



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
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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, October 24, 2019. Roll was noted as follows:

Directors present:	Chair Ronald D. Brown Director Tim Eichenberg – left at 11:56 a.m. Director Deborah L. Stover Director Bruce M. Thomson Director Cynthia D. Borrego – arrived at 10:13 a.m.
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

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, asked that the agenda **Item 17 b North Domingo Baca Dam – Presentation by Mr. Phil Pickard** be removed from the agenda since Mr. Pickard could not make the meeting. Chair Brown asked that agenda **Item 19 Executive Session** be moved up to behind the Consent Agenda so that Director Eichenberg may participate. Director Eichenberg made a motion to approve the agenda, as amended. Director Thomson seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. November 21, 2019, 10:00 a.m. – Regular Meeting**
- b. December 19, 2019, 10:00 a.m. – Regular Meeting and Holiday Luncheon**
- c. January 02, 2020, Time to be determined – Special Meeting**
- d. January 23, 2020, 10:00 a.m. – Regular Meeting**

Director Stover advised she would not be available for the January 02, 2020 Special Meeting. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, would identify if there needs to be a Special Meeting on the first business day in 2020 since the Local Election Act is under a new law. Director Eichenberg asked that the December 19, 2019 meeting be moved up a week due to the Holiday. The new date is reflected as December 12, 2019.

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4. Items from the Floor / Public Comments

No one had signed up for public comment at the beginning of the meeting. Chair Brown gave Mr. Jeffrey Padilla the opportunity to address the Board since he was not present during the time for public comments. Mr. Padilla thanked the Board and a brief recap included the history of his property; advised that he is asking for a certain amount which he considered a fair price; there were more items present that Mr. Domenici did not find; and had two plans in place for the property should AMAFCA not purchase it. Chair Brown stated for the audience that AMAFCA is attempting to acquire a parcel of land that is needed for a flood control project. Mr. Padilla was advised to submit the additional information to Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, and if appropriate, the AMAFCA appraiser could relook at the valuations. AMAFCA's policy, in respect to all acquisitions, is to be fair to the seller, and the public, who are paying for the property. Mr. Padilla was thanked for his time.

5. Approval of Minutes

a. September 26, 2019

Director Eichenberg requested a minor change. Director Eichenberg made a motion to approve the minutes of September 26, 2019, as amended. Director Stover seconded the motion, which passed (4-0).

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

The motion approved the following:

- Second extension of On-Call Geotechnical and Materials Testing Services Contracts with NV5, YeDoma Consultants, LLC, and Wood E & IS, Inc.; and
- Second extension of On-Call Land Survey Services Contracts with Souder Miller & Associates, Community Services Corporation, Wilson & Company, Cobb Fendley and Associates, Inc., and Bohannan Huston, Inc.; and
- Second extension of On-Call Real Estate Appraisal Services Contracts with Shipman | Foley & Associates and Commercial Appraisal, Inc.; and
- Second extension of On-Call Oblique Aerial Photography Services Contract with Eagle's Eye Photo; and
- First extension of On-Call Ditch and Water Safety Coordination Services Contract with Sunny 505; and
- Out of State travel for AMAFCA staff to attend the Government Financial Officers Association National Conference in New Orleans, LA.

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

Item 19 was moved here earlier in the meeting.

Director Borrego arrived during the Executive Session.

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19. Executive Session (closed)

- a. **Discussion of Acquisition of Real Property (§10-15-1(H)(8)) – Black Mesa Phase III and IV**
- b. **Discuss the Acquisition of Real Property (§10-15-1(H)(8)) – Moon Mini Drainage Management Plan**

Chair Brown advised that Items 19 a and 19 b 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. Director Thomson seconded the motion, which passed unanimously (4-0), 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 10:08 a.m. Chair Brown asked for a motion to re-open the meeting at 11:07 a.m. Director Borrego made a motion that the meeting be re-opened. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote. Chair Brown 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.

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 past couple of months and answered questions from the Board.

- **General & Administrative**

Safety and Security of the AMAFCA Campus: AMAFCA experienced both a vehicle break-in and a vehicle theft since the last Board Meeting. Both vehicles were owned by AMAFCA staff and were parked in the employee parking lot when the crimes occurred. AMAFCA modified the automatic gate so that it can only be opened using a remote device and all exterior pad locks have been changed. Cameras may be installed along with modifications to the front exterior door by the next Board meeting.

