



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
February 27, 2020
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1. Call to Order and Roll Call

Vice Chair Brown called the Regular Board Meeting to order at 10:01 a.m., Thursday, February 27, 2020. Roll was noted as follows:

Directors present:	Vice Chair Ronald D. Brown Director Cynthia D. Borrego – left at 11:51 a.m. Director Tim Eichenberg – left at 11:51 a.m. Director Deborah L. Stover
Directors excused:	Chair Bruce M. Thomson
Attorney present:	Marcus Rael, Robles, Rael & Anaya
Others present:	Jerry M. Lovato, P.E., Executive Engineer William Zarr, Robles, Rael & Anaya Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Vice Chair Brown asked that **Agenda Item 19 Executive Session (closed)** be moved up for all Directors to be present to vote. Director Eichenberg asked that the item be moved to behind **Agenda Item 7 Consent Agenda**. Director Eichenberg made a motion to approve the agenda, as amended. Director Borrego seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. **March 26, 2020, 10:00 a.m. – Regular Meeting**
- b. **April 23, 2020, 10:00 a.m. – Regular Meeting**
- c. **May 28, 2020, 10:00 a.m. – Regular Meeting**

Vice Chair Brown advised he would not be available for the May 28, 2020 Meeting. There were no changes to the dates listed above.

4. Appointment to Boards and Committees

Vice Chair Brown made appointments to the following MRCOG Boards:

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MRCOG Executive Board (AMAFCA FY 21):	Director Ronald D. Brown Chair Bruce M. Thomson – alternate
MRCOG Board of Directors:	Director Bruce M. Thomson Director Ronald D. Brown – alternate
Middle Rio Grande Water Resources Board:	Director Cynthia D. Borrego Chair Bruce M. Thomson – alternate
Metropolitan Transportation Board:	Director Ronald D. Brown Director Deborah L. Stover - alternate

Vice Chair Brown made appointments to the following AMAFCA Committees:

Personnel and Salary Committee:	Director Deborah L. Stover Chair Bruce M. Thomson
Strategic Planning Committee:	Director Cynthia D. Borrego Director Tim Eichenberg
Financial Committee:	Director Deborah L. Stover Director Ronald D. Brown

5. Items from the Floor / Public Comments

Vice Chair Brown acknowledged Mr. Isaac Eastvold, citizen, was present for Public Comments. Pertaining to the AMAFCA Board meeting itself, Mr. Eastvold requested, if the Boca Negra Management Plan Update would be on the March 26, 2020 agenda, he would like five minutes of time for a presentation on a Rainbow alternative. The location of the alternative is close to Rainbow Boulevard NW and south of the Albuquerque Public Schools (APS) complex. The same alternative would be presented to the City of Albuquerque Open Space Advisory Board on March 24, 2020.

Director Borrego announced Mr. William “Bill” Fulginiti, Executive Director of the New Mexico Municipal League, had passed. The Board voiced their condolences to family and friends and acknowledged the passing of Mr. Fulginiti as a great loss to Albuquerque and New Mexico as a whole.

6. Approval of Minutes

a. January 23, 2020

Director Eichenberg requested a couple minor changes. Director Eichenberg made a motion to approve the minutes of January 23, 2020, as amended. Director Borrego seconded the motion, which passed (4-0).

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Vice Chair Brown stated **Agenda Items 7 a through 7 f (Item 7 b not used)** 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:

- Bond Counsel Services Selection Advisory Recommendation with Modrall, Sperling, Roehl, Harris & Sisk, P.A.; and
- Out of State travel for AMAFCA staff to attend the ASFPM 2020 Annual National Conference in Fort Worth TX; and
- Out of State travel for AMAFCA staff to attend the StormCon 2020 Annual Conference in Seattle, WA; and
- Out of State travel for AMAFCA staff to attend the EPA Region 6 Stormwater Conference in New Orleans, LA; and
- Advertisement of Design Request for Proposal for Calabacillas West Branch Arroyo Grade Control Structures.

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

Item 19 a. Executive Session (closed) was moved up earlier in the meeting.

19. Executive Session (closed)

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

Vice Chair Brown advised **Agenda Item 19 a** was a Closed Session agenda item. 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 Threatened or Pending Litigation. Director Borrego seconded the motion, which passed unanimously (4-0), on a roll call vote. Mr. Lovato and Legal Counsel were to remain.

Vice Chair Brown closed the meeting at 10:09 a.m. Vice Chair Brown asked for a motion to re-open the meeting at 11:06 a.m. Director Borrego made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (4-0), on a roll call vote. Vice Chair Brown stated that no action was taken during the Closed Session, only items that pertained to Possible Litigation were discussed.

8. 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.

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- **General & Administrative**

Safety and Security – AMAFCA Staff: Security improvements for maglocks and cameras are in the works. The building would remain in a lock down condition. AMAFCA staff had received additional training and would continue to have joint training sessions as the year progresses.

Financial Advisor - Invitation to Proposal: The AMAFCA Board authorized the advertisement for financial advisor services at the January Board meeting. No proposals were submitted. Staff reached out to Stifel, the current advisor, to find out if they decided not to submit or if there were any other issues. The advertisement was overlooked and simply missed. Proposals would now be due in early March to allow enough time to score the proposals before the March meeting. Staff would be requesting the Board approve the SAC recommendation and execute the contract.

- **Professional Services**

2019 Capital Outlay: The legislative liaison had been asked to see if the remaining funds received from the NM State Legislature 2019 Capital Outlay for a new transport for emergency response could be repurposed to fund an emergency generator for the AMAFCA Office. Due to lack of time in the 30-day session the legislative liaison was unable to accomplish the request. It is hoped that in 2021, the legislative liaison(s) would be able to contact the eight legislators who contributed towards the AMAFCA Capital Outlay request and repurpose the funds for an emergency generator.

GandyDancer Defaults: AMAFCA staff and Legal Counsel have been working diligently over the last three weeks regarding two tender agreements received on February 6, 2020. Discussions continue between the parties as AMAFCA continues to provide security, maintenance, and permit compliance on both projects.

- **Public Outreach**

Louisiana Gibson Regional Flood Control Facility at KAFB: AMAFCA won Project of the Year at the New Mexico Society of Professional Engineers (NMSPE) Award luncheon. Areas highlighted on this project included uniqueness, innovative engineering, challenges faced to design and construct the project, and the overall social impact on Albuquerque.

- 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 would investigate what other companies provide aerial photography. There was a brief discussion regarding drone flights versus aerial photography. Mr. Lovato stated two recent projects flown for aerial photography were the Tijeras Arroyo (right next to the Airport) and the Black Mesa (very long / too big). Drone flights could be done on either of those projects. It is hoped costs would drop as the smaller projects are flown.

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9. Financial Matters

a. FY 20 Budget to Actual

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 why the Bernalillo County (BernCo) Treasurer sent out property tax bills late; was a mill rate for a year in arrears collected; and was APS and / or BernCo authorized to do that to taxpayers. The Board asked that AMAFCA Legal Counsel look into the issue and stressed that AMAFCA Board of Directors did not raise mill levy rates.

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 January 2020 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 January 2020 Expenditure Report. Director Borrego seconded the motion, which passed (4-0).

d. Financial Position Recap January 16, 2020 through February 15, 2020 & Forecast February 16, 2020 through March 15, 2020

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 Financial / Forecast Report. Director Borrego seconded the motion, which passed (4-0).

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.

10. AMAFCA FY 2020 Budget Adjustments

a. Resolution 2020-02, Approval of Fiscal Year 2020 Budget Adjustment – Construction and Agency and Area-Wide Funds

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

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Director Borrego made a motion that the Board approve and adopt Resolution 2020-02, Approval of Fiscal Year 2020 Budget Adjustment – Construction and Agency and Area-Wide Funds and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Stover seconded the motion. The motion passed unanimously (4-0), on a roll-call vote.

b. Resolution 2020-03, Approval of Fiscal Year 2020 Budget Adjustment – General Fund

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 approve and adopt Resolution 2020-03, Approval of Fiscal Year 2020 Budget Adjustment – General Fund and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Eichenberg seconded the motion. The motion passed unanimously (4-0), on a roll-call vote.

11. Legal

a. Status Report

Attorney Marcus Real provided a verbal report. There were no questions.

12. Legislative Liaison

a. Briefing on the 2020 New Mexico Legislative Session

Ms. Vanessa Alarid, AMAFCA Legislative Liaison, summarized information provided in her handout. Part of the presentation covered: Number of Bills sent to the Governor's desk; Budget Amounts; Capital Outlay; Raises for Teachers and State Employees; PERA Solvency tracking and assistance provided; Big Items; and Retiring House Members. There were no questions.

13. West I-40 Uplands Drainage Management Plan – Project Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered: Location; the Larger West I-40 Drainage Management Plan (DMP) and updates; Each update only modified a portion of the watershed as development plans were better envisioned which made managing the entire watershed problematic; staff decided that any subsequent revisions to the West I-40 DMP would require a stand-alone DMP in order to adhere to established flow rates and volumes mandated by the previous DMPs adopted for downstream developments; and a Resolution may be brought to the Board at the next Board meeting for adoption.

Vice Chair Brown advised two directors would need to leave and asked that **Agenda Items 17 Agreement for Construction Management Services for the Valle de Oro Drainage Facility Project – Approval Amendment 1** and those under **Real Estate** be moved up.

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Director Borrego made a motion that the Board move **Agenda Items 17 Agreement for Construction Management Services for the Valle de Oro Drainage Facility Project – Approval Amendment 1** and **Real Estate 18 a and b** behind **Agenda Item 13 West I-40 Uplands Drainage Management Plan – Project Update** in order for the Board to vote with a quorum present. Director Stover seconded the motion, which passed (3-0). Director Eichenberg was not in the room during this time.

17. Agreement for Construction Management Services for the Valle de Oro Drainage Facility Project – Approval Amendment 1

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that in order to meet the construction deadlines, the contractor had requested to work weekends and was working 24/7. The original scope for construction management did not include time for weekend construction management services. AMAFCA staff recommended the Board authorize the Executive Engineer to sign Amendment One, as it is over the Executive Engineer’s signature authority.

Director Stover made a motion that the Board authorize the Executive Engineer to approve Amendment One to the Agreement for Construction Management Services for Valle de Oro Drainage Facility. Director Borrego seconded the motion, which passed (4-0).

18. Real Estate

a. Lot 30, Block 17, Tract 3, Unit 1 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. Director Borrego commented, “At what point do we start looking at flows in the area when we change them on a regular basis?”

Director Eichenberg made a motion that the Board authorize the Chair to accept the Grant of Easement for Lot 30, Block 17, Tract 3, Unit 1 of North Albuquerque Acres. Director Stover seconded the motion, which passed (4-0).

b. Lot 6-A, Block 13, Tract 1, 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. Director Borrego stated “ditto” to her comment voiced under Agenda Item a above.

Director Eichenberg made a motion that the Board authorize the Chair to accept the Grant of Easement for Lot 6-A, Block 13, Tract 1, Unit 3 of North Albuquerque Acres. Director Stover seconded the motion, which passed (4-0).

Directors Borrego and Eichenberg left the meeting prior to Agenda Item 14.

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14. Development of New AMAFCA Drainage Policy - Introduction

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board.

15. 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. Mr. Elias Archuleta, Technical Services Director with BernCo, stated internal meetings would be happening in two weeks. He further stated BernCo Public Works would handle initial requests, pass them on to BernCo Right-of-Way to process / record documents, and he anticipated BernCo would come back to AMAFCA staff for a meeting in April.

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, noting where a new addition for liquidated damages had been added to the graphs. There were no questions.

20. Unfinished Business

None.

21. New Business

None.

22. Adjourn

There being no further business to come before the Board, Vice Chair Brown adjourned the meeting at 12:28 p.m.

Tim Eichenberg, Assistant Secretary-Treasurer, 3/31/2020

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.