



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 13, 2018
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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 9:32 a.m., Thursday, December 13, 2018. Roll was noted as follows:

Directors present: Chair Ronald D. Brown
Director Tim Eichenberg
Director Deborah L. Stover
Director Bruce M. Thomson
Director Cynthia D. Borrego – arrived at 10:00 a.m.

Directors excused: None

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

Director Eichenberg asked that **Item 6 b AMAFCA On-Call Engineering Services – WSP USA – Approval for Third / Final Extension of Professional Services Agreement for Category II** be moved to the Regular Agenda. Director Eichenberg made a motion to approve the agenda, as amended. Director Stover seconded the motion, which passed (5-0).

3. Meetings Scheduled

- a. January 24, 2019, 2018, 10:00 a.m. – Regular Meeting**
- b. February 28, 2019, 10:00 a.m. – Regular Meeting**
- c. March 28, 2019, 10:00 a.m. – Regular Meeting**

There were no changes made to the dates listed above.

4. Executive Session (closed)

- a. NMSA 1978 Open Meetings Act, (§10-15-1(H)(8))**
 - i. Discuss the Acquisition of Real Property**
 - 1. Moon Mini Drainage Management Plan**
- b. NMSA 1978 Open Meetings Act, (§10-15-1(H)(2))**

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i. Limited Personnel Matters

Chair Brown advised Items 4 a and b were Closed Session agenda items. Director Eichenberg 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,”* eighth edition, 2015, to discuss the Acquisition of Real Property and Limited Personnel Matters. Director Thomson 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 S. Willis, AMAFCA Real Estate Manager, remain for the Acquisition of Real Property segment.

Chair Brown closed the meeting at 9:33 a.m. Chair Brown asked for a motion to re-open the meeting at 10:18 a.m. Director Stover made a motion that the meeting be re-opened. Director Borrego seconded the motion, which passed unanimously (5-0), on a roll call vote. Director Borrego had arrived during the Closed Session. Chair Brown stated that no action was taken during the Closed Session. He further stated that pending acquisition of real property was discussed and staff had been provided with direction on how to proceed. He also stated that the Personal and Salary Committee would be studying the current work environment to confirm adequate workplace conditions for all employees.

5. Approval of Minutes

a. November 15, 2018

Director Thomson made a motion to approve the minutes of November 15, 2018. Director Borrego seconded the motion, which passed (5-0).

Chair Brown stated that agenda **Items 6 a, and 6 c through 6 e** were on the Consent Agenda. **Item 6 b** had been moved to the Regular Agenda earlier in the meeting. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda.

The motion taken approved the following:

- Third Extension for On-Call GIS, IT, DBA, and Mobile Services Contract with AECOM;
- Third Extension for On-Call Engineering Services for Category 1: Bohannon Huston, Inc., Stantec Consulting Services, Inc. (formerly Occam), Huitt-Zollars, Inc., Smith Engineering Company, and Wilson & Company, Inc.; On-Call Engineering Services for Category 2: AECOM Technical Services, Inc., Bohannon Huston, Inc., Molzen Corbin, Smith Engineering Company, and Wilson & Company, Inc.; and Category III: Huitt-Zollars, Inc., Tetra Tech, Inc., and HDR Engineering, Inc.;
- Out of State Travel to attend the Association of State Dam Safety Officials Inspection and Assessment of Dams Course in Phoenix, AZ; and
- Out of State Travel to attend the Association of State Dam Safety Officials Western Regional Conference in Westminster, CO.

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

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6. b. **AMAFCA On-Call Engineering Services – WSP USA – Approval for Third / Final Extension of Professional Services Agreement for Category II**

Responding to a question regarding the fee increase requested by WSP, the increase is based on Consumer Price Index (CPI) and its use was outlined in the original contract(s) for On-Call Engineering Services. Mr. Lovato stated that CPI is in the contract with WSP USA. WSP USA was the only company who had asked to exercise an increase. He further stated that an increase needs to be brought before the Board since the contract required a new Exhibit A to be approved.

Director Stover made a motion to authorize the Executive Engineer to extend the on-call contract with WSP USA, for the Third / Final Extension, to include the new fee schedule (Exhibit A), per the provisions of the contract. Director Borrego seconded the motion, which passed (5-0).

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)

Caravan Site: There had been several discussions with CoA regarding the Caravan Site, which is an item later in the meeting for the Dallas Storm Drain Regional Drainage facility. An agreement is in the works; originally this was going to be a very large Regional Facility; the facility has been pared down and is no longer underground. More storage will be placed at a different location, but a Regional Facility would still be needed at this location to address flood plain removal near the intersection of Central Avenue and Louisiana, Chico Road, Domingo Road, and Lomas and Grove.

UNM North Golf Course: Staff had discussions with CoA concerning the long-term maintenance of the proposed drainage improvements. At this time, CoA is considering options to maintain any new drainage structures on the North Golf Course. AMAFCA had been contacted by UNM Real Estate and representatives of the North Campus Neighborhood Association asking why AMAFCA had not moved forward with the project. It was explained there is an issue with the long-term maintenance and access to the golf course; however, AMAFCA does not have an issue with the building the project. UNM advised they do not want to hinder their operations and want maintenance and access to the course to occur after 7:00 p.m. and before 7:00 a.m. / 365 days a year. There was a brief discussion regarding it is evident that this project is on UNM property; UNM controls their property; UNM should be responsible for their drainage operations; it should not be AMAFCA or CoA; UNM should have the equipment required to maintain drainage on their property; AMAFCA had said before that AMAFCA would be willing to do the work (to make the improvements); as it stands now there is access and maintenance conflicts with the owner of the property; AMAFCA does not want its employee(s) hurt and / or damage to AMAFCA vehicles; AMAFCA could give UNM 24-hour notice and will try to

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work with UNM; and it was never the Board's intention to take on the long term maintenance of drainage facilities on the UNM golf course.

Capital Outlay Bureau: AMAFCA staff and AMAFCA's Legislative Liaison had been working with the Capital Outlay Bureau (COB). Notification was received the previous evening advising that AMAFCA could move forward and the need for a Resolution would be discussed later in the meeting. With AMAFCA's Project Schedule already having been developed (for years) the capital outlay program is in place; the FY-2018 Audit had been finished (not released yet); AMAFCA had very good past audits; AMAFCA has a good reputation; the issue at this time, is the passing of a Resolution that shows the Board's support of a Capital Outlay request / program; DFA would review the information provided; AMAFCA staff is working on future projects for this type of funding. There was a brief discussion regarding the Tijeras Arroyo being considered a wildcard, with the interface with the Kirtland Air Force Base (KAFB), to address some of the needs (magnitude of expenses that go above and beyond AMAFCA's mill rate, related to the Tijeras Arroyo); would AMAFCA want to apply for Capital Outlay or pursue a one-time appropriation through the State Legislature; with talks with KAFB and CoA regarding the UNM bridge project the specific section of the arroyo would be approximately \$35M; and the size of the Tijeras versus the Calabacillas Arroyo.

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

North Diversion Channel Outfall Project: AMAFCA started documenting the current condition of the completed structure; determining elevations; survey work would start before the end of the year; and the as-built condition shown on the plan set would be compared to new survey information and the UNM model.

Tijeras Arroyo Facility Plan: AMAFCA had been contacted by private development, west of KAFB, concerning the possibility of collaborating on flood control structures identified in the Tijeras Arroyo Facility Plan. They have requested an opportunity to address the Board at the January Meeting concerning an alternative funding schedule. Previously, there had been a request from developers east of KAFB for a jointly funded project; however, they had elected to do their own grade control structures and scour protection.

Environmental Protection Agency (EPA): On December 11, 2018, EPA put out new criteria under the Clean Water Act. There are some major changes that would affect AMAFCA; flood control structures, ditches, and diversions would no longer be considered Water of the US (WoUS); a good thing for AMAFCA as to the Corp of Engineers deemed the North Diversion Channel as WoUS; there is some debate on the Rio Grande River since the State believes the Rio Grande would stay WoUS; there are court cases stating that navigatable waters into the Rio Grande actually stop in Texas; under the new definitions approximately 60% of New Mexico would no longer be covered under the Clean Water Act.

- **Public Outreach**

2018 Twinkle Light Parade: AMAFCA participated in the parade with Board Members, staff, family, and friends. The AMAFCA Tumbleweed Snowman float won Second Place

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in the Overall Category this year; many smiles all around; however, it did not seem kids were impressed with the AMAFCA air fresheners that were handed out.

