



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
May 23, 2019
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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:01 a.m., Thursday, May 23, 2019. 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 10:04 a.m.

Directors excused: None

Attorney present: Robert White, Robles, Rael & Anaya

Others present: Jerry M. Lovato, P.E., Executive Engineer
Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

There was a brief discussion regarding removing an agenda item. No changes were made to the agenda. Director Thomson made a motion to approve the agenda. Director Stover seconded the motion, which passed (4-0). There were several items moved during the meeting due to time constraints.

3. Meetings Scheduled

- a. June 27, 2019, 10:00 a.m. – Regular Meeting**
- b. July 25, 2019, 10:00 a.m. – Regular Meeting**
- c. August 22, 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. April 25, 2019

Director Eichenberg made a motion to approve the minutes of April 25, 2019. Director Thomson seconded the motion, which passed (4-0).

Chair Brown stated that agenda **Items 6 a and 6 b** were on the Consent Agenda. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- First Extension for Design, Bidability, and Constructability Review Services with AUI, Inc., CBKN Dirtworks, Inc., New Mexico Underground Utilities, Inc., and RMCI, Inc.; and
- Advertisement of construction bids for the Agency and Area-Wide Flood Control Rehabilitation IX Project.

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

Director Borrego arrived at the start of Item 7.

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 and Balloon Fiesta staff to identify possible pilot projects that can be completed before this year's Balloon Fiesta, to minimize traffic delays and to provide emergency access to AMAFCA facilities and Balloon Fiesta. This work would require minimum effort by AMAFCA and would provide better access to the Bathtub facility. This alternative access would need to be coordinated with the Rail Runner, Bernalillo County (BernCo), and CoA.

Kirtland Air Force Base: AMAFCA was notified that funding became available for the project. KAFB staff provided a draft agreement which outlines funding, responsibilities, and a timeline for the work. The agreement is currently in legal review and should be ready for Board review and approval at the next Board meeting.

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- **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 has been compared to the as-built drawings, original design, and UNM physical model. UNM provided an estimate which had been forwarded to Weston.

- **Facilities Operations & Maintenance**

Sediment Removal: AMAFCA and Middle Rio Grande Conservancy District (MRGCD) staff have been actively removing sediment from AMAFCA facilities. It is anticipated that sediment stored at Piedras Marcadas Dam will be removed by the end of the May.

2019 Monsoon Season: AMAFCA field staff have been working to remove over grown vegetation, rebuilding access roads, maintaining diversion berms, sealing concrete channels, removing excess sediment, repairing pipe penetrations, and cleaning all water quality structures in preparation of the 2019 monsoon season. The AMAFCA flood control system is ready to accept flows from CoA, BernCo, and the New Mexico Department of Transportation drainage systems and convey them to the Rio Grande. In the past month, rain fall events have produced runoff that was easily managed by the AMAFCA system.

Alameda Drain Coordination Workshop: AMAFCA staff hosted a coordination workshop with CoA, BernCo, MRGCD, and the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) to discuss resource sharing, maintenance, and communication protocols, especially in the event of an emergency. The workshop provided an opportunity for field staff to meet each other and share experiences.

Raven Pond Neighborhood Complaints: Director Stover received numerous complaints concerning smells and mosquitoes at Raven Pond. In addition, BernCo Commissioner Quezada requested a meeting to discuss issues brought to his attention by the neighborhood. AMAFCA has been diligently working to address foul smells and mosquitoes since last year. Due to ongoing maintenance by AMAFCA staff, the natural process of reduction through an anaerobic bacteria reaction, produces Hydrogen Sulfide (H₂S gas). H₂S gas smells like rotten eggs. AMAFCA requested help from the ABCWUA and the Environmental Department to monitor smells and mosquitoes at the site. The latest monitoring by ABCWUA indicated that 0 parts, per billion, were found at the site. AMAFCA placed larvicide in all AMAFCA facilities that hold water the first week of April. The Environmental Department conducted a training class at Raven Pond concerning reducing mosquito populations in Albuquerque. Traps at Raven Pond have caught 3-5 vectors as compared to 300 vectors in other areas of Albuquerque.

Rio Grande High Water Event: AMAFCA and MRGCD have coordinated to provide emergency personnel and equipment, if help is needed. AMAFCA's crew would be ready to pump water out of retention ponds, remove sediment and debris, or rebuild facilities, as needed.

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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. 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.

c. Approval of April 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 April 2019 Expenditure Report. Director Stover seconded the motion, which passed (5-0).

d. Financial Position Recap April 16, 2019 through May 15, 2019 & Forecast May 16, 2019 through June 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 Stover seconded the motion, which passed (5-0).

e. Fiduciary Funds – Proof of Cash and Savings

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

F. Other Matters

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 AMAFCA maintaining the AAA Bond Rating as well as electronic security. The Board concurred, that staff should investigate getting an annual security check done; if it is something that needs to be budgeted, it should be considered; and staff should provide more information at the June meeting.

