



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 1**

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

Chair Thomson called the Regular Board Meeting to order at 10:01 a.m. Thursday, April 28, 2016. Roll was noted as follows:

Directors present:	Chair Bruce M. Thomson Director Cynthia D. Borrego Director Ronald D. Brown Director Tim Eichenberg (left at 12:45 p.m.) Director Deborah L. Stover
Directors excused:	None
Attorney present:	Attorney 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**

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

Mr. Lovato, AMAFCA Executive Engineer, stated that the Executive Engineer's Report and Mr. Jared Romero's paper was in their Board folders.

**3. Items from the Floor/Public Comments**

**Meetings Scheduled**

- a. **May 12, 2016, 9:00 a.m. – Special Board Meeting\***
- b. **May 26, 2016, 10:00 a.m. – Regular Meeting**
- c. **June 23, 2016, 10:00 a.m. – Regular Meeting**
- d. **July 28, 2016, 10:00 a.m. – Regular Meeting**

**\*meeting canceled during this agenda item.**



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 2**

Responding to a question from Director Brown, Mr. Lovato, AMAFCA Executive Engineer, stated that the New Mexico State Auditor's Office granted AMAFCA's request for an extension to allow Board approval of the Selection Advisory Committee recommendation at the May 28, 2016 meeting. He further stated that with the granted extension, a May 12, 2016 Special Board meeting would not be needed. The Board concurred with the cancellation of that meeting. This pertains to agenda Item 12.

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

Mr. John Barncastle, bicycle activist, addressed the Board stating a bollard was removed on the City of Albuquerque Bike Trail at Indian School on the North Diversion Channel (NDC) back in November 2015. Knowing the area, this is a critical bollard to have in place. He further stated that back in mid-March he noticed a couple of tents, approximately 200-300 yards from the underpass on I-40 at the NDC. He reported the issue to the CoA 311 and was told to call the police; 311 proceeded to close the case. Mr. Barncastle stated he did call the police and interviewed the Albuquerque Police Department (APD) officers who responded and was informed that if the individuals are not blocking the trail there is nothing that the APD can do. He had pictures of the homeless individuals and was informed those same individuals are known for causing trouble at Wal-Mart and other local businesses. A few weeks afterwards, while riding in the evening, he noticed a couple of fires at the campsites. He reported to APD and was transferred to the Albuquerque Fire Department (AFD) to make sure the fires were out. Mr. Barncastle spoke with Mr. Jerry Lovato, who had already been in contact with the Albuquerque Police Department Crisis Outreach and Support Team (COAST) to try to see what could be done to remedy the issue(s). Mr. Barncastle stated there are several problems on the trail with homeless camps such as at the underpass at Carlisle, the park at San Mateo and Monroe, and other places along the trails. Mr. Barncastle acknowledged that Mr. Lovato advised AMAFCA would issue a three-day notice to vacate the premises where these individuals are on AMAFCA facilities and the trail would be cleaned up. Mr. Barncastle stated that apparently this was true since while riding on the trail he noticed the tents had been vacated and Mr. Lovato had shared that the trail had been cleaned up. Mr. Barncastle stated that during a more recent ride under the I-40 Bridge he saw two individuals with headlamps who had moved in after the other individuals moved out. He further stated this is a chronic problem, APD does not want to patrol, and the avenue to report is through 311. He has kept the 311 blog open and advised there are shopping carts in or near various arroyos (east side of I-40 from Indian School to I-40 and some under Carlisle). He asked that there be more communication with the parties and various divisions responsible. He has been in contact with Jason Coffey with CoA Parks and Recreation and the bollard from the Indian School location will be replaced sometime this summer. Chair Thomson advised he rides the bike trails as well and there had been months and months of conversations with NMDOT and others on this issues. He further stated APD was specifically invited to make a presentation to the Board, which was a topic for the next agenda item. Director Eichenberg stated he is a bike rider as well and thanked Mr. Barncastle for his commitment to the bicycling



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 3**

community. Mr. Barncastle thanked Mr. Lovato and stated he had the most proactive interaction with Mr. Lovato in getting these issues taken care of. Mr. Kurt Wagener, AMAFCA Field Engineer, stated that he has spoken with Jason at CoA as well on another issue and when he asked about the bollard was told that CoA is working on procurement. Mr. Lovato stated the CoA is going to a retractable stainless steel bollard made in Europe. There will be approximately 400 bollards replaced citywide. Responding to a question from Chair Thomson, Mr. Lovato stated AMAFCA picks up the shopping carts and they are then collected from AMAFCA.

