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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:01 a.m. Thursday, February 25, 2016. Roll was noted as follows:

| | |
|--------------------|--|
| Directors present: | Chair Ronald D. Brown Director Cynthia D. Borrego Director Tim Eichenberg Director Bruce M. Thomson |
| Directors excused: | Director Deborah L. Stover |
| 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, asked that **Item 20. Real Estate – a. Future Project Financial Guaranty – Discussion of AMAFCA Financial Guaranty Options** be removed since the issue had been resolved.

Director Borrego made a motion to approve the agenda, as amended. Director Brown seconded the motion, which passed unanimously (4-0).

3. Meetings Scheduled

- a. **March 24, 2016, 10:00 a.m. – Regular Meeting**
- b. **April 28, 2016, 10:00 a.m. – Regular Meeting**
- c. **May 26, 2016, 10:00 a.m. – Regular Meeting**

Chair Thomson, Director Brown, and Mr. Lovato stated they had possible conflicts with the March 24, 2016 Board Meeting date. After a brief discussion, Chair Thomson suggested moving the meeting to March 30, 2016. All Directors agreed with the change in date; time remains the same.

The revised meeting schedule is as follows:



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- a. **March 30, 2016, 2016, 10:00 a.m. – Regular Meeting**
- b. **April 28, 2016, 2016, 10:00 a.m. – Regular Meeting**
- c. **May 26, 2016, 10:00 a.m. – Regular Meeting**

4. Appointment to Boards and Committees

- a. **MRCOG Executive Board (beginning July 1, 2016)**
- b. **MRCOG Board of Directors**
- c. **Middle Rio Grande Water Resources Board**
- d. **Metropolitan Transportation Board**
- e. **Personnel and Salary Committee**
- f. **Real Estate Committee**

Chair Thomson made the following appointments, keeping some appointments the same in the interest of continuity:

| | |
|--|-----------------------------|
| MRCOG Executive Board: | Director Ronald D. Brown |
| MRCOG Board of Directors: | Chair Bruce M. Thomson |
| Middle Rio Grande Water Resources Board: | Director Cynthia D. Borrego |
| Metropolitan Transportation Board: | Director Deborah L. Stover |
| Personnel and Salary Committee: | Director Deborah L. Stover |
| | Chair Bruce M. Thomson |
| Real Estate Committee: | Director Ronald D. Brown |
| | Director Tim Eichenberg |

Additionally, Chair Thomson stated that he would like to create a Strategic Planning Committee (SPC). The mission of the SPC would be to look at the Mission, Role, and Developments of AMAFCA over the long-range horizon of three to five years. With the Board in agreement of the new committee, Chair Thomson made the following appointments:

| | |
|-------------------------------|---------------------|
| Strategic Planning Committee: | Director Eichenberg |
| | Chair Thomson |

There was a brief discussion on how the position on both MRCOG Executive Board and Board of Directors may be served by the same Director. The Board(s) and Committee(s) can be reviewed later if the need arises.

5. Items from the Floor/Public Comments

None.



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6. Approval of Minutes

a. January 28, 2016 Regular Meeting

Responding to a question from Chair Thomson, Mr. Lovato stated that the February Special meeting minutes are done; however, both the February Special and February Regular meeting minutes will be presented at the March Regular meeting.

Director Eichenberg made a motion to approve the minutes. Director Brown seconded the motion, which passed (4-0).

7. Financial Matters

a. Approval of January 2016 Expenditures

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the January 2016 Expenditures. Responding to a question from Director Brown, Mr. Chavez stated that he noticed the fees imposed by Wells Fargo. He had called the bank and was informed that the bank takes an average balance of the non-interest bearing accounts, adds all the fees together, then applies a pseudo .45%. If the interest earned is over the fees, there will not be a fee charge. The bank had recommended that AMAFCA deposit an extra \$100K to cover the fees. Mr. Chavez suggested a two-fold approach: 1. Increase the balance and 2. Look at the fees to see what fees can be dropped down to offset additional costs. Responding to a comment from Director Brown, Mr. Lovato stated that Mr. Chavez had been in discussions with Wells Fargo Bank and he had planned to present the information at the next Board meeting. Currently, the non-interest bearing accounts have \$600K. Mr. Chavez further stated that every month he receives a CD with check images. This CD is \$45.00 each month. Responding to a question from Director Eichenberg, Mr. Chavez stated the \$600K is a combination of six different accounts. Mr. Lovato stated that the funds are an average over 30-days. AMAFCA's money is held in the Local Government Investment Pool (LGIP) and funds, which are transferred, are done within 48-hours of each check run. The bank account is drawn down to a few hundred dollars. Responding to a question from Director Borrego, Mr. Lovato stated that there is no account limit; however, the bank is stating they want to see over \$600K for the six non-interest bearing accounts. Responding to questions from Director Eichenberg, Mr. Chavez stated he called the bank once he discovered the fees were added and referred the Board to the last page of Memo 7a noting the balances in each of the accounts

