



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
July 23, 2020
Page 1

1. Call to Order and Roll Call

Chair Thomson called the Board Meeting to order at 10:03 a.m., Thursday, July 23, 2020. The call was hosted via Zoom in order to comply with AMAFCA Resolution No. 2020-05, a Resolution of the Governing Body of Albuquerque Metropolitan Flood Control Authority, Authorizing the Exercise by Board of Directors of Amended Procedures for the Conduct of Public Meetings During the Effective Period of Executive Order No. 2020-004, Issued by the Governor of New Mexico on March 11, 2020.

Directors present via Zoom: Chair Bruce M. Thomson
Director Ronald D. Brown
Director Tim Eichenberg
Director Deborah L. Stover
Director Cynthia D. Borrego

Directors excused: None

Attorney present via Zoom: Marcus J. Rael, Jr., Robles, Rael & Anaya

Others present via Zoom and / or in person: Jerry M. Lovato, P.E., Executive Engineer
Staff

A quorum was present.

2. Approval of Agenda

Director Brown made a motion to approve the agenda. Director Eichenberg seconded the motion, which passed (5-0), on a roll-call vote.

3. Meetings Scheduled

- a. August 27, 2020, 10:00 a.m. – Regular Meeting (short meeting)**
- b. September 24, 2020, 10:00 a.m. – Regular Meeting**
- c. October 22, 2020, 10:00 a.m. – Regular Meeting**

There was a brief discussion regarding the need for a meeting in August due to two outstanding items and it was noted the meeting would be kept to under one hour.

4. Items from the Floor / Public Comments

The following (unedited) public comment was received on July 10, 2020 and sent to the Board of Directors. This same document was viewed on the Smartboard by the AMAFCA Board and members of the public participating via Zoom with portions being read aloud.

AMAFCA Regular Meeting Minutes
July 23, 2020
Page 2

From: Hoffman Jim
To: amafca@amafca.org
Subject: Public Comment for July 23, 2020 AMAFCA Board Meeting ... Update Request - Upper Piedras Marcadas Drainage and Water Quality Management Plan - Land Acquisition and Pond Construction
Date: Friday, July 10, 2020 10:53:29 AM
Attachments: [minutes05282020.pdf](#)
[AMAFCA DRB 6-3-2020 PR-2020-003707.pdf](#)

AMAFCA Board,
Thank you for considering my public comment at the May 28, 2020 AMAFCA Board meeting (minutes attached).

With regard to the statement "the AMAFCA Board were given the option to condemn the land; and condemnation was not required because development and flooding was not imminent at that point of time," I must admit I am somewhat confused and dismayed by the Board's decision to not proceed with condemnation. In 2017 there was a project at the City's DRB that was deferred several times for what I believe were infrastructure requirements that included the need for temporary ponding because of lack of infrastructure in the area (see excerpt for project 1011282 below).

- 6. Project# 1011282**
17DRB-70166 MAJOR – SITE
DEVELOPMENT PLAN/ SUBDIVISION
17DRB-70168 MAJOR – SITE
DEVELOPMENT PLAN/ BUILDING
PERMIT
[Deferred on 7-12-17, 8/16/17]

ANDERSON WAHLEN & ASSOCIATES agents for WEST SEVENTY LLC request the referenced/ above actions for **Unplatted Tracts** in the Northwest Quarter of Section 15/ Township 11 North/ Range 2 East/ NW¼ S15 T11N R2E, zoned SU-2/VHRC, located on the west corner of PASEO DEL NORTE NW and UNSER BLVD NW containing approximately 33 acres. (C-10)

[TO BE HEARD 12/13/17]

Currently, there is another project being heard at DRB that has similar requirements for a "temporary" pond due to lack of infrastructure in the area (see excerpt from DRB package and attached AMAFCA comments).



An year has been lost by the Board's decision to not proceed with condemnation while piecemeal development continues to be proposed in the area!

REQUEST: If an agreeable negotiation cannot be reached with the landowner, I urge the AMAFCA board to reconsider the decision to not pursue condemnation for pond requirements in the Volcano Heights area.

In closing, I am pleased to see that AMAFCA is working with the City to identify drainage possibilities for the Paseo del Norte expansion project that is being designed by the City.

