



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2015**

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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:00 a.m. Thursday, March 26, 2015. Roll was noted as follows:

Directors present: Chair Ronald D. Brown
Director Cynthia D. Borrego (on site at time of roll call)
Director Tim Eichenberg
Director Deborah L. Stover
Director Bruce M. Thomson

Directors excused: None

Attorney present: Attorney Vanessa Chavez, 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 Lovato, AMAFCA Executive Engineer, stated that handouts had been provided in the Board folders for agenda items 8a, 13a, 13b, 14, and 17c. Item 6e would be modified to read Disposal of Vehicles.

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

3. Meetings Scheduled

- a. April 23, 2015, 10:00 a.m. – Regular Meeting**
- b. May 28, 2015, 10:00 a.m. – Regular Meeting**
- c. June 25, 2015, 10:00 a.m. – Regular Meeting**

Director Stover will not be available for the April meeting; however, all other Directors should be present. No changes were made to the meeting schedule as presented.



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4. Items from the Floor/Public Comment

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, introduced Mr. Lawrence Torrez with Robert F. Kennedy (RFK) Charter School. Mr. Torrez stated that some students marked up one of the AMAFCA units with graffiti during a physical education class at the Amole Dam. The school has imposed discipline at their end. Mr. Torrez thanked Mr. Willis and AMAFCA staff for allowing the youth to work at an AMAFCA facility in order to keep the crime out of the criminal system. Three young men, along with a parent, were in attendance during the Board meeting to make a public apology. Noel, Andre, and Anthony, read a personal statement apologizing to the Board for the vandalism. One of the mothers present thanked the Board for allowing her son to do community service instead of referring the incident to the authorities. Chair Brown addressed the youth and advised that there are many great opportunities available to them in the future if they get a decent education and stay out of trouble. He further stated that there are many who are denied opportunities due to the fact that mistakes were made in the past. Everyone should think before doing something that will have a negative impact on their future. Director Borrego stated that it was honorable of each young man that stepped up to the plate to take responsibility for their actions and reiterated to them that their whole life is ahead of them. She further stated that they should not just follow the crowd as that will lead them into trouble. She followed up by saying that respect is something that you earn. Mr. Torrez with RFK thanked everyone again and closed stating that the students, along with their parents, will be doing community service cleaning up the dam.

5. Approval of Minutes

a. February 26, 2015 - Regular Meeting

Director Borrego made a motion to approve the minutes. Director Eichenberg seconded the motion, which passed (5-0).

Director Eichenberg questioned the estimated costs for the October 2015 Environmental Protection Agency (EPA) Region 6 Conference in October. Mr. Lovato responded that the conference agenda and hotel information had not been published and was confident that the total costs will come in below the estimated costs.

6. Financial Matters

a. Approval of February 2015 Expenditures

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the February 2015 Expenditures.



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Director Eichenberg asked about the UNM Modeling contract and if the charges were for a flat fee over a period of time or if there was a maximum amount to pay. Mr. Lovato responded that the contract is a lump sum billed on a quarterly basis. Director Thomson advised that UNM is known for getting behind on billings. Director Eichenberg asked if AMAFCA changed vendors for the GIS Support and Maintenance contract. Mr. Kevin Troutman, GIS Manager, stated that the On-Call contractor, AMEC, had recently merged with Foster Wheeler, hence the combined name change on the expenditure report.

Director Thomson made a motion to approve the February 2015 Expenditure Report. Director Eichenberg seconded the motion, which passed (5-0).

b. Bank Reconciliation Fiscal Agent Funds

Mr. Herman Chavez presented the Bank Reconciliation Fiscal Agent Funds. There were no questions and no Board action was required.

c. Investment Report for February 2015

Mr. Herman Chavez presented the Investment Report for February 2015. No Board action was required.

d. Financial Position Recap January 16, 2015 through February 15, 2015 & Forecast February 16, 2015 through March 15, 2015

Mr. Herman Chavez presented the Financial Position Recap and Forecast. Director Thomson asked for clarification on the Construction Fund forecast that showed \$1M from LGIP; however, \$1.8M was taken out. Mr. Chavez responded that there were two invoices from two separate contractors for the North Diversion Channel Bathtub project.

Responding to a question from Director Eichenberg, Mr. Chavez recapped the balances in the LGIP accounts.

Director Eichenberg made a motion that the Board approve the Financial Forecast. Director Thomson seconded the motion, which passed (5-0), on a roll call vote.

e. Disposal of Blazer – Notice of Official Finding

Mr. Herman Chavez stated that the only piece of equipment that was to be acted upon at the March Board Meeting would be the disposal of the Chevrolet Blazer. The other piece of equipment will be an item presented at the April Board Meeting. Chair Brown asked about the current mileage on



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the Blazer. Mr. Lovato stated that it is around 56,000 miles. Director Eichenberg asked why there was such a low mileage count on the Blazer. Mr. Lovato responded that the vehicle has always had issues. The motor and transmission have been replaced. Just recently work had to be done on the intake manifold. The Blazer is utilized by staff for various errands. Director Borrego asked if the vehicle will go back to the State. Mr. Lovato responded that the vehicle is owned by AMAFCA and if sold at auction, all proceeds will go back to AMAFCA or the Blazer could be used as a trade in, reducing the cost of a new vehicle. The new vehicle would be AMAFCA property and not the State's.

