



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
July 27, 2023
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1. Call to Order and Roll Call

Chair Thomson called the Board Meeting to order at 9:05 a.m., Thursday, July 27, 2023, at the AMAFCA office in Albuquerque, NM.

Directors present via Zoom Chair Bruce M. Thomson – at the AMAFCA building
and / or in person: Director Ronald D. Brown – at the AMAFCA building
 Director Tim Eichenberg – at the AMAFCA building
 Director Orlando G. Martinez, Jr. – at the AMAFCA building
 Director Elizabeth Newlin Taylor – at the AMAFCA building

Directors excused: None

Attorney present via Zoom William Zarr, Robles, Rael & Anaya – at the AMAFCA Building
and /or in person:

Others present via Zoom Kevin Troutman, Interim Executive Director
and / or in person: Staff
 Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Brown made a motion to approve the July 27, 2023 Agenda. Director Taylor seconded the motion. The motion passed unanimously (5-0).

3. Meetings Scheduled

- a. August 24, 2023, 9:00 a.m. – Regular Meeting**
- b. September 28, 2023, 9:00 a.m. – Regular Meeting**
- c. October 26, 2023, 9:00 a.m. – Regular Meeting**

Director Eichenberg advised he has been called for jury duty starting on August 21, 2023, and may miss the August meeting. Director Taylor advised she has been scheduled as an expert witness in trial in September and may miss the September meeting. After a brief discussion there were no changes to the above dates.

4. Items from the Floor / Public Comments

No items from the floor or public comments were received.

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5. Approval of Minutes

a. June 29, 2023

Director Taylor made a motion to approve the Minutes of June 29, 2023. Director Eichenberg seconded the motion. The motion passed unanimously (5-0).

6. Consent Agenda

Chair Thomson recapped Agenda Items **6.a. through 6.g.** on the Consent Agenda. The items were shared on the SmartBoard for all participants to view. Director Brown made a motion that the Board accept the items on the Consent Agenda. The motion approved the following:

- Advertise Requests for Proposals for On-Call Engineering Services;
- Advertise Requests for Proposals for On-Call GIS and Technology Support Services;
- Advertise for Agricultural Lease Bids for the Herring Property;
- Advertise for Agricultural Lease Bids for the Raven Pond Property;
- Advertise for Agricultural Lease Bids for the Rutherford Property;
- Advertise for Construction Bids for the Ladera Dam 5 Diversion; and
- Advertise for Construction Bids for the Agency and Area-Wide Flood Control Maintenance XI project.

Director Taylor seconded the motion. The motion passed unanimously (5-0).

7. Executive Director's Report

a. Notification of Past Month's Activities

Mr. Kevin Troutman, AMAFCA Interim Executive Director, referenced the mailout which highlighted significant activities from the previous and current month and answered questions from the Board.

- **General & Administrative**

Personnel and Salary Committee: Staff has met with the Personnel and Salary Committee regarding several items. More information will follow in upcoming meetings.

AMAFCA Staffing: The switch from the Executive Engineer to the Interim Executive Director has occurred. The Director of Operations Position has been advertised and staff is looking into additional options for soliciting applicants for the position. Ms. Maria Zuniga has completed the Chief Procurement Officer (CPO) courses and will take over the role as AMAFCA CPO once the paperwork from the State arrives.

San Antonio Arroyo: A resident along the San Antonio Arroyo near Northern Trail reached out to AMAFCA regarding maintenance activities in the arroyo. The boundaries in that

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area were unclear. Mr. Willie West, AMAFCA Real Estate Manager, identified all easements in the area and AMAFCA has added them into the mapping system.

AMAFCA Accounting Software: Staff is moving forward to purchase the new accounting software that was approved by the Board at the June meeting. Staff is developing a timeline for implementation.

AMAFCA Bond Sale: Staff met with RBC Capital Markets to discuss the options for a Bond Sale tentatively scheduled for the October meeting. More information will follow in the next two months.