**5. AMAFCA Right of Way and Easements – Presentation by Albuquerque Police Department Crisis Outreach and Support Team (COAST)**

Mr. Jerry Lovato, AMAFCA Executive Engineer introduced Mr. Raymond Maynes with the Albuquerque Police Department Crisis Outreach and Support Team (APD COAST) and Mr. Angelo Metzgar with City of Albuquerque Code Enforcement/Safe City Strike Force (CoA Enforcement/SCSF). Officer Michael Benavidez representing APD and CoA Enforcement/SCSF introduced himself. Each presenter recapped their years of service and responsibilities within their respective agencies.

Part of the presentation covered the following:

- COAST, CoA Enforcement and SCSF work very well together to enhance the services of APD
- There are a handful of COAST and CoA Enforcement personnel working the entire city
- Outreach is done weekly
- APD may not be able to respond immediately in most cases due to the priority of the calls
- Many of the homeless individuals are habitual drug users
- Many individuals refuse the services provided
- Many individuals do not want to give up their pets in exchange for housing even if it is temporary
- CoA cannot be spending monies on AMAFCA and State Facilities. Responding to a question from Director Brown, Mr. Lovato stated that AMAFCA facilities are considered state facilities because AMAFCA is considered a political subdivision of the state
- Activists for the homeless have told individuals to relocate to AMAFCA and State properties; APD has no jurisdiction
- Individuals can be given a criminal trespass citation

Officer Benavidez stated that he rides the trails himself and is sympathetic to the issues. However, it is very hard to change the mentality of the homeless individuals. The presenters offered their contact information for Mr. Barncastle.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 4**

Responding to a question from Chair Thomson, Mr. Lovato stated that the New Mexico Department of Transportation (NMDOT), CoA, and AMAFCA staff met on site at the I-40 Bridge to discuss a possible pilot project to restrict access under the bridges. The NMDOT has agreed to fund half of the project (\$60K) and CoA will help with preliminary designs and access to the project site. It was originally going to be part of an Agency and Area-Wide project; however, Mr. Wagener suggested that AMAFCA do the metalwork in-house with structural welded wire. The project will start in approximately six weeks. Director Eichenberg stated as a Board that this should be something on a future agenda. He would rather the money be spent with a more permanent location / housing or another activities as opposed to building barriers, which is inhumane. He further stated that the money could be better spent by having NMDOT hire an employee to help the homeless find another place to live. Director Eichenberg stated to continue, but further discussion is needed. There was a brief discussion regarding the problems associated with the homeless and how on almost every street corner someone is panhandling; this is a city wide issue that should be directed back to City leadership.

**6. Approval of Minutes**

**a. March 30, 2016**

Director Borrego stated that on page two of the March 30, 2016 minutes pertaining to the correction for the February 4, 2016 Special Board Meeting, the second sentence should read, “She voiced concern over how to properly grade the respondents and inquired about doing so with more confidentiality.”

Director Brown made a motion to approve the minutes of March 30, 2016, as amended. Director Eichenberg seconded the motion, which passed (5-0).

**7. Financial Matters**

**a. Approval of March 2016 Expenditures**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the March 2016 Expenditures. There were no questions.

Director Brown made a motion to approve the March 2016 Expenditure Report. Director Stover seconded the motion, which passed (5-0).

**b. Bank Reconciliation Fiscal Agent Funds**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Bank Reconciliation Fiscal Agent Funds. There were no questions. No Board action was required.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 5**

**c. Investment Report for March 2016**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Investment Report for March 2016. He pointed out that the return on investments had been steadily increasing, up approximately four basis points. Responding to a question from Chair Thomson, Mr. Chavez stated that the \$12.5M Bond sale is scheduled to close on May 5, 2016. Responding to a question from Chair Thomson, Mr. Lovato stated that there are contracts at CoA being routed for signatures for projects that will obligate \$9.5M in the next month to two months. He further stated that the projects had been discussed with the Mayor. Chair Thomson stated that it is important that the Board recognize that AMAFCA is sitting on a lot of money and there might be criticism for having so much money. Mr. Chavez referred the Board to his mailout Item 7a, page 5, which shows \$1.5M uncommitted and once the \$12.5M hits the AMAFCA account will have approximately \$14.5M to be spent on construction over the next two years. No Board action was required.