Director Brown made a motion to approve the January 2016 Expenditure Report. Director Borrego seconded the motion, which passed (4-0).



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b. Bank Reconciliation Fiscal Agent Funds

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

c. Investment Report for January 2016

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Investment Report for January 2016. No Board action was required. Responding to a comment from Director Eichenberg, Mr. Chavez stated that AMAFCA will be looking at some long-term investments and he will provide different options at the next Board meeting. There was a brief discussion regarding how to invest funds from the Debt Service and Construction Funds. Mr. Chavez stated that the co-mingling of funds would not be a good idea. Mr. Lovato advised that he would ask AMAFCA's Financial Advisors for advice on this issue.

d. Financial Position Recap January 16, 2016 through February 15, 2016 & Forecast February 16, 2016 through March 15, 2016

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Financial Position Recap and Forecast. He pointed out that there was a slight mistake on the Forecast under Debt Service, should read as an investment in LGIP, not an interest payment.

Director Brown made a motion that the Board approve the Financial Forecast. Director Borrego seconded the motion, which passed (4-0).

e. Second Quarter FY16 Budget to Actual

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, covered the first and second quarter and noted the amounts are actual expenditures. The third quarter projection shows the gap will be widening. Mr. Chavez referred the Board to the charts in his memo. The pie charts show the entire budget and the actual first quarter expenses. The slices remain similar. Although salaries now have a larger slice, this is due to the approved Cost of Living Allowances (COLAs) taking effect. This is also due to the first half of FY-2016 incurring two Finance & Administration Manager salaries and increased overtime costs. AMAFCA is expecting salaries to come closer to projected over the last half of the year. Salaries and Related Payroll Costs are trending as anticipated. Responding to a question from Chair Thomson, Mr. Chavez stated that the Project Manager position was reflected in the Budget; however, hiring the new staff member will not make a major fluctuation on the pie chart. Responding to a question from Director Borrego, Chair Thomson stated that the Financial Planning would not really be used for Strategic Planning purposes; financial planning is done throughout the year.



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f. Approval of Resolution 2016-02 Budget Adjustment

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that overtime is over budget and more overtime was anticipated for mowing and maintenance during the fall due to a strong early monsoon, which produced more weeds than normal. The maintenance crew will be working overtime on Fridays when equipment rentals are utilized for longer than Monday through Thursday rental duration. The Resolution requested a \$15K Budget Adjustment.

Director Brown made a motion that the Board approve and adopt Resolution 2016-02, Budget Adjustment, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Borrego seconded the motion. The motion passed (3-1), on a roll-call vote. Director Eichenberg voted no.

g. AMAFCA Cash Reserve Policy – Draft Policy

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Draft Policy. Responding to a question from Chair Thomson, Mr. Chavez stated that Operating Cash and General Cash Reserve are the same.

Chair Thomson stated that after meeting with Mr. Lovato and Mr. Chavez, it was understood that AMAFCA's substantial Contingency Fund/Cash Reserve is changing from a one category system into different categories. Mr. Chavez stated the Board had been concerned with the repayment terms. The terms were looked at and were reworded as follows: Management will provide the Board with the repayment terms of this reserve for approval. Terms must be approved within 12 months of the initial spending of the funds. The Board of Directors have the ability to adjust the repayment terms. Responding to a question from Director Borrego, Mr. Lovato stated that the Contingency Fund in the policy is for \$500K. One example the Board can use the funds for is to help another agency in a flood control emergency. This would not tap into the Construction Fund. Responding to a concern from Director Borrego on how the funds would be spent, Mr. Chavez stated that the reserves need to be spent on flood control; AMAFCA funding is from property taxes, which even though is controlled with Board action, still must be spent on flood control.

The Board asked that staff come back to the Board next month with a formal policy.

h. Selection Advisory Committees – Selection of consultants, which have major advisory function to Board (i.e. legal counsel, bond counsel, lobbyist, etc.)

