



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
June 27, 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, June 27, 2019. Roll was noted as follows:

Directors present:	Chair Ronald D. Brown Director Cynthia D. Borrego – left at 1:50 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 Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Stover made a motion to approve the agenda. Director Borrego seconded the motion, which passed (5-0).

3. Meetings Scheduled

- a. July 25, 2019, 10:00 a.m. – Regular Meeting**
- b. August 22, 2019, 10:00 a.m. – Regular Meeting = cancelled**
- c. September 26, 2019, 10:00 a.m. – Regular Meeting**

The Board concurred that no Regular meeting would be scheduled for the month of August. Should there be pressing issues that would require Board approval a Special meeting would be scheduled.

4. Items from the Floor/Public Comments

None.

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5. Approval of Minutes

a. May 23, 2019

Director Borrego made a motion to approve the minutes of May 23, 2019. Director Eichenberg seconded the motion, which passed (5-0).

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

The motion approved the following:

- Out of State travel for AMAFCA staff (2) to attend the Association of State Dam Safety Officials Inspection and Assessment of Dams Course in Baltimore, Maryland, not to exceed \$5,800.00; and
- Advertisement of Request for Proposal for Structural Design Services of the Tijeras Arroyo Grade Control Structures; and
- Memorandum of Agreement with the MRCOG for 2020 Digital Orthophotography, substantially as attached.

Director Eichenberg 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.

- **General & Administrative**

FY 2020 Audit: AMAFCA staff negotiated the contract, per the State Auditor's requirements, with Carr, Riggs, and Ingram for Audit Services and sent the signed contract to the State Auditor. A meeting was held with Carr, Riggs, and Ingram to discuss the FY 2020 audit schedule, it is anticipated that the audit would be completed on time, and AMAFCA would be able to submit the Comprehensive Annual Financial Report (CAFR) to the State Auditor by November.

- **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, Balloon Fiesta and residents along North Edith. Balloon Fiesta would need to get permit to cross over the railroad tracks including the use of a crossing guard or flagman if access other than emergency access is needed.

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Kirtland Air Force Base: AMAFCA was notified that the funding agreement had been signed by the Air Force and that funds are now available for the Project.

UNM North Golf Course: Staff had been invited to a meeting between UNM and Bernalillo County (BernCo) to discuss AMAFCA's involvement with trail construction around the North Golf Course. The initial discussions, after the April AMAFCA Board Meeting, with UNM and BernCo did not include CoA and did not address floodplain removal. BernCo had taken the lead and wants to concentrate on the development of a trail system around the golf course. AMAFCA had stressed that the Board expressed its desire that an agency other than AMAFCA needs to handle the maintenance of the flood control facility on the golf course and removal of floodplain was essential to the Project. There is a meeting scheduled in a couple of weeks to discuss the various issues.

Planning, Engineering, & R&D

North Diversion Channel Outfall Project: AMAFCA received an estimate from UNM to construct a model of the completed structure using as-built elevations. The UNM estimate was forwarded to Weston and discussions with Weston continue.

Facilities Operations & Maintenance

Raven Pond Neighborhood Complaints: Director Stover continues to receive numerous complaints concerning Raven Pond. Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, is taking care of complaints at Raven Pond. It was noted that Chair Brown and Director Stover believe that progress is being made at Raven Pond and both had met with BernCo Commissioner Quesada who was supportive of all the things being done by AMAFCA. AMAFCA has contracted with a wood carver to fashion a raven from a dead tree at the south end of Raven Pond.

Rio Grande High Water Event: AMAFCA is in communication with the MRGCD and is ready and willing to provide emergency personnel and equipment if help is needed. AMAFCA's crew are on standby to pump water out of retention ponds, remove sediment and debris or rebuild facilities as needed.

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

Chair Brown notified the Board that AMAFCA had received a letter(s) regarding the AMAFCA FY-2018 Comprehensive Annual Financial Report (CAFR) being awarded a CAFR by the

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Government Finance Officers Association. The Board congratulated AMAFCA staff for a job well done.

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.

c. Approval of May 2019 Expenditures

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. Attorney Autio responded to questions from the Board regarding Legal billings.

Director Thomson made a motion to approve the May 2019 Expenditure Report. Director Stover seconded the motion, which passed (5-0).

d. Financial Position Recap May 16, 2019 through June 15, 2019 & Forecast June 16, 2019 through July 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 Borrego 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. It was noted that interest in the Agency and Area-Wide fund is allocated by the fund balance of each entity with AMAFCA having the highest interest due to AMAFCA's higher balance in the fund. Should AMAFCA transfer Agency and Area-Wide funds into the Local Government Investment Pool, AMAFCA would need to formally contact and obtain approval from the other entities involved with the contract.

f. Acceptance of Inventories

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

Director Borrego made a motion that the Board accept the Inventories as presented. Director Stover seconded the motion, which passed (5-0).

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g. Approval of “Exhibit A,” Resolution 2006-08, Reimbursement for AMAFCA Goods and Services

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 approve "Exhibit A" of Resolution 2006-8, Reimbursement for AMAFCA Goods and Services. Director Thomson seconded the motion, which passed (5-0).

9. AMAFCA Security Review

a. AMAFCA Cybersecurity Assessment

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board. The presentation covered topics such as AMAFCA Servers; Intraoffice Wi-Fi; Digital Phone System; Firewall (AMAFCA blocked over 6,000 attacks last year); Email; Web Mapping; File Transfer Protocol Images for Telemetry Data / Telemetry for Live Stream of Arroyos; and the AMAFCA Website /WordPress Program. Mr. Lovato pointed out AMAFCA staff currently has a handle on the issues; however, the system is maximizing staff's ability, and AMAFCA would be looking to outsource. It was noted by the Board that while the staff impact is minimal, it would be prudent to make sure that if it is something that needs to be budgeted, it should be considered; think about the cost to outsource or hire someone; and there are daily attacks everywhere.

b. AMAFCA Financial Internal Controls Assessment

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. Mr. Chavez covered Bank Statement issues; Wire Transfers for payments to avoid late fees for those bills that come in with no time to mail a check; and the Payroll System AMAFCA uses is through CoA's automated system.

c. AMAFCA Office and Field Assessment

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation included how AMAFCA currently uses incident reports to identify safety and security issues that happen; new lighting had been installed around the AMAFCA building due to homeless individuals around the building / illicit activities happening on the premises; installed security fencing; installed GPS in crew vehicles; during a recent incident two crew members were shot at (used Active Shooter training they had received); public access to the AMAFCA office and its restroom facilities for individuals that do not have business with AMAFCA; a no package rule or gates might need to be put in place; incidents happening under CoA bridges on AMAFCA facilities; putting up signs on the facilities; staff attending public meetings to help address neighborhood issues near AMAFCA facilities; staff taking bike rides on trails for public interaction; and the need to close the building (possible

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intercom to be installed to use with the current maglock system) for public access to provide safety to AMAFCA staff.

The Board's direction to staff was to investigate and get proposals for the items that staff pointed out which may expose AMAFCA to potential security issues.

10. Legal

a. Status Report

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

11. Climatology Update – 2019-2020 Winter/Spring Recap and 2019 Monsoon Forecast

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board. The presentation covered topics such as Precipitation Totals; Water Year; Year-to-Date and Monthly Precipitation Anomaly; March & April Bomb Cyclone(s); North American Monsoon Forecast; Quasi-Stational Pressure Systems; Ingredients for a Thunderstorm; El Niño Probabilities; the forecast for monsoon season is near to above normal precipitation; and the long range climate models have above normal chances for precipitation through the fall and then return to normal by mid-winter.

12. Joint Projects – City of Albuquerque Open Space

a. North Geologic Window – Project Site Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. It was stressed that cost discussions for obtaining privately-owned parcels have not occurred and land would be needed for this Project.

b. Hubbell Dam Expansion – Additional Easement Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Bingham noted that with the limited capacity of the Isleta Drain the options involved would require a waiver for the 96-hour rule.

13. West I-40 Drainage Management Plan – Plan Implementation, Public Private Partnerships

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. To address the lack of infrastructure and funding needed to build infrastructure, staff proposed a private-public partnership to fund the required infrastructure west of 98th Street. Three critical structures need to be built to ensure downstream facilities work and provide flood protection as development west of 98th Street occurs, the Dam 5 Diversion, Dam 5, and the expansion of Dam 1. The cost of required infrastructure could be allocated between the properties that drain into the system. Approximately 745 acres of the 7,882 acres is owned by government agencies, the balance is privately owned. There was a discussion

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that included AMAFCA could put in a cost escalator; it could take eight years and three bond issuances; full build in 2027; some of the fixes need to go in quickly to protect downstream facilities; the cost of building the Dam today would be much cheaper than years from now; a bulk land plat would be the best opportunity; AMAFCA could wait as long as 30 years before getting money back; Western Albuquerque Land Holdings, Inc. is looking to modify the Drainage Management Plan in the area; there is development pressure in the area which will continue; could AMAFCA recover all their monetary investment and tie into Consumer Price Index for first 10 years; AMAFCA would ask CoA to manage the Project; and more information may be provided at the July Board meeting.