**d. Financial Position Recap March 16, 2016 through April 15, 2016 & Forecast  
April 16, 2016 through May 15, 2016**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Financial Position Recap and Forecast. Responding to a question from Chair Thomson, Mr. Chavez stated that next month's forecast shows \$600K being spent; however, as soon as the contracts that Mr. Lovato referred to in Item c have been signed they will show on the forecast.

Director Eichenberg made a motion that the Board approve the Financial Forecast. Director Brown seconded the motion, which passed (5-0).

**e. Adoption of Resolution 2016-05 – Cash Reserves**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that the resolution had been reviewed by legal. Responding to a question from Chair Thomson, Mr. Chavez stated replenishment of funds will need to have Board action at a Board Meeting. Mr. Lovato stated that this was done to address Director Eichenberg's concerns that the Board should not be not painted into a corner and have flexibility.

Director Brown made a motion that the Board approve the adoption of Resolution 2016-05, Cash Reserves. Director Borrego seconded the motion. The motion passed (4-1), on a roll call vote. Director Eichenberg voted no.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 6**

**8. Legal**

**a. Status Report**

Attorney Randy Autio stated he purposely spent a lot of time last month getting up to speed with AMAFCA and reviewing the Resolutions for the upcoming Elections. He stated that the Resolutions are in great shape. He further stated that he has been reviewing the US Army Corps of Engineers (USACE) 408-permit process and will discuss his review with the Board at a future meeting. He is aware of the vexing length of time the USACE is taking with the 408 process. He stated that the scheduled closed session would not be needed since no response was received by opposing counsel. The Board concurred that the closed session would not be necessary. Responding to a question from Chair Thomson, Mr. Lovato stated that the 408 requirement would be covered in the Executive Engineer's report. Attorney Autio stated that a legal analysis of the USACE and AMAFCA authority would be done.

**b. Discussion on Pending Litigation – Closed Session (§10-15-1(H))**

This agenda item was covered in the preceding Legal Status report.

**9. Executive Engineer's Report**

Mr. Jerry Lovato, AMAFCA Executive Engineer, highlighted significant activities of the past month:

- **US Army Corps of Engineers (USACE) *Disaster Operations Public Law 84-99***: The North and South Diversion Channels were built and partially funded by the USACE. The Projects are included in Public Law 84-99, which states, that if the local agency / sponsor maintain the facilities to criteria set by the USACE, the USACE will be ready to repair and or rebuild the facility if and when it fails due to a catastrophic event. AMAFCA had modified its maintenance and construction program in 2010, and is in good standing with the USACE and the PL 84-99. PL-84-99 includes section 408.

Responding to a question from Chair Thomson, Mr. Lovato stated that it is not a new law, however; Section 408 was changed by Congress in 2012. Under the old process, the Secretary of the Army would grant permission for the alteration, occupation, or use of the project and issue a letter of permission. After the two and a half year grace period ended in 2015, the new 408-permit requirement was instituted and the letter of permission was abandoned. Since the federal government is issuing a permit, it is considered a federal decision, which requires the USACOE to follow the NEPA processes. The NEPA process requires the USACOE to gather information, which leads to delays. During the initial investigation and the gathering of information, the USACOE tries to determine if the



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 7**

proposed modification to the project will change the project functionality, and / or effect the general population and / or the environment. This work can only be funded by the USACE; if there is not funding by the local USACE district AMAFCA will be required to wait for the next federal funding year to have the work scheduled. AMAFCA currently has three projects that were submitted for a 408 permit. All projects are in limbo with one project's progress being held up for approximately 18 months. To address the delays, the ABQ Health Partners Clinic Project will be changed from a private storm drain license to a turnkey agreement, putting AMAFCA in control of the modifications to the South Diversion Channel.