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

Boca Negra Drainage Management Plan: AMAFCA had scoped additional work with Bohannon Houston to identify additional property below the North Geologic Window needed to construct a facility to protect downstream infrastructure. AMAFCA has been addressing multiple requests under the Inspection of Public Records Act (IPRA). Mr. Lovato reminded the Board that in accordance with the IPRA, AMAFCA is not to make new records / documents or modify the recordings of Board meetings. AMAFCA utilizes

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a proprietary software for its electronic program. Responding to questions from the Board, Mr. Lovato stated that individuals can request information under IPRA; however, directives have been submitted requesting that AMAFCA follow the same program as the City of Albuquerque. AMAFCA complies with the IPRA; however, would utilize its own procedures and software, and are not obligated in any way to follow the City of Albuquerque and / or Bernalillo County procedures or programs.

Public Outreach

Balloon Fiesta Park: During the 2019 Balloon Fiesta, the Albuquerque International Balloon Fiesta Board (AIBFB) of Directors, specifically thanked AMAFCA for its support over the years. The AIBFB identified AMAFCA's Board of Directors for their forward thinking and AMAFCA's staff for all the work on the ground.

Responding to questions from the Board regarding a consultant to help with staff to explain personnel responsibilities and reporting, Mr. Lovato stated Mr. Tim Karpoff had been hired to start that work and interviews had been started. It would not be a one-time, two-hour full staff endeavor, it would be over multiple days, possibility several weeks. The Personnel and Salary Committee would be kept informed.

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 20 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 September 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 September 2019 Expenditure Report. Director Borrego seconded the motion, which passed (5-0).

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d. Financial Position Recap September 16, 2019 through October 15, 2019 & Forecast October 16, 2019 through November 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. Fiduciary 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

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. He covered aspects of the Government Accounting Standards Board 84 and AMAFCA's auditor interpretation of the Agency and Area-Wide fund, and how it would fall under an AMAFCA fund and not within a Fiduciary Fund. Mr. Lovato stated that the CAFR is approximately 80% complete and this will set Mr. Chavez back with the major modification to the CAFR. He further stated he is issuing a Thank You to AMAFCA's auditors (CRI), for working with the new criteria and providing guidance. AMAFCA is approximately a year ahead on what is required. He further thanked Mr. Chavez for taking the initiative to get this done ahead of schedule. The new CAFR would be a much better product in the long run to help with the talks with the Bonding Agencies.

9. Legal

a. Status Report

Attorney Randy Autio summarized information provided in the memo. Responding to questions from the Board regarding the default on GandyDancer, Mr. Lovato covered the following: A draft Take Over agreement had been drafted; the Surety put both projects out to bid; the Surety had some interest from multiple contractors; local contractors had asked for the bid dates to be pushed back a couple times; the bids are to be received the first week of November; the Surety would like that information before talking about a takeover agreement; the AMAFCA Board would still need to make a decision on liquidated damages (under \$200K at this point); it would not be a negotiation point in the Take Over agreement, but would need to be addressed; there is still the possibility of a Tender Agreement (cash to finish the project) for Agency and Area-Wide, and there may be two different contractors for that work; for the Lower Bear a Take Over would be done that would have a change order for the original contract; the Surety would hire the contractor; the Surety is doing a great job keeping AMAFCA informed on both contracts; it appears all suppliers and labor have been addressed; there is a security firm monitoring the project sites; and AMAFCA had control of the dust permit and the Storm Water Pollution Prevention Program, even though the projects are not moving forward, but being maintained at this time.

10. Joint Projects – Middle Rio Grande Conservancy District

a. Black Mesa Three Dam Outlet Project Phase IV – Approval of Funding Agreement for Access Control

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. AMAFCA and MRGCD are splitting the cost for the relocation of the wall.

Director Borrego made a motion that the Board approve the Funding Agreement with the Middle Rio Grande Conservancy District to address access control on the Black Mesa Three Dam Outlet Project Phase IV. Director Stover seconded the motion, which passed (5-0).

b. West Levee Project – Proposal to Transfer Funds to Mountain View Levee Project – Presentation by Mike Hamman

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. Mr. Mike Hamman with the Middle Rio Grande Conservancy District was introduced. Mr. Hamman thanked the Board and stated the three-agency partnership had been very successful. The presentation covered some of the following: the new levee performed very well; however, the old portion did not; there was high runoff for seven to eight weeks from Cochiti; 6,000 cfs stressed out the levee systems below Isleta Diversion dam all the way down to south of Los Lunas; on the east side a lot of damage occurred; north of Belen, there was a lot of seepage and sloughing of the drain into the riverside drain system that created about \$1.5M dollars that is being repaired as MRGCD can get to it; there is extensive work to be done in the off season at approximately \$2.5M from current runoff; MRGCD is currently working as the local sponsor for the Bernalillo to Belen levee system; and MRGCD is seeking funds through the State, New Mexico Interstate Stream Commission, Bernalillo County, support of others as well as any other costs requirements for this extensive project that would bring numerous people out of the floodplain in the area of the Mountain View reach; it is hoped that the costs of \$25M-\$28M would be reduced by MRGCD doing the realignment / reconstruction of the Riverside Drain as part of the project; and the proposal is that MRGCD retain the AMAFCA and BernCo funds in order to have a multi-agency match when design and construction begins on the Mountain View reach; and if the AMAFCA Board decided a check would be needed now a check would be cut; however, MRGCD would be back in near future anyway; and MRGCD is aware of the concern voiced by both BernCo and AMAFCA regarding the slow process that is part of working with the USACE. It was noted by the Board that on the west side by Raven Pond there were issues with the Corp project which was not built to specifications and everyone should try not to repeat that mistake. Director Thomson reminded Mr. Gronewold that AMAFCA had experienced problems with the quality of previous Corps projects, notably the SWVFR Project, and wanted assurance that the Corps was aware of those problems and would take steps to prevent them on future projects.

Mr. Ryan Gronewold with the US Army Corps of Engineers Planning Division was introduced. The presentation covered some of the following: Project was in the final stages of the Feasibility Phase which would be submitted as a Final Feasibility Report to Headquarters; anticipating going under Final Policy Review, then would need to go through analysis policy for benefit cost to look

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at levee heights, where levees go in, benefits from those levees, and damage to be prevented; then on to the Chiefs Report; once Chiefs Report is issued can enter into an agreement with MRGCD to start pre-construction engineering design; \$1M for FY 20 would be put in; a year long process of design; another year, May 2021, to contract for construction; cost share is 65 percent Federal and 35 percent non-federal; \$26M very preliminary cost estimate to begin with the big component being the seepage control project, underneath the levee into the Riverside Drain; proposed concrete manning with \$9M non-federal cost share and hopes to keep costs down. Responding to comment from the Board regarding interest being paid to the State of New Mexico for Federal Programs, Mr. Gronewold stated Albuquerque District USACE sponsors the fund each year and USACE does not have control over funding from Congress. Also covered: the project area covers the South Diversion Channel to the Isleta Diversion, then to East/West Belen; encompasses 48 miles of levee with an estimate cost of \$300M; estimating a 16-year construction project with a huge portion of interest during construction; Mountain View segment of the Riverside Drain is much deeper than other sections; the Post Katrina world has inflated costs dramatically; MRGCD had a lot of success with the cost share levee that took over 1,600 properties out of the flood plain in the Socorro area; there is a huge upside for the community; MRGCD acknowledged a benefit to put money (\$1M-\$2M a year) away and leverage those funds with money through State to help get the project done; would like to cut the construction time down to 10 years; there were drainage tiles put in to drain Prices Dairy / Valle de Oro now and the high cost of this levee compared to other places in town and the United States, is all about seepage underneath the structures noting a high water table; the USACE \$26M design is the typical / tradition levee design with a preadded service going into the levee into a relief flow system; can modify the soil, foundations, and do something more radical and still would not get anything more expensive than the current design that the USACE has; there are some other geotechnical things that could be done to change the preadded surface which would be something USACE would need to discuss with MRGCD; the flow rate in the Rio Grande out of the Calabacillas at 23,000 cfs was discussed; MRGCD would work diligently to lower costs for the seepage control process; money should be earning interest; some funds would need to stay with MRGCD so that it can still be a multi-agency project; and MRGCD could put money into State fund. The Board concurred to that while the numbers are not known at this time, AMAFCA would participate in this project. They further acknowledged that MRGCD would be authorized to put the funds owed to AMAFCA by MRGCD into a State Treasury account, and AMAFCA would earn interest on the AMAFCA funds. Mr. Hamman requested a letter from AMAFCA stating MRGCD should deposit the entire amount.

Responding to questions from the Board on the Montano Levee, Mr. Hamman stated that he would recommend trying again with the new administration in Santa Fe. There were lessons learned from working with New Mexico Department of Homeland Security (NMDoHS) and MRGCD is willing to do again. The Board noted that AMAFCA stepped in to manage the project if it came to that, but could not get NMDoHS to buy in.

Director Eichenberg left during Item 10.

11. Calabacillas Arroyo Facility Plan Above Swinburne Dam – Approval of the Professional Engineering Services Agreement with Tetra Tech, Inc.

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

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and answered questions from the Board.

Director Thomson made a motion that the Board approve the Professional Engineering Services Agreement with Tetra Tech, Inc., for the Calabacillas Arroyo Facility Plan Above Swinburne Dam. Director Stover seconded the motion, which passed (4-0).

12. West Branch Calabacillas Arroyo Grade Control Structures – Draft Cost Share Agreement for the Design, Construction, and Management of Grade Control Structures with the Central New Mexico Community College

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Ms. Molly Blumhoefer and Mr. Marvin Martinez with CNM Westside Campus were in the audience and answered questions from the Board. The Board concurred to proceed with finalizing the agreement with CNM.

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. The costs for each zone were covered. The costs would be presented at the time of platting so that the developer would be aware of what the payment to AMAFCA would be. The Board concurred that the process would be more effective and efficient economically. A Resolution would be brought before the Board next month.

14. Miscellaneous AMAFCA Construction Projects IX – Award of Construction Contract to Qualified Bidder

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo. There were no questions.

Director Thomson made a motion that the Board award the construction project to Star Paving Company in the amount of \$1,035,450.00, plus New Mexico Gross Receipts Tax, for the Miscellaneous AMAFCA Construction Projects IX. Director Borrego seconded the motion, which passed (4-0).

15. Agency and Area-Wide Flood Control Rehabilitation IX – 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 Thomson made a motion that the Board award the Agency and Area-Wide Flood Control Rehabilitation IX construction project to RMCI, Inc., in the amount of \$1,715,489.00, plus New Mexico Gross Receipts Tax. Director Borrego seconded the motion, which passed (4-0).

16. AMAFCA Field Highlights

a. Field Report

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the last few months and answered questions from the Board.

b. Construction Report

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the charts, stressing where the work and payments were reflected. There were no questions.

c. Update on GandyDancer Default

This item was covered under **Item 9 a. Legal Status Report** earlier in the meeting.

17. Real Estate

a. Notification of Issuance of Short-Term Recreational Licenses

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

b. North Domingo Baca Dam – Presentation by Mr. Phil Pickard

This item was removed earlier in the meeting.

c. Proposed License Agreement with City of Albuquerque or Bernalillo County for Memorial Placement at West I-40 Phase VI Project

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board. There was a discussion regarding the location and access issues. Boca Negra was suggested as an alternative since there is public parking as well as a more serene location. There is a giant boulder at this location to which an engraved memorial plaque may be placed. Wording for the plaque would be provided to AMAFCA staff.

18. 2020 AMAFCA Project Schedule – Review of Project Layout

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Bingham stated the Project Schedule would be adopted in November with printing happening soon afterwards.

Item 19 had been moved up earlier in the meeting.

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20. Unfinished Business

Director Thomson provided a handout that he was given that looked at other options for the southeast corner of Zuni and Pennsylvania SE for the Zuni Penn Pond instead of just a steep / deep pond with a fence around it. He asked that staff consider looking into building a multi-use facility to enhance the neighborhood.

21. New Business

None.

22. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 2:18 p.m.

Deborah L. Stover, Secretary-Treasurer, 11/21/19

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.