Status Report**

Attorney Randy Autio summarized information provided in the memo.

**13. Ditch and Water Safety**

**a. Ditch and Water Safety Coordinator – 2019 Program Review – Presentation by Sunny 505**

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, introduced Ms. Dezaree Vega Garcia with Sunny 505. Ms. Vega Garcia briefed the Board on the Ditch Safety Program. She presented information on activities that included 2019 Tactics; Key Events; News Coverage; Overhaul of Website to include Book a Presentation; Take the Pledge Campaign (student can print a generated PDF certificate), etcetera. Ms. Vega Garcia thanked the Board for their time and advised she was leaving handouts for the Board.

**14. Upper Petroglyphs Drainage Management Plan – Project Introduction**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated the area is part of the West I-40 Drainage Management Plan (DMP) since the mid-1990s. One of the issues that came up during the Boca Negra Drainage Management Plan is that AMAFCA is in the process of trying to break up some of the larger DMPs into more workable plans. He pointed to the cart full of documents that Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, wheeled in. Mr. Bingham advised the items represent the Western Albuquerque Metropolitan Area DMP that he had recapped a couple months ago for the Boca Negra DMP Update. West I-40 had 40 square miles of watershed which is huge for masterplan purposes. At the time, a very large masterplan was done for the Ladera and West I-40 systems. New planning directives from different land owners (Westland / SunCal / Western Albuquerque Land Holdings WALH) required different needs for modifications to the DMP in 2006 and 2011. He referred the Board to the list containing a significant amount of infrastructure involved. The watersheds (25 square miles) were broken out into the three different colors (Purple = Ladera, Yellow = currently drains to Ladera, Pink = would drain to West & East Amole systems which goes to West I-40 system). Bohannon Huston, Inc. (BHI) and WALH, the land owner, contemplated moving the Yellow section, out of the Ladera System into the West I-40 System, both of which eventually get to the River east of Coors. They looked at what structures would be necessary and the flow rates at certain areas, some of which are fixed and cannot be upgraded. The Yellow would be a stand-alone DMP called the West I-40 Uplands DMP (not the Upper Petroglyphs). A funding agreement was discussed to help with the costs of paying for the major infrastructure components to include a building a facility along with a storm drain to divert water out of Ladera System to West I-40 System; building Dam D5; and enlargement of Dam 0. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, covered the two different ways the systems drain into the Rio Grande. When systems were designed it is assumed that all the water would be going in. The way to make sure what the right infrastructure would be built, it is essential to build the facilities that are required to protect downstream infrastructure. On that note, WALH is looking at the costs and had come up with a different idea. Ultimately, AMAFCA is charged to protect



## AMAFCA Regular Meeting Minutes

November 21, 2019

Page 9

infrastructure that is downstream. This is the beginning of a large discussion. Mr. Bingham referred the Board to the aerial pointing out the three major areas.

Mr. Craig Hoover with BHI was introduced. The presentation on the new analysis covered topics such as the 2000 West I-40 DMP had a lot of similarities to proposed plan; the 2006 EA 11 Dam was introduced along with the diversion into the Ladera system; the 2000 DMP focused on the lower system continuing to the south to divert to West I-40; WALH is looking at 2,900 acres in the Upper Petroglyphs Development that is currently in master planning (Arroyo Vista South); water would be diverted to the I-40 System; in order to not over tax the existing West I-40 / East Amole Surge pond a second pond (I-40 Pond) would be added; the need for the D5 Dam is being analyzed noting that the Amole Hubble and North Geologic Window locations are challenges due to recent conversations with CoA Open Space regarding locating Dams there; those locations were in the 2006 DMP; the numbers show that the C Dam and Atrisco Vista could be made larger to eliminate the D5 Dam; Dam 5 diversion would still be needed to divert water from Ladera system to I-40 system; would be driven by the Petroglyph Diversion which is part of a later development south of Arroyo Vista; when that area develops flow would be diverted around the Monument; masterplan would show the inclusion of Dam 5 diversion; current plan proposes not to include Dam 0, Dam 1, and Dam 5; and add the additional I-40 Pond. Responding to a question from the Board, Mr. Hoover stated there is a large playa along with a couple of smaller playas in the watershed that have been taken into account. He further stated the methodology is being changed and the previous studies used AHYMO and AMAFCA's Whitepaper uses HEC-HMS. HEC-HMS was used for this analysis. All the numbers that changed in conversion are being used for the new facilities. Answering a question from the Board, Mr. Lovato confirmed the flows and capacities are based on the 100-year storm. Director Thomson noted that there are a lot of people downstream and questioned, "If there is a 200- or 500-year storm what are the consequences?" Mr. Lovato stated there are consequences and as flooding of houses and yards happens you might not notice the flooding downstream. In 1988, a great example was the 500-year storm came and a mile and a half away everything was contained in the 100-year system. He further stated AMAFCA knows what the critical needs are and would only purchase and maintain what is deemed critical. Director Thomson stated he did not expect an answer to the question now, but the Board should think about this from time to time since there are so many people downstream. There was a discussion on various year storms, capacities, possible overtopping in areas, Risk Management, Precipitation Study on size of storm noting 25 square miles is inordinately rare, etc.

Mr. Jerold Widdison, citizen, was present earlier for Public Comments. He provided his history and made statements. Many of the audible comments, not including work / community history, but those pertaining directly to the item are reflected below:

Mr. Widdison: Might have had a conflict of understanding; saw on the agenda Upper Petroglyphs and assumed it was on off-hand way of talking about the Boca Negra Drainage Management Plan, including, as presented, the North Geologic Window Dam; heard Craig mention the challenges faced by that Dam and there seems to be some variation; he heard about a D5 that was not recognized. Chair Brown stated the D5 is a conceptual location for a future Dam. Mr. Widdison continued that the Open Space Advisory Board (OSAB) hosted Mr. Lovato and Brad Bingham to describe to the OSAB the Boca Negra Drainage Management Plan and especially the proposed detention dam within the CoA Open Space and immediately adjacent to the North Geological

## AMAFCA Regular Meeting Minutes

November 21, 2019

Page 10

Window Unit of Petroglyph National Monument; came with a bit of information that in July or August, the OSAB passed a motion of approval of that project; reported that at the October meeting the OSAB had rescinded that motion, in other words, no recommendation, no endorsement, no approval whatsoever; he did not think the information had made its way to the office (AMAFCA); the OSAB is strictly an advisory board that advises the Mayor, City Council, and the Planning Department for Comprehensive Plan and such; and if the Board and Staff continue to want, to like, or to propose this particular dam in the Open Space, and immediately adjacent to the National Monument, that matter would certainly come to light in the City process, the CoA Council, and Real Estate Real Property Management.

Mr. Isaac Eastvold, citizen, was present earlier for Public Comments. He provided his history and made statements. Many of the audible comments, not including work / community history, but those pertaining directly to the item are reflected below:

Mr. Isaac "Ike" Eastvold: *Covered items that pertained to his presentation made on September 26, 2019, which are not noted here.* Information was brought forward into the dialog here (AMAFCA) and to the OSAB; OSAB was as poorly informed as you (AMAFCA) were; once the information was in the system, there was action from OSAB rescinding their original approval, based on the new information; has the letter for the State Land and Water Conservation fund; letter from Ms. Kowalski, dated November 1, 2019, was sent to Mayor Tim Keller and Chair Brown; they have identified two Land and Water Conservation projects which encumber parcels, immediately adjacent to or under your proposal; there is no doubt that area would be subject to Section 6F3 of the Land Water and Conservation Fund, CFR 5923, which governs any attempt to convert that property to other than its original intended use; he suggested taking a close look at the requirements; involves public hearings, gathering of information under Federal Law to examine the situation, and a lot of information to be brought together before the Regional Director of the Park Service makes a determination; initial first step with the City has been taken away; OSAB no longer approves of this use in open space; at the present time, there is no support of this dam, by the owner of the property, City of Albuquerque; he suggested, if going forward with the \$50K study compare all the alternatives; he would hope AMAFCA would do like AMAFCA did with Dam 5D, and just eliminate thorny issue that AMAFCA would be bogged down with for some time to come, by choosing alternative site or sites. It was noted, the letter from the Land Water and Conservation Fund had been received by Chair Brown.

Mr. Bingham anticipated BHI would finish the analysis report in the next month or so. December and January would be time to review and the Board would adopt the West I-40 Uplands Area Masterplan in February. WALH was present at the Board meeting, staff had been in contact them throughout process, and a funding agreement with WALH would be done for this project. Mr. Lovato stated AMAFCA would identify critical infrastructure, review the costs associated, along with how long to build would be reviewed. Another funding agreement would be needed at that time. Responding to a request from the Board on drafting an Existing / Developed Condition Report to be done with the analysis, Mr. Bingham advised that could be done.