Chair Thomson stated that at the January meeting there was concern with how to evaluate proposals from consultants (i.e. legal counsel, bond counsel, lobbyist, etc.) whose primary duties are to work with the Board. Responding to a request from Chair Thomson, Mr. Lovato stated



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that not only do the consultants work with the Board; they also work with AMAFCA staff on a daily basis. In order to make things easier on the Board of Directors, it was recommended that future selection advisory committees, which are evaluating requests for proposals, that have a major advisory function to the AMAFCA Board, include at least two Board Members, the Executive Engineer, and two other individuals appointed by the Board Chair. Director Borrego thanked Chair Thomson and stated that it would be beneficial to allow the committee to look at the evaluations more in-depth before coming to the Board with a recommendation.

8. Legal

a. Status Report

Attorney Vanessa Chavez stated that the memo to the Board pertained to various legal matters. There were no questions.

b. Discussion of Threatened or Pending Litigation – Closed Session (§10-15-1(H))

Chair Thomson advised that Item 8b was a Closed Session agenda item. Director Brown made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* eight edition, 2015, to discuss Threatened or Pending Litigation. Director Borrego seconded the motion, which passed unanimously (4-0), on a roll call vote. Mr. Lovato and Legal Counsel were asked to remain; Mr. Lovato asked that Mr. Jeffrey Willis, AMAFCA Real Estate Manager, remain as well.

Chair Thomson closed the meeting at 10:45 a.m. Chair Thomson asked for a motion to re-open the meeting at 11:26 a.m. Director Borrego made a motion that the meeting be re-opened. Director Brown seconded the motion, which passed unanimously (4-0), on a roll call vote. Chair Thomson stated that no action was taken during the Closed Session. Chair Thomson further stated that pending litigation was discussed. Director Brown stated that the AMAFCA Attorney was directed to continue negotiations with the party.

9. Executive Engineer's Report

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

- **City of Albuquerque (CoA) - West I-40 Phase IV:** AMAFCA will be meeting with CoA staff to finalize modifications to the funding agreement to allow



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construction of the bike trail. It is anticipated that this might be taken care of in the next 30-45 days.

- **Bernalillo County (BernCo) - Watershed Cleanup:** AMAFCA and BernCo staff had met to discuss a joint effort to clean the watershed as part of a spring-cleaning campaign to keep Bernalillo County Clean. The proposed plan would have various AMAFCA projects in the unincorporated parts of Albuquerque be available for temporary placement of roll-off containers for debris and green waste drop off. BernCo would provide the roll-off service and AMAFCA would participate in the public outreach and policing the roll-off areas during the hours of operation. Locations that are being considered include North Albuquerque Acres and the West Side. This should be happening within the next four to six weeks. This is a great opportunity for public outreach and will address some Environmental Protection Agency (EPA) concerns with cleaning up the watershed.

- **Office of the State Engineer (OSE) - Development of a Probable Maximum Precipitation (PMP) Tool:** The New Mexico Office of the OSE has been working with the State of Colorado to develop an updated PMP tool. The OSE has some state funding and is actively seeking other funding. The State of Colorado had graciously agreed to include the State of New Mexico in the PMP tool. It is close to a \$500-\$600K effort at this point. Responding to a question from Director Brown, Mr. Lovato stated it is looking at old storm records and recalculating HMR55A. AMAFCA has been asking for this information. 17 to 18 inches of rain for the PMP event is overblown. The benefit to AMAFCA would be facilities might be designed for smaller rainfall amounts, which means cheaper facilities. Mr. Lovato applauded the OSE for pursuing this for New Mexico and thinking outside the box. This would definitely mean more bang for the buck.

Responding to a question from Director Brown pertaining to Item 20 that was taken off the agenda, Mr. Lovato responded CoA is going to be handling their portion of the Financial Guaranty. Infrastructure by AMAFCA will need to provide the financial guarantee. The 2013 agreement between CoA and AMAFCA was looked at and reevaluated.

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. There were no questions.



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Consent Agenda:

Director Eichenberg asked that **Item 11. AMAFCA Telemetry Phase 1 – Award Construction Contract to Qualified Low Bidder** be moved to the Regular Agenda so he could vote on the item.

