



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
March 25, 2021
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1. Call to Order and Roll Call

Chair Thomson called the Board Meeting to order at 10:03 a.m., Thursday, March 25, 2021 at the AMAFCA office in Albuquerque, NM. The call was hosted via Zoom in order to comply with AMAFCA Resolution No. 2020-05, a Resolution of the Governing Body of the Albuquerque Metropolitan Flood Control Authority, Authorizing the Exercise by Board of Directors of Amended Procedures for the Conduct of Public Meetings During the Effective Period of Executive Order No. 2020-004, Issued by the Governor of New Mexico on March 11, 2020.

Audio interference was noted which cleared up.

Directors present via Zoom	Chair Bruce M. Thomson Director Cynthia D. Borrego Director Ronald D. Brown Director Tim Eichenberg Director Deborah L. Stover
Directors excused:	None
Attorney present via Zoom:	William Zarr, Robles, Rael & Anaya
Others present via Zoom and / or in person:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Chair Thomson advised there had been a request that **Agenda Item 6 e Valle de Oro Drainage Facility – Advertise for Construction Bids** be removed from the Consent Agenda for discussion during the Regular Agenda. Director Brown made a motion to approve the Agenda, as amended. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

3. Meetings Scheduled

- a. **April 22, 2021, 10:00 a.m. – Regular Meeting**
- b. **May 27, 2021, 10:00 a.m. – Regular Meeting**
- c. **June 24, 2021, 10:00 a.m. – Regular Meeting**

There were no changes to the above dates.

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4. Items from the Floor / Public Comments

No items from the floor or public comments were received.

5. Approval of Minutes

a. February 25, 2021

Director Borrego made a motion to approve the Minutes of February 25, 2021. Director Stover seconded the motion, which passed (5-0), on a roll-call vote.

6. Consent Agenda

Chair Thomson referred to **Agenda Items 6 a through 6 d and 6 f to 6 h** on the Consent Agenda. Director Brown made a motion that the Board accept the remaining items on the Consent Agenda.

The motion approved the following:

- Bond Counsel Services – First Extension of Professional Services Agreement with Modrall, Sperling, Roehl, Harris Y Sisk, P.A.; and
- Financial Advisor Services – First Extension of Professional Services Agreement with RBC Capital Markets, LLC.; and
- Albuquerque Bernalillo County Water Utility Authority – Grant of Easement for Water Line in Swinburne Dam; and
- Tract “B-1” of Broadcomm-Pep Revision – Grant of Easement; and
- Tract 6 of Avalon Subdivision Unit 5 – Quitclaim to remove drainage easement from Tract 6 of Avalon Subdivision Unit 5 to I-40 South, LLC; and
- Design and Construction Management Engineering Services for Agency and Area-Wide Flood Control Rehabilitation IX – Second Extension of Engineering Services Contract and 1.7% increase I hourly rates with Conley Engineering.

Director Stover seconded the motion, which passed (5-0), on a roll-call vote.

Audio interference was noted which cleared up.

Item **6 e Valle de Oro (VdO) Drainage Facility – Advertise for Construction Bids** had been moved to the Regular Agenda earlier in the meeting. Responding to an inquiry on the design, Mr. Lovato stressed that neither the drainage area footprint, consisting of approximately 15-16 swales, or the AMAFCA’s planning document had changed; Fish and Wildlife Service (FWS) utilized the planning document for grant funding for the expansion of the visitor center and area; AMAFCA holds a drainage easement over the entire VdO area; as construction happens the easement will shrink in size; the AMAFCA swales are taking water on the north side and stormwater is being brought in on 2nd street; the only change is for the Barr Drain which curves out to the east in the planning document which is a discussion between FWS and MRGCD: if water is conveyed through the Barr Drain for stormwater it has to come into the south end that AMAFCA will be building now; AMAFCA has nothing to do with draining into the Barr Drain. Responding to what

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partners were involved in the project, Mr. Lovato recapped that the drainage facility is an AMAFCA facility and only AMAFCA will be doing work. AMAFCA is working with BernCo and MRGCD on an agreement for approximately 200,000 cy excess dirt generated by the project to be placed along the Bosque levy road / Riverside Drain; if an agreement is done in the next month it would be included in the project to help reduce the cost so that AMAFCA does not have to pay to take the excess material off site; AMAFCA tried to get the City of Albuquerque (CoA) involved with funding when the property was purchased, but was not successful and does not think it will happen in the future since there is not a CoA facility in the area; BernCo and MRGCD had been helping AMAFCA with portions of the SE Valley DMP and Facility Plans by doing some of the work; BernCo paid for most of the work on the Second Street project which brought in Federal Funds; AMAFCA received \$100K as an appropriation from the NMDOT through the 2021 NM State Legislature for work down in this area, and the flows going into VdO, other facilities, and then out to the river was discussed. The subject closed with a brief discussion regarding applying for Capital Outlay funds.

Director Borrego made a motion to authorize the advertisement of construction bids for the Valle de Oro Drainage Swale Project. Director Eichenberg seconded the motion, which passed (5-0), on a roll call vote.

7. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the late mailout which highlighted significant activities from the previous month and answered questions from the Board.

- **General & Administrative**

COVID-19: AMAFCA will allow a maximum of two hours of administrative leave if a COVID vaccination is scheduled during normally scheduled work hours.

AMAFCA Staffing: The Maintenance Worker position was advertised last month. AMAFCA has made an offer to two potential employees. It is hoped the positions will be filled before the start of the wet season.

- **Project Management**

Joint Projects City of Albuquerque: CoA changed some of the funding to their upcoming Bond Question this year. Due to what might be limited funding for the projects from CoA, AMAFCA will go ahead and complete AMAFCA's portion of the tasks assigned for the Barelás Pump Station and the Upper Bear Water Quality Project. These are regional projects dealing with flows into the Bear Arroyo and the Rio Grande River. Once AMAFCA completes their tasks any future progress will be determined by available funding from CoA.

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Regional Ponds: Staff met with CoA regarding CoA properties along Unser Boulevard and Paseo del Norte, Five J's, as well as Eastern and Alvarado. AMAFCA provided draft Temporary Construction Easements (TCEs) for CoA review. Once the TCEs have been obtained for the properties, AMAFCA will move forward with design of the Unser and Paseo del Norte Ponds and schedule and outline the design /construction of those projects at an upcoming Board meeting.

- **Facilities Operations & Maintenance**

Telemetry for maintenance security and stormwater quality: AMAFCA has been in discussions with BernCo concerning joint funding of telemetry for maintenance and security at selected AMAFCA facilities. Staff will bring a draft funding agreement for review at a future Board meeting.

AMAFCA Operations: AMAFCA keeps evaluating the use of subcontractors for operations as a safety precaution in case of a COVID outbreak during monsoon season.

- **Public Outreach**

Memorial Plaque at Boca Negra Dam: AMAFCA has been in discussions with CoA to determine the best date and time to unveil the memorial plaque installed at Boca Negra Dam. The unveiling will be held on Monday, April 26, 2021 at 10:00 am. This will be a COVID safe event.

Black Mesa Three Dam Outlet Project: AMAFCA has been in discussions with BernCo, MRGCD, and Congressional staff to determine the best date and time to have a ribbon cutting to acknowledge the completion of the project which was conceptualized in 2001 as part of the Southwest Valley Flood Reduction Project.

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

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo for task orders issued so far this month. There were no questions.

8. Financial Matters

- a. Financial Matters – Approval of Expenditures**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. Mr. Chavez advised that with the addition of Bill.com there was an issue with two expenditures that were not captured in the report to the Board. This will be corrected and the upcoming reports to the Board will have the Bill.com information. Responding to a question from the Board, Mr. Chavez stated item descriptions would be clarified so that constituents would be able to understand what was purchased.

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Director Borrego made a motion to approve the February 2021 Expenditure Report. Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

b. Other Matters

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

9. Legal

a. Status Report

Attorney William Zarr summarized information provided in the memo. There were no questions.

10. Legislative Liaison

a. Briefing on the 2021 New Mexico Legislative Session

Audio interference was noted which cleared up.

Ms. Vanessa Alarid with Alarid Consulting, summarized information provided in the memo and answered questions from the Board. Part of her presentation included important dates; number of Bills introduced, passed both chambers, and signed to date; items that passed that were deemed important; and observations from not having the 2021 Session open to the public. Mr. Lovato answered questions regarding Capital Outlay requests.

11. Joint Projects

a. Agency and Area-Wide FEMA Floodplain Removal Partnerships

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the late mailout and answered questions from the Board. He stated CoA and BernCo are looking forward to this new partnership which is in the same format as the current Agency and Area-Wide project. The Board concurred that it is a great program and asked that as AMAFCA finds out the costs and implications to let them know.

b. City of Albuquerque

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. The CoA pond proprieties are as follows:

Zuni-Penn Pond: To help relieve flow to the Dallas storm drain at Central AMAFCA had agreed to help purchase the Caravan site. CoA will maintain this property.

Eastern Alvarado Pond: CoA is in the process of getting a temporary construction easement (TCE) for AMAFCA. The project would help to remove residential properties from floodplain and reduce

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flow at the old Campus Wash watershed. Staff is still in discussions regarding an agreement.

Upper Piedras Marcadas Ponds: Meetings with CoA, and their consultants, centered on these regional drainage ponds identified in the Upper Piedras Marcadas Drainage Management Plan. Staff submitted a TCE to CoA. CoA owns and will maintain the ponds once complete. The Board noted it was satisfying to have been able to work with CoA (on these projects) in the last few months.

12. Real Estate

a. Overlook at Oxbow Subdivision – Turnkey Project Introduction

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo and answered questions from the Board. A draft turnkey may be available at the next Board meeting. It was mentioned by the Board that CoA had purchased the Poole property and that might change AMAFCA's plan. Ms. Friedt advised the developer had not made AMAFCA aware of the sale purchase.

b. Los Diamantes Offsite Regional Pond – Acceptance of Drainage Easements Required for Turnkey Agreement

Audio interference was noted which cleared up.

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo. There was a brief discussion regarding the tax base being in the Southern Sandoval County Arroyo Flood Control Authority's (SSCAFCA) jurisdiction; AMAFCA has authority included in its enabling legislation to maintain facilities outside AMAFCA's jurisdiction; not aware if SSSCAFCA has the same in their enabling legislation; the easements benefit AMAFCA by giving legal access to that arroyo.

Director Stover made a motion that the Board approve the Drainage Easement for the Los Diamantes Offsite Regional Pond and authorize the Chair to execute the Drainage Easements (with Paradise West, Inc., Curb, Inc., AB Southwest, LLC, