



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2019
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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, February 28, 2019. Roll was noted as follows:

Directors present:	Chair Ronald D. Brown Director Tim Eichenberg. Director Deborah L. Stover Director Bruce M. Thomson
Directors excused:	Director Cynthia D. Borrego
Attorney present:	Randy Autio, Robles, Rael & Anaya
Others present:	Jerry M. Lovato, P.E., Executive Engineer Staff

A quorum was present.

2. Approval of Agenda

Chair Brown asked that the **Recess** scheduled at 11:35 a.m. and **Item 18** be moved to after **Items 19 and 20** and before the **Closed Session**. Director Eichenberg made a motion to approve the agenda, as amended. Director Stover seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. **March 28, 2019, 10:00 a.m. – Regular Meeting**
- b. **April 25, 2019, 10:00 a.m. – Regular Meeting**
- c. **May 23, 2019, 10:00 a.m. – Regular Meeting**

There were no changes made to the dates listed above.

4. Items from the Floor/Public Comments

None.

5. Approval of Minutes

a. January 24, 2019

Director Thomson requested a minor change. Director Stover made a motion to approve the minutes of January 24, 2019, as amended. Director Thomson seconded the motion, which passed (4-0).

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Chair Brown made appointments to the following MRCOG Boards:

MRCOG Executive Board:	Chair Ronald D. Brown
MRCOG Board of Directors:	Director Bruce M. Thomson
Middle Rio Grande Water Resources Board:	Director Bruce M. Thomson
Metropolitan Transportation Board:	Chair Ronald D. Brown

Chair Brown made appointments to the following AMAFCA Committees:

Personnel and Salary Committee:	Director Bruce M. Thomson
	Director Deborah L. Stover
Strategic Planning Committee:	Director Cynthia D. Borrego
	Director Tim Eichenberg

There was a brief discussion regarding forming a Finance Committee. The mission would be to take a more thorough review of the financial statements and report back to the Board. It was agreed that should a more detailed presentation be needed for any meeting staff would make time on the agenda for that purpose. However, it would be a good idea to have the Finance Committee be part of yearly Budget process. With the Board in agreement of the new committee, Chair Brown made the following appointments:

Financial Committee:	Director Deborah L. Stover
	Chair Ronald D. Brown

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

The motion taken approved the following:

- Advertisement to Request for Proposals on Audit Services;
- Advertisement to Request for Proposals on Calabacillas Arroyo Facility Plan upstream of Swinburne Dam; and
- Recommendation from the Selection Advisory Committee approving Conley Engineering, LLC., for design and construction management services for the Agency and Area-Wide IX Flood Control Rehabilitation contract.

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

There was a brief discussion regarding the advertising timeline to Request for Proposals (RFP) on Audit Services. The State Auditor is required to notify AMAFCA in writing that AMAFCA can go out for RFP. The State Auditor also has the authority to audit AMAFCA, if they choose to do so. The Board concurred that advertisement for Audit Services should be done as soon as the State Auditor gives permission to advertise, which would allow a longer window for potential respondents to submit an RFP.

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7. Executive Engineer's Report

a. Notification of Past Month's Activities

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

- **Governmental Affairs**

City of Albuquerque (CoA)

Coordination Meetings: AMAFCA, CoA, and Albuquerque / Bernalillo County Water Authority staff had been working to identify common aspects of each agency's mission while still serving the constituents. A pilot program would be the marking and instrumentation placement on the North Diversion Channel (NDC) so that anyone putting in a call to the 911 emergency system can see where they are on the channel.

Kirtland Air Force Base (KAFB): KAFB had agreed to partner with AMAFCA to fast track the design and construction of two drop structures to address bed erosion(s) in the arroyo as well as national security issues on KAFB. KAFB would fund \$600K with \$100K from AMAFCA, for a total cost of \$700K for the design work of two grade control structures. Construction of the two grade control structures is estimated to be between \$10M-\$12M. AMAFCA anticipates having the agreement, which is currently working its way through the Air Force hierarchy, before the Board in March.