**15. Valle de Oro Projects**

**a. Valle de Oro Outlet Structure – Award of Construction Project to Qualified Bidder**

Mr. Jared Romero AMAFCA Engineer I, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion that the Board award the construction project to RMCI, Inc., in the amount of \$2,951,720.00, plus New Mexico Gross Receipts Tax, for the Valle de Oro Outlet Structure. Director Stover seconded the motion, which passed (5-0).

**b. Valle de Oro Drainage Facility Project – Approval of Agreement for Construction Management Services**

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

Director Stover made a motion that the Board approve the Agreement for Construction Management Services for the Valle de Oro Drainage Facility to Wilson & Co. Inc. Director Borrego seconded the motion, which passed (5-0).

**c. Valle de Oro Drainage Facility – Approval of Amendment Twelve for Design Services**

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

Director Thomson made a motion that the Board authorize the Executive Engineer to approve Amendment Twelve to the Agreement for Design Services for the Valle de Oro Drainage Facility. Director Stover seconded the motion, which passed (5-0).

**16. Black Mesa Three Dam Outlet Project – Approval of Funding Agreement for Water Line Casings**

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo. Responding to questions from the Board, Ms. Friedt stated ABCWUA would provide the design and pay for it, AMAFCA would construct with AMAFCA Construction Management program, and ABCWUA would have their own representative available during construction. Responding to a question from the Board, Mr. Lovato confirmed that the cost of reimbursement for AMAFCA staff managing the project is not included in the funding agreement. There was a brief discussion regarding the project management being an additional cost for AMAFCA; from the standpoint of a public agency it would be prudent to get the project done and AMAFCA should do the work; and AMAFCA should be reimbursed the indirect costs.

## **AMAFCA Regular Meeting Minutes**

**November 21, 2019**

**Page 12**

Director Borrego made a motion that the Board approve the funding agreement with the Albuquerque / Bernalillo County Water Utility Authority to provide water line casings on the Black Mesa Three Dam Outlet Project. Director Stover seconded the motion, which passed (4-1). Director Eichenberg voted no.

### **17. 2020 AMAFCA Project Schedule – Approve Publishing 2020 Project Schedule**

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo. There a few cosmetic changes that had been identified by Mr. Jared Romero, AMAFCA Engineer I. Mr. Troutman stressed the importance of getting the Project Schedule out before the January Legislative Session; the Board is not bound by the document; Board would approve each project on an individual basis; and projects can be done as the Board wishes. It was noted by the Board that the layout is easier than the previous schedule. Mr. Troutman advised Mr. Romero had suggested the color and BHI, who has a dedicated marketing individual with the skills required, assisted in putting the schedule together. The Board expressed thanks to BHI.

Director Thomson made a motion to approve the publication of the AMAFCA 2020 Project Schedule. Director Borrego seconded the motion, which passed (5-0).

### **18. AMAFCA Field Highlights**

#### **a. Field Report**

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

#### **b. Construction Report**

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the charts, stressing where the work and payments were reflected. There were no questions.

### **19. AMAFCA Dam Safety Program Overview**

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board. The presentation covered topics such as the size of dams that are under the jurisdiction of the New Mexico Office of the State Engineer – Dam Safety Bureau (NMoSE); there are 600+ dams in the State; nearly 300 dams have jurisdiction status; AMAFCA has 21 jurisdiction dams; training opportunities have changed for the AMAFCA crew; described the Hazard Potentials (low, significant, high) along with inspection and maintenance levels; maintenance crew of 11 staff spent almost 5,000 hours removing over 100,000 cubic yards of material and 750 +/- hours repairing fences and improving access control on AMAFCA facilities; provided an example of activities at Black Dam by AMAFCA crew and engineering staff; covered a spreadsheet example created to detail total hours by facility from 2015 to current year; viewed numerous pictures of work being completed by AMAFCA crew; briefly recapped stories, both through the Associated Press and Albuquerque Journal, that had recently been highlighted in the news; covered the Satisfactory, Fair, Poor, or Unsatisfactory assessment ratings that are assessed

## AMAFCA Regular Meeting Minutes

November 21, 2019

Page 13

by the NMoSE; up through a portion of 2019 all AMAFCA Dams were assessed as satisfactory or Fair; recently, the NMoSE deemed Ladera Dams 10, 12, 14, and 15 with an assessment of Poor; the rating was due to factors such as a lack of documentation or critical analysis parameters, the apparent lack of spillway capacity, and uncertainties pertinent to the location of the auxiliary spillway. Mr. Bennett stressed that even with the rating due to paperwork, that without the new determination requirement the dams would have received a fair rating. He further stated the issue of Emergency Action Plans (EAP) had been highlighted for the dams. Responding to a question by the Board, Mr. Lovato stated only 1 EAP from AMAFCA had been accepted by the NMoSE Dam Safety Bureau. AMAFCA has EAPs that have been approved by the local emergency managers for AMAFCA's dams; AMAFCA has a great working relationship with the local emergency managers; and additional documentation had not been approved by the NMoSE Dam Safety Bureau. Mr. Lovato stated there is more involved than just the paperwork. Are the facilities being looked at and maintained; are the residents aware there is a dam in their area; there is an earthen dam in Las Cruces that the residents do not realize the potential hazard and AMAFCA had never shied away from the potential hazards. He further stated that Mr. Bennett is doing a great job with the AMAFCA crew and moving things forward. With the news that came out within the last few weeks, staff thought it was imperative that the Board was aware that AMAFCA does have a program that is constantly being monitored. The Chair stated he thought it was important to have on the Agenda and the classification and certifications required is an ongoing dilemma from the standpoint of State recognition of AMAFCA's good stewardship of the AMAFCA Dams. Mr. Bennett stated Maricopa County does not allow people on their dams; AMAFCA gets many calls from citizens on various issues; AMAFCA views the community as a resource; and if they report something wrong AMAFCA responds.

### **20. Real Estate**

#### **a. Agricultural Lease – Rutherford Property – Approval of Lease Agreement**

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. Mr. Jason Baca submitted the highest bid for the property. Responding to a question on the length the current tenant had leased the property, Mr. Willis confirmed it had been approximately 15 years, on and off.

Director Stover made a motion that the Board approve the Lease Agreement with Mr. Jason Baca and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA. Director Thomson seconded the motion, which passed (5-0).

#### **b. Agricultural Lease – Raven Pond Property – Approval of Lease Agreement**

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. Responding to questions from the Board, Mr. Willis covered the exact location of the two-acre partial of land on the Raven Pond facility that AMAFCA leases for irrigation. He further stated all water rights had been lost and AMAFCA purchased water from the Middle Rio Grande Conservancy District (MRGCD) Water Bank to irrigate the small parcel of land. If the Water Bank is cut off due to the current MRGCD not releasing irrigation water, there would not be water for AMAFCA to utilize. Mr. James Moya, an AMAFCA employee, was the only bidder. Mr.

**AMAFCA Regular Meeting Minutes**

**November 21, 2019**

**Page 14**

Moya had taken care of the land with the previous lease and produced a couple of good cuttings even with the loss of water. There was a brief discussion regarding AMAFCA having access (11 years) to water rights in the past; water rights are now leased until approximately 2028; all the agricultural leases are advertised and the Resolution details the process; Mr. Moya had been doing a good job maintaining the parcel, adheres to the lease requirements, even without water for the entire irrigation time; it would not be prudent to transfer the water rights from one location to another since it would have to go through the State Engineer and it would consist of well water versus surplus water.

Director Thomson made a motion that the Board approve the Lease Agreement with Mr. James Moya and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA. Director Stover seconded the motion, which passed (5-0).

**c. Jefferson Property / Embudo Arroyo Parking Lease – Approval of Lease Extension**

There was no discussion on this item.

Director Eichenberg made a motion that the Board approve the Lease Option Extension Agreement with Liberty Gym and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA. Director Thomson seconded the motion, which passed (5-0).

**d. Lot 13, Block 20, Tract 1, Unit 3 – Acceptance of Drainage Easement**

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board. Ms. Friedt advised that there is an upcoming planning meeting to discuss mapping. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that the meeting would include the perimeters on what would constitute a main branch for AMAFCA to keep and what ones would be considered Bernalillo County jurisdiction versus AMAFCA.