Chair Brown stated that remaining agenda Items 10 and 12 were on the Consent Agenda. There being no further items on the Consent Agenda, Director Eichenberg made a motion that the Board:

- Authorize the Executive Engineer to advertise Construction Bids for the Agency and Area-Wide Flood Control Maintenance Contract 2016; and
- Accept the recommendation of the Selection Advisory Committee and authorize the Executive Engineer to commence contract negotiations with Smith Engineering Company for the Tijeras Arroyo Facility Management Plan.

Director Brown seconded the motion, which passed (4-0).

Responding to a question from Director Brown, Mr. Lovato stated that the Tijeras Arroyo Facility Management Plan would encompass the entire facility that will include grade control structures, slope erosion, bank protection, etc., from the Rio Grande all the way up to the Sandia Mountains. He stressed the importance of Kirtland Air Force Base in this project as well. There was a brief discussion regarding recharge potential and erosion versus velocity.

11. — AMAFCA Telemetry Phase 1 – Award Construction Contract to Qualified Low Bidder

Mr. Kevin Troutman, AMAFCA GIS Manager, stated that AMAFCA had received one bid, from Vital Consulting Group, for \$354,200.00. AECOM had recommended award to Vital and staff concurred with their opinion. Director Eichenberg stated that he votes no. Responding to a question from Chair Thomson, Director Eichenberg advised he did not like the cost, the fact that only one bid was received, and someone from outside of New Mexico should have bid considering the cost. Responding to a question from Director Borrego, Mr. Lovato stated that the Bid was advertised via various Bid Rooms, which go national, on the AMAFCA website, and in the Albuquerque Journal. Mr. Troutman stated that the bidder's sub-consultant was out of Utah. Responding to a question from Director Borrego, Mr. Troutman stated that if the project was going to be rebid, staff would ask it to happen after monsoon season so that construction would not be in the bottom of the dams during the monsoon season. This would mean another monsoon season without gauging on the facilities. There was a brief discussion about the high costs anticipated and that there might be more companies nationally that may want to bid on the project.



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Director Eichenberg made a motion to reject acceptance of the bid, request staff to readvertise Request for Bids, and construction and installation to start after the monsoon season. Director Brown seconded the motion. The motion passed (3-1), Director Thomson voted no.

13. 2016 Bond Sale

a. Bond Presentation by George K. Baum

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, introduced Mr. John Archuleta and Mr. Mark Valenzuela with George K. Baum and Mr. Daniel Alsup with Modrall Sperling.

Mr. Archuleta handed out a presentation. Part of his presentation covered the following: Assessed Valuations that included a 5-year analysis of residential, non-residential and central assessment growth, history of AMAFCA Tax Rates, Bernalillo County Tax Collections, Mill Levy, and the Election and Bonding Program. There will be a \$12.5M Bond Sale in March and possibly another in early 2017. Part of the presentation from Mr. Valenzuela covered the Plan of Finance, Market Update for both Municipal Bond and General Market, and Past AMAFCA Bond Sales.

b. Approval of Resolution 2016-03, Notice of Bond Sale

Mr. Daniel Alsup, Modrall Firm, presented the Resolution and noted that it authorizes the issuance for the Bonds and provides the final terms. He guided the Board through adopting Resolution 2016-03, *Notice of Bond Sale*. He noted that since the March Board meeting date had changed, the Resolution would need to be amended to reflect the new date of March 30, 2016.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2016-03, Notice of Bond Sale, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Brown seconded the motion. The motion passed unanimously (4-0), on a roll-call vote.

Director Eichenberg thanked the Financial and Bond Counsel advisors for their presentations and further noted that AMAFCA had been doing Bond Sales for a long time and were aware of the processes.

14. Ditch Safety Program Review 2015 – Presentation by the Ditch Safety Coordinator

Mr. Jerry Lovato, AMAFCA Executive Engineer, introduced Ms. Joan Griffin with Griffin and Associates. Ms. Griffin gave a quick presentation on the Ditch Safety Program. She provided a bag and poster to each Director. Part of the presentation covered the following: A commercial



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from 24 years ago was viewed by all. Ms. Griffin advised that the old characters, the Ditch Witch and Water Monster, were no longer being used. A new character, Leroyo, a friendly mascot, is now being utilized. She reiterated that the Ditch Safety Program had been rebranded and there is a new tag line. She stated that as far as promotional activities go, Griffin and Associates go everywhere that they are asked to attend. The new video for the Ditch the Ditches campaign was viewed. Ms. Griffin offered an open invitation to the AMAFCA Board of Directors to attend any event.