- **Planning, Engineering, & R&D**

North Diversion Channel Outfall Project: Due to the project being built 18 inches too high AMAFCA documented the current condition of the completed structure and as-built elevations. As-built conditions are currently being compared to the as-built drawings, original design, and the UNM physical model.

b. Notification of On-Call Services Task Orders

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo for task orders that had been issued over the last few months. There were no questions.

8. Financial Matters

a. FY 19 Budget to Actual

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

b. AMAFCA Cash & Investments

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

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c. Approval of January 2019 Expenditures

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

Director Thomson made a motion to approve the January 2019 Expenditure Report. Director Stover seconded the motion, which passed (4-0).

d. Financial Position Recap January 16, 2019 through February 15, 2019 & Forecast February 16, 2019 through March 15, 2019

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

Director Eichenberg made a motion to approve the Financial Forecast Report. Director Thomson seconded the motion, which passed (4-0).

e. Fiscal Agent Funds – Proof of Cash and Savings

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

9. AMAFCA FY 2019 Budget Adjustments

a. Approval of Resolution 2019-03, Fiscal Year 2019 Budget Adjustment – General Fund

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the General Fund Budget. Responding to a question on what the City of Albuquerque (CoA) does for payroll and what AMAFCA does for CoA; CoA saves AMAFCA money by saving Mr. Chavez time by compiling and filing all the applicable withholding reports for payroll; AMAFCA inputs all time into the CoA payroll system; and more time is spent trying to get the CoA to bill AMAFCA for the payroll(s) so they can be paid. The discussion continued with Mr. Nolan Bennett, AMAFCA Field Engineer, recapping the procedures on how excess sediment for sale and free sediment, at applicable locations, loaded and hauled at contractor expense is advertised; and a suggestion was provided by the Board to contact local engineers who might have the need for matched fill on their project(s).

Director Eichenberg made a motion that the Board adopt Resolution 2019-03 Fiscal Year 2019 Budget Adjustment – General Fund. Director Thomson seconded the motion, which passed unanimously (4-0), on a roll call vote.

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b. Approval of Resolution 2019-04, Fiscal Year 2019 Budget Adjustment – Debt Service Fund

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

Director Eichenberg made a motion that the Board adopt Resolution 2019-04 Fiscal Year 2019 Budget Adjustment – Debt Service Fund. Director Thomson seconded the motion, which passed unanimously (4-0), on a roll call vote.

10. AMAFCA Bond Program – Green Bond Discussion

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There was a brief discussion regarding the City of Santa Fe (CoSF) receiving a Certified Climate Bond rating for their green bonds designation; AMAFCA's Financial Advisor had provided an email to Mr. Chavez noting the designation that was part of a handout to the Board; the Board noted that AMAFCA had considered green bonds before and it was not advantageous at the time and may not be cost effective now; it was suggested to watch CoSF to see if they get a pricing deferential for their green bonds; in six months or three years from now things could change for AMAFCA; and there may be additional guidelines for certification of green bonds. Mr. Lovato stated that AMAFCA could start an annual Green Report to figure out the reporting procedure that would include stormwater quality and Comprehensive Annual Financial Report information. The Board concurred that a report would not be a bad idea and it could help to have for the discussion(s) with the Bond Rating agencies. The Board asked that AMAFCA's Bond Advisor provide an analysis on green bonds for the next bond cycle.

11. Legal

a. Legal Status

Attorney Randy Autio summarized information provided in the memo. There were no questions.

12. Legislative Liaison

a. Briefing on the 2019 New Mexico Legislative Session

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that during the very busy session Alarid Consulting had managed to get Legislative funds committed for AMAFCA (for Capital Outlay); Ms. Vanessa Alarid and Mr. Mark Fleisher did a great job working through the tedious process to obtain the Infrastructure Capital Improvement Plan number; and the Legislative Liaisons are tracking items that CoA submitted (projects on for the Railyards, Marble Arno Pump Station, and the Tijeras Arroyo). There was a brief discussion on the Local Election Act (LEA) cleanup Bill; if the current LEA Bill is not cleaned up the Secretary of State advised AMAFCA's enabling legislation would take priority (50 signatures needed for AMAFCA Board versus 75 for the State); what Agencies other than AMAFCA would be on the November Ballot; AMAFCA would be responsible for notifying the Bernalillo County Clerk of the names / positions to be listed on the ballot for the AMAFCA Board; MRGCD has five years to comply with the LEA; MRGCD voters are landowners and not necessarily registered voters; the Legislative Liaisons are following

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the LEA Bill; Attorney Autio offered to track the LEA Bill as well; there is a 30-day emergency clause for the cleanup; and the Board asked that the Legislative Liaison prepare a report for the March Board meeting.

13. Rehabilitation Assistance for Non-Federal Flood Control Projects – Program Participation Discussion

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, provided a Public Law 84-99 Fact Sheet for Flood Response from the U.S. Army Corps of Engineers (CoE) that explained the Purpose, Background, Technical and Direct Assistance, and the requirements for Direct Assistance within the CoE program. It resembles an insurance policy with the CoE for the North Diversion Channel (NDC) and South Diversion Channel (SDC). AMAFCA wanted this discussion with the Board to seriously consider removing itself from the program if the CoE cannot change the long review process. He briefed the Board on AMAFCA's current requirements to comply with the 408 Permit; a government decision is needed and all requirements for NEPA are to be followed; when a penetration in the NDC is needed the CoE has obtain funding for the approval process, by adding the additional work into the President's Federal Budget before February each year and at this time it would mean another year before CoE could ask for more funding; every project that AMAFCA needs to have CoE analyze costs in the range of \$75K-\$100K for one or two penetrations in the NDC; AMAFCA currently has three projects (Mountain View Elementary which AMAFCA allowed due to school being flooded – AMAFCA on the hook if any issues arise from allowing the penetration; SDC with 18-inch pipe for a medical office; and Balloon Fiesta Park to drain the westside of the channel into the NDC near Edith); of these three projects the CoE has been reviewing and / or waiting for money for years; a benefit of the program would be if the NDC had a major break the CoE would fix the project but there would have to be an emergency declared, CoE makes a request to Congress for funding to make the repair; and then the funds are appropriated to come back to CoE to make the repair. During a true emergency, with the State declaring an emergency declaration, AMAFCA might be in a better position to apply for a Federal Emergency Management Agency (FEMA) grant and FEMA reimburses AMAFCA directly; if AMAFCA does elect to get out of the Program the Federal guidelines would still need to be followed for flood control projects. AMAFCA became an entity due to the need for a local sponsor for the NDC / SDC. AMAFCA is not trying to turn its back on CoE; however, the process is killing development and hindering AMAFCA from doing its job. AMAFCA was hoping to work a deal with the CoE under a Programmatic Permit that would allow AMAFCA to make decisions for five years and then report back to CoE, which the 404 Permit allows. Due to the local interpretation of the rule, a trip to Oklahoma (has a lot of oil rigs / drilling) was made by AMAFCA to see how Oklahoma did their 404 Permit. Oklahoma had met with CoE and U.S. Fish and Wildlife to develop their Programmatic Permit Program to allow fast tracking of drilling, which also brought in a lot of control. AMAFCA followed the same idea to get the 404 Permit up and running locally and the current process took two years to complete. Responding to a question from the Board, Mr. Lovato stated that one project that AMAFCA thought would be partially funded by the CoE was the Outfall where there was a known design deficiency in the CoE Project that AMAFCA rebuilt and asked for money; CoE agreed it was a great idea, but advised there would be no money; AMAFCA self-funded the project; and it is believed that there is no CoE funding for normal maintenance or rehabilitation. Responding to a question from the Board regarding any major changes to the NDC / SDC still requiring a 408 Permit, Mr. Lovato provided the overlay of the NDC as an example: the project has gone on for several years; had been grandfathered in with a Permit for the entire project; if the current CoE staff left AMAFCA might not have the same

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luxury of the grandfathered system. The Board agreed the length of CoE review and the costs associated are very irritating. The Board asked that AMAFCA explore the full gamut of what would be required to extricate AMAFCA from the CoE requirements.