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9. AMAFCA FY 2020 Budget Highlights

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

a. FY-2020 General Fund Budget

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

Director Thomson made a motion to approve the FY-2020 General Fund Budget. Director Borrego seconded the motion, which passed (5-0).

b. FY-2020 Construction Fund Budget

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 FY-2020 Construction Fund Budget. Director Stover seconded the motion, which passed (5-0).

c. FY-2020 Debt Service Fund Budget

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 FY-2020 Debt Service Fund Budget. Director Stover seconded the motion, which passed (5-0).

d. FY-2020 Acquisitions & Savings Fund Budget

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 FY-2020 Acquisitions and Savings Fund Budget. Director Stover seconded the motion, which passed (5-0).

e. FY-2020 Contingency Fund Budget

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

Director Stover made a motion to approve the FY-2020 Contingency Fund Budget. Director Borrego seconded the motion, which passed (5-0).

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f. FY-2020 Unassigned Fund Budget

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 FY-2020 Unassigned Fund Budget. Director Borrego seconded the motion, which passed (5-0).

g. FY-2020 Fiduciary Agent Funds Budget

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 FY-2020 Fiduciary Fund Budget. Director Thomson seconded the motion, which passed (5-0).

10. Resolution 2019-09 – Fiscal Year 2020 AMAFCA Budget – Adoption

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

Director Borrego made a motion that the Board adopt Resolution 2019-09, Fiscal Year 2020 AMAFCA budget. Director Stover seconded the motion, which passed unanimously (5-0), on a roll-call vote.

11. Resolution 2019-10 – Ad Valorem Tax Levy for Tax Year 2019, Applicable to General Operating Fund – Adoption

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

Director Thomson made a motion that the Board adopt Resolution 2019-10, Ad Valorem Tax Levy for Tax Year 2019, Applicable to General Operating Fund. Director Stover seconded the motion, which passed unanimously (5-0), on a roll-call vote.

12. Resolution 2019-11 – Ad Valorem Tax Levy for Tax Year 2019, Applicable to Debt Service Fund – Adoption

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

Director Stover made a motion that the Board adopt Resolution 2019-11, Ad Valorem Tax Levy for Tax Year 2019, Applicable to Debt Service Fund. Director Borrego seconded the motion, which passed unanimously (5-0), on a roll-call vote.

Items 14, 16, and 17 were moved up to keep the scheduled Bond Sale time.

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14. Legal

a. Legal Status

Attorney Robert White summarized information provided in the memo. There were no questions.

16. Joint Projects – City of Albuquerque

a. Dallas Storm Drain Regional Flood Control Project – Review Funding Agreement with City of Albuquerque

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated the item would only be for discussion since the agreement was not ready for consideration. He covered the location; originally a large flood control facility was to be constructed at the Caravan site to alleviate flows running into the Dallas Storm Drain (DSD); by reducing flows in the DSD it would remove floodplain closer to Lomas and provide capacity for the DSD for flows east of Louisiana; reminded the Board that they did not want to have a large facility next the public library; currently looking at a site near Zuni; the Caravan site is still important in order to reduce flows into the DSD and 4 acre feet of storage is needed to take care of floodplain along Central and Louisiana (and maybe along Copper); AMAFCA should still help CoA with the purchase of property; DSD would be a large regional facility with AMAFCA fronting some of the monies for property, design and planning, and after the project is finished the project at Pennsylvania and Zuni; cost estimated at \$1.25M; a meeting with CoA had been scheduled to discuss the property at Zuni and Pennsylvania; CoA is moving forward with the design of the Library; the regional flood control facility to the east is being left open; they would take AMAFCA's money and pass it on to their engineer for design and construction. The agreement should be ready for Board review next month. Responding to questions from the Board, Mr. Lovato stated CoA will manage, own, and maintain the facility and the 4 acre-feet needed at the Caravan facility would remain since flows are being passed to inlets then to Louisiana and Central.

17. Joint Projects – Kirtland Air Force Base

a. Tijeras Arroyo Grade Control Structure Project – Approval of Funding Agreement with Kirtland Air Force Base

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Lovato stated that once funding is received AMAFCA hopes to have a design in 12 months with construction in 18-24 months.

Director Borrego made a motion to approve the funding agreement with Kirtland Air Force Base for the Tijeras Arroyo Grade Control Repair funding agreement, substantially as attached. Director Stover seconded the motion, which passed (5-0).