15. Legislative Liaison – Briefing on the 2016 New Mexico Legislative Session

Ms. Vanessa Alarid with Alarid Consulting referred to her handout that was sent to Mr. Lovato. Some of her presentation pertained to the following:

Of the 1,113 Bills, only 122 had gone to the Governor's desk. On March 9, any legislation not acted upon by the Governor will be pocket vetoed. May 18, 2016 is the effective date of legislation, which is not a general appropriation bill or bill carrying an emergency clause and/or other specified date. (All other acts become effective 90 days after adjournment of Legislature or at date specified in the Act.) A \$6.2B spending plan passed without raising taxes for the Budget and Medicaid shortfall. Last year's budget projections were \$6.53B. Oil and gas revenues dropped significantly and were the reason for the budget shortfall.

Various House Bills (HB) were as follows:

- HB 99 - makes NM drivers licenses compliant with the post-9/11 REAL ID Act, with two-tiers
- SJR1 - Joint Resolution to ask voters in November to reform the state's bail bond system. HB 27 Racheal's Law - lifetime protection order from their rapists
- HB 65 - Child Porn Images -increases penalties for possession, distribution, and manufacture of pornographic images of children
 - SB 118 Increase DWI Penalties - targets DWI offenders who rack up eight or more convictions or kill someone
 - Rape kits \$1.2M rape kit analysis and \$400k for sexual assault services

Ms. Alarid stated that Mr. Lovato had asked that she follow the Worker's Comp Benefits and Intoxication Bill since it might affect AMAFCA. Campaign Finance Transparency was also covered.

Responding to a question from Chair Thomson, Ms. Alarid stated that House Bill 143 was a 78-page bill that included Flood Control. She had spoken with the Bill sponsors, Representative Bandy and Senator Ivey-Soto, as well as others. She stated that Legislators really liked the Bill; it had support, had a message from the Governor supporting it, and was expected to pass. Ms.



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Alarid further stated that after more discussion with Ivey-Soto the Bill was pulled completely. It is anticipated that the Bill will be brought up again; however, there will be not the requirement for the individual entities to pay for the election. Elections will still be on a non-partisan or mill ballot. There was a brief discussion on who would be part of the non-partisan election. Responding to a question from Director Borrego, Ms. Alarid stated she has access to the Fiscal Impact Report and will send it to the Board. There was discussion regarding not everyone reading the Bill or even knowing exactly what was involved; i.e. SCAFCA was not following the Bill until it was brought to their attention. Ms. Alarid was thanked for her help on the slowing down the Bill. Ms. Alarid advised she would keep the Board and Mr. Lovato updated on further happenings with this Bill; however, it might be after the June Primary.

Ms. Alarid called after she left the meeting and advised Mr. Lovato that she followed up on the School Board election concern. There are currently two lawsuits, from 4 and 6 years ago, regarding the Constitutional Amendment. Two-thirds of American voters voted to change the School Board election (based on when women did not vote). The current lawsuits state that the clear majority want the election(s) to happen as called out in the Constitutional Amendment.

16. AMAFCA Field Highlights

a. Field Report

Mr. Kurt Wagener, AMAFCA Field Engineer, gave a report of various projects and events over the past month.

The slides opened with a Cooper's hawk, at Hidden Valley in Four Hills, resting in a tree and a couple of coyotes on the prowl at the South Domingo Baca Dam. The slide show continued with a picture of Ms. Savannah Martinez, AMAFCA Intern doing Water Sampling in the Rio Grande, AMAFCA crew mowing at the Bear Diversion, multiple pictures of cleaning at Corrales Main/La Orilla Water Quality, as well as a porcupine in a tree at La Orilla, and sediment removal at Corrales Main. Responding to a question from Chair Thomson, Mr. Wagener stated sediment is taken up near the Balloon Fiesta Park. The presentation continued with various pictures of the United States Army Corp of Engineers (USACE) Bosque Restoration Project – San Antonio Outlet. Responding to a question from Chair Thomson, Mr. Wagener stated the trees were willows. The report continued with multiple slides of the North Diversion Channel Grade Control Structure – Embayment Regrading Project, including before and after pictures, a report on a request from the Pueblo of Sandia to do testing on Turbidity Sampling for AMAFCA Earthwork and Grade Control Structure, which showed the downstream and upstream average turbidity value for various days. Mr. Wagener noted that the results showed that the water that had been sitting in the embayment had the silt and stuff drop out and it ended up being generally cleaner when it was shoved into the river. Responding to a question, what is turbidity, Chair Thomson responded it is a measure of the cloudiness of the water. Mr. Wagener continued the