AMAFCA had proposed to the USACE that AMAFCA determine the best design and permit the work external to the USACE process, with the understanding that AMAFCA will apply for the permits. The delay in issuing 408 permits is not isolated to AMAFCA or New Mexico, but is a nation-wide problem. AMAFCA's general counsel has started to review legal options to address the 408-permit process. Attorney Autio stated that he found it interesting the long ongoing relationship between AMAFCA and the USACE. The Federal government, through the USACE paid for a portion of the diversion channels and AMAFCA entered into agreements with the USACE. When the federal regulation changed through the issuance of an Engineers Circular, it took away the right for a hearing and comment process. This process is putting an extremely large burden on AMAFCA for small things. Example: a storm drain coming into a channel is not a major modification to the channel; yet USACE is treating it as if the entire channel is being modified. USACE Headquarters is considering reevaluating the circular and attempting to modify the process. Responding to a question from Chair Thomson, Mr. Lovato stated that in the past, delegation of authority to determine if a modification to a project was minor or major was done locally at the District level, today, that determination is done at Headquarters. The Secretary of the Army issues the permit. He further stated AMAFCA allowed APS to complete the reconstruction of Mountain View Elementary School. The school is now retaining a huge amount of water, which should be allowed to discharge to the SDC, but cannot because a permit has not been issued.

- **City of Albuquerque: *Joint Water Quality Projects in the Mid Valley:*** Staff is in serious conversations with CoA to jointly fund water quality projects in the Mid Valley that would include the outfalls from Barelmas and Alcalde pump stations in the Bosque and the railyards. Staff will give a full briefing to the Board in the next two months regarding funding and the projects.
- **City of Albuquerque and New Mexico Department of Transportation Joint Project: *Joint Water Quality Project at Bridge Crossings:*** This was discussed earlier in the meeting.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 8**

- **New PNM Transmission line along the NDC:** *License Request:* AMAFCA Staff have been working with CoA and the Albuquerque Bernalillo County Water Utility (ABCWUA) to identify a possible route that will not affect the San Juan Raw Water line and Channel Road, both of which are located within NDC rights-of-way. AMAFCA denied the original request by PNM due to the many utility conflicts. An alternative route had been identified to minimize conflicts, but design details have not been worked out. Staff had met with PNM on a couple occasions to work out an alternative location. One alternative, proposed by PNM, was on the west side of the channel; however, AMAFCA does not own that piece of property. AMAFCA proposed a modified route to help minimize the conflicts with the ABCWUA and CoA. PNM is concerned with being unable to move forward and would like to have the project completed by July. AMAFCA had stressed that with other utilities in the corridor, it is important that AMAFCA look out for its sister agencies.

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

Mr. Lovato referred to his memo for the task orders that had been issued the prior month. Responding to a question from Director Eichenberg, Mr. Lovato stated that the contract with Eagle's Eye runs approximately \$25K, per a year. AMAFCA is looking to modify the contract.

***Consent Agenda:***

Chair Thomson stated that agenda Items 10 and 11 were on the Consent Agenda. Director Brown made a motion that the Board:

- Authorize the Executive Engineer to extend the Manual Trash and Debris Removal from Flood Control Facilities Contract with Black Forest Tree Service for a one-year term with no change to the existing rates; and
- Authorize the Executive Engineer to extend the Mechanical Trash and Debris Removal from Flood Control Facilities Contract with Southwest Sewer Service, Inc. for a one-year term with no change to the existing rates.

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

**12. Audit Services – Update on Audit Services RFP Schedule**

This agenda item was covered under Item 3. Meetings Scheduled.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 9**

**13. Storm Water Quality**

**a. Alternative Method to Monitor E. Coli – Presentation by Savannah Martinez**

Mr. Lovato introduced Ms. Savannah Martinez, University of New Mexico (UNM) Engineering Intern. Ms. Martinez stated that the current process AMAFCA utilizes requires that a certified environment lab conduct monitoring testing which is very costly.

Part of her presentation covered the following:

- Water Quality Sampling for Compliance and Sampling for Monitoring to address the MS4 Permit
- Current E. Coli Testing Methodology – E. Coli samples taken to a certified environmental lab, six hour holding time, results take a least one week, costs \$48.00 per sample
  - does not include staff time or other associated materials
- Alternative Testing Method, the Coliscan Membrane Filter Method, color indicators, incubator is not necessary
  - EPA has approved the Coliscan Membrane Filter testing method
  - It allows for determination of E. Coli and total coliform growth within a 24-hour period
  - This method advertises a 95% confidence level in the accuracy of results when compared to certified laboratory tests
  - Material cost is \$3.60 per test
    - does not include staff time or other associated materials
- Sampling Monitoring Locations
- Sampling Schedule for four weeks at Montano River and Riverside Drain at Montano, Central River and Riverside Drain at Central, and the North Pino Pond
- Results from each location
- Recommendations
  - Continue monitoring during summer
  - Continue using the Coliscan Membrane Filter Method since results are quicker and cheaper, relatively accurate, and is an easy method to learn. Doing so may reduce reliance on costly certified laboratory environment to determine E. Coli colony-forming units (CFUs)

Mr. Lovato stated E. coli. is the only item that AMAFCA does not comply with on the EPA permit. AMAFCA has been spending funds and time to get a handle on what is happening and providing data to explain the results to EPA. AMAFCA is required to utilize a certified lab to report the compliance results to EPA. Responding to a question from Chair Thomson, Ms.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 10**

Martinez stated that she needed to do two dilutions of the each sample. She further stated that the sampling could be retested the next day. Responding to a question from Chair Thomson, Ms. Martinez stated that the kit utilized has everything needed to do the test. Responding questions from Director Borrego, Ms. Martinez stated that the samples are a biohazard, which must be destroyed and cannot be stored as they contain E. coli. The biohazard area that AMAFCA utilized for this testing method is at the UNM lab in order to comply with all river testing requirements. Any samples taken to the certified lab are destroyed at that lab.

**b. Tijeras Arroyo Sediment Structure Model – American Society of Civil Engineers Student Paper - Presentation by Jared Romero**

Mr. Kevin Troutman, AMAFCA GIS Manager, introduced Mr. Jared Romero, UNM Civil Engineering Student, an integral part of the group who put together the Tijeras Arroyo Model. Mr. Troutman also introduced Ms. Adrienne Martinez, UNM Lab Manager, who was integral in making the whole project possible.

Responding to a question from Chair Thomson, Mr. Romero stated he recently presented his paper at the 2016 Rocky Mountain American Society of Civil Engineers Conference in Denver, Colorado. The paper compared a physical model of the Tijeras Arroyo Sediment Structure to a two-dimensional finite element program. He was part of the model project from beginning to end. The topic of the competition was a common civil engineering issue.

Part of his presentation covered the following:

- Problem – sediment accumulates and water will overtop the road
- Goals
- Construction
- Analysis Criteria
- Location of Design
- 1:60 physical model – designed by Weston Solutions
- Baseline flows – viewed videos of ranging from the 5 to 500 year storm(s) and a standard project flow storm
- Sediment simulation
- Results and conclusion

Responding to a question from Director Borrego, Mr. Romero stated that he utilized a spreadsheet for the scale model that contained a series of equations relating flow rate. Results where within a three percent accuracy.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 11**

Responding to a question from Chair Thomson, Ms. Martinez stated that Mr. Romero worked on the project for approximately 25-hours per week, for three months, while in school. This included working through his winter break.

Mr. Lovato stated that Weston was contracted by AMAFCA to design and construct the model with UNM to verify the structural design of the proposed regional water quality sediment removal structure. Ms. Martinez has done a great job as a lab manager keeping the project on schedule. AMAFCA is currently reviewing all work associated with the model to verify additional work / costs incurred by UNM to complete the project. The two models produced by UNM this year were not cheap; however, the information provided is invaluable.

**c. MS4 Stormwater Quality Study for the NDC Watershed – Presentation by  
Patrick Chavez**

Mr. Lovato stated that the presentation is in response to issues that AMAFCA is having with the new Watershed Based Permit and a request that AMAFCA will be making to EPA Region 6 for modifications to the permit's post construction site runoff retention requirements.

Mr. Patrick Chavez, Storm Water Quality Engineer, stated his presentation is a report narrative that will be provided to EPA. He further stated under the new permit the Notice of Intent had been filed and the Storm Water Pollution Prevention Plan was adapted and updated to comply with EPA requirements. Some of the details, including Post Construction Run-off were discussed and how stormwater quality can be addressed on a watershed scale, which might not be fully understood by all stakeholders at this time. There is flexibility and AMAFCA is in a unique position to take advantage of that flexibility.