14. Ditch Safety – Art Project, Project Introduction

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, introduced Ms. Dezaree Garcia and Mr. Gabriel Gallegos with Sunny 505 (formerly Griffin and Associates). Ms. Garcia briefed the Board on the merging of Griffin and Associates with Santa Fe based Sunny 505; background of Griffin projects; various aspects of the Mural Contest; the winning artwork; and the installation and possible locations of the artwork. Ms. Garcia thanked the Board for their time.

15. Tijeras Arroyo Grade Control Structures – Proposed Funding Options, Presentation by Tierra West

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, introduced Mr. Ron Bohannon with Tierra West, LLC. Mr. Bohannon provided a recap of the project and answered various questions from the Board. Part of the presentation included the location; Tijeras Arroyo Drainage Basin; Site Plan for the Sunport South; Summary of Arroyo Improvements; Sunport South Proposed Basin Map; Summary of Flow; Arroyo Improvement cost; Economic Impact; and the INFRA grant application to serve the Sunport Economic Investment District. Responding to questions from the Board, Mr. Bohannon recapped the breakdown of taxing districts compiled by Data Resources. He further stated he had a handout of the information for the Board, could email the full report, and answered various additional questions. Responding to questions from the Board, Mr. Bohannon stated the cost for arroyo stabilization and two drop structures would be \$14M, two drop structures (as opposed to six) would stabilize the arroyo (with widening), come in cheaper, and would fit the AMAFCA Facility Plan. The Board instructed information for this project would need to be given to AMAFCA staff to analyze, and after staff had fully analyzed, a presentation may be made to the Board in a month or more. Mr. Bohannon thanked the Board for their time and apologized for the lack of notice. Responding to a request from Mr. Lovato, and with Board approval, Mr. Archuleta with Bernalillo County (BernCo), briefed the Board on the INFRA grant that would be submitted for this project. AMAFCA would supply a letter of support for the grant. The Board stressed AMAFCA's concern that the Industrial Revenue Bonds take property off the tax rolls and Mr. Archuleta stated BernCo had the same concerns.

16. AMAFCA Joint Projects – Bernalillo County

a. La Cueva Arroyo Facility Plan – Update on Feasibility Scope

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo. The presentation briefly covered the need for input from the public to gather their concerns and collect data to create a scope and cost for a feasibility report. Mr. Lovato covered the usual process for doing a Feasibility Scope; this project will impact hundreds of vacant lots as well as hundreds of homes (front / back yards); and stressed public input is needed on the difficult project before scoping out an engineering design. Responding to a question from the Board, Mr. Bingham stated BernCo would be managing the project with AMAFCA's assistance. Mr. Elias Archuleta with BernCo stated that the last parcels for development are incumbered by the channel; requests are coming in that are 80-90% in the floodplain; some homes are being built on stilts; other

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modifications coming in pose an impact on the channel without looking at the channel as a whole; BernCo is not willing to allow some exceptions to occur; BernCo is in a position where requests to develop a property are being denied; it is in BernCo's best interest to look for a long term approach to deal with the channel; and this has been on everyone's back burner for a while. The Board concurred that it would be prudent for BernCo to have a couple of public meetings and send out the required mailouts for this project to obtain the public's input.

b. Alameda Drain Hydrologic and Hydraulic Study Project – Joint Project Discussion

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding how much of the Village of Los Ranchos (VoLR) surrounds the Alameda Drain; VoLR claims only one input with five cubic feet per second, which will be verified through this process; the project would be the basis for managing future flows into the Alameda Drain; and the Board concurred this would be a good project from a collaborative prospective.