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presentation with multiple slides of the Pond 187 Outfall and Pond 187 Conveyance Projects, various slides for the Miscellaneous AMAFCA Construction Projects which included Ladera 8 and Grandma's Pond Rundown, various CoA Osuna Widening Project pictures, slides of the NDC Trail Rehabilitation,, CoA Removable Bollard, Pond 187 – APS Soccer Field Dedication, ABCWUA Sewage Spill – Piedras Marcadas Dam, the ABCWUA Water leak at the Embudo Channel Box Culvert, NM Gas Bore under NDC at Comanche, Graffiti Cleanup SDC, UNM Tijeras Model, World of Concrete – John Nix who competed in an Equipment Rodeo during the February conference, South West Valley (SWV) Public Meeting, Storm Team Kiosk, and closed with a picture of numerous cranes flying in the sky.

Chair Thomson stated that during the SWV Public Meeting almost everyone present complimented both AMAFCA and the construction crew for the work on the project.

b. Construction Report

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

17. EPA NPDES Discharge Permit

a. NPDES Permit NMR04A000 Update

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, recapped the following during his presentation:

- Notice of Intent (NOI) processed - No comments were received from the public during the comment period
- Coverage under new Watershed Based Permit effective February 12, 2016
- Extension of deadline for Wet Weather Sampling Plan acceptance and certification move to June 23
- Submitted Wet Weather Sampling Plan in September and December 2015
- Detailed presentation to better explain mechanics of storm tracking, qualifying event, and sample collection
- Additional clarification sought regarding potential “overlapping” cooperatives

MS4 Permit – Overlapping Cooperation for Sampling Plan

- Dry Weather Screening
- Floatable Monitoring
- Industrial and High Risk Runoff Monitoring



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- Storm Water Management Plan (SWMP) update prepared, but intent of new permit is that future updates will require increased coordination throughout the watershed and that will entail thinking in new ways

MS4 Permit – Minimum Control Measures

- Compliance with Water Quality Standards (DO, PCBs, Temperature)
- Discharges to Impaired Waters with TMDL
- Discharges to Impaired Waters w/o TMDL
- Endangered Species Act Requirements
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention and Good Housekeeping
- Industrial and High Risk Runoff
- Illicit Discharges and Improper Disposal
- Control of Floatables Discharges
- Public Education and Outreach on Stormwater Impacts
- Wet Weather Monitoring Program
- Dry Weather Discharge Screening
- Floatables Monitoring

MS4 Permit – Why Cooperate?

- Construction Site Stormwater Runoff Control
 - 8 activities with May 2016 deadline or earlier; Only 6 activities if cooperating
- Post Construction Stormwater Management in New Development and Redevelopment
 - 13 activities with May 2016 deadline or earlier; Only 5 activities if cooperating
- Illicit Discharges and Improper Disposal
 - 14 activities with May 2016 deadline or earlier; Only 6 activities if cooperating

MS4 Permit – Post Construction Stormwater Management Cooperation

- Cooperation on mechanics of permit compliance will vary amongst permittees, but still allows extension of implementation deadlines
- Watershed cooperation to achieve permit compliance relative to policy and intent (runoff retention versus peak intensity)
- Cooperation will improve health of the river and lower overall cost of compliance



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Staff will continue implementing the minimum control measures contained in the SWMP document over the coming months and anticipates submitting the final SWMP document well ahead of the deadline.

Responding to a question from Director Brown on the CoA NOI, Mr. Chavez stated that they did have their NOI approved under the new permit and the Administrative Order (AO) was under the old permit. Responding to a question from Director Borrego, Mr. Chavez stated the chart does stipulate the entity responsible for each task; however, it was not readable on the Smart Board.