Part of his presentation covered the following:

- Comparison of Post-Construction for the MS4 Permit on post-construction storm event discharge volumes
- North and South Pino basin land use
- Future and existing conditions
- Rainfall for Storm Events that resulted in NDC flow to the Rio Grande
- Monthly Comparison of Peak Flow and Volume Amounts
- Discharge into the Rio Grande and Flow in NDC at Alameda from Storms on 7/21/2015 and 10/21/2015
- Turbidity in Rio Grande from the 7/21/2015 and 10/21/2015 Storms Compared to Stormwater Discharge

The draft report was discussed with the Interstate Stream Commission (ISC) on April 25, 2016.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 12**

Chair Thomson stated that it is very important to the ISC that AMAFCA is not reducing the flow of water to the river. Mr. Chavez stated that on April 27, 2016, there was a meeting with MS4 permittees from all over the state and Mr. Schmidt with the ISC was present as well. Responding to questions from Director Brown, Mr. Chavez stated that routing does lower flows. Responding to a question from Chair Thomson, Mr. Chavez stated that the flows go into the Alameda Drain and then to the Middle Rio Grande Conservancy District facility. Mr. Lovato stated that within the last 24-months AMAFCA has looked at various regional facilities that can be built or modified to allow offsite compliance. There was a request from CoA for this draft report prior to AMAFCA meeting with EPA. AMAFCA had spoken with Bernalillo County, they are on board with the approach, and it is hoped that this will allow options with Developers and new development to comply with storm water quality.

**14. Adoption of Resolution 2016-06, 2016 Board of Directors Election**

Chair Thomson stated that one of the Directors had asked if he should be signing the Resolution since he is up for re-election. Director Brown stated that it would be appropriate, since as the Chair, he is signing recognizing the action of the Board. The Board agreed.

Director Eichenberg made a motion that the Board approve the adoption of Resolution 2016-06, Board of Directors Election. Director Brown seconded the motion. The motion passed (5-0), on a roll call vote.

**15. Adoption of Resolution 2016-07, 2016 Bond Election**

Director Eichenberg made a motion that the Board approve the adoption of Resolution 2016-07, 2016 Bond Election. Director Brown seconded the motion. The motion passed (5-0), on a roll call vote.

Attorney Autio stated that he thoroughly reviewed the Resolution and found everything was legal and appropriate.

**16. AMAFCA Field Highlights**

**a. Field Report**

Mr. Lovato stated that earlier in the week, Mr. Kurt Wagener informed AMAFCA of his retirement effective on / or around November 23, 2016. He further stated that over the last 18-months Mr. Wagener was pulled away from other projects to concentrate on maintenance of AMAFCA facilities. The last big project that Mr. Wagner completed was the Boca Negra Dam. As the former Field Engineer, Mr. Lovato advised that he would put AMAFCA facilities up against any facilities in the country (federal and non-federal). AMAFCA has inspected and



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 13**

maintained all facilities; education and training programs are in place for the maintenance crew, there are auxiliary contracts with outside contractors to address maintenance, and emergency work protocols with other agencies have been put in place. This state of preparedness is due in large part to Mr. Wagener's efforts. Mr. Wagener will be an asset that will be missed tremendously. Mr. Kurt Wagener, AMAFCA Field Engineer, gave a report of various projects and events over the past month.

The slides opened with a picture of the owl in a nest with two owlets along with a separate picture of what is assumed the father owl, taken at the Mariposa Diversion. The presentation continued with slides of the work done by the AMAFCA crew at the old and new catwalk for the sonde at Central Avenue, pictures of the boulders AMAFCA received from Wilderness Canon in High Desert, slides showing where the Albuquerque Bernalillo County Water Utility Authority did gate valve work on the 36" line in the AMAFCA parking lot, a slide showing the Presbyterian Paradise Clinic Pipe penetration in Fountain Hills Pond, AMAFCA crew maintaining the various maintenance roads, multiple slides of the Miscellaneous AMAFCA Construction Project work on the AMAFCA Wash Bay, various slides of the Boca Negra Dam Sign along with the Informational Signs, the CoA Osuna Widening Project, and CoA Singer Road Widening Project. The presentation continued with the Pond 187 Outfall and Conveyance Projects before and after aerials and other project pictures, along with the Pond 187 Conveyance Project Final Inspection, a slide of the CH2M Hill Trash pick-up at the North Pino, and closed with a picture at dusk on the Westside taken by Kevin Troutman's daughter.