17. Joint Projects – City of Albuquerque

a. Marble Arno Pump Station – Project Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, introduced Ms. Shellie Easton, CoA Project Manager. Ms. Easton presented a recap of the Marble Arno Pump Station Project wall art; wall height; landscaping; pole lightening; and answered questions from the Board. Mr. Bingham stated that Mr. Chris Nadu with Smith Engineering was present for any questions. Mr. Lovato advised funding is still six years out; Albuquerque City Council recently added another \$1.5M to the project as well as pump rehabilitation; State funding is possible from the State Legislature; and both Director Stover and Mr. Lovato have had meetings with Counselor Benton and CoA staff to try to push the project forward. Responding to a question from the Board, Ms. Easton stated the public meeting had been advertised for two weeks.

b. Dallas Storm Drain Regional Facility – Introduction of Draft Funding Agreement

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that there is no funding agreement at this time; however, after serious discussions with CoA concerning the Dallas Storm Drain and Gibson Boulevard project the Eastern Alvarado site has become available for a flood control project. The funding agreement for the Caravan site and Regional Pond for the Dallas Storm Drain would now take flows off of Central avenue with a small pond (approx. 4 acre-feet) incorporated into the landscaping of the project; AMAFCA would pay for a portion of the land, design, and construction; AMAFCA will not be involved in the actual construction or management of the project; CoA will construct and manage the project. The project near Zuni / Pennsylvania could be done in 18 months; the timing is important to remove floodplain at Louisiana / Central, which would require a LOMR; and the cost for Eastern Alvarado, Dallas Storm Drain, Regional Pond at the Library is estimated at \$1.1M - \$5M. Responding to a question from the Board, Mr. Lovato stated that CoA is looking at a multi-use facility for Eastern / Alvarado, which may include a water quality structure; and the Environmental Assessment would help projects starting at Campus Wash and the San Mateo Storm Drain through the north of Central.

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The scheduled Recess and Item 18 was moved to after agenda Items 19 through 21 earlier in the meeting.

19. Black Mesa Phase 3 Dam Outlet Raymac to Don Felipe Dam Project – Phase II – Project Update

Ms. Nicole Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo, covered various before and after pictures showcasing the project, and answered questions from the Board. She thanked AUI, Inc. for their creative out of the box approaches to various obstacles that developed, some done at their cost, and Guzman for the work constructing the project. The Board commended Ms. Friedt as well for keeping the project on track considering all the setbacks that arose.

20. Real Estate

a. Lot 10, Block 7, Tract 3, Unit 1 NAA – Approval of Quitclaim of Existing Easement

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

Director Eichenberg made a motion that the Board authorize the Chair to accept the Quitclaim of Easement for Lot 10 of Block 7, Tract 3, Unit 1 of North Albuquerque Acres. Director Thomson seconded the motion, which passed (4-0).

b. Lot 10, Block 7, Tract 3, Unit 1 NAA – Acceptance of Grant of Easement

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo. There were no questions.

Director Eichenberg made a motion that the Board authorize the Chair to accept the Grant of Easement for Lot 10 of Block 7, Tract 3, Unit 1 of North Albuquerque Acres. Director Thomson seconded the motion, which passed (4-0).

c. Horizon Village – Approval of Turnkey Agreement

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo. Attorney Autio confirmed the agreement had been reviewed.

Director Stover made a motion that the Board approve the Turnkey Agreement, substantially the same as attached, and authorize the Chair to execute the Agreement with Clearbrook Investments, Inc. Director Thomson seconded the motion, which passed (4-0).

Item 18 was moved to behind agenda Item 20 earlier in the meeting.

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18. AMAFCA Field Highlights

a. Field Report

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

b. Construction Report

There were no questions on this item.

Items 19 and 20 were moved up to behind Item 17 earlier in the meeting.

21. Executive Session (closed)

a. Discuss the Acquisition of Real Property (§10-15-1(H)(8)) - Moon Mini Drainage Management Plan

Chair Brown stated there was no need to go into Closed Session. Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, confirmed that information had been sent out and nothing had been received for the Board to review.

22. Unfinished Business

None.

23. New Business

There was a brief discussion regarding a Bill being proposed that included the possibility of Election Day being a Holiday and House Bill 407, Section 75 / 76 covered mail in Ballots and Special Elections.

24. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 12:47 p.m.

Deborah L. Stover, Secretary-Treasurer, 3/28/19

If Draft is noted as a watermark, the minutes are in draft form, are not the official minutes of record, and are subject to approval by the AMAFCA Board of Directors.