14. Black Mesa 3 Dam Outlet Raymac Dam to Don Felipe Dam Phase III Project – Award of Construction Contract to Qualified Bidder

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 award the construction project to AUI, Inc., in the amount of \$3,500,583.00, plus New Mexico Gross Receipts Tax for the Black Mesa 3 Dam Outlet Raymac Dam to Don Felipe Dam Phase III Project. Director Borrego seconded the motion, which passed (5-0).

15. Black Mesa 3 Dam Outlet Raymac Dam to McCoy Dam Phase IV Project – Award of Construction Contract to Qualified Bidder

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board. It was noted that for this particular bid, four of the five bids were found to be nonresponsive. In accordance with the project specifications and as noted in multiple locations, “If bid items are in the Base Bid and Additive Alternate #1 they shall be bid at the same unit cost. Failure to do so will deem the Bid non-responsive.” In the bids found nonresponsive, several items had higher unit bid prices in the additive alternate #1 than in the base bid. For example, ‘Shotcrete 6” Thick Including Reinforcing’ had an average of a 6% markup of the unit bid price. The subject bid items have been verified that the item description and the detailed bid item descriptions match exactly. There was a brief discussion on if the project should be re-bid; was the bid process not clear; should AMAFCA penalize the company that got their bid right; and the project specifications had the information noted in multiple locations.

Director Stover made a motion that the Board award the construction project to AUI, Inc., in the amount of \$3,496,573.00, plus New Mexico Gross Receipts Tax for the Black Mesa 3 Dam Outlet Raymac Dam to McCoy Dam Phase IV Project. Director Thomson seconded the motion, which passed (4-1). Director Eichenberg voted no.

16. Approval of Amendment Six to the Agreement for Construction Management Services for Black Mesa Phase IA

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

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Director Thomson made a motion that the Board approve Amendment Six to the Agreement for the Construction Management Services for Black Mesa Phase 1A. Director Stover seconded the motion, which passed (5-0).

17. 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

Mr. Nolan Bennett, AMAFCA Field Engineer, walked the Board through the charts that were part of the report. There were no questions.

18. Real Estate

a. Notice of Issuance of Film Production Location License

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

19. Executive Session (closed)

- a. Discussion of Acquisition of Real Property (§10-15-1(H)(8)) – Moon Mini Drainage Management Plan**
- b. Discussion of Acquisition of Real Property (§10-15-1(H)(8)) – Black Mesa Phase III and IV**
- c. Discussion of Threatened or Pending Litigation (§10-15-1(H)(7))**
- d. Discussion of a Complaint against a Public Employee (§10-15-1(H)(2))**

Chair Brown advised that Items 19 a through 19 d were Closed Session agenda items. Director Stover 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, Threatened or Pending Litigation, and a Complaint against a Public Employee. Director Thomson 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 for items 19 a and 19 b.

Director Borrego left at 1:50 p.m. prior to the vote to reopen the meeting.

Chair Brown closed the meeting at 1:08 p.m. Chair Brown asked for a motion to re-open the meeting at 1:56 p.m. Director Stover made a motion that the meeting be re-opened. Director

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Thomson seconded the motion, which passed unanimously (4-0), on a roll call vote (Director Borrego had left). Chair Brown stated that no action was taken during the Closed Session, only items that pertained to Real Property, Threatened or Pending Litigation, and a Complaint against a Public Employee were discussed, and no specific decisions had been made.

20. Unfinished Business

a. Appointments of Alternates to MRCOG Boards

Chair Brown made the following alternate appointments (the lead appointment remained the same):

- Bruce M. Thomson, MRCOG Board of Directors (Ronald D. Brown, alternate)
- Ronald D. Brown, Metropolitan Transportation Board (Deborah L. Stover, alternate)
- Bruce M. Thomson, Middle Rio Grande Water Resources Board (Cynthia D. Borrego, alternate)

A brief discussion took place regarding a recent meeting with the Environmental Protection Agency (EPA) regarding the Watershed Permit; there were no surprises made public; EPA was not unhappy; and 26 people showed up.

21. New Business

There was a brief discussion regarding the upcoming Election; AMAFCA's public notice requirements; the BernCo Clerk would be doing a Public Awareness campaign; it would be beneficial for AMAFCA to contribute to the costs of the election promotion to meet as many people as possible under the Local Election Act; and the entire Board should be notified regarding the deadline for when and where to submit Declaration of Candidacy information.

22. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 2:04 p.m.

Deborah L. Stover, Secretary-Treasurer, 7/25/19

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.