There was a brief discussion regarding the past EPA meeting and how EPA was under the assumption that AMAFCA would be running up to another county to take samples, when the area was outside AMAFCA's jurisdictional boundary. Mr. Chavez stated that is where the importance of additional gadgetry would be beneficial. Responding to a comment from Director Brown, Mr. Lovato stated the SWMP went from 30 pages to over 90. This is because AMAFCA had already been doing what was needed to be compliant with the new permit. New requirements in the permit for cooperatives include collaborating with Planning Documents, Ordinances, Green Infrastructure, and Low Impact Design. AMAFCA has met those requirements by modifying Drainage Management Plans to include Permit Requirements; therefore, the CoA could very easily get the cooperative extension by adopting the AMAFCA DMP for the Southeast Valley or the DMP for the West Branch of the Calabacillas. It will be easier for BernCo and CoA with the jurisdiction overlaps to cooperate with AMAFCA. The Peak Intensity of the storms was put into the permit on purpose, to allow AMAFCA to use the entire system to comply with the permit. He further stated Mr. Chavez has done a great job talking about the additional gadgetry needed to identify the areas for discharge and showing what is in compliance and what is not. AMAFCA cannot be running after every raindrop, as it would be a waste of money. Mr. Lovato stressed AMAFCA is ahead on the learning curve compared to many of the permittees and will continue to lead the area by default.

Chair Thomson stated that the watershed is really coming together and cooperating. While there are still some hurdles, the collaboration is remarkable.

b. Request for Out of State Travel – EPA Region 6, Dallas, TX

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that staff is proposing a meeting with Director of Water Quality Protection, Mr. Bill Honker, Chair Thompson, the AMAFCA Storm Water Quality Engineer, and the Executive Engineer. The purpose of the meeting would be to explain why detention should be allowed in lieu of the retention requirement. He further stated that BHI is looking at sub-basins of the North Diversion Channel and how those flows are being affected by AMAFCA infrastructure. AMAFCA will be looking at a couple other items. He further stated that CoA has concerns about AMAFCA's plan not being the best approach to deal with Region 6. AMAFCA is ahead of everyone in the urban area and feels that there is a very



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valid argument to have the changes made in the permit requirements. Therefore, a successful modification to the SWMP will allow a reduction of the retention requirement to reduce peak flows. Director Borrego made a motion that the Board authorize out of state travel and expenses for the Board Chair, Storm Water Quality Engineer, and the Executive Engineer to meet Director of Water Quality Protection, Mr. Bill Honker, EPA Region 6 in Dallas Texas, not to exceed \$1,545.00. Director Brown seconded the motion. The motion passed unanimously (4-0).

18. AMAFCA Project Update

a. San Pedro Mini Drainage Management Plan – Project Update

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that the Board had made it very clear that AMAFCA will not be taking the lead on any pond purchases or looking at reducing flows in the area, it was the responsibility of CoA. CoA did take the lead concerning purchasing land for one pond location and were doing very well; however, CoA is no longer interested in the piece of property that was referred to as Pond 4, the Caravan site. Mr. Lovato stated that with Board approval, AMAFCA should finish the DMP, identify all possible ponding areas that will help elevate flooding, and send the final report to CoA. Responding to a question from Director Brown, Mr. Lovato stated CoA completed a Phase I investigation, and had someone under contract for Phase II investigation, in addition, the CoA was looking at transportation monies to augment the funding for the purchase. The transportation funding would allow for some sort of commercial activity at the location; however, within the last two weeks, it was brought to AMAFCA's attention that the library location would be better somewhere else and transit funding would be used elsewhere. The pond in the area is still relevant. AMAFCA was asked to put a cover over the pond to bury it so that other activities could happen at that location. Mr. Lovato further stated that he explained to CoA covering the pond was not part of the agreement. AMAFCA would help purchase the land, but CoA would have to take care of the rest of the project.

Mr. Lovato stressed that whatever happens near the Caravan location would directly affect the area west of San Mateo. Counselor Diane Gibson's District is west of San Mateo and Counselor Davis' District is east of San Mateo. CoA is looking at some property they own closer to north Gibson Boulevard, which will help elevate flows in the San Mateo Storm Drain. Responding to a Mr. Lovato stressed that whatever happens near the Caravan location would directly affect the area west of San Mateo. Counselor Diane Gibson's District is west of San Mateo and Counselor Davis' District is east of San Mateo. CoA is looking at some property they own closer to north Gibson Boulevard, which will help elevate flows in the San Mateo Storm Drain. Responding to a question from Director Borrego, Mr. Jeffrey Willis, AMAFCA Real Estate Manager, stated the location is at Gibson and Eastern (old Lovelace Building). Responding to a question from Director Eichenberg, Mr. Lovato stated he would talk to CoA Parks and Recreation regarding utilizing the Mesa Vista park location for a pond. This area would be a strong candidate as it is



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near the Dallas Storm Drain. The neighborhood association in the area was very concerned about getting the facility in the area. Other alternatives were looked at for the area, but they still came out to a price tag of \$20M.