Director Eichenberg made a motion that the Board approve and adopt the Disposal of Blazer – Notice of Official Finding, and authorize the Board to sign in on behalf of AMAFCA. Director Thomson seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

7. Legal

a. Status Report

Attorney Vanessa Chavez stated that the memo pertained to various legal matters. Director Thomson asked if Item 9, pertaining to a personnel matter, will be brought before the full Board or the Personnel and Salary Committee (PSC). Mr. Jerry Lovato, AMAFCA Executive Engineer, replied that the matter will be presented to the PSC.

Chair Brown asked if the 96-hour rule has been clarified. Ms. Chavez stated that it was concluded that Dam Safety Bureau does not have jurisdiction over water on Kirtland Air Force Base (KAFB). Director Thomson mentioned that Mr. Brent Wilson, Civil Engineer with KAFB was not aware of the 96-hour rule and the OSE's jurisdiction. Ms. Chavez responded she will certainly help to clarify the matter.

8. Executive Engineer's Report

a. Notification of Past Month's Activities

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

- **City of Albuquerque (CoA) - MS4 Permit:** AMAFCA, along with CoA staff, are working to complete the annual report for 2014. The report will be sent to EPA Region 6 in March. This work will be done concurrently with work on the new watershed based permit.



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Post Office Pond Update: AMAFCA received a letter from the CoA Planning Department giving notice that CoA will be terminating the bill board lease, effective December 31, 2015.

- **Bernalillo County (BernCo) - South Second Street:** AMAFCA and BernCo staff had been meeting to discuss a joint project along South Second Street that would address flood problems identified in the AMAFCA South East Valley Drainage and Water Quality Management Plan (2012). AMAFCA and the United States Fish and Wildlife Service (USFWS) are working to scope future projects on the Valle de Oro. This will be a subject during the April Board meeting.
- **AMAFCA - Financial Manager:** The transition of duties between Ms. Irene Jeffries and Mr. Herman Chavez is complete. A mini audit was conducted by Atkinson and Company, LTD. All account balances were verified and it was noted that Ms. Jeffries no longer had access or authorization to transfer AMAFCA funds and write or endorse AMAFCA checks.

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 and provided additional information to the Board. He stated that Mr. Kurt Wagener, AMAFCA Field Engineer, will be working with the United States Army Corp of Engineers (USACE) and USFWS to get a biological assessment and opinion for the final aspect of the work at the North Diversion Channel Grade Control Structures. Director Thomson asked who was doing the work. Mr. Lovato advised it was Weston.

Consent Agenda:

Chairman Brown stated that the agenda items 9 and 10 were on the Consent Agenda and no items were moved to the Regular Agenda.

9. Piedras Marcadas Water Quality Facilities – Authorization to Advertise for Construction Bids

The memo from Mr. Kevin Troutman, AMAFCA GIS Manager, stated that the Piedras Marcadas Dam Water Quality Structures Project was ready for bid. The project provides for the construction of five water quality structures on the storm drain outfalls into Piedras Marcadas Dam in Northwest Albuquerque. The structures will consist of walls with inverted ports and a metal debris fence along the top at each outfall. The project will involve the construction of a debris



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fence at the end of the Piedras Marcadas Channel and improve access from the west and north. The current Engineer's Estimate for the project is \$590,042.00, plus New Mexico Gross Receipts Tax.

The proposed schedule for the contract is as follows:

- Board Authorization to Advertise - March 29, 2015
- Mandatory Pre-Bid Tour - April 10, 2015
- Proposals due at 2:00 p.m. - April 16, 2015
- Recommendation - April 17, 2015
- Award of Contract - April 23, 2015
- Construction Notice to Proceed - May 11, 2015

Staff had recommended that the Board authorize the Executive Engineer to advertise for construction bids for the Piedras Marcadas Dam Water Quality Structures Project.

Chair Brown asked about the locations of the water quality structures at the Piedras Marcadas Dam. Mr. Lovato referred to the aerial and pointed out the various inlets. Chair Brown asked about the description of what the facility will look like. Mr. Lovato stated it would have a vertical wall with ported risers so that a loader can go in and pick up trash and debris.

10. Agency and Area-Wide Flood Control Maintenance Contract 2014-2015 – Award Construction Project to Qualified Bidder

The memo from Mr. Kurt Wagener, AMAFCA Field Manager, stated competitive bids for construction of the project were received at AMAFCA on Thursday, March 19, 2015, at 2:00 p.m.

Two contractors submitted bids with the following results:

Company	Base Bid as Read	NM Resident or Veteran Preference
Vital Consulting Group, LLC	\$1,057,981.10	\$1,057,981.10
Salls Brothers Construction, Inc.	\$1,200,934.92	\$1,140,888.17
Engineer's Estimate	\$1,181,019.94	

Smith Engineering Company tabulated the bids and found no mathematical errors. The bids were evaluated using the NM Resident or Veteran's Bidder Preference. The apparent low bidder was Vital Consulting Group. The Information for Bidders details that "Bidders must have a New Mexico contractor's license in one of the following classifications: GF-4 or GF-98, or other as



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determined by New Mexico Construction Industries Department.” NM Construction Industries determined that Vital Consulting Group was not licensed in the correct classification to perform the work, therefore their bid was deemed non-responsive.

The Board mailout package included the Recommendation of Award letter from Smith Engineering Company. Smith recommended award of the construction contract to Salls Brothers Construction, Inc., in the amount of \$1,200,934.92, plus New Mexico Gross Receipts Tax. The AMAFCA Campaign Contribution Disclosure Form was completed and was included in the Board mailout package.

The Bid Lots are funded by AMAFCA, City of Albuquerque (CoA), and New Mexico Department of Transportation (NMDOT).