Director Thomson thanked Mr. Lovato and AMAFCA staff for allowing the use of the Boardroom for a recent meeting for the Governor's Transition Team on Water. Responding to a question from the Board on what was happening with the Lower Bear Facility, Mr. Lovato stated that it is on an upcoming agenda item; the signed amendment was received by CoA: the project would need to be done in phases which is a good idea; staff hopes to have an award for construction in January; one portion of the project should be completed by July 1, 2019 in time for monsoon season, however, seeding would need to wait until after monsoon season to evaluate erosions, etc.

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 month. 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 was a brief discussion regarding a provocative comment made at the Middle Rio Grande Flood Control Association meeting on December 4, 2018. It was suggested to not fund projects using Bond monies, but to pay for projects as you go (to reduce lingering debit); AMAFCA is obligated to fund capital items out of Bond monies even if the Bond is paid out right away; Capital items are not permitted to be funded out of Revenues; the public has the opportunity to approve the funds during Bond Election(s); the Enabling Legislation would need to be changed (to levy taxes for immediate use for construction of projects) should AMAFCA chose to go that route; saving for Operations would never get AMAFCA to \$25M; and moving in that direction would be a long-term outlook with at least 10 years of debt would need to be paid first. Mr. Chavez stated that he had spoken with the George K. Baum representative and there would be an update on where the markets have been lately at the January Board meeting.

c. Approval of November 2018 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 November 2018 Expenditure Report. Director Stover seconded the motion, which passed (5-0).

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d. Financial Position Recap November 11, 2018 through December 10, 2018 & Forecast December 11, 2018 through January 15, 2019

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

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 18 CAFR – Approval of the FY 18 Comprehensive Annual Financial Report (CAFR)

It was noted Board members were present at the Audit Exit Conference and all Directors should have already received the package that had been mailed out. The State Auditor had not released the report for public distribution as of the Board Meeting. Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that once the CAFR had been approved the Auditors are required to give a public presentation to the Board. There were no questions.

10. Resolution 2018-12 – Approval of 2018 AMAFCA Bond Question Canvass

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

Director Eichenberg made a motion that the Board adopt Resolution 2018-12, 2018 Bond Question Canvass. Director Borrego seconded the motion, which passed unanimously (5-0) on a roll-call vote.

11. AMAFCA 2018 Bond Committee

a. Recognition of Public Service – Pat Conley, Chair 2018 Bond Committee

Mr. Lovato introduced Mr. Pat Conley with Conley Engineering who chaired the 2018 Bond Committee. Mr. Lovato stated this was the first year AMAFCA had to request to be on the Ballot and the 2018 Bond Committee did an excellent job with the constraints that they had to deal with. Mr. Lovato presented Mr. Conley with a plaque on behalf of the Board of Directors for his outstanding and successful service to the AMAFCA Bond Committee.

b. Recognition of Public Service – Brent Bower, 2018 Bond Committee Member

Mr. Lovato stated Mr. Brent Bower was to attend the Board meeting; however, he was participating in a mandatory pre-bid. Mr. Bower is retiring from RMCI; is one of the bulldogs on the Bond Committee collecting funds; and AMAFCA would really miss him two years from now. The plaque for Mr. Bower thanked him for his support to the AMAFCA Bond Committee; stated that

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his generosity and support led to \$100,000,000 (over the years he had sat on the Bond Committee) of bond authorizations; and everyone in the AMAFCA jurisdiction benefited from his hard work and generosity.

Mr. Conley thanked the Board and the members present who participated in the 2018 Bond Committee and read off the names of the other Bond Committee members (Dan Aguirre, Kim Kemper, Brent Bower, Joan Griffin, Craig Hoover, Brad Sumrall, Adam Triolo, and George Nemeth) and stated the hard work by the Bond Committee members made his life easy. He thanked the Bond Committee for their endeavors. Chair Brown mentioned that AMAFCA requested special permission to get on the ballot and Mr. Roger Paul, BernCo Deputy County Manager and his staff were very helpful, as well as Ms. Julie Morgas Baca, BernCo County Manager and her staff.