b. Montañó Levee – Project Update

AMAFCA, CoA, BernCo, and the Middle Rio Grande Conservancy District (MRGCD) are working together to go after Federal Emergency Management Agency (FEMA) funds to build approximately two miles of levee. The MRGCD had stepped up and advised they may manage the project. Mr. Roger Paul with BernCo is talking with Mr. Mike Hamman with MRGCD to see if one of the MRGCD project managers can take on the project. CoA does not have a project manager who can run the project; AMAFCA does not either. CoA has offered to take the lead with getting the money and managing it. BernCo has agreed to put in a small amount of funds; AMAFCA is committed to a small amount of funds as well.

19. Bernalillo County Joint Projects

a. Alameda Drain Trail and Master Plan – Project Update by Nolan Bennett, Bernalillo County

Mr. Bradley Bingham, AMAFCA Drainage Engineer, introduced Mr. Nolan Bennett with BernCo. Mr. Bennett stated the project has a long title, but the Alameda Drain Project is very representative of it. AMAFCA entered into an agreement with BernCo, CoA, and MRGCD to create the Alameda Drain Comprehensive Land Management and Multi-use Corridor Master Plan. He briefed the Board on the location. The project includes different landscaping opportunities, amenities, vegetation, water quality features, and many aspects along the corridor. There have been many public meetings. There have been MRGCD representatives at each of the meetings.

Mr. Bennett covered many of the different options that may be incorporated into the project, such as:

- Various vegetation
- Location of the trail was discussed and the concern of cars crossing the trail with pedestrian and equestrian interactions
- Water quality amenities and features
- Various inlets in the corridor
- Possible Linear park
- Logo Branding



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Responding to a question from Director Eichenberg, Mr. Bennett stated that BernCo had been in contact with VoLR. While the project does not technically go through VoLR maintenance jurisdiction, it does go along their jurisdictional boundaries. The project is in the MRGCD right-of-way or easement. VoLR had provided a lot of good input; however, they have not contributed financially. Responding to comments from Director Borrego, Mr. Bennett stated that agricultural history is being looked at and some of the different plantings are being considered, as well as community gardens, etc. Mr. Bennett mentioned there was an agricultural exemption for the project. Mr. Lovato apologized to Mr. Bennett and stated he needed to clarify that an agricultural exemption is incorrect. The MRGCD facilities are Waters of the US, which is why AMAFCA can discharge to them. MRGCD does not have an exception. Mr. Bennett referred to Mr. John Kelly with MRGCD. Mr. Kelly advised that the project started as a three-way agreement and AMAFCA was brought in after he spoke with Mr. Lovato to bring storm water quality and DMPs in the project. There are 138 connections to the Alameda Drain; some are licensed some are not. MRGCD will be looking to CoA and BernCo to start looking at DMPs and their capital programs in order to fund pipe connections. Treating the drain is not very popular with some of the agricultural people and MRGCD staff; however, the Van Horn Study does prove that running water through an agricultural drain does improve the water quality. Mr. Bennett closed by stating additional information can be found on Bernco.gov.

The Board thanked CoA and BernCo. There was a brief discussion that if AMAFCA is funding a project and there is no local community buy-in AMAFCA should not be doing it. AMAFCA should be concentrating on protecting property and life and not participating in projects that do not have local community buy-in.

b. Garduño Storm Drain – Project Update

Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated that the AMAFCA Board and BernCo had agreed that BernCo would take over managing the project. The draft agreement is being reviewed by BernCo legal counsel. The project is on hold pending results of the VoLR Municipal Election. Ms. Mazur further stated that a VoLR Trustee had addressed the Board at the December meeting, stating that VoLR was interested in participating in the project. VoLR had funding for drainage improvements in the area and were well aware they would need to pay for the design and construction of improvements within their jurisdiction.

Responding to a question from Chair Thomson, Mr. Bennett stated the total cost is estimated around \$2.3M.



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20. Real Estate

- a. **Future Project Financial Guaranty – Discussion of AMAFCA Financial Guaranty Options**

This item was taken off the agenda.

21. Unfinished Business

None.

22. New Business

None.

23. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:50 p.m.

A handwritten signature in blue ink, appearing to read "Ronald D. Brown".

Ronald D. Brown, Secretary-Treasurer, 3/30/16

Recorded by Guylene Harris, Executive Administrative Assistant