Staff had recommended that the Board accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chair to execute the contract for the Agency and Area-Wide Flood Control Maintenance Contract 2014-2015 in the amount of \$1,200,934.92, plus New Mexico Gross Receipts Tax.

Chair Brown asked how the work for this project is identified and quantified. Mr. Lovato advised that Mr. Wagener, AMAFCA Field Engineer, has done a tremendous amount of work over the last five years or so, working out the details for this type of contract/project, and has managed to get the process down to a science. AMAFCA had contracted Smith Engineering to oversee the project. All projects fall within the NMDOT, CoA, and AMAFCA jurisdictions. There are hundreds of locations that need some form of repair. All items are assigned a priority from high to low. High priority items get taken care of first.

Director Thomson asked why there were only two bids were received for the project. Mr. Wagener stated that he had spoken with contractors and they have too much work. He further stated that since 2008, many local companies have limited staff. There is a lot of concrete work that needs to be done before the upcoming monsoon season. One of the contractors who bid, Vital Group, is working out of the North Outfall with Mountain States. Vital Consulting Group had applied for the required license so they may bid on future projects. Mr. Wagener stated that Mr. Jared Lujan and Mr. George Nemeth with Smith Engineers were present for any questions from the Board.

There being no further items on the consent agenda, and no additional questions, Director Thomson made a motion that the Board:

- Authorize the Executive Engineer to advertise for construction bids for the Piedras Marcadas Dam Water Quality Structures Project; and



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- Accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chair to execute the contract for the Agency and Area-Wide Flood Control Maintenance Contract 2014-2015 in the amount of \$1,200,934.92, plus New Mexico Gross Receipts Tax.

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

Due to timing of the Bond Sale, **Item 11, 2015 General Obligation Bond Sale** was moved behind **Item 12, Southwest Valley Phase IIa**

12. Southwest Valley Phase IIa

- a. **Cooperative Project at Rio Grande High School for the Pond 187A Excavation Project – Authorization of Funding Agreement with Albuquerque Public Schools**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, referred to the aerial and pointed out the location of the project. He stated that in 2007, AMAFCA purchased Tract 178, Lands of Armijo, south of Rio Grande High School (RGHS), as part of the Southwest Valley Flood Reduction Project (SWVFRP) and conveyed it to Albuquerque Public Schools (APS), but kept a drainage and access easement on the property in order to construct Pond 187A. AMAFCA and APS had coordinated the design of Pond 187A to fit with the ongoing RGHS Master Plan and provide the necessary SWVFRP system detention volume.

The Pond 187A Excavation Project will generate approximately 58,500 cubic yards (cy) of excess dirt. APS had requested 15,100 cy be placed and compacted on the school's existing soccer field, which also serves as its drainage pond, in order to accommodate a future parking lot. The placement and compaction of this dirt will require additional effort from the contractor, for which APS is willing to reimburse AMAFCA.

A copy of the agreement was provided to the Board in their mailout package. The agreement provides funding from APS to AMAFCA to place and compact the estimated 15,100 cy of fill material needed to fill the APS pond. The estimated cost of the work is \$2 per cy or a lump sum of \$30,200.00.

The Agreement had been reviewed by AMAFCA and APS legal counsel.

Staff had recommended that the Board approve the Agreement for the Cooperative Project at Rio Grande High School for the Pond 187A Excavation Project and authorize the Chair to execute said Agreement with Albuquerque Public Schools.



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Director Eichenberg asked what the current cost is for sediment and if the cost that APS is paying is fair. After a brief discussion, Mr. Lovato reminded the Board that a Resolution had been passed with a charge of \$1.00 per cy; however, sediment is usually given away at no charge to other government agencies. The current arrangement benefits both AMAFCA and APS.

Director Thomson made a motion that the Board approve the Agreement for the Cooperative Project at Rio Grande High School for the Pond 187A Excavation Project and authorize the Chair to execute said Agreement with Albuquerque Public Schools. Director Eichenberg seconded the motion. The motion passed unanimously (5-0).

**b. Excavation of Pond 187A Project – Award Construction Contract to
Qualified Bidder**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, referred to the aerial and pointed out the location of the project. He reiterated to the Board that both bid alternatives reduce the cost to AMAFCA by reducing the haul distance of the material disposal.

Two Bid Alternates were included in the request for bid proposal. Both Bid Alternates were requested by APS to address future material needs at RGHS.

Staff recommended that the Board accept Guzman Construction Solutions, LLC as the lowest responsible bidder and authorize the Chair to execute the contract, base bid, and bid Alternate #2, for the construction of the Pond 187A Excavation Project in the amount of \$547,062.75, plus New Mexico Gross Receipts Tax.

Director Thomson asked why there were six bidders on this project and if it had to do with no concrete work. Mr. Kurt Wagener responded that this was a dirt haul project and dirt haulers are the ones who bid.

Director Thomson made a motion that the Board accept Guzman Construction Solutions, LLC as the lowest responsible bidder and authorize the Chair to execute the contract, base bid and bid Alternate #2, for the construction of the Pond 187A Excavation Project in the amount of \$547,062.75, plus New Mexico Gross Receipts Tax. Director Borrego seconded the motion. The motion passed (5-0).



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11. 2015 General Obligation Bond Sale

a. 2015 Bond Sale Briefing by George K. Baum

Mr. Lovato introduced Mr. Mark Valenzuela from George K. Baum, AMAFCA's Financial Advisor. Mr. Mark Valenzuela referred to the PowerPoint slide and gave a brief presentation on current market conditions and the proposed finance plan. Mr. Valenzuela advised that AMAFCA had a conference call with the Rating Companies and it had been confirmed that AMAFCA had maintained their AAA rating, which is the highest rating available. Mr. Valenzuela provided information on why AMAFCA uses a competitive process versus a negotiated process.

