



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
March 28, 2019
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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:02 a.m., Thursday, March 28, 2019. Roll was noted as follows:

Directors present:	Chair Ronald D. Brown Director Cynthia D. Borrego – left at 12:44 p.m. Director Tim Eichenberg Director Deborah L. Stover Director Bruce M. Thomson
Directors excused:	None
Attorney present:	Randy Autio, Robles, Rael & Anaya
Others present:	Jerry M. Lovato, P.E., Executive Engineer Special Guest: Isaac Benton, City Councilor – District 2 Staff

A quorum was present.

2. Approval of Agenda

Director Thomson asked that the **Black Mesa 3 Dam Outlet Phases III and IV (Items 6 d & 6 e)** be moved to the Regular Agenda. Chair Brown advised **Item 15 a. Joint Projects – City of Albuquerque / Marble Arno Pump Station – Project Update** would be moved up or postponed in order for City Councilor Isaac Benton to be present. Director Borrego made a motion to approve the agenda, as amended. Director Stover seconded the motion, which passed (5-0).

3. Meetings Scheduled

- a. April 25, 2019, 10:00 a.m. – Regular Meeting**
- b. May 23, 2019, 10:00 a.m. – Regular Meeting**
- c. June 27, 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.

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5. Approval of Minutes

a. February 28, 2019

Director Stover made a motion to approve the minutes of February 28, 2019. Director Thomson seconded the motion, which passed (5-0).

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

The motion taken approved the following:

- Third / Final Extension for Bond Counsel Services with Modrall, Sperling, Roehl, Harris & Sisk, P.A.;
- Third / Final Extension for Financial Advisor Services with George K. Baum;
- Third / Final Extension for General Legal Counsel Services with Robles, Rael & Anaya, P.C.;
- Agency and Area-Wide Flood Control Rehabilitation IX Professional Engineering Services Agreement with Conley Engineering, LLC; and
- Travel Authorization to EPA Region 6 Stormwater Conference July 28 – August 1, 2019 in Denton, TX.

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

Items 6 d and 6 e were discussed. The Board requested that in the future, a map and / or diagram and a list of estimated costs be provided. While staff may know what is involved this would be beneficial to help the Directors understand the phases and costs associated with the projects.

Director Thomson made a motion to authorize AMAFCA to advertise for construction bids for the Black Mesa Dam Outlet Phases III and IV. 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)

Coordination Meetings: AMAFCA has been working with CoA staff regarding funding of joint flood control projects scheduled for 2019 and 2020.

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Kirtland Air Force Base (KAFB): AMAFCA continues discussions with KAFB concerning the eastern and western boundaries of the military installation that cross the Tijeras Arroyo. KAFB would like to partner with AMAFCA to fast track the design and construction of two drop structures to address bed erosion in the arroyo as well as their national security issues. KAFB staff agreed to a draft agreement which outlines funding, responsibilities, and a timeline for the work. The agreement is being routed through Air Force channels and may be ready for Board review and approval in April.

Planning, Engineering, & R&D

North Diversion Channel Outfall Project: AMAFCA documented the current condition of the completed structure and as-built elevations. The as-built condition is currently being compared to the as-built drawings, original design, and the UNM physical model. Staff met with Weston concerning information that had been documented to date. It has become apparent that a physical model is necessary. Weston is looking into alternatives including a lab of their own or a joint funding agreement with AMAFCA to have UNM build the new model. Utilizing UNM would streamline the process and be a cost saving measure for the taxpayers.

Mr. Lovato pointed out a milestone in AMAFCA history. This month marked the busiest that AMAFCA has ever been. He congratulated the AMAFCA Board; noted there are seven major projects currently in construction worth an estimated \$13M; this achievement is due to the outstanding work being done, by not only AMAFCA staff, but the Board's initiative and foresight to get big projects completed; and it is a milestone that Directors, Staff and Constituents should be proud of, in AMAFCA's 56-years of service.

b. Notification of On-Call Services Task Orders

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo for task orders issued over the last few months. Responding to a question from the Board, Mr. Lovato stated the Louisiana-Gibson Project would be completed by the end of March and both AMAFCA and KAFB staff are looking at a possible ribbon cutting.