Director Eichenberg made a motion that the Board authorize the Chair to accept the Grant of Easement for Lot 13 of Block 20, Tract 1, Unit 3 of North Albuquerque Acres. Director Thomson seconded the motion, which passed (5-0).

**e. West Branch Calabacillas Arroyo Grade Control Structures – Consideration of Approval of Funding Agreement for Design, Construction, and Management with Central New Mexico Community Collage**

This item was removed when the agenda was approved.

**AMAFCA Regular Meeting Minutes**  
**November 21, 2019**  
**Page 15**

**21. Storm Water Quality**

**a. AMAFCA Storm Water Quality Program Overview**

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered questions from the Board. He advised that there has been changes at the EPA level due to office moves, retirements, reassigned individuals, etc.

**b. Storm Water Quality Education Coordinator – 2019 Program Review – Presentation by Storm Team Chair**

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, introduced Ms. Patti Watson, President of CWA Strategic Communications (CWA). Ms. Watson presented information on activities from July 1, 2018 through June 30, 2019. Activities included areas of interest such as the keeptheriogrand.org website and Facebook page; activities based on six types of common pollutants; updated Educational Kiosk; SSCAFCA video on arroyo safety; Educational Partners; Dry / Wet Weather Water Quality Program; Septic & Sanitary Sewer Systems; Community Events; the Storm Water Team Survey and incentives, etc. Responding to questions from the Board, Ms. Watson stated that the Arroyo Classroom is in APS as well as Rio Rancho schools and CWA had not thought of partnering with the Bio Park Board but would investigate it next year. Responding to questions from the Board on contract amount, Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, stated the contract is not to exceed \$50K which paid by dues from the Storm Team and each partner pays depending on what size of MS4 they fall within (\$1K Phase I entity / \$6K Phase II entity). It was suggested by the Board that SSCAFCA's video modify the message to not just "look at the Western Sky". It would be more appropriate to state "look to the horizon" since storms appear from other directions and lives could be endangered only looking to the west. Ms. Watson stated the SSCAFCA video was done with SSCAFCA direction and she would bring it up to them. Ms. Watson thanked the Board for their time and advised she was leaving handouts for the Board.

**c. Storm Water Quality Education Coordinator – Approval of Third Extension**

There was no discussion on this item.

Director Eichenberg made a motion to approve the Third / Final Extension of the Professional Services Agreement with CWA Strategic Communications (formerly Cooney Watson & Associates). Director Borrego seconded the motion, which passed (5-0).

**22. Executive Session (closed)**

**a. Investigation or consideration of complaint (§10-15-1(H)(2))**

Chair Brown advised that Item 22 was a Closed Session agenda item. Director Borrego 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*

## AMAFCA Regular Meeting Minutes

November 21, 2019

Page 16

*Citizens*,” eighth edition, 2015, to discuss Personnel Matters. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote. Mr. Lovato and Legal Counsel were to remain.

Chair Brown closed the meeting at 1:34 p.m. Chair Brown asked for a motion to re-open the meeting at 2:41 p.m. Director Borrego made a motion that the meeting be re-opened. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote. Chair Brown stated that no action was taken during the Closed Session, only items that pertained to Personnel Matters were discussed.

### **23. Unfinished Business**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that Argonaut Insurance Company (Surety) had not provided a Takeover Agreement to AMAFCA’s satisfaction. Mr. Randy Autio and Mr. William Zarr, AMAFCA Legal Counsel, put together an agreement that AMAFCA staff had okayed and provided to the Surety. The Surety had collected bids for completing both projects. Cumulative amount of both projects is approximately \$8.7M that the Surety is at risk for. The Surety is trying to negotiate the cost for the job(s). He stressed that reimbursement for out of pocket costs and future construction management was included in the Takeover Agreement due to a concern voiced during a conversation with Director Eichenberg. Negotiations are upcoming and it is hoped that a couple members of the Board (Finance Committee) would be available should the Surety come through in the next two weeks. The Board concurred that would be appropriate. Responding to a question regarding the status of the AMAFCA History Project, Mr. Lovato stated a draft had been submitted by Mr. Roland Penttila and it is still to be reviewed.

### **24. New Business**

None.

### **25. Adjourn**

There being no further business to come before the Board, Chair Brown adjourned the meeting at 2:44 p.m.

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Deborah L. Stover, Secretary-Treasurer, 12/12/19

*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.*