The presentation was well received.

b. Bond Sale

Ms. Pauline Martinez from George K. Baum pulled up the IPREO Parity platform. A list of potential bidders was shown. Director Borrego asked if SW Securities was affiliated with SW Bank. Mr. Valenzuela responded, no. All firms listed are prequalified and are well known in the market.

The following firms bid on the AMAFCA Bond:

<u>Firm</u>	<u>Percentage Rate</u>
Robert W. Baird	1.499378
Citi Group Global	1.519922
First Southwest	1.542424
SW Securities	1.567403
Jeffries LLC	1.594332
Morgan Stanley	1.803467

Robert W. Baird won the bid as the lowest bidder for the AMAFCA Bond sale.

Director Thomson asked how the rate is calculated. Mr. Valenzuela stated that the Parody system calculates the true interest cost taking into account the sale has an eight-year transaction with two percent for the first four years, then an increase to three percent will occur for the last four years.



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13. Storm Water Quality

a. Briefing on the AMAFCA MS4 Annual Report for Calendar Year 2014

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, stated that AMAFCA is working on the 2014 Annual Report. He referred to the slides and his memo regarding the segments of the Annual Report that pertain to: E. coli, dissolved oxygen, PCBs, temperature, floatables and trash. Director Thomson stated that the floatables and trash does not include sediment. Mr. Chavez replied that was correct. Mr. Lovato mentioned that once the report is ready it will be posted on the website.

b. Update on the AMAFCA MS4 Watershed Based Permit

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, referred to the graphic that was included in the Board mailout package. It represented the timeline of tasks that staff will need to complete for the transition from coverage under the old MS4 permit to coverage under the new MS4 permit.

Wet Weather Monitoring, under the old permit will continue until EPA/NMED approves the Wet Weather Monitoring Plan for the new permit. The Notice of Intent (NOI) will have already been submitted and EPA may have already indicated acceptance at that time. The Wet Weather Season is defined as June 1 through September 30 under the old permit, and July 1 through October 31 under the new permit.

Other stormwater quality items that are required to be addressed by December 22, 2015 are:

- Construction Site Runoff Control, Post-Construction;
- Post-Construction; and
- Illicit Discharges and Improper Disposal

Many of the activities are being done under the requirements of the old permit. The update to AMAFCA's Stormwater Management Plan (SWMP) will encompass the above stormwater quality items given the new permit deadline requirements.

14. Legislative Liaison – Briefing on the 2015 New Mexico Legislative Session

Ms. Vanessa Alarid, of Alarid Consulting and Mark Fleisher, her consultant, briefed the Board on the recent New Mexico Legislative Session and responded to numerous questions during her presentation. Some of her presentation covered the following:



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The 2015 Legislative Session had finished. On April 11th any legislation not acted upon by the Governor is pocket vetoed. It was estimated that 220 bills passed. One shakeup during the session was the resignation of Mr. Phil Griego from District 39. The six counties that he represented had sent in their nominee for consideration of the Governor. The \$264M in Capital Outlay projects failed to pass. There is a push for a Special Session; however, since 2/3 of each chamber need to approve a Special Session. Ms. Alarid opined that it was not likely a Special Session will happen. Director Eichenberg asked if there were any of the Capital Outlay monies earmarked for AMAFCA. Ms. Alarid responded, no. There was some talk about projects in Director Borrego's District, but nothing was approved. The ban of driver's licenses for immigrants, third grade retention, and Right to Work legislation all failed.

In respect to HB 38, the Forest and Watershed Restoration Act passed. In respect to HB 338, Changes for Special District Election dates, Mr. Fleisher stated that the Bill was not heard in the Senate; however, it is expected that the sponsor will bring it back for 2017. Director Thomson asked if the Bill for the Interstate Stream Commission passed. Both Ms. Alarid and Mr. Fleisher were under the impression that it did not pass. Ms. Alarid referred the Board to the write up from Ms. Deborah Baker / Journal Staff Writer, regarding some of the legislation that passed or failed during the 60-day session. Ms. Alarid opined that the 2015 Legislative Session was a very interesting one. There were not a lot of Bills prior to the final Thursday. Mr. Fleisher stated that this particular session had the lowest number of Bills passed in the last 10.5 years. Ms. Alarid stated that once she receives the list of all the Bills signed by the Governor she will pass it on to the Board.

15. Field Highlights

a. Construction Report

The memo from Mr. Kurt Wagener, AMAFCA Field Engineer, contained a summary of current construction projects. Director Thomson mentioned that while he was reviewing the report he noticed that there were a number of change orders under the Ecosystem Preservation and Landscaping Contract. He further stated that the contracted amount was originally for \$118K; however, with all the change orders it is now close to \$200K. Mr. Lovato responded that the contract was meant to be a construction on-call that deals with environmental issues to replace various forms of habitat, such as the owl habitat on the Calabacillas. Director Thomson asked if the Board should be concerned when change orders almost double and specific contract topic has changed as well. Director Eichenberg stated that other areas were on the contract such as the North Diversion Channel, Isleta, and Ladera Dam. Mr. Lovato replied that the contract states other areas may be utilized. Mr. Wagener stated that the Hahn Monitoring contract is under the Ecosystem Preservation and Landscaping Contract. This particular project includes landscaping and will remain open until it is ready to be turned over to the CoA in June. He further stated that the