8. Financial Matters

a. FY 19 Budget to Actual

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

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 February 2019 Expenditures

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

Director Eichenberg made a motion to approve the February 2019 Expenditure Report. Director Borrego seconded the motion, which passed (5-0).

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

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

Director Borrego made a motion to approve the Financial Forecast Report. Director Thomson 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.

f. Other Matters

- 1. General Obligation Bond Sale**
- 2. FY 2019 Audit – Update**
- 3. Health and Other Insurance**
- 4. AMAFCA presenting at the 2019 Association of Governmental Accountants Professional Development Training**

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

9. Legal

a. Legal Status

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

b. Review of House Bill 407 – “ELECTION LAWS 50-YEAR TUNE-UP”

Attorney Randy Autio summarized information provided in a handout to the Board and answered questions. Part of the presentation on the 574 page Bill, noted local governments, are required to hold Local Elections to comply with the Local Election Act (LEA) on the first Tuesday after the first Monday in November of odd years; still requires the signatures of not less than 50 qualified electors who reside in the district; various LEA deadline dates and requirements; the Bernalillo County Clerk and Bernalillo County Commission would decide if there is room on the Ballot for AMAFCA; if a second page is needed the municipality / AMAFCA would pay for the second

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page; Special Elections (could be used for bond questions or tax increases) are conducted by mail only; AMAFCA would be responsible for all costs associated with a special election; AMAFCA needs to contact the County Clerk or the Secretary of State to confirm all requirements and date deadlines; and it was suggested that a Memorandum of Understanding between AMAFCA and the Bernalillo County Clerk be prepared to work out various details for under the LEA.

10. Legislative Liaison

a. Briefing on the 2019 New Mexico Legislative Session

Ms. Vanessa Alarid, AMAFCA Legislative Liaison, summarized information provided in the handout and answered questions from the Board. Part of the presentation covered important dates and topics such as the \$259K for AMAFCA's Capital Outlay request which was funded and those Senators and Representatives who committed (Senator Ivey-Soto committed the vast majority); Minimum Wage to increase January 1, 2020; Ethics Commission; Session had many Dummy Bills (the purpose for Dummy Bills was recapped); State Budget; Lobbyist reporting requirement changes; Campaign Finance changes; Voter registration on Election Day; Automated Voter Registration at MVD locations; and the New Mexico compact for National Popular Vote. The Board concurred that a letter signed by the Board Chair be sent to those Senators and Representatives who committed to the Capital Outlay request. A challenge was made to Directors to reach out to their Legislative contacts (Senators / House of Representatives) for the next Legislative Session since the 2020 New Mexico Legislative Session would only be for 30-days. The Board asked Ms. Alarid to track the Senate Bill by Senator Wirth regarding membership changes for the Interstate Stream Commission.

11. Joint Projects – Bernalillo County

a. Sunport Blvd. Extension – Project Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, introduced Mr. Rodrigo Eichwald, Sunport Blvd. Project Manager with Bernalillo County (BernCo). Mr. Eichwald provided a recap of the project and answered various questions from the Board. Part of the presentation included the fact that environmental approval had been received after nine years; Project Overall area; Project Jurisdictional Boundaries; crossing the South Diversion Channel (SDC) and the elevated section draining into the SDC; 60% on Plan, a License between AMAFCA and BernCo would be needed for the airspace above the channel; Right-of-Way portion is a critical pathway with New Mexico Department of Transportation; should begin construction Spring 2020. Mr. Lovato stated that AMAFCA would be granting a License to BernCo. AMAFCA now includes all License (construction / access) requirements in one document versus separate documents. AMAFCA would maintain the channel and BernCo would maintain the roadway and their drainage as it comes into AMAFCA's facility. Responding to a question from the Board, Mr. Eichwald pointed out the pedestrian facilities / bike lane associated with the project. Responding to a question from the Board, Mr. Lovato stated the Programmatic Dust Permit with CoA is approximately \$7-\$8K a year. If AMAFCA does not delegate the dust permit for construction to the contractor doing work on AMAFCA property it would be AMAFCA's responsibility to pay any fines levied. Responding to a question from the Board, Mr. Eichwald stated that BernCo is working to address flooding near the GE Plant. Mr. Lovato stated that while it is a CoA issue near the GE Plant, BernCo has been working to come up with different drainage solutions; however, there has not been any cooperation