**b. Construction Report**

Mr. Kurt Wagener, AMAFCA Field Engineer, referred to the Construction Report. There were no questions.

**17. San Mateo to Moon Mini Drainage Management Plan – Draft Final Report Briefing by Smith Engineering**

Mr. Lovato stated that staff is looking for input and guidance in order to finalize the Drainage Management Plan (DMP) and forward it on to the CoA. Storm Water Quality Engineer, stated That the added challenge with producing a DMP for a fully developed area, like the San Mateo to Moon corridor, has become apparent throughout the course of this project. The issue is that open space is scarce; therefore, choosing a site for ponding involves a measure of redevelopment for a given site.

Part of his presentation covered the following:

- AMAFCA and CoA had reviewed the draft final version of the DMP with review comments provided to Smith Engineering



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 14**

- Original extent of the study area was expanded at the September 24, 2015 Board meeting to include the area between San Mateo and Washington
- The different ponding areas were reviewed in segments
- Stressed that if a pond is not added in one location it will have a domino effect for the other locations
- Flows in the study area run to the north, will need to be stored briefly, go into the pipe, and be moved on its way to the river
- The selected ponding sites in the DMP were in large part chosen due to being publically owned
  - CoA advised that several of the proposed ponds, including the Caravan site, are not viable as there is no interest from CoA in pursuing stormwater facilities at those locations

Responding to a question from Chair Thomson, Mr. Chavez stated pond #1 is 3.6 acres of surface area with a depth of approximately 10 to 12 feet (30 acre feet storage). Responding to a question from Director Borrego, Mr. Lovato stated that there are two City Council Districts in the study area. There was a discussion regarding the need for communication between the Mayor and the City Council; however, AMAFCA does not have any influence in that area. Responding to a question from Chair Thomson, Mr. Chavez stated the existing flood plain is identified; however, the effect of the projects on the floodplain is not. Mr. Lovato stated that the flood-affected zones could be added in order to validate the concerns of constituents, which the model confirmed. Responding to questions from Director Borrego, Mr. Lovato stated the \$25M is for infrastructure in the study area and the area east of Moon has not been studied for flooding issues.

After a brief discussion the Board stressed that AMAFCA should not be the final determinator concerning where ponds should be located. AMAFCA should establish what is needed and the approximate storage in each corridor. As discussed many times, AMAFCA will work with CoA; however, this is a problem with the existing storm drain system and CoA needs to take the lead on solving the problem with flooding in the area(s). Staff was directed to show what the needs are; however, do not show specific ponds locations, provide examples of where flows might be captured and diverted into the CoA storm drain system. The additional inundation areas should be added as well. The DMP should be finished and provided to CoA as soon as possible.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 15**

**18. Real Estate**

**a. ABQ Health Partners Clinic by South Diversion Channel - Consideration of Approval of Turnkey Agreement**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated the Board approved a license with ABQ Health Partners Clinic that is currently under construction for a new storm drain connection to the South Diversion Channel (SDC) at Interstate 25. She further stated she submitted the plan to the USACE back in October 2015. AMAFCA received and addressed the USACE's comments and are awaiting the final 408 permit approval. In the meantime, the owner's contractor is being held up. The pipe penetration will be a benefit to AMAFCA since it replaces an old crushed CMP pipe and it will improve water quality to the SDC. Staff intends to stop developing private storm drain licenses and utilize turnkey agreements instead, to allow AMAFCA control concerning modifications to AMAFCA facilities. General Counsel has reviewed the turnkey agreement. There were some minor changes, such as, the last whereas now has language stating the agreement will supersede the license agreement. The paragraphs regarding obtaining a LOMR and platting right-of-way for AMAFCA will be removed since they will not apply to this agreement.

Attorney Autio stated this was an example of the 408-permit issue where an application was made, there is a long delay, and the USACE had indicated there would be an approval. The worst-case scenario is the USACE will come back and advise the plan is not acceptable; then a revised turnkey or solution would be needed.

Responding to a question from Chair Thomson, Ms. Mazur stated that discharge would go to a constructed ponding site and then go into the channel. Responding to a question from Chair Thomson, Mr. Lovato stated that a portion of the water from the site could discharge into the channel, but not the portion near the road. Responding to a question from Director Eichenberg, Mr. Lovato stated that AMAFCA is trying to explore all avenues; however, it is not fair to the development community to be delayed due to federal funding.