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USACE had requested that as part of the Calabacillas Grade Control Structures Projects that AMAFCA provide artificial owl habitats. Director Borrego asked if there is a policy for when the contract base has been exceeded. Mr. Wagener responded that most On-Calls do not have a dollar amount tied into the contract. Engineering on-calls, for instance, go for four years and may be as much as \$200K for the life of the contract. AMAFCA does try to spread work between contracts to give everyone doing the same type of work the opportunity to do so. Mr. Lovato advised that he has authority to go up to \$75K for On-Call contracts, after which Board permission is needed. Director Eichenberg suggested that AMAFCA consider using another category and possibly have other companies do the work for the owl habitats. Mr. Lovato concurred and advised that when the original contract was done in 2012 AMAFCA was not sure what the full scope of the contract would be. Chair Brown asked about the name of the CoA contracts for miscellaneous items as discussed. Mr. Kevin Daggett with CoA stated that CoA uses On-Call contractors as well. Mr. Lovato stated that the old term for those types of contracts were block to block. Mr. Roger Paul with BernCo stated that BernCo uses construction On-call contracts. Director Stover suggested that change orders be applied to one project only and not multiple projects. Director Borrego suggested that AMAFCA expand the scope with a variety of environmental segments so that the contractors who bid are able to do many types of contract work. Chair Brown suggested a more descriptive process for these types of contacts.

b. Field Report

Mr. Wagener gave a report of various projects and events over the past month, answering several questions from the Board during his presentation.

The slides opened with a picture of a hot air balloon eclipsing the sun followed by pictures of two coyotes at John B Robert Dam and AMAFCA crew doing fence repair at the dam. The slide presentation covered some of the following: various pictures of the Hahn Project being showcased at the Albuquerque Museum, Training for Supervisors on Sexual Harassment, a couple of slides showing what is considered a Tent City (homeless camp). Various pictures of millings were viewed. AMAFCA crew work at the following: Calabacillas railing repair, access control at San Antonio, cleaning at both the Domingo Baca Water Quality structure and the North Domingo Baca Water Quality Ponds, sediment removal at the Isleta Spillway Diversion and the South Diversion Channel, filling voids at South Diversion Channel, various slides of the 187A Mandatory Pre-bid, NDC GCS Bathtub Project and Equipment Crossing, Manual Trash removal, and the cleanup that took place on a recent Saturday night at the MRGCD facility on the Alameda Drain at Green Valley, (BernCo, MRGCD, and AMAFCA coordinated efforts) and closed with a picture of Mr. Jerry Lovato smiling following the successful late night/early morning cleanup at the ditch that was plugged with a couple of 5-gallon buckets and other items.



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c. Update on AMAFCA Yard Expansion

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that he had spoken to the owners of the properties adjoining the AMAFCA office and cannot come to terms for a sale with the landowners. There is a security problem at the AMAFCA Office that is affecting staff and the general public. Activities include: trespassing by homeless individuals, vehicles (personal and AMAFCA) being broken into by unknown parties, and materials missing from the AMAFCA yard. There are funds identified in the current FY Operations Budget to put in a retaining wall, parking lot, fence, and security cameras. There is currently \$530K in the Contingency Fund Budget and of that it is proposed that \$430K be transferred into the Building and Yard fund so that the parking area can be modified as described. The area being considered is on the northwest side of the freeway. Chair Brown suggested that one more effort be made with the property owners and explain the current plan and give them a chance to change their minds and if they do not they will be stuck paying taxes on a piece of property they cannot do anything with. Director Thomson inquired on where the AMAFCA tumbleweed snowman will end up. Mr. Lovato advised it would be in the same location; however, a gate might need to be added in order to accommodate easy access. Director Eichenberg stated that having a gate across the area would be giving the wrong message to passing traffic. Director Eichenberg acknowledged that there is a security problem and asked about the square footage (for the adjacent property). Mr. Lovato stated he could not answer at that time but knew that it is covered by a drainage easement. Chair Brown opined that only storage could be done on that piece of property. The concern by the other land owner (the hotel) was the east side of property is utilized for overnight semi-truck parking.

16. Adoption of Resolution 2015-04 - General Obligation Bond Award

Mr. Daniel Alsup with Modrall Firm presented the Resolution and noted that it awarded the Bond to the lowest bidder. He guided the Board through adopting Resolution 2015-05, General Obligation Bond Award.

Director Thomson made a motion that the Board approve Resolution 2015-05, General Obligation Bond Award, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Borrego seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

Mr. Valenzuela requested that the Chair and Secretary sign the Resolution at that time as opposed to the end of the meeting when other documents are generally signed by the Board. Chair Brown concurred.



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17. Real Estate

a. Lot 20, Block 7, Tract 3, Unit 1, NAA – Approval of Quitclaim/Release of Easement

Between her presentation and memo, Ms. Lynn Mazur, AMAFCA Development Review Engineer, provided the following:

Ms. Mazur referred to the location on the aerial. She stated AMAFCA had an easement in the location within North Albuquerque Acres. A Grading and Drainage Plan was submitted and approved in 1994. AMAFCA constructed the South Branch La Cueva Arroyo Diversion project in 1995, and consequently the Federal Emergency Management Agency (FEMA) floodplain was removed from the property. This year, a revised plan for an addition was submitted and had been approved by BernCo and AMAFCA staff. It will not encroach into the easement; however, the new owner had requested quitclaim / release of the easement. The 100-year flow in the remnant arroyo is 5 cubic feet per second (cfs), which is below the 30 cfs threshold for which AMAFCA requires a drainage easement. Chair Brown stated that the diversion does cut off all the water in that area.

A copy of the Quitclaim Deed was provided to the Board in their mailout package.

Staff recommended that the Board authorize the Board Chairman to execute the Quitclaim Deed / Release of Easement for Lot 20, Block 7, Tract 3, Unit 1, of North Albuquerque Acres.

Director Thomson made a motion that the Board authorize the Board Chairman to execute the Quitclaim Deed / Release of Easement for Lot 20, Block 7, Tract 3, Unit 1, of North Albuquerque Acres. Director Stover seconded the motion. The motion passed (5-0).

b. Mirehaven Arroyo at Stormcloud, Unit 5 – Re-approval of Turnkey Agreement

Between her presentation and memo, Ms. Lynn Mazur, AMAFCA Development Review Engineer, provided the following:

Ms. Mazur referred to the location on the aerial and Exhibit A which were provided to the Board as part of their mailout package. She stated the system discharges into Ladera Dam 12 of AMAFCA's Ladera Storm Drainage Diversion and Detention Facility.

Western Albuquerque Land Holdings, LLC (WAHL) is ready to proceed with finishing the residential development to be known as Stormcloud Subdivision, Units 4 and 5. The subdivision



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was previously rough graded, retaining walls were constructed, and the channel excavated before Westland Development, the original owner, abandoned the project.

The agreement was originally approved by the Board in 2006 and again in 2012. All Turnkey Agreements have a clause that renders them null and void if construction does not begin within two years of execution.

WAHL contracted Isaacson and Arfman Consulting Engineering Associates to revise the construction plans for the subdivision and the arroyo improvements. The plans are basically the same as the originally-approved plans in 2006 with riprap bank protection and grade control structures (GCS). WAHL wants to solicit bids for a shotcrete channel option and award the bid for the cheapest option. AMAFCA staff had reviewed and approved both options, and the Agreement is written to include both.

WAHL requested re-approval of the Turnkey Agreement. The main points from Ms. Mazur's memo included:

Construction of Mirehaven Arroyo Improvements: The channel improvements will consist of 1100 feet of dumped riprap, a natural sand bottom and grade control structures or a continuous 8-inch thick shotcrete lining. The improvements will help control erosion and will provide a benefit to AMAFCA by reducing the amount of sediment load that currently reaches Dam 12. Subdivision improvements will include installation of two storm drain outfalls to the channel.

Quitclaim / Release of Temporary Drainage Easement: There is an existing AMAFCA easement on the property that was granted by the Bulk Land Plat for The Crossing subdivision, recorded July 9, 1996 (Vol. 96C, Folio 302). The Temporary Drainage Easement matches the current FEMA floodplain. This is the last remaining piece of the Temporary Drainage Easement granted by the 1996 plat. WAHL is requesting quitclaim / release of the easement, contingent upon receipt of a Letter of Map Revision (LOMR) from FEMA to confine the floodplain to the channel improvements. The Quitclaim Deed will be presented to the Board for approval at a future meeting after the LOMR is received.

Encroachment License: The Agreement includes a paragraph that states that AMAFCA will issue an Encroachment License to allow construction work and maintenance within the easement. This practice has been used for other developments where improvements must proceed in an existing easement before construction as-built plans can be sent to FEMA for the LOMR to revise the floodplain. There is also added language to the Agreement allowing platting action to proceed with AMAFCA approval of vacation of the Temporary Drainage Easement before the LOMR is approved.



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Dedication of Right-of-Way for the Mirehaven Arroyo: Execution of the Turnkey Agreement will bring this section of the Mirehaven Arroyo under AMAFCA maintenance. WAHL will dedicate right-of-way in fee simple to AMAFCA for the improved channel through platting action.

Construction of the channel improvements will allow WAHL to reclaim a portion of the FEMA floodplain, will control erosion in the arroyo and will reduce the sediment load to Ladera Dam 12. They are requesting AMAFCA to assume maintenance of the improvements.

A draft Agreement and Encroachment License was provided to the Board in their mailout package.

Staff had recommended that the Board approve the Agreement, substantially the same as attached, and authorize the Chairman to execute the Turnkey Agreement for Channel Improvements on the Mirehaven Arroyo as Related to Stormcloud Subdivision.

Chair Brown asked about the downstream channel composition. Ms. Mazur responded the channel improvements will consist of 1100 feet of dumped riprap, a natural sand bottom and GCSs or a continuous 8-inch thick shotcrete lining. Chair Brown asked if the project will be conducive to a trail system. Ms. Mazur responded, that she could not answer. Mr. Lovato stated that there is a maintenance road on one side, a ramp in the center, but no maintenance road on the other side. Ms. Genevieve Donart with Isaacson and Arfman Consulting Engineering Associates representing WAHL was present. She stated the maintenance road is on the south side. The north side trail will be maintained by private development. Chair Brown asked if the channel area will be walkable. Ms. Donart stated that it would not be very attractive with the drop structures. Chair Brown stressed that the project and all projects should do a better job to include a trail for a community amenity.