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with CoA at this point. BernCo would address flooding at the intersection; however, BernCo cannot address drainage on South Broadway. The Board concurred it would make sense to address drainage there while under construction. Mr. Lovato stated Director Stover had been very adamant last year to get this done but AMAFCA was not able to accomplish getting the two groups (CoA / BernCo) to agree. Mr. Eichwald stated BernCo is addressing drainage in the area and are not precluding future drainage issues to be addressed. When BernCo approached CoA, they were told no money was available and CoA had completed some studies in the area.

b. Alameda Drain Hydrologic and Hydraulic Study Project – Draft Funding Agreement Discussion

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated the draft agreement was in the Board handout. He covered the location impacted by the Study; would turn the Middle Rio Grande Conservancy District (MRGCD) ditch into a stormwater conveyance that would be managed correctly; there are three different entities (MRGCD / BernCo / COA) putting water into the same ditch and not everyone is on the same page; the project would be modeled after the Isleta Drain which was very successful and utilized a Storm Water Management Model for the Isleta Drain and the Operations, Maintenance, Repair, Replacement, and Rehabilitation agreement that outlines each entities responsibilities; this study was killed last time due to MRGCD not putting money into the project and AMAFCA's Board Chair thought they should; and the current project would be managed by BernCo. It was noted that the MRGCD and Village of Los Ranchos had not been willing to contribute funds originally and they are now.

12. Flood Mitigation and Water Resiliency Initiative – Project Discussion

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, covered the Gun Club Lateral / Black Mesa project and the various components of the project with AMAFCA / Albuquerque Bernalillo County Water Utility Authority (ABCWUA) / MRGCD. This collaboration resulted in cost savings to AMAFCA constituents as we build bigger and more complicated structures to address stormwater quality. AMAFCA is in a unique position at this time in history and has built many projects over the last 50-years. AMAFCA changed the paradigm for stormwater quality by building very large structures / systems with an innovative system that provides flood control protection, collects and removes debris and sediment before it can enter the Rio Grande, while providing recreational opportunities and habitat enhancements. A couple of years ago, AMAFCA could not say that; however, with changes implemented from the Office of the State Engineer and the Interstate Stream Commission, as water gets into the Rio Grande Basin infiltration can be done. The ABCWUA is currently working on their 100-year water plan. There are opportunities for all entities to work together and maximize resources and start building resiliency into the projects.

It was made apparent at the recent meeting with Mr. Charles Maguire, EPA Region 6 Water Division Director, that there are opportunities available to get innovative projects done. Mr. Maguire was very excited and was pushing the Water SMART Program. AMAFCA and BernCo are a little ahead of the curve with the innovative stormwater quality projects.

Moving forward, AMAFCA could take a look at existing facilities to see if any of the following make sense: put water into a dam on the east side to get better infiltration; modify a water quality structure to bring water down for infiltration; take water from the MRGCD for the westside so it may be used a couple of months from now, etc. He continued with an example of when Amole

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Dam had filled up; AMAFCA staff and Director Eichenberg surveyed; the channel had filled up; Arenal Main Canal was filled up with too much water; the MRGCD had shut the ditch down a week prior; AMAFCA was able to provide water to area farmers for approximately 10 days.

The Board concurred that AMAFCA should continue to work towards resiliency. It was mentioned that during the meeting with Mr. Charles Maguire AMAFCA stressed that the work being done was not necessarily for MS4 requirements but because it is the right thing to do; AMAFCA is going above and beyond the minimum MS4 requirements; and AMAFCA's mission is to do it better. It was noted that Mr. Maguire was impressed with the effort AMAFCA had put into the MS4 program.

