



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
January 23, 2020
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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:00 a.m., Thursday, January 23, 2020. Roll was noted as follows:

Directors present:	Chair Ronald D. Brown Director Cynthia D. Borrego Director Tim Eichenberg – left at 12:28 p.m. 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

Chair Brown advised that **Agenda Item 21 Stormwater Quality Program – Review** would need to be deferred to the February meeting. The information for that item was not ready.

3. Meetings Scheduled

- a. February 27, 2020, 10:00 a.m. – Special Meeting**
- b. March 26, 2020, 10:00 a.m. – Regular Meeting**
- c. April 23, 2020, 10:00 a.m. – Regular Meeting**

There were no changes to the dates listed above.

Chair Brown acknowledged the receipt of letters from the both the Nature Conservancy and Southern Sandoval County Arroyo Flood Control Authority thanking the AMAFCA Board of Directors. The Nature Conservancy received \$25K for stormwater quality and their fire mitigation process. SSCAFCA received a tractor trailer, as a donation, that AMAFCA had in excess inventory. Mr. Jerry M. Lovato referred the Board to their folders, which also contained a fantastic article from Stormwater Journal titled, The World’s First Stormwater Volcano – A problem in the desert gets a unique solution, written by Bruce Thomson. The article pertained to the AMAFCA Stormwater Volcano, hydrology and hydraulics in the arid southwest, as well as regional water

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cooperation policies and programs. The article brought well deserved recognition to all the work everyone does. The Board congratulated Director Thomson on the publication of his article.

4. Election of Officers

Chair Brown opened the floor for nominations.

a. Chair

Director Stover nominated Director Thomson to serve as Chair for the 2020 term (a second motion not needed on nominations). Director Eichenberg moved to close and approve the nomination. Director Thomson seconded the motion, which passed unanimously (5-0).

The Chair position was turned over to Director Thomson. As such, Chair Thomson asked for nominations for the following:

b. Vice Chair

c. Secretary-Treasurer

d. Assistant Secretary-Treasurer

Director Eichenberg nominated Director Brown to serve as Vice Chair and continued with nominating Director Stover to serve as Secretary-Treasurer, and himself to serve as Assistant Secretary-Treasurer for the 2020 term. Director Brown moved to close and approve the nominations. Director Eichenberg seconded motion, which passed unanimously (5-0).

The 2020 Board Officers are:

Bruce M. Thomson, Chair

Ronald D. Brown, Vice Chair

Deborah L. Stover, Secretary-Treasurer

Tim Eichenberg, Assistant Secretary-Treasurer

5. Appointment to Boards and Committees

Chair Thomson asked that this item be deferred until February. Director Eichenberg asked that Mr. Jerry M. Lovato, AMAFCA Executive Engineer, send out current assignments to Boards and Committees. A Director may submit their interest to the serve on a Board / Committee to the AMAFCA Chair.

Director Brown made a motion to defer the Appointment to Boards and Committees to the February 27, 2020 Board meeting. Director Stover seconded the motion, which passed (5-0).

6. Items from the Floor / Public Comments

Col (Retired) Richard D. Leonard, former AMAFCA Executive Engineer, addressed the Board stating that he had a conversation with Ms. Genieva Meeker, former AMAFCA Staff and Board

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member. Ms. Meeker is doing very well and sends her regards to the Board. The Board thanked Col Leonard for the update. Mr. George Radnovich with Sites Southwest addressed the Board and plugged the Xeriscape Council of New Mexico / Land and Waters Summit to be held February 27 – 28, 2020. He recapped the various speakers involved, stated there were not many engineers registered, and obtained permission to leave, Save the Date cards, at AMAFCA's front desk. Chair Thomson stated that he has an extensive mailing list that he would forward to Mr. Radnovich. Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, introduced Mr. John Mackenzie with the City of Albuquerque (CoA). Mr. Mackenzie had accepted the position that Mr. Kevin Daggett held at CoA. Mr. Mackenzie thanked the Board, stated he looks forward to working with the Board, and expects a good relationship with the Board and AMAFCA. The Board welcomed Mr. Mackenzie to his new position at CoA.

7. Approval of Resolution 2020-01, Open Meetings Standards

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. He pointed out a small error in a couple of dates, which were amended and placed in their folder.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2020-01, Open Meetings Standards, as amended, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Borrego seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

8. Approval of Minutes

a. December 12, 2019

Director Brown made a motion to approve the minutes of December 12, 2019. Director Stover seconded the motion, which passed (5-0).

b. January 2, 2020

Director Eichenberg made a motion to approve the minutes of January 2, 2020. Director Brown seconded the motion, which passed (5-0).

9. 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**

Safety and Security – AMAFCA Staff: Two AMAFCA crew members were assaulted by a homeless individual with a deadly weapon while mowing at the AMAFCA Bear Inlet right-

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of-way. The crew members tried, to the best of their abilities, to reduce tensions after shots were fired and AMAFCA active shooter protocols were followed. The individual was arrested by APD and is currently in custody. AMAFCA legal counsel had been proactive, by initiating a restraining order if needed, and attending preliminary hearings along with AMAFCA staff. The incident, in addition to the incidents last year, have necessitated the need to lock down the AMAFCA office. New cameras and electronic door locks have been ordered and should be installed within the next sixty days. AMAFCA will add additional training for all staff concerning field and office safety this fiscal year.

2020 Capital Outlay: Staff and an AMAFCA legislative liaison met with Bernalillo County (BernCo) staff on joint project requests. BernCo has place holders in their current ICIP requests. AMAFCA and AMAFCA's lobbyists are currently working with BernCo's lobbyists to make sure that there is a coordinated effort. In addition, we are working diligently to provide engineering justification for multiuse of flood control drainage facilities in both the City and County.

UNM North Golf Course: AMAFCA completed the agreement which includes information requested by UNM and will send that information to UNM on Friday. AMAFCA and BernCo are discussing the joint work required to build the new facility, along with a rough schedule. AMAFCA would have permanent access to the project and UNM will maintain the facility. AMAFCA would only be responsible for catastrophic failures.

The Board requested information on GandyDancer at this time. **Item 19 c GandyDancer Default Update** was moved up.

19. c. GandyDancer Default Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated the Surety has had prolong negotiations with several contractors over the last three months. The delay has resulted in a large amount of liquidated damages to accumulate, for both projects, and whomever is chosen to do the construction, will now need to work during monsoon season of 2020. The Surety is hoping to generate a three-party Tender Agreement which means AMAFCA would be responsible to complete the work. There was a brief discussion regarding AMAFCA position on this type of agreement due to the liquidated damages being so high; it was anticipated that agreement between the Surety and AMAFCA would have been approved at the January meeting, with a start within two weeks; it is hoped that the contractor chosen would be someone AMAFCA knows and is able to get both big jobs completed; there was concern raised that AMAFCA, depending on the amount of liquidated damages, would still not have enough funds to complete the projects. In addition, the neighborhood surrounding the Lower Bear Project are upset, as are other AMAFCA constituents, that they have not been able to utilize the Open Space area; there is vandalism and homeless in the areas and any delay to complete the work is unacceptable; GandyDancer might not have done the work correctly on the east end of the Bear Project; a Special Board meeting might be needed to approve the Tender Agreement once an agreement is presented to AMAFCA.

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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.

10. Financial Matters

a. FY 20 Budget to Actual – Mid-Year Budget Recap Operating Budget

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 and answered questions from the Board.

c. Approval of December 2019 Expenditures

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

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

d. Financial Position Recap December 10, 2019 through January 15, 2020 & Forecast January 16, 2020 through February 15, 2020

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

Director Brown 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. 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.

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11. Legal

a. Status Report

Attorney Randy Autio summarized information provided in the memo.

12. AMAFCA FY19 CAFR – Acknowledgment of satisfactory completion of the FY19 Audit

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

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, introduced Mr. AJ Bower with Carr, Riggs, and Ingram. Mr. Bower stressed there were no Findings in the Audit. The presentation covered items such as Timeline; Auditors' Reports; Financial Statement Highlights; Findings; Improvement Points; New and Upcoming Standards; and Value-Added Suggestions.

Director Brown made a motion to accept the FY 19 Audit as presented. Director Stover seconded the motion, which passed (5-0).

13. Authorization to Advertise Request for Proposals

a. Bond Counsel Services

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

Director Brown made a motion that the Board authorize the advertisement of Request for Proposals for Bond Counsel Services. Director Borrego seconded the motion, which passed (5-0).

b. Financial Advisor Services

This item was not discussed.

Director Eichenberg made a motion that the Board authorize the advertisement of Request for Proposals for Financial Advisor Services. Director Borrego seconded the motion, which passed (5-0).

c. General Counsel Services

This item was not discussed.

Director Eichenberg made a motion that the Board authorize the advertisement of Request for Proposals for General Counsel Services. Director Borrego seconded the motion, which passed (5-0).

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14. Legislative Liaison – Briefing on the 2020 New Mexico Legislative Session

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, apologized that the Legislative Liaisons were not present due to a miscommunication. Ms. Vanessa Alarid with Alarid Consulting was in Santa Fe for the Legislative Session. As reflected in the Executive Engineer's Report, Mr. Mark Fleisher working with Alarid Consulting was busy as well. Mr. Fleisher participated in a meeting with BernCo concerning AMAFCA's involvement in joint projects with BernCo on their Capital Outlay program. Mr. Lovato stated that he would be speaking with both Ms. Alarid and Mr. Fleisher regarding Senate Bill 72, PERA Solvency. Responding to a request from Director Eichenberg, Mr. Lovato would look at the Bill and review how it will affect AMAFCA and AMAFCA staff and get with the Board Chair and current PERA retirees who are on the AMAFCA Board.

15. Development of New AMAFCA Drainage Policy - Introduction

Mr. Kevin Troutman, AMAFCA GIS Manager, referred the Board to the diagram that Mr. Jared Romero, AMAFCA Engineer I, developed that showed a timeline of Drainage Resolutions noting what ones were Clarified; Largely Duplicated; Amended; Supplemental; Repealed; Supported Local Jurisdictions; and Emphasized Priorities. Mr. Troutman stressed AMAFCA would be looking at gaps in the old resolutions(s) in order to bring a new resolution before the Board. Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized the steps taken when a property in a floodplain comes in for drainage review. She stressed that with all the development that had taken place, the policies enacted may not sufficiently address issues AMAFCA currently faces, which could lead to varying review requirements in different areas of jurisdiction. The resolution(s) being developed would be AMAFCA specific to AMAFCA processes. The Board concurred that a new AMAFCA Drainage Policy is a good plan.

16. Joint Projects – Bernalillo County

a. Transfer of North Albuquerque Acres Drainage Easements to Bernalillo County - Update

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo. Responding to an inquiry from the Board on whether Mr. Elias Archuleta, Technical Services Director with BernCo, would like to add anything, Mr. Archuleta stated they are getting ready for new easement transfers to start in the summer. BernCo is working on how to transfer old easements from AMAFCA to BernCo. He further stated details on older documents are vague on where easement(s) exist. BernCo has a consultant on board to work with GIS to identify where the easement sits on the property so there is an accurate accounting. BernCo and AMAFCA are working cooperatively.

17. Joint Projects – City of Albuquerque

a. 2020 Hazard Mitigation Plan – Approval of a Cost Share Agreement with the City of Albuquerque to Fund 2020 Update

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo. There were no questions.

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Director Brown made a motion that the Board approve the Agreement to Provide Funding for the Revision of the 2015 Albuquerque Metropolitan Area Hazard Mitigation Plan Contract, substantially as attached. Director Eichenberg seconded the motion, which passed (3-0). Directors Borrego and Stover were out of the room during the presentation and vote.

b. Marble Arno Pump Station – Project Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, congratulated the Board for pushing staff to get the project completed. The project had been under the direction of two AMAFCA Executive Engineers, goes back to 2005, and was started to help remove floodplain in the downtown area. There were no questions.

18. Post-Fire Risk Assessment for AMAFCA Dams Along the Sandia Mountains – Authorization to Advertise Request for Proposals

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding estimated cost; it was suggested that AMAFCA look at all of the area, including the Tijeras, where damage could be worse than just sediment in the dams; staff anticipates the assessment to be AMAFCA specific; it was suggested that the project be broader; and to coordinate with both CoA and the USGS, since USGS had recently completed a study written by Anne Tillery and others; and it was suggested to reach out to the Albuquerque Fire and Rescue to see how this would interact with them and the plan. Staff agreed to reach out and if there is no interest in a cost share then the plan would remain AMAFCA specific.

Director Brown made a motion that the Board authorize the advertisement of Request for Proposals for Post-Fire Risk Assessment for AMAFCA Dams Along the Sandia Mountains. Director Borrego seconded. Director Brown made a motion to amend the motion, to add coordination with the City of Albuquerque on a Joint Funding Agreement, and collaboration with the previous (USGS) study. Director Borrego seconded the motion, which passed as amended (5-0).

19. 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, summarized information provided in the memo. There were no questions.

Director Eichenberg left at 12:28 p.m. prior to the next item being discussed.

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20. Real Estate

a. Agricultural Lease – Herring Property – Approval of Lease Agreement

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

Director Brown made a motion that the Board approve the Lease Agreement with Mr. Ron Maestas and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA. Director Borrego seconded the motion, which passed (4-0). Director Eichenberg had left prior to this agenda item.

b. Zuni – Penn Property Update

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

c. Lot 8 of Block 10, Tract 2, Unit 3 of North Albuquerque Acres – Acceptance of Drainage Easement

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board. Responding to a question on how these easements would be handled under BernCo, Mr. Lovato stated that someone would have to physically go look at the property, there would be costs involved, and details would need to be worked out regarding notice, any encroachments found may change flow paths which in turn could lead to potential loss of life. It was suggested that certified letters be sent out in that case. Mr. Lovato acknowledged that was where it would be heading in a few months. Ms. Friedt stated that staff is looking at the best way to notify new owners of potential issues. Responding to a question from the Board on where FEMA fits in, Ms. Friedt stated there needs to be an analysis on everything (update old models) to examine what is reflected in current topography conditions. It was suggested to notify the Homeowners Association; however, North Albuquerque Acres does not have a Homeowners Association.

Director Brown made a motion that the Board authorize the Chair to accept the Grant of Easement for Lot 8 of Block 10, Tract 2, Unit 3 of North Albuquerque Acres. Director Stover seconded the motion, which passed (4-0).

21. Stormwater Quality Program – Review

This item was removed from the agenda earlier in the meeting.

22. Executive Session (closed)

a. Discussion of Threatened or Pending Litigation (§10-15-1(H)(7))

b. Executive Engineer's Evaluation §10-15-1(H)(6)

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Chair Thomson advised that **Agenda Items 22 a and b** were Closed Session agenda items. Director Brown 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 Threatened or Pending Litigation and Personnel Matters. Director Borrego 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 Ms. Harris remain for agenda Item 22 a.

Chair Thomson closed the meeting at 12:44 p.m. Chair Thomson asked for a motion to re-open the meeting at 1:33 p.m. Director Brown 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 Thomson stated that no action was taken during the Closed Session, only items that pertained to Possible Litigation and the Executive Engineer’s Evaluation were discussed.

23. Unfinished Business

None.

24. New Business

None.

25. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:34 p.m.

Deborah L. Stover, Secretary-Treasurer, 2/27/2020

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.