Director Eichenberg asked if AMAFCA legal had reviewed the agreement. Ms. Chavez with Robles, Rael, and Anaya responded, yes. Director Eichenberg asked which option would be utilized. Ms. Donart responded that an option has not been decided on and they are looking to bid both. Director Thomson stated that he agrees with the project having a trail. There was further discussion regarding the need for a trail in this area. Mr. Lovato advised that AMAFCA can go back to CoA and discuss a trail in this area. Director Borrego stated that while she did not live in that particular neighborhood, she was aware of the area and the need for a trail in the area of 98th street. Mr. Wagener had some pictures of the area that the Board viewed. After further discussion, the Chair and Board stressed that the Board as a whole is strongly encouraging a neighborhood amenity such as a trail. Mr. Kurt Wagener, AMAFCA Field Engineer pointed out that when the Parkway Neighborhood had a similar project, the only people who came to the public meeting did not want a trail added. He further stated that public input might be warranted in this case. Ms. Mazur asked if the Board wanted a bike trail. Chair Brown stated that people need a place to go and walk. Ms. Mazur asked Ms. Donart if the public can access the north trail,



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and the response from Ms. Donart was, yes, but she can double check. There was further discussion regarding crime in the area and how the project should take into account all linkages and development in the area for amenities. Ms. Donart asked for direction to take back. Director Thomson asked for clarification on maintenance access. Ms. Donart stated it would go all the way along the area. Mr. Lovato concurred that there will be access for maintenance crews. Director Borrego stressed, again, that she would like to see a pedestrian friendly amenity in this area. Director Eichenberg asked how much more work would it take for the AMAFCA crew to clean up the new channel. Mr. Lovato responded that AMAFCA maintains their portion already. Mr. Wagener stated that a recent inspection report indicated that vegetation removal was to be done, and the crew does what they can to make the area attractive.

Chair Brown asked that the entire arroyo project be looked at to include a pedestrian amenity; the Board as a whole concurred.

With the understanding that the entire arroyo project is looked at to include a pedestrian amenity, Director Thomson made a motion that the Board approve the Agreement, substantially the same as attached, and authorize the Chairman to execute the Turnkey Agreement for Channel Improvements on the Mirehaven Arroyo as Related to Stormcloud Subdivision. Director Eichenberg seconded the motion. The motion passed (5-0).

**c. Closed Session to Discuss Purchase of Property for AMAFCA (§10-15-1(H)
(8))**

Chair Brown stated that discussion of the purchase of property for AMAFCA would be in closed session.

Director Thomson made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* seventh edition, 2010, to discuss the potential acquisition of real estate. Director Eichenberg seconded the motion.

Chair Brown stated that the closed session would be for purposes of discussion only, regarding a potential acquisition of real estate. The motion passed (5-0), on a roll call vote.

Chair Brown closed the meeting at 1:01 p.m.

Director Thomson made a motion that the meeting be re-opened and stated that nothing was decided. Director Borrego seconded the motion, which passed (5-0), on a roll call vote.



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Chair Brown reopened the meeting at 1:23 p.m. Director Eichenberg stated that the Board had taken no action during the closed session and nothing was decided.

d. Adoption of Resolution 2015-05, Authorization to Proceed with Acquisition of Right-of-Way

Chair Brown asked for a motion for the adoption of Resolution 2015-05. Director Eichenberg made a motion that the Board approve and adopt Resolution 2015-05, Authorization to Proceed with Acquisition of Right-of-Way, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Thomson seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

18. AMAFCA FY-2016 Budget

a. Surplus Property Report

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, stated that the listing of properties provided to the Board in their mailout package were the current property leases.

Chair Brown stated that the leases are a benefit to AMAFCA and as long as the leasee remains a good steward of AMAFCA property they should continue, if able, and in general that is the case.

Chair Brown asked about the Secate Blanco Property. Mr. Lovato stated that AMAFCA staff had briefed the Board in January on a possible exchange with the Salazar Family Trust. Staff has met twice with Maestas and Ward and the Salazar Family Trust. Staff and the owners are at a point to have the AMAFCA property and a piece of the Salazar Trust property surveyed. This would be an equal exchange. Information will be brought to the Board at a future meeting.

Chair Brown advised that he would like to see that the four lots on Signal be considered for a more comprehensive drainage solution for that area. He further stated he would be in favor of considering releasing #3 and #4 if it was beneficial to AMAFCA. Director Eichenberg stated he had no issues with the release of property, except for the entrance to Kinney Dam. Chair Brown concurred and stated that it should not be released unless it was part of a broader plan for beneficial land use. The Board as a whole concurred with Chair Brown's statements.

b. AMAFCA Equipment and Fleet Evaluation

Mr. Kurt Wagener, AMAFCA Field Engineer, briefed the Board on the current status of AMAFCA's equipment. He advised staff is recommending the FY-2016 Budget include Purchase of new Equipment in the amount of \$305K for the following:



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- Replacement of Unit 304 - 2002 Case 590 Super M Backhoe. It is estimated to have close to 8000 hours on it. Staff had recommended the Board include \$125K in the FY-2016 Budget to purchase a new backhoe and include Unit 304 in the bid as a trade in.
- Replacement of Unit 301 - 1998 John Deere 624H 3cy front end loader. The unit is estimated to have over 15,000 hours. Staff is recommending the Board include \$180K in the FY-2016 Budget to purchase a new 3 cy front end loader and include Unit 301 in the bid as a trade in.

Staff had requested Board input and guidance.

Director Thomson asked for clarification on the type of equipment that will replace the old equipment. Mr. Wagener advised that the same size capabilities will be requested. Chair Brown stated that AMAFCA should include the request in the FY-2016 Budget.

c. FY-2016 Revenue Projections

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that the current projections reflect a three percent increase to property evaluations. Property tax revenue is computed using assessed valuations for Tax Year 2014, plus half the protested value, current mill levy rates, a 3% growth factor and an estimated 95% collection rate with an average of 99%. Director Eichenberg stated that the BernCo Assessor does not do a county-wide uniform increase and staff might want to contact their office for their (BernCo) residential specialist. There was a discussion on property values and foreclosures.

d. Draft FY-2016 Operating Fund Budget

Mr. Herman Chavez stated that any guidance provided will be incorporated into the Budget in April with the final budget in May. Director Thomson stated that Exhibit B shows that the proposed projects show under budget in almost every category and gave salaries as an example. Mr. Lovato responded that there were a number of months that the Stormwater Quality Manager position was vacant and there is a project manager position that has not been filled. There were also Cost of Living and Merit increases that were not fully utilized. Mr. Lovato further stated that AMAFCA is controlling the costs. Director Thomson opined that if the AMAFCA budget is being managed correctly that is good; he was just surprised that everything is under budget. Mr. Lovato stated that there are funds still to be expended under the MS4 project; however, AMAFCA is waiting to see what exactly needs to be done. Director Borrego asked if the Auditors audit the financials. Mr. Lovato responded, yes.



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e. Draft FY-2016 Contingency Fund Budget

Mr. Herman Chavez stated that the current draft consists of \$100K transferred from the General Operating Fund, \$10K transferred from the Unassigned Fund, and interest revenue of \$5K, based on an interest rate of 0.1048%. The \$4.6M balance at June 30, 2016, includes \$50K reserved by Resolution 2011-05 for redistricting, \$55K reserved by Resolution 2011-06 for compensated absences, \$40K reserved by Resolution 2011-7 for fuel spikes, and \$3.5M reserved for channel repairs / modifications and rehabs via Resolution 2011-08. There were no questions.

f. Draft FY-2016 Construction Fund Budget

Mr. Herman Chavez stated that the Construction Fund Budget is very aggressive as it takes into account emergency construction and what if scenarios. He walked the Board through the spreadsheet. Director Thomson asked for clarification on the construction projects. Mr. Lovato advised that one of the projects is the Post Office Pond removal with CoA and a funding agreement will be an item on the next Board agenda. There are a number of joint projects that will be included in the Construction Fund Budget. Director Thomson mentioned that the Marble Arno Pump Station is shown on the Budget being in his District, which is not the case.

g. Draft FY-2016 Building & Yard Fund Budget

Mr. Herman Chavez stated that budget shows a beginning balance of \$293,132, considering a \$170,000 transfer to the general fund that is anticipated to happen during FY-2015. This budget will take care of modifications to the AMAFCA facility. There were no questions.

h. Draft FY-2016 Unassigned Fund Budget

Mr. Herman Chavez stated that the Budget will carry a minimum balance which will be utilized in different areas. There were no questions.

19. Recognition of Public Service

a. Retiring Finance and Administration Manager, Irene Jeffries

Chair Brown stated that Mr. Larry Blair, former AMAFCA Executive Engineer, hired Ms. Jeffries in 1991 and she took over as the Business Manager in 1996. He further stated that since 1996 AMAFCA had maintained the AAA rating and no major audit exceptions occurred during her tenure. Mr. Larry Blair concurred and stated that Ms. Jeffries had developed into a superb employee. Prior to her move to the Business Manager position AMAFCA almost defaulted on a Bond payment. With her assistance the potential issue was taken care of. His pushing her into the



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Business Manager position was a definite win for AMAFCA. Mr. Lovato commended Ms. Jeffries on her handling of the move from a paper financial tracking system to an almost fully automated system. While her comfort zone was in the pen and paper format, she made the transition very easy. He mentioned that during the recent Arbitrage audit it was noted that there could have been a possible tax penalty due to the IRS, but since the financials were easy to access and understandable an allowable exception was utilized and no penalty was assessed. Chair Brown stated that Mr. John Kelly, former AMAFCA Executive Engineer, had mentioned numerous times that Ms. Jeffries had set him straight on a few occasions when she thought he was getting out of line. Chair Brown, on behalf of the Board, presented Ms. Jeffries with an engraved tray for 24-years of dedicated public service protecting life and property in Albuquerque and Bernalillo County. Ms. Jeffries delivered a heartfelt thank you to everyone and stated she will miss AMAFCA and the Board.

20. Unfinished Business

a. Hernandez Diversion Discussion

Mr. Lovato stated that he spoke with Mr. Danny Hernandez, former Director for District 1. Mr. Hernandez is currently involved with some farming projects. AMAFCA staff recommended that the Los Padillas Diversion be renamed in honor of Mr. Hernandez. The area is on 11 acres of planted area with parking and easy access. Chair Brown asked if the area is currently leased. Mr. Lovato responded, yes, it is the Los Padillas Diversion Outfall. Director Eichenberg asked if the Los Padillas community would have an issue with the name change. Mr. Lovato responded, no. Chair Brown asked what the process would be. Mr. Lovato replied he just needs a date and input. More information will be provided at a future meeting.

b. Blazer Replacement – Authorization to Advertise for Bids

Mr. Lovato stated that this item is for permission to advertise for bids to replace the Blazer. Director Eichenberg suggested that AMAFCA not purchase another Blazer. Mr. Lovato advised that AMAFCA was not considering another Blazer purchase. He further stated that AMAFCA had wanted to utilize a State Contract; however, that contract had expired. Chair Brown asked when it expired. Mr. Chavez replied that it expired on February 28, 2015. Mr. Lovato stated that a new State Contract will not be in place until the new fiscal year.

Director Thomson made a motion to authorize the Executive Engineer to advertise for bids for a vehicle to replace the Blazer. Director Stover seconded the motion, which passed (5-0).



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21. New Business

None.

22. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 2:04 p.m.

Tim Eichenberg, Secretary-Treasurer, 4/23/15

Recorded by Guylene Harris, Executive Administrative Assistant