It was noted that Director Thomson would be interested in being involved, as appropriate and if the opportunity exists, due to his work on stormwater capture, reuse, etc.

13. Boca Negra Drainage Management Plan Update – Consideration of Resolution 2019-05, Adoption of the Boca Negra Drainage Management Plan Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, covered various components including the update was necessary once the Paseo de Volcan Diversion (estimated at \$70M) was removed from consideration. It also included the diversion from the Upper Piedras Marcadas watershed in the recently adopted Drainage Management Plan (DMP). Public meetings were held, good comments were received, and information was posted on the website.

The Board requested that in the future, AMAFCA provide an Executive Summary and / or link to see what had changed in the DMP so the Board can better understand what changes were involved.

Director Borrego made a motion that the Board adopt Resolution 2019-05, Adoption of the Boca Negra Drainage Management Plan Update. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote.

14. Tijeras Arroyo Grade Control Structures – Approve Development of a Joint Funding Agreement with Kirtland Air Force Base

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated AMAFCA does not have control over the draft agreement. The draft agreement would need to follow Defense Department protocol and is being routed through Air Force channels to accelerate the process. A Miscellaneous Obligation / Reimbursement Document would be used to obligate funds for reimbursement, usually within 48-hours. A sample of the last agreement and the request letter for Joint Funding for Flood Control and Security Improvements that was sent to KAFB had been provided in the Board package. It is anticipated that the Joint Funding Agreement may be ready for Board review and approval at the April Meeting. Responding to questions from the Board, Mr. Lovato stated two grade control structures would be adequate and the need for a 10-foot drop is all about security, not hydraulics; a known sewer inceptor line would need to be worked around; the agreement outlines maintenance of the drainage facility and the security improvements; and AMAFCA would manage the project.

Director Eichenberg made a motion to authorize staff to proceed with Development of a Joint Funding Agreement with Kirtland Air Force Base. Director Borrego seconded the motion, which passed (5-0).

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15. AMAFCA Joint Projects – City of Albuquerque

a. Marble Arno Pump Station – Project Update

Chair Brown introduced Mr. Isaac Benton, City Councilor – District 2. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, covered the location of the current pump station on Broadway which would be relocated to the property that CoA purchased for the Marble Arno Pump Station; the project is part of the Mid Valley DMP that identified different improvements to take care of floodplain in the downtown area; the wet well at the existing station is very small; moving to the proposed Marble Arno location would allow for a bigger wet well that would intercept flows from Lomas Boulevard; original cost was \$25-\$28M; AMAFCA had put approximately \$6M in funding away for the project in 2010 – 2011; the project is slowly moving forward; CoA has an engineer on board; AMAFCA was excited until recently when CoA's Bond Program had slashed funding from the Stormwater Program; the \$2M from CoA would not be enough to get the project started until 2025 to 2026; CoA has \$10M which includes the \$6M from AMAFCA; this leaves \$8-\$10M short; this project was tabled at the last City Council meeting; CoA approached AMAFCA to loan CoA funds for the project; a loan would be a possibility with the caveat that it be repaid quickly; CoA does not feel comfortable with the pay back requirement since they cannot obligate future Bond Issuance funds and would need to wait until the City Council meeting so they know where they stand; the project is very important for drainage for Martinez Town, Central, Railyards, and Zoo locations; AMAFCA had been pushing this project hard for some time; however, this it is a CoA pump station, CoA street, and CoA storm drain system.

Mr. Isaac Benton, City Councilor – District 2, thanked the Board, and stated that he appreciated Mr. Lovato's work on the project and his efforts meeting with him, the neighborhoods, and others. Part of his presentation covered his disappointed as well with the original proposal by CoA Administration that slashed funding down to \$1.5M this cycle with two future cycles at \$2M each; not counted in the totals is the share of the temporary pond that appraised at \$2M (CoA / AMAFCA 50/50 ownership); right now it is estimated at \$3.25M from \$1.5M which may be passed at the next City Council meeting; he had been aware of the flooding issues in his district since he was first took office and made a commitment to purchase the temporary lot and the permanent location; he appreciated the partnership of the previous and current AMAFCA Board(s); hopes not to have to see the project put off for two more bond cycles; and the South Valley Project, while not funded in this cycle, is still a project he hopes to get done.