Mr. Ron Bohannon with Tierra West stated that working the 408 process with the USACE is not pretty. Responding to a question from Chair Thomson, Mr. Lovato stated that AMAFCA is contemplating going to the Congressional Delegation for assistance to move the 408-permit process forward.

Director Eichenberg made a motion that the Board approve the Turnkey Agreement, and authorize the Chair to execute the Agreement. Director Brown seconded the motion, which passed (5-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 16**

**b. North Albuquerque Acres Lot 7, Block 13 – Consideration of Approval of  
Quitclaim / Release of Drainage Easement**

Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated the drainage easement was granted in 2001. Both the developer's engineer and Ms. Mazur independently calculated the 100-year flow rate of 28 cfs, which is below the threshold of the requirement for a drainage easement. The new owners have requested quitclaim / release of the easement, based on a revised flow rate. The Quitclaim Deed has been reviewed by AMAFCA legal counsel and staff recommends approval.

Responding to a question from Director Brown, Ms. Mazur stated that the proposed flow does go into Hamilton Dam.

Director Brown made a motion that the Board authorize the Board Chair to execute the Quitclaim Deed / Release of Easement for Lot 7, Block 13, Tract 1, Unit 3, of North Albuquerque Acres. Director Stover seconded the motion, which passed (5-0).

**19. AMAFCA FY-2017 Budget**

**a. Draft FY-2017 Operating Fund Budget**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that due to the announced retirement of Mr. Wagener, two field engineers have been budgeted in the FY 2017 Budget. Chair Thomson stated that the Personnel and Salary Committee and AMAFCA Staff met and discussed the overlap of the two positions and are comfortable with the recommendation. There were no questions.

**b. Draft FY-2017 Construction Fund Budget**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that there were no changes made to the budget from the previous month. Responding to a question from Chair Thomson, Mr. Chavez stated that the budget takes into consideration the Project Schedule and the Tier 1, 2, and 3 approach on priorities that had been presented to the Board previously. He further stated that the projects shown are consistent with the Project Schedule. Mr. Lovato stated that some of the construction projects that will be started soon include Water Quality Structures in the mid-valley, CoA and Bosque work, I-40 Channel will be started after the monsoon season. Responding to a question from Chair Thomson, Mr. Lovato stated the Design of the I-40 Channel had been completed. Mr. Lovato further stated that the Emergency Action Plan would be done once the Office of the State Engineer (OSE) has approved. Responding to a question from Chair Thomson, Mr. Lovato agreed that \$25M in construction would be spent in the next year and half under an aggressive schedule.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 17**

**c. Draft FY-2017 Debt Service Fund Budget**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that the Budget had been updated to reflect the recent Bond Sale actuals. There were no questions.

**d. Draft FY-2017 Contingency Fund Budget**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated there were no changes to the budget. He further stated that since Resolution 2016-05 – Cash Reserves was adopted earlier in the Board meeting AMAFCA will move forward with Exhibit One. Mr. Lovato stated that during the budget process, staff looked at retirements over the next five years. Mr. Chavez stated that it is possible to have approximately one retirement, every year, for the next six years. There were no questions.

**e. Draft FY-2017 Building and Yard Fund Budget**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated there were no changes. Responding to questions from Chair Thomson, Mr. Lovato stated that, as part of the Storm Water Pollution Prevention Plan (SWMP) AMAFCA was required to have an oil / water separator and washout area. With the addition of a washout bay at the south side of the building, AMAFCA would comply with the Environmental Protection Agency (EPA). He further explained the parking lot expansion options with and without the purchase of land from the adjacent hotel. He advised that AMAFCA would be building a file room downstairs in what is now considered the garage. A separate file room is required due to the current system not being safe. AMAFCA will be storing files temporarily off-site until after construction is completed.

**f. Draft FY-2017 Unassigned Funds Budget**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated the fund has eclipsed six digits. He further stated that part of this fund would be used for the building and yard fund.

**20. Unfinished Business**

None.

**21. New Business**

None.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 28, 2016  
Page 18**

**22. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:09 p.m.

---

Ronald D. Brown, Secretary-Treasurer, 5/26/16