Respectfully,

James A. Hoffman
M +1 817 689-4897

jim.hoffman@alcon365.com

AMAFCA Regular Meeting Minutes

July 23, 2020

Page 3

Chair Thomson asked if Mr. Hoffman was on the Zoom conference. Mr. Hoffman was present and recapped his concerns. Part of the discussion with Mr. Lovato included access was discussed with the COG for the right in / right out approximately 600-800 feet to the southwest; there was not a need to move forward due to the fact AMAFCA was not able to purchase from the landowner; AMAFCA would be moving forward with obtaining two CoA properties to provide drainage outfall to existing infrastructure; and the internal infrastructure needed to drain the area would be required by CoA to be done by the landowners. The Board noted that the infrastructure would be deep and blasting of the basalt rock would need to be done. The installation of public infrastructure would need to be directed by a public agency; rock would need to be blasted; dirt brought in; not an easy place to construct; however, there are solutions. AMAFCA would move forward with CoA for a temporary construction easement and once in place AMAFCA will come to the Board to ask for permission to move forward with blasting contracts so the pond(s) can be placed. The Board had approved ponds for an outfall for drainage as opposed to internal drainage for the entire Volcano Heights area. The Board noted that the property was appraised; however, the landowner had requirements and demands that exceed the value of the appraisal. Mr. Lovato stated that the landowner wanted AMAFCA to construct the two-lane highway. He further stated that a counteroffer to deduct the roadway work from the price of the property was offered so AMAFCA could follow the procurement policy; however, that was rejected. The Board noted the demands of the landowner would have exceeded AMAFCA's contribution since it would exceed the value of the appraisal. Mr. John Ransom (spelling of name may be wrong as the Zoom information only provided first name / no last name), had asked to submit a public comment; however, written comments had not been submitted by the deadline. Mr. Lovato encouraged Mr. Ransom to send an email prior to the next Board meeting so it may be included in public comments. Chair Thomson requested this be a scheduled topic for discussion at the next scheduled Board meeting and to have a couple different strategies to resolve it; if possible.

5. Approval of Minutes

a. June 25, 2020

Chair Thomson had a small editorial correction. Director Borrego made a motion to approve the minutes of June 25, 2020, as amended. Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

Chair Thomson stated **Agenda Item 6 a** was on the Consent Agenda. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Advertisement of Request for Proposals for the Middle Rio Grande Stormwater Quality Team Education and Outreach Coordinator.

Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

AMAFCA Regular Meeting Minutes

July 23, 2020

Page 4

7. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the late mailout which highlighted significant activities from the last month.

- **General & Administrative**

COVID-19: AMAFCA instituted COVID-19 safety precautions in addition to maximizing the use of teleconferencing to interact with constituents and consultants. AMAFCA continues to update its COVID-19 Operational Policy to adhere to new CDC and State of New Mexico Health Department recommendations.

Disposition of Inventory: A disposal resolution is not needed at this time. If any items fail or malfunction in FY 2021, future Board action would be required to dispose of the item(s).

AMAFCA Security Review: Office and field assessments have been completed recommendations have been implemented. AMAFCA Cybersecurity Assessment is on-going as is the AMAFCA Financial Internal Controls Assessment. Consultants have finished staff interviews concerning internal controls and would be evaluating options, software, and services that may be available to support the financial transactions.

- **Project Management**

Black Mesa Dam Outlet Raymac Dam to Don Felipe Dam Phase III Project: The project was substantially complete on May 1, 2020. MRGCD used the reconstructed Gun Club Lateral to distribute irrigation waters. The final completion date was pushed back due to a delay in obtaining final inspections from wet and dry utilities that were tied into the final completion of Phase IV. During the final inspection with the Albuquerque Bernalillo County Water Utility (ABCWUA) a problem was identified on an existing 36-inch water transmission line that crossed the Phase III project. As a result of the late inspection (not controlled by the contractor) AMAFCA needed to generate a change order to add additional time to the contract between substantial and final completion. That change order is in progress. The contractor, AUI, would need to excavate the 36-inch water line for the ABCWUA and address any issues found. If MRGCD advises that work cannot be done until the irrigation seasons stops AMAFCA will issue a letter to suspend the project until irrigation season resumes.