Ms. Shellie Easton, CoA Project Manager, stated a Public Meeting was held on March 7, 2019. Five to eight citizens attended along with representations from Sandia Foundation. There were issues raised by the Sandia Foundation that CoA is trying to resolve; citizens were very supportive; CoA met with the Engineer to scope out demolition (demo) of the Broadway Pump Station; \$1.8M for demo costs for a total project cost of \$17.5M; next deliverable would be May 28, 2019 with final plans around June 15, 2019. Responding to a question from the Board; Ms. Easton stated that the project included \$15.7M for the new completely functional pump station; for public safety reasons the Broadway pump station would be disconnected and would need to be demolished. Responding to questions from the Board on the amount committed and upcoming soon, if the project could start with the funds (\$10M committed and possible \$3.25M from CoA Bond), Ms. Easton stated normal construction starts with all money in hand.

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There was a brief discussion regarding the pond size (17-acre feet); the current appraisal is lower than what was originally paid many years ago; the area is encumbered by a floodplain; floodplain needs to be removed before selling the property; when the property was purchased by AMAFCA it was to be a temporary solution; regarding the Old Surveyors property – the old CoA Administration took a backseat and condemnation was never part of the discussion; AMAFCA had discussions with the old Post Office General and the old plan was to move the main branch near the airport; the new Post Office General likes the convenience of the underground facility associated with the property; any move of the main branch is 10-12 years out; the Garcia family had invested in the old Maloof property and another vacant site for a mixed use development; Mr. Ed Garcia is a partner in the soccer club; the Board stressed AMAFCA's concern that the Industrial Revenue Bonds take property off the tax rolls; the property is recessed which may be an advantage when it comes to selling; and the plan was to back fill and changing the plan there are haul costs that need to be considered; and it would be imperative to know before the project starts about backfill needs.

16. AMAFCA Field Highlights

a. Field Report

Mr. Jared Romeo, AMAFCA Engineer I, 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.

17. AMAFCA FY-2020 Budget

a. Surplus Property Report

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

b. AMAFCA Equipment and Fleet Evaluation

Mr. Jared Romeo, AMAFCA Engineer I, summarized information provided in the memo. There were no questions.

c. FY-2020 Revenue Projections

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

d. Draft FY-2020 Operating Fund Budget

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

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e. Draft FY-2020 Construction Fund Budget

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

Director Borrego left the meeting prior to Item F.

f. Draft FY-2020 Debt Service Fund Budget

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

g. Draft FY-2020 Acquisitions & Savings Fund Budget

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

h. Draft FY-2020 Contingency Fund Budget

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

i. Draft FY-2020 Unassigned Funds Budget

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

j. Draft FY-2020 Fiscal Agent Funds Budget

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

18. Executive Session (closed)

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

b. Discuss the Acquisition of Real Property (§10-15-1(H)(8)) – Black Mesa Phase III and IV

Chair Brown advised that Items 18 a and 18 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 Acquisition of Real Property. 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 as well.

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Chair Brown closed the meeting at 12:52 p.m. Chair Brown asked for a motion to re-open the meeting at 1:30 p.m. Director Eichenberg made a motion that the meeting be re-opened. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Chair Brown stated that no action was taken during the Closed Session. Chair Brown further stated that pending acquisition of Real Property was discussed and staff had been provided with direction on how to proceed.

19. Unfinished Business

It was noted by the Board that Director Thomson may wish to attend the EPA Region 6 Stormwater Conference in Denton, TX and Director Thomson would check his calendar; due to the fact that AMAFCA is busier with projects more than ever, staff was asked to put together a listing of projects that AMAFCA could do with the money that has been sitting, and may sit for years, in the Marble Arno Pump Station Project; and the draft funding agreement for the Caravan site may be available at the next Board meeting.

20. New Business

None.

21. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 1:35 p.m.

Tim Eichenberg, Assistant Secretary-Treasurer, 4/25/19

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.