AMAFCA Equipment: AMAFCA has taken delivery of the water truck that was ordered two years ago. The delay was related to supply chain issues. The chassis for a dump truck that was ordered around the same time is in town and will have the dump bed installed soon. Staff expects to take delivery before the end of the year.

AMAFCA Servers: Two AMAFCA servers have reached the end of their service life and Microsoft will no longer support the operating systems later this year. The current plan is to replace all three servers with one physical server running three virtual machines. One of the newer servers will then be repurposed to function as a backup mirror, providing additional data redundancy.

- **Governmental Affairs**

Lower Bear Tributary: July 1, 2023, AMAFCA transferred the Lower Bear Tributary to CoA for all future maintenance responsibilities, per the agreement. AMAFCA made one last pass during June to ensure that the City of Albuquerque (CoA) had a clean facility before the handoff.

Balloon Fiesta License: Staff has had successful meetings with the CoA to come to an agreement on the current terms on licenses for Balloon Fiesta Park. The extension to the Balloon Fiesta Park would still need to be approved so that they have access to the property.

Albuquerque Bernalillo County Water Utility Authority (ABCWUA): Staff met several times with the ABCWUA regarding sanitary sewer overflow response and AMAFCA has been provided with a couple of solutions. ABCWUA would provide AMAFCA with a water filled dam that would deploy at a specific location that would be pumped out. AMAFCA will stick with dirt piles to alleviate concerns with storage and prevent AMAFCA from having to move dirt in and out to create a temporary dam in the event there is a SSO in the North Diversion Channel Watershed.

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

Kirtland Air Force Base: AMAFCA is having issues getting an answer from Kirtland Air Force Base (KAFB) on whether they have funds at this time. KAFB is also expecting

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AMAFCA to front 100% of the cost and only get reimbursed for 40% of the construction costs. AMAFCA is looking at \$24 Million in construction for both structures. AMAFCA would be on the hook, after reimbursement, for almost \$14.5 Million, which is an entire cycle plus, on our Bond cycle sale. If this happens, AMAFCA would have to shut down other construction projects due to lack of funding. Staff is looking into the possibility of the Defense Communities Infrastructure Program, which is a competitive funding source, identified by AMAFCA's DC lobbyist for additional funding. A caveat of that program would be KAFB would grant AMAFCA an easement to the structures then AMAFCA would have to maintain the structures. AMAFCA maintaining the structures was never the original intent. KAFB also advised they would not be funding any project that the Air Force should be building on their own. The funding source may not be there or available for the next Federal Funding Fiscal Year. The agreement did not stipulate how much either KAFB or AMAFCA would pay for the structures.

During the discussion, the Board voiced their surprise about the funding and maintenance issues presented. Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, confirmed what was presented. Responding to a question on the costs of a grade control structure, Ms. Friedt advised she expressed to KAFB that AMAFCA's typical stance for a grade control structure had been that adjacent property owners pay a third and AMAFCA pay a third. She stressed that the difference from a normal \$4 Million structure, compared to a Base Security structure, at the 30% level without all of the costs, estimated at \$8 Million after putting real numbers to it. This would also include getting access to the location, which almost doubles, if not triples the cost of the Base Security structure that AMAFCA would be paying for. Mr. Troutman advised that the amount of concrete going into the structure is so large AMAFCA is considering batching the concrete on site. The consequence of AMAFCA doing nothing is not an issue since the facility is not AMAFCA's. The last piece of land AMAFCA has control over is adjacent to I-25. AMAFCA was granted some right-of-way in the area. The location and boundaries were pointed out on the map. The impact of a storm was discussed and the consequence of a deeper / steeper arroyo. There had been a plan by a Developer to line the arroyo adjacent to the University Bridge that would call for two grade control structures.

Responding to a question on whether the issue would be back in KAFB's court, Ms. Friedt noted that KAFB is asking for Cost Estimates and is being persistent on AMAFCA showing what the split would look like; however, she stressed that AMAFCA cannot present a cost split without an agreement from the AMAFCA Board. A total cost can be provided, but not a split that has not been agreed to by the Board. Responding to a question regarding what AMAFCA has in place at the University location and what protects the freeway during a 500-year event and slowing down the flow, Ms. Friedt stated that AMAFCA has nothing. By the time flow gets to the channel, the opening can handle most of it per the design with NM Department of Transportation. There is potentially flow at the upper banks, but it would be shallow enough. Right now, flow makes it back to the bridge section and noted there is natural degradation to the channel. The Board agreed that there's no need to hurry if there is no threat to life and property in a 500-year event. The University Bridge is a challenge due to CoA not taking AMAFCA's recommendation for grade control structures and did not construct the footings with the appropriate scour for

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a sandy bottom channel. Responding to a question regarding payment for any of the invoiced work, Mr. Troutman advised staff recently gained access to the system to receive payments, but there is no record of any payment to date for any of the invoiced work done on the Tijeras, nor the Tijeras Sediment Study for the Base. It is believed AMAFCA was paid for the original Louisiana-Gibson project.

Responding to a question on the design work, Ms. Friedt advised AECOM is contracted out to 30% of design where the authorization will end, which does include construction documents for a Fence Out Project that would be ready to bid. Pending direction from the Board, AMAFCA can come back with an amendment to the contract to proceed with design, if that is the direction AMAFCA is going. Responding to a question regarding cost of 30% design, Ms. Friedt estimated \$400,000 which includes the fence out design and construction, bidding services, and construction management. Responding to a question on what AMAFCA would be out without reimbursement, Ms. Friedt noted it would be all the expenses to date which will come to approximately \$625,000.00 that is included in the Miscellaneous Obligation Reimbursement Document with KAFB that we are trying to get reimbursed from. The Board advised AMAFCA should put the project on the backburner since there is no benefit to AMAFCA. The Board also noted that there are no people or subsequent property(s) at risk that would create a necessity (from AMAFCA) for the work. The Board suggested AMAFCA get with Mr. John O'Donnell, AMAFCA's Federal Lobbyist, to see what if anything can be done. Mr. Troutman did voice concern that if KAFB is only going to reimburse, especially at 100%, what would the impact be with AMAFCA's Bond Capacity.

Zuni-Penn Pond Design: Staff has completed the internal transfer of the Zuni-Penn project to Ms. Marie VanDerGeest.

DMP Review: AMAFCA staff started reviewing past drainage management plans (DMPs) knowing a lot of them are old enough that you cannot even run the software or they had been done with assumptions that are not the current state of practice. Staff is hoping to review one each year to see what DMP development assumptions were done and bring them up to current state of practice.

- **Facilities Operations & Maintenance**

Monsoon Readiness: Due to the vacancy of the Director of Operations and the reassignment of the ongoing construction projects, the inspection rate of AMAFCA facilities has been reduced. AMAFCA facilities are well maintained and maintenance work is progressing at a similar rate to the past.

- b. Notification of On-Call Services Task Orders**

Mr. Kevin Troutman, AMAFCA Interim Executive Director, referred to the memo for task orders issued over the last month. There were no questions.

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8. Financial Matters

a. FY2023 Financial Status Update

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and answered questions from the Board. Part of the presentation included work done by Cordova CPAs regarding Bank Reconciliation work they had completed up to December 2022 and the current work Ms. Zuniga is doing on the Bank Reconciliations through June 2023; revenue and expenses are caught up through June; met with Carr, Riggs, and Ingram for FY 2023 Audit prep; met with RBC Capital to plan upcoming Bond Sale; doing Balance Sheet cleanup; new financial system to be implemented in the next several months, which will bring efficiencies to AMAFCA; and the upcoming Audit.

b. Financial Matters – Acceptance of Financial Information

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and answered a question. Part of the presentation provided information on the General Fund Summary; Property Tax Revenue; and Vendor Payments & Detail.

Director Brown made a motion that the Board accept the Financial Information. Director Taylor seconded the motion, which passed (5-0).

c. Other Matters

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo. There were no questions.

The Board thanked Ms. Zuniga for her hard work.