Black Mesa 3 Dam Outlet Raymac Dam to Don Felipe Dam Phase V Project: The project had been awarded and construction would start once the MRGCD irrigation season is over. A portion of the Gun Club Lateral directly downstream of McCoy Dam would be removed during the installation of the new pipe and rebuilt. The adjoining properties are owned by MRGCD, Bernalillo County (BernCo), and AMAFCA. Both MRGCD and BernCo support the realignment of the Gun Club Lateral to improve the

AMAFCA Regular Meeting Minutes

July 23, 2020

Page 5

ditch's efficiency and to improve usability of BernCo's property. Staff will bring a draft agreement to the Board at a future date that would outline the land exchange and funding responsibilities. Jason Casuga, MRGCD Chief Operations Officer, thanked the Board and AMAFCA for the coordination and work that went on with not only this project, but other projects as well. Appreciated the professionalism and the knowledge shared on issues that they had not experience in the past. The knowledge, guidance and history were very much appreciated. This has been a historically awful year for water; however, MRGCD along with the New Mexico Office of the State Engineer (OSE), was able to secure 3,800-acre feet of debt water due to the Rio Grande Compact (Colorado / Texas approved). MRGCD is being very judicious with it. There is a concern with the depth of the utility and the proximity or the canal. The realignment piece was another great idea from the AMAFCA staff and MRGCD does want to participate and get the draft agreement moving forward.

- **Facilities, Operations & Maintenance**

Mariposa Diversion Channel: AMAFCA received a letter concerning maintenance of the Mariposa Diversion Channel. Some of the items covered in the presentation included maintenance of the facilities includes the removal of sediment and vegetation to maintain the design flow conveyance capacity of each facility; to reduce pest habitat; provide access for maintenance personnel and equipment; control of vegetation by using herbicide, mowing, string trimmers, and by hand for the 4,000+ acres; AMAFCA's utilizes a 10-person crew and contract labor as needed; over the years AMAFCA has developed an integrated pest management program with guidelines to assure the landscape planting, vegetation and pest management provide aesthetic and environmental benefits without compromising the reliability of levees, floodwalls, embankment dams, and appurtenant structures; AMAFCA's herbicide applicators are licensed and attend on-going training every year through the NM Department of Agriculture; and maintenance of the facilities is required by the Federal Emergency Management Agency, US Army Corps of Engineers, and the OSE. AMAFCA sent a letter addressing the concerns that were raised.

- 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 month. There were no questions.

- 8. Financial Matters**

- a. Financial Matters – Approval of Expenditures and Forecast**

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

Director Brown made a motion to approve the June Expenditure Report. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

AMAFCA Regular Meeting Minutes

July 23, 2020

Page 6

b. Financial Position: Recap June 16, 2020 to July 15, 2020 & Forecast July 16, 2020 to August 15, 2020

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 to approve the Financial / Forecast Report. Director Stover seconded the motion, which passed (5-0), on a roll-call vote.

c. Fiduciary Funds – Proof of Cash and Savings

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

9. Fourth Quarter Report

a. AMAFCA Fourth Quarter Financial Report Ending June 30

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

b. Approval of Resolution 2020-12, AMAFCA Fourth Quarter Financial Report Ending June 30

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo, answered questions from the Board, and would add a footnote to the Resolution, as requested by the Board.

Director Brown made a motion that the Board adopt Resolution 2020-12, AMAFCA Fourth Quarter Financial Report Ending June 30, as amended. Director Stover seconded the motion, which passed unanimously by those present (4-0), on a roll-call vote. Director Eichenberg was not present for the vote.

10. Resolution 2020-13- Fiscal Year 2021 AMAFCA Budget - Adoption

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

Director Brown made a motion that the Board adopt Resolution 2020-13, Fiscal Year 2021 AMAFCA Budget. Director Borrego seconded the motion, which passed unanimously (5-0), on a roll-call vote.

11. Legal

a. Legal Status

Attorney Marcus J. Rael, Jr., referred the Board to his memo. There were no questions.

AMAFCA Regular Meeting Minutes

July 23, 2020

Page 7

12. Tennyson Apartments – Development Near Pino Dam

Director Borrego stated she would step out during this item. Mr. Jerry Lovato, AMAFCA Executive Engineer, stressed to the Board that the project is not building homes in the middle of the dam; the completed project would remove floodplain to behind the dam; the New Mexico Department of Transportation (NMDOT) would maintain their portion of the pedestrian undercrossing; and the current wildlife corridor would remain as well.

a. Turnkey Agreement with Titan – Project Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. He stated that the he anticipated the Turnkey Agreement would be ready for Board signature next month, then Titan could sign the same once they own the property. Messrs. Brian Patterson, Kurt Browning, and Josh Rogers with Titan Development were on the call. Part of Titan's presentation covered their leadership in the New Mexico office; past, recent, and current projects which included the soon to be built Tennyson Apartments with various upscale amenities and renter information. There was brief discussion regarding AMAFCA's maintenance access; the existing box culvert(s); would there be safety measures installed along the NMDOT pedestrian undercrossing – no, that is NMDOT's jurisdiction; the pedestrian undercrossing is NMDOT and not AMAFCA jurisdiction; the undercrossing is approximately 150 feet long and can see to the other side very well; it was noted the project would not be encouraging pedestrians to utilize the box culverts; the existing box culverts being used today, empty into the open ditch, then into the Pino; there are some extra box culverts that are empty and are not being used for drainage; there is an established foot trail for pedestrians that has been used for many years; and the project would benefit from relocation of PNM powerlines and the added AMAFCA maintenance / emergency vehicle access.

13. Climatology Update – 2019-2020 Winter / Spring Recap and 2020 Monsoon Forecast

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered Accumulated Precipitation; October through July Average Percent Precipitation; Water Supplies Issues; July Heat; Forecasting at AMAFCA; Forecast Models; Reality of Long Range Forecasts; Ingredients and Lifecycle of Thunderstorms; Albuquerque Thunderstorms; Outflow Boundaries; Moisture Transport; Monsoon Pattern; Daily Average Dew Point Temperature; Precipitable Water Forecast; Sounding Analysis; and Monsoon Forecast from CPC.

14. 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 memo in their mailout. There were no questions.

15. Joint Projects

a. Kirtland Air Force Base – Tijeras Arroyo Detailed Drainage and Sediment Transport Study of Sub-basin 15 – Approval of Funding Agreement with Kirtland Air Force Base

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo, answered questions from the Board, and noted the agreement is still under legal review.

Director Brown made a motion that the Board approve a Memorandum of Agreement with the US Air Force for the funding of a Detailed Runoff and Sediment Transport Study of Sub-basin 15 of the Tijeras Arroyo Watershed. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

b. City of Albuquerque – Marble Arno Pump Station Project Update

Mr. Jerry Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. He referred the Board to the letter in their late mailout from Mr. Patrick Montoya, CoA DMD Director, thanking the Board for AMAFCA's significant contributions and previous willingness to participate in the project and asked for consideration for additional funding of \$796,301 which is one-third of the deficit total of \$2,388,931. Mr. Lovato advised the Board that Mr. Isaac Benton, City Councilor – District 2, had wanted to thank the Board for their consideration but was unable to be on the Zoom call. Mr. Lovato asked for Board direction and it was the consensus of the AMAFCA Board to support the additional expense to get this very much needed infrastructure completed in Downtown to help those residents / businesses impacted by flooding in the area. It was also noted by the Board, that if the project had been a CoA priority in the past it would have been completed by now, less expensive, and it took the efforts of AMAFCA to lobby CoA to put the project back in the CoA Capital Outlay Program.

c. Middle Rio Grande Conservancy and US Fish and Wildlife Service – Valle de Oro Outlet Structure Project

Mr. Jared Romero, AMAFCA Engineer I, summarized information provided in the memo and answered questions from the Board. He stressed that this project had many factors and due to the use of MRGCD rights-of-way and material supply issues, AMAFCA needed to exercise additional management and oversight and was in constant contact with all partners. Part of the presentation covered the aggressive and doable schedule by the contractor due to time limitations to access the MRGCD right-of-way and proximity to the Bosque; various phases; the major items for the VDO Outlet Structure project; each of the essential pieces of infrastructure needed to be constructed coincidentally; contractor utilized a seven-day a week schedule on the compact project site while only having limited access across the bypassed irrigation facilities; contractor bypassed up to 100

AMAFCA Regular Meeting Minutes

July 23, 2020

Page 9

cubic feet per second (cfs) in the Riverside Drain and 20 cfs in the Williams Lateral within feet of the new infrastructure; contractor was able to substantially complete the project in late June of 2020 with remaining punch list items to be completed in August of 2020; the contractor was able to get permission to work past deadlines from both MRGCD and USFWS by bypassing the irrigation facilities and getting the required migratory bird surveys completed during construction. Mr. Lovato expressed his appreciation to Mr. Romero and Ms. Nicole Friedt as well as the contractor, RMCI, who came up with solutions to the obstacles that impacted the project, especially with all the obstacles that impacted everyone in the current COVID-19 environment.

16. Unfinished Business

None.

17. New Business

None.

18. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:43 p.m.

Deborah L. Stover, Secretary-Treasurer, 8/27/2020

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.