



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
October 26, 2017  
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**1. Call to Order and Roll Call**

Chair Thomson called the Regular Board Meeting to order at 10:04 a.m. Thursday, October 26, 2017. Roll was noted as follows:

Directors present:	Chair Bruce M. Thomson Director Tim Eichenberg Director Cynthia D. Borrego Director Ronald D. Brown – arrived at 10:27 a.m.
Directors excused:	Director Deborah L. Stover
Attorney present:	Attorney Robert White, Robles, Rael & Anaya
Others present:	Jerry M. Lovato, P.E., Executive Engineer Staff

A quorum was present.

**2. Approval of Agenda**

Chair Thomson asked that **Item 6 Financial Matters** be moved to after the Consent agenda and that **Item 9 On-Call Land Survey Services – Consideration for Approval of On-Call Services Agreements** be moved to the Regular agenda.

Director Eichenberg made a motion to approve the agenda. Director Borrego seconded the motion, which passed unanimously (3-0).

**3. Meetings Scheduled**

- a. **November 16, 2017, 10:00 a.m. – Regular Meeting**
- b. **December 14, 2017, 10:00 a.m. – Regular Meeting and Board Holiday Luncheon**
- c. **January 25, 2018, 10:00 a.m. – Regular Meeting**

There were no changes made to the dates listed above.

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

None.

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### 5. Approval of Minutes

**September 28, 2017**

A discussion took place regarding the detailed minutes and a request was made to send a copy of the draft minutes to Chair Thomson and Director Eichenberg prior to completion to obtain their comments as to whether the minutes achieved a proper balance of brevity while still adequately summarizing discussion and actions of the Board meeting.

Director Eichenberg asked that the record for the October 26, 2017 meeting reflect that on Page 15, Item 12 from the September 28, 2017 minutes, the comment made concerned non-profits that had given Campaign money and not LLCs.

Director Eichenberg made a motion to approve the minutes of September 28, 2017. Director Borrego seconded the motion, which passed (3-0).

**October 2, 2017**

Director Eichenberg made a motion to approve the minutes of October 2, 2017. Director Borrego seconded the motion, which passed (3-0).

Item 6 Financial Matters were moved to after the Consent Agenda earlier in the meeting.

### 7. Legal

Attorney Robert White summarized information provided in the memo.

### 8. Executive Engineer's Report

#### a. Notification of Past Month's Activities

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

- **University of New Mexico North Golf Course:** AMAFCA reviewed and commented on the draft agreement by Bernalillo County (BernCo). A meeting was held between all parties to discuss AMAFCA's comments. A new draft agreement is being drafted and will be the subject of a future Board Meeting.
- **City of Albuquerque Marble Arno Pump Station Update:** Smith Engineering has presented to City staff a preliminary review of the pump station hydraulics which was the bases of negotiations for the design scope.

*Caravan Site – Regional Flood Control and Water Quality Improvement Update:* CoA is interested in a regional solution to the Dallas Storm Drain which could be incorporated into the Caravan site. An analysis was completed to verify that a pond at the Caravan site would reduce floodplain along the Dallas Storm drain.

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- **AMAFCA 2017 MS4 Permit – Annual Report:** The Annual report has been completed. It is currently in public review and will be submitted by December 1, 2017.

*AMAFCA Stormwater Management Plan:* AMAFCA revised its stormwater management plan to address changes and new requirements in the new watershed based MS4. The revised document is currently in public review and will be sent to EPA by December 1, 2017.

*AMAFCA Board Information – Board Memos:* In an effort to clarify Board actions and to provide more transparency, next month's Board Memos will be modified to include an action descriptor in the memo title.

- **Public Outreach**

*West I-40 Phase IV – Ribbon Cutting:* A ribbon cutting has been scheduled for Tuesday, November 7, 2017 at 10:00 am. The location of the ribbon cutting will be just east of 98<sup>th</sup> Street.

*Twinkle Light Parade:* AMAFCA will participate in this year's parade along Nob Hill area and will stage along Silver Avenue between Washington and San Mateo.

There were no questions.

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

Mr. Jerry Lovato, AMAFCA Executive Engineer, referred to the memo for task orders that had been issued the prior month. There were no questions.

- 9. On-Call Land Survey Services – Consideration for Approval of On-Call Services Agreements**

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board.

Director Eichenberg made a motion to approve the On-Call Surveying Services Agreements with Souder Miller & Associates, Community Sciences Corporation, Wilson & Company, Cobb Fendley & Associates, and Bohannon Huston, Inc., substantially the same as attached. Director Borrego seconded the motion, which passed (3-0).

Chair Thomson stated that agenda **Items 10 through 14** were on the Consent Agenda. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda. The motion taken approved the following:

- Approve the On-Call Geotechnical / Materials Testing Agreements with AMEC Foster Wheeler, NV5, Inc., and YeDoma Consultants, substantially the same as attached; and
- Approve the On-Call Real Estate Appraisal Services Agreements with Shipman/Foley & Associates, Commercial Appraisal Inc., and CBRE Valuation and Advisory Services, substantially the same as attached; and

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- Accept the recommendation of the Selection Advisory Committee and authorize the Executive Engineer to commence contract negotiations with Eagle's Eye Photo; and
- Accept the recommendations of the Selection Advisory Committee and authorize the Executive Engineer to commence contract negotiations with the selected firms for On-Call Storm Water Quality / Environmental Engineering Services; and
- Authorize out of state travel and expenses for two AMAFCA crew members to attend the World of Concrete Conference and Trade Show in Las Vegas, Nevada, not to exceed \$2,810.00.

Director Borrego seconded the motion, which passed (3-0).

Mr. Nolan Bennett, AMAFCA Field Engineer, answered questions from the Board regarding the World of Concrete Conference.

### **6. Financial Matters**

#### **a. FY 18 Budget to Actual**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. Mr. Chavez was asked about the disbursement process from the Bernalillo County Assessor's Office for individuals who prepay and how many are on a monthly payment plan; clarification on what fund(s) the Arbitrage is paid from and the cost for each bond cycle; and that AMAFCA should get an opinion from the Auditor regarding the Arbitrage fund payment(s) and be able to discuss with Legal at the next meeting. Other questions included: what miscellaneous costs entail; GIS services had not had an On-Call task for FY-18; did ask if AMAFCA contracted for IT services to address recent computer / server issues.

#### **b. AMAFCA Cash & Investments**

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

#### **c. Approval of September 2017 Expenditures**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and referred to the Credit Card statement that was not originally included in the mailout.

Director Borrego made a motion to approve the September 2017 Expenditure Report. Director Brown seconded the motion, which passed (4-0).

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### **d. Financial Position Recap September 16, 2017 through October 15, 2017 & Forecast October 16, 2017 through November 10, 2017**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and advised that the forecast was through November 10 due to the short turnaround for the November Board meeting. There were no questions.

Director Brown made a motion to approve the Financial Position Report. Director Borrego 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.

### **f. AMAFCA Revenues – Discussion**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo including various graphs. There was discussion regarding a recent meeting with the Bernalillo County Assessor's office between AMAFCA staff, Chair Thomson and Director Brown. The Assessor opined, that part of the downward trend for revenues is the fact that undeveloped land is considered non-residential and are removed from the tax rolls as investor revenue bonds are issued. This does not explain the \$300M shift in the 2017 Property Valuation identified by AMAFCA staff and found in the Maintenance Program & Annual Report from the County Assessor's Office.

A discussion took place regarding the different Mill Levy rates for residential and non-residential properties and while a small percentage decline has significant implications to AMAFCA's revenues; as BernCo issues / considers IRBs it has an impact on AMAFCA and could influence discussions regarding storm water management projects in those regions; Assessor advised AMAFCA would get a list of IRBs issued over the last 10 years; AMAFCA requested that pre-land IRB land values be taken out since they will be off the tax rolls when IRBs are issued; GASB 77 requires the disclosure of tax abatements; all IRBs (97+/-) need to be disclosed that affect AMAFCA; three entities issue IRBs (BernCo, CoA, and Hospital Board); this disclosure will add 10-12 pages to the audit report; BernCo made up a lot of lost revenue with Gross Receipts tax, which does not benefit AMAFCA; BernCo needs to bring in new development; discussion concerning fees / decline in assessed valuation; the BernCo Assessor would like to continue meeting on an annual basis; AMAFCA's revenue estimate does not include all protests and protests climb every year; there is a 50-60% success rate for protests.

### **g. AMAFCA FY-2017 Audit and CAFR Update**

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 getting the Audit and CAFR in early. The deadline for submittal of audits of state agencies had been moved up to November 1. A Special meeting to discuss the Audit and / or CAFR in Executive Session and possible Board action to consent that it be forwarded to the State Auditor was scheduled for November 6, 2017.

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**15. Agency and Area-Wide Flood Control Rehabilitation VIII – Consideration for Approval of the Professional Engineering Services Agreement with Conley Engineering**

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board.

Director Brown made a motion that the Board approve the Agreement with Conley Engineering, substantially as attached, to provide Professional Engineering Services for the Agency and Area-Wide Flood Control Rehabilitation VIII Project, on a time and materials basis, with cost not to exceed \$133,772.12, not including New Mexico Gross Receipts Tax, and authorize the Executive Engineer to execute any future amendments to the agreement. Director Borrego seconded the motion, which passed (4-0).

**16. Louisiana-Gibson Regional Drainage Facility at Kirtland AFB Detention Facility and Outfall Pipe project – Review Draft Funding Agreement with Kirtland Air Force Base**

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated there was no draft agreement at that time for the Board to review. He covered the following: Kirtland Air Force Base (KAFB) asked AMAFCA to relocate the Detention Facility in order to relocate gate access; a fund will be set up for AMAFCA to invoice against; KAFB is on track to get the funding; CoA requested that a traffic study be completed. The Board concurred with the direction of the project and identified that the communication with KAFB is refreshing and expressed their gratitude for the current progress.