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13. 2019 General Obligation Bond Sale

a. 2019 Bond Sale Briefing by George K. Baum

Mr. John Archuleta with George K. Baum introduced Mr. Thomas Tafoya with George K. Baum. Mr. Archuleta and Mr. Tafoya answered questions from the Board.

b. Bond Sale

The IPREO Parity platform was pulled up showing the list of potential bidders. There were seven bidders with Morgan Stanley noted as the lowest bidder for the AMAFCA Bond Sale. The interest rate came in at 1.747%. Mr. Daniel Alsup with Modrall, Sperling, Roehl, Harris & Sisk stated he would prepare the Resolution and come back to the Board later in the meeting for their approval and signatures.

Items 20 and 21 were moved to keep in line with time constraints.

20. Real Estate

a. Lot 9 of Block 15, Tract 3, Unit 2 North Albuquerque Acres – Quitclaim of Drainage Easement

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

Director Thomson made a motion that the Board authorize the Chair to execute the Quitclaim Deed / Release of Easement for Lot 9 of Block 15, Tract 3, Unit 2 of North Albuquerque Acres. Director Eichenberg seconded the motion, which passed (5-0).

b. Lot 9 of Block 15, Tract 3, Unit 2 North Albuquerque Acres – Acceptance of Drainage Easement

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo. Responding to a question regarding all the work that is happening in the North Albuquerque Acres (NAA) and when the area would be looked at again. There was a brief discussion regarding the constant challenge in NAA; the entire area has been manipulated (extensively in some areas); there are flow-through ponds; property owners should be maintaining but are they; it would be great to look at the area holistically; looking at every property in NAA would be very extensive; when AMAFCA and BernCo move forward with the La Cueva Reanalysis of the La Cueva Arroyo it is hoped there would be a framework in place to look at the arroyos in NAA; it is estimated the La Cueva Reanalysis would be brought before the Board once it has been completed; and completion is estimated in a year or so.

Director Thomson made a motion that the Board accept the Grant of Easement for Lot 9 of Block 15, Tract 3, Unit 2 of North Albuquerque Acres. Director Eichenberg seconded the motion, which passed (5-0).

21. Storm Water Quality

a. AMAFCA Storm Water Quality Program – End of Permit Review

Mr. Patrick Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo and answered questions from the Board. The presentation covered various items pertaining to cooperative efforts with co-permittees that included notable work by CoA; notable work by BernCo; notable work by Others; and End of Permit Review.

15. UNM Hydraulic Modeling and Technical Assistance Funding Agreement for FY-2020 – Approval of FY-2020 Funding Agreement

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Director Thomson introduced Dr. Ryan Webb with the University of New Mexico Civil Engineering Department.

Director Eichenberg made a motion that the Board approve the Funding Agreement for FY 2020 with UNM for Hydraulic Modeling and Technical Assistance. Director Borrego seconded the motion, which passed (4-0). Chair Thomson recused himself due to potential conflict.

18. Resolution 2019-12, Adoption of General Obligation Bond Award

Mr. Daniel Alsup with Modrall walked the Board through the steps for approval. He requested two separate motions.

Director Eichenberg made a motion that the Board accept the Bond Sale bid from Morgan Stanley. Director Borrego seconded the motion. The motion passed (5-0).

Director Eichenberg made a motion that the Board approve Resolution 2019-12, General Obligation Bond Award, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Borrego seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

19. 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.

22. Executive Session (closed)

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

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

Chair Brown advised that Items 22 a and 22 b were Closed Session agenda items. Director Thomson 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 Borrego seconded the motion, which passed unanimously (5-0), on a roll call vote. Mr. Lovato and Legal Counsel were to remain; Mr. Lovato asked that Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager remain as well.

Chair Brown closed the meeting at 12:14 p.m. Chair Brown asked for a motion to re-open the meeting at 1:04 p.m. Director Eichenberg made a motion that the meeting be re-opened. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote. Director Eichenberg stated that no action was taken during the Closed Session, only items that pertained to Real Property were discussed, and actions would be taken in open session.

Chair Brown made a motion to authorize the Executive Engineer to develop a plan to remove personal property remaining on Real Property that AMAFCA would acquire as part of the implantation of the Moon Mini Drainage Management Plan. Director Eichenberg seconded the motion, which passed (5-0).

Chair Brown made a motion to approve the Chair to sign a letter indicating approval of a proposed acquisition to be given to the Title Company. Director Eichenberg seconded the motion, which passed (5-0).

23. Unfinished Business

None.

24. New Business

None.

25. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 1:06 p.m.

Deborah L. Stover, Secretary-Treasurer, 6/27/19

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.