12. Legal

a. Legal Status

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

b. AMAFCA responsibilities to provide flood protection within CoA and Bernalillo County jurisdictions

Attorney Randy Autio summarized information provided in the memo and two handouts to the Board. His presentation included the 1972 Resolution that the AMAFCA Board had signed; Authority Under the Arroyo Flood Control Act that included the various Authorities that the Act enabled such as: Establish and Maintain a Flood Control System; Contract (with Federal, State, or any other public body); Sue; Obtain and Allocate Loans, Securities, and Grants; Levy and Collect Taxes; Hire; Hold a Bank Account and Surplus money; Manage Business and Affairs; AMAFCA Board of Directors; AMAFCA's Boundary; Powers of Public Entities Under the Arroyo Flood Control Act; Analysis; and Conclusion. There were no questions.

13. Legislative Liaison – Briefing before 2019 New Mexico Legislative Session

Ms. Vanessa Alarid of Alarid Consulting passed out an updated handout to the Board. Both Ms. Alarid and Mr. Mark Fleisher provided a brief recap as follows: Important dates for the 54th Legislative Session; estimated number of bills coming back; responding to a request from the Board regarding Capital Outlay they met with the Governor's Office to expedite the Capital Outlay request and thanked Director Eichenberg for his help on this issue; Budget is \$6.3B; FY-19 revenues expected to grow by 11% for total revenue of \$7.6B; FY-20 revenues expected to be 2% lower, but would grow by \$7.4B; New Mexico is expected to finish this fiscal year with \$1.4B in excess revenue and the forecast calls for revenues to outpace spending obligations again next fiscal year, resulting in a \$1.1B surplus; financial reserves are expected to swell to \$2.5B by June 2019, equal to 40% of annual general fund spending; and Election results were covered. Responding to a question on the action needed for the Resolution, Mr. Lovato stated it would be a simple Resolution, but would need to be handled via Special Meeting or at the January Regular Board meeting. Responding to a question from the Board regarding if it would be easier for the Legislative Liaison to ask for a one-time appropriation or to go for an Infrastructure Capital Improvement Plan, Mr. Fleisher stated that both types of requests are tough; however, a one-time appropriation might be best. Ms. Alarid stated that they could do both types of requests, have good

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relationships with Legislators, the language for the Resolution had been provided, and she had a personal goal of getting the request in by February 2, 2019 which is prior to the Capital Outlay request deadline.

14. Agency and Area-Wide Flood Control Rehabilitation VIIIb – Award of Construction Project to Qualified Bidder

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

Director Eichenberg made a motion to approve the award for construction project to GandyDancer, LLC. in the amount of \$1,359,886.35, plus New Mexico Gross Receipts Tax for the Agency and Area-Wide Flood Control Rehabilitation VIIIb Project. Director Thomson seconded the motion, which passed (5-0).

15. AMAFCA Projects

a. Construction Report

There was no discussion or questions on this item.

b. Louisiana Gibson Regional Drainage Facility – Project Update

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

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

Ms. Nicole Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo. Part of the presentation covered various before / after pictures, construction deadlines, access constraints, supply issues with the Hobas pipe fittings, and weekly meetings happening with consultant / contractor that were in addition to the weekly progress meeting. Mr. Lovato stated that the contractor would be working almost every day (not including Christmas / New Year's Day) and the neighborhood / residents had been contacted so they are aware there would be a lot of construction and want a very safe area for all involved. There were no questions.

d. City of Albuquerque Joint Projects

i. Lower Bear Arroyo Tributary Arroyo Regional Flood Control and Water Quality Improvements Project Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. There were no questions.

ii. Dallas Storm Drain Regional Flood Control and Water Quality Facilities Funding – Introduction of Draft Agreement

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Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. He stated this item had two draft agreements that were agreed to by CoA; neither agreement had gone through CoA or AMAFCA legal; both agreements are open ended at this time; covered the various locations that would take care of flood plain, etc. There were no questions.

iii. San Mateo and Gibson Regional Flood Control and Water Quality Faculty – Project Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. CoA is working very hard on their GO Bond funding and there should be some modifications done before it hits the City Council. There were no questions.

16. Items from the Floor / Public Comment

None.

17. Unfinished Business

The Board concurred that a Special Meeting to approve a Resolution for a request to New Mexico Legislature for Capital Outlay would be held Tuesday, December 18, 2018 at 9:00 a.m.

18. New Business

None.

19. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 11:41 a.m.

Deborah L. Stover, Secretary-Treasurer, 1/24/19

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.