**17. Ditch Safety Coordinator**

**a. Ditch Safety Coordinator Recap**

Ms. Dezaree Vega Garcia with Griffin and Associates briefed the Board on the Ditch Safety Program. She reminded the Board that the program had been rebranded in 2014 with a new tag line / characters, and had stepped away from using the Ditch Witch character. 2017 events were covered and included swim pass funds raised and passes printed. 2018 Tactics for the program include continuing with ongoing special events, presentations, and new arroyo art project(s) for adult messaging. Ms. Vega Garcia thanked the Board for their time.

**b. Ditch Safety Coordinator – Consideration for Approval of Third / Final Extension**

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to extend the agreement with Griffin & Associates for one year. Director Borrego seconded the motion, which passed (4-0).

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**18. 2017 Monsoon Season Recap / Winter Outlook**

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and PowerPoint presentation.

Mr. Lovato stated that more funds will be allocated next year for sediment removal due to sediment movement as a result of no root growth on plants.

**19. Storm Water Quality**

**a. Middle Rio Grande Watershed Based MS4 Permit No. NMR04A000- Permit Annual Report Update**

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Chavez stressed that the AMAFCA Annual report is an audit ready report.

**b. EPA Region 6 Stormwater Conference – Conference Debrief**

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered questions from the Board.

**c. EPA Region 6 Site Visit – Discussion of Regionalization with NM Stakeholders and EPA**

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo. There were no questions.

**20. AMAFCA Field Highlights**

**a. Field Report**

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

**b. Construction Report**

There was no discussion or questions on this item.

**21. Real Estate**

**a. Jefferson Property – Consideration for Award of Bid to Highest Bidder**

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. There were no questions.

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Director Eichenberg made a motion that the Board approve the Lease Agreement with Liberty Gym, Inc. and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA. Director Borrego seconded the motion, which passed (4-0).

**b. North Albuquerque Acres, Block 17, Lot 25 – Consideration for Approval of Quitclaim Deed to Release Easement**

Mr. Bradley L. Bingham, Drainage 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 execute the Quitclaim Deed / Release of Easement for Lot 25 of Block 17, Tract 3, Unit 1 of North Albuquerque Acres, substantially the same as attached. Director Brown seconded the motion, which passed (4-0).

**c. North Albuquerque Acres, Block 8, Lot 16 – Consideration for Approval of Grant of Easement**

Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo. There were no questions.

Director Eichenberg made a motion that the Board authorize the Chair to execute the Grant of Easement for Lot 16 of Block 8, Tract 3, Unit 1 of North Albuquerque Acres, substantially the same as attached. Director Brown seconded the motion, which passed (4-0).

**22. Montano Levee Project**

**a. Project Update**

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that due to current issues with the project, agenda items b and c would not be needed. Mr. Nolan Bennett, AMAFCA Field Engineer, answered questions from the Board and provided a brief recap as follows: no concrete progress has been done to date; as time progresses the project would continue to fall behind on timelines for Phase I of the project; AMAFCA staff is concerned that AMAFCA may not be able to manage the Project if the lack of progress continues to reduce the amount of time allotted for the design and construction of the project; AMAFCA Attorney Autio had been in contact with CoA Attorney Greg Smith; CoA CAO Rob Perry tasked Greg Smith to rewrite the four partner agreement; Dept. of Homeland Security and Emergency Management would not talk with AMAFCA regarding the project since CoA is the grantee; and Mr. Roger Ebner with CoA is the current emergency manager, but may change when Department of Municipal Development takes over.

**b. AMAFCA Operational Changes to Address Montano Levee Project – Discussion**

This item was not needed.

**c. Agreement for the Design and Construction of the Montano Levee – Consideration for Approval of the Agreement with City of Albuquerque, Bernalillo County, and the Middle Rio Grande Conservancy District**

This item was not needed.

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**23. AMAFCA CY 2018 – Project Schedule – Review of Draft Project Listing**

Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo and answered questions from the Board.

**24. Executive Session (closed)**

**a. Audit Act NMSA 1978, (§2-2-2-10-M, 3, 5)**

**i. AMAFCA FY-17 Audit and CAFR - Discussion**

This item was not needed.

**25. Unfinished Business**

None.

**26. New Business**

There was a brief discussion regarding the possibility of naming the West I-40 Volcano, “Fuente de los niños” (Fountain of the Children) in honor of Lily Garcia and Victoria Martens; children murdered in Albuquerque during the last couple of years, to help promote healing on the Westside. The Board took this item under advisement and did not make a decision.

**27. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:41 p.m.

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Ronald D. Brown, Secretary-Treasurer, 11/16/17