9. Fourth Quarter Report

a. AMAFCA Fourth Quarter Financial Report Update

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo. She stressed that in August, the third and fourth quarters, would need to be approved and submitted to the New Mexico Department of Finance (DFA). During discussions with the DFA Analyst, it was agreed that the submission date of the FY 2024 Budget would be used for the fourth quarter report. There were no questions.

10. AMAFCA Budget

a. Resolution 2023-13 – Fiscal Year 2023 AMAFCA Budget Adjustment for Debt Service

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and answered questions from the Board.

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Director Brown made a motion that the Board approve and adopt Resolution 2023-13, Fiscal Year 2023 AMAFCA Budget Adjustment for Debt Service, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Martinez seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

b. Resolution 2023-14 – Fiscal Year 2024 AMAFCA Budget - Adoption

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and advised there were no budget changes made since it was presented to the AMAFCA Board in May 2023. Mr. Troutman advised there was a word omitted in the Resolution and it would be corrected prior to Board signatures.

Director Brown made a motion that the Board approve and adopt Resolution 2023-14, Fiscal Year 2024 AMAFCA Budget, as amended, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Taylor seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

11. Personnel and Salary Committee

a. Approval of Resolution 2023-15, Compensation Policy

Mr. Kevin Troutman, AMAFCA Interim Executive Director, summarized information provided in the memo and answered a question from the Board. Chair Thomson advised that the Personnel and Salary Committee had discussed the changes at length and proposed that the Board approve the Resolution. The Board recommended a couple of changes to wording in the document.

Director Brown made a motion that the Board approve and adopt Resolution 2023-15, Compensation Policy, as amended, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Eichenberg seconded the motion, which passed (5-0), on a roll call vote.

12. Legal

a. Status Report

Attorney William Zarr summarized information provided in the memo. Responding to a question on how the proposed stadium at Balloon Fiesta Park would impact AMAFCA, Mr. Troutman advised from what AMAFCA has seen the proposed location would not impact AMAFCA's day to day operations. There might be potential impacts if items need to be removed from adjacent locations onto AMAFCA property. Mr. West noted that new utilities may be brought in, from an unknown location, and it is not known what route they would use. Mr. Troutman stated any work done on the AMAFCA facility would need to be licensed.

13. Boca Negra Arroyo Drainage Management Plan Above Unser Blvd. – Project Update and Approval of On-Call Task Order

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Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered various timelines and issues associated with the DMP; the existing professional services contract for the Boca Negra DMP had exceeded the timeline for new work authorization; staff negotiated an On-Call engineering task with Bohannon Huston Inc. (BHI) to finalize the DMP; the on-call task exceeds the current authorization amount that can be approved by the Interim Executive Director; staff recommended that the Board authorize the Interim Executive Director to approve the On-Call task order with BHI to finalize the DMP in an amount not to exceed \$93,035, plus NMGRT. The Board stressed they were pleased AMAFCA is reviewing and updating old DMPs and the Boca Negra Arroyo is one of the appropriate ones to start. Ms. Friedt advised the revised DMP will be an official document to help to guide how water is managed in the area as development comes in. There will be a series of options presented prior to adoption of the DMP. At the point of adoption, the final option for development in the area, will be utilized by CoA, BernCo, and AMAFCA.

Director Brown made a motion to authorize the Interim Executive Director to approve the On-Call Engineering Task Order for Professional Engineering Services for the Boca Negra Arroyo Drainage Management Plan Above Unser Blvd. Director Taylor seconded the motion, which passed (5-0).

14. Zuni-Penn Pond – Agreement for Funding, Design, and Maintenance with the City of Albuquerque – Draft Supplemental Agreement 1

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, advised the Draft Supplemental Agreement to the main Agreement would clearly identify the funding split and tasks going forward. AMAFCA Legal Counsel provided formatting recommendations that will be incorporated into the final Agreement, and it will be sent to CoA for their review.

A brief discussion included the cost of what has been expended to date and anticipated costs with final design is estimated to be just under \$12 Million with a 50 / 50 cost share between CoA and AMAFCA; modifications to the Dallas Storm Drain is not included; it will not be known until it is evaluated as part of the final design, regarding how well the project will function without modifications to the Dallas Storm Drain; the agreement states CoA will take over maintenance of the facility; AMAFCA will also transfer the right-of-way to CoA upon completion of construction; AMAFCA will invoice CoA for their 50 percent share when the construction project is awarded and then again for their share of the standard completion costs; there is a clause in the supplemental agreement that it will be re-evaluated pending approval of the GO Bond by the voters; the GO Bond will be on the November 2023 election; the six year requirement to obligate their share of funding for any portion of the Project is way too long; the date on the supplemental agreement is in the event CoA drags out and does not pursue their part of the agreement, AMAFCA could convey the property to CoA without AMAFCA's 50 percent on the purchase; AMAFCA is carrying the liability on the property; AMAFCA currently is expending funds on the property by fencing it off, removing homeless, and should be removed from AMAFCA inventory; the possibility of selling the property for other development; the current agreement does not have any time limit listed; and the Board recommended that AMAFCA change the six year execution date down to two years (one more GO cycle) and a clause will be added that AMAFCA can dispose of the property as it sees fit.

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15. Black Mesa Three Dam Outlet Project – Floodplain Restudy – Project Update

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized the history of the Three Dam Outlet. Mr. Jared Romero, AMAFCA Drainage Review Engineer, answered questions and covered various aspects on the Restudy such as timeline to include various flood insurance map information regarding old mapping; updated mapping that show more features and structures; areas that are still not mapped; key locations that will be removed as part of the Letter of Map Revision (LOMR); the number of structures to be removed and 133 notifications that will be sent as a requirement of the LOMR for a change of flood risk on the lot; the Board had previously requested that upon acceptance of the LOMR, those structures that have been removed from the floodplain be notified as well; 850 current acres in the floodplain will be reduced down to 240 acres; LOMR submittal timeline; and the project was a joint project with BernCo to coincide with the work done on their Maple Road Project which included funding for this restudy.

16. AMAFCA Field Highlights

a. Field Report

Ms. Adrienne Martinez, AMAFCA Staff Engineer; provided a report on various projects / events and answered a question from the Board.

b. Construction Report

Responding to a question on when the North Domingo Baca project would be completed, Ms. Martinez advised that it should be substantially complete in September.

17. Stormwater Quality

a. Fiscal Year 2023 Program Update

Mr. Patrick J. Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Chavez covered the MS4 Permit Minimum Control Measures on Storm Water Management Program for Special Conditions that included Construction Site Stormwater Runoff Control; Post-Construction Stormwater Management; Pollution Prevention/Good Housekeeping; Illicit Discharges and Improper Disposal; Control of Floatables; Public Education and Outreach; and Public Involvement and Participation.

18. Real Estate

a. City of Albuquerque – License Agreement for Balloon Fiesta Park – 30 Day Extension

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. Mr. West noted Director Taylor had asked for a non-substantive change to be made to the License Agreement.

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Director Brown made a motion that the Board approve, as amended, the additional 30-day extension of the 2019 Balloon Fiesta License with the City of Albuquerque for the Balloon Fiesta Park. Director Eichenberg seconded the motion, which passed (5-0).

b. Memorandum of Understanding Between the City of Albuquerque and AMAFCA for Law Enforcement Authorization on AMAFCA Facilities

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. After a review of the original Memorandum of Understanding (MoU), AMAFCA was advised that the MoU has an automatic renewal clause. AMAFCA Legal Counsel agreed, noting that there may be a change in the future to renew the agreement every five years.

19. Unfinished Business

Responding to a question on the upcoming Election in November, Mr. Troutman stated that he received notification from the BernCo Clerk that AMAFCA had provided the Resolution on time. The date that petitions are due and other Election Items are not something AMAFCA needs to act on.

20. New Business

None.

21. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:02 p.m.

Elizabeth Newlin Taylor, Secretary – Treasurer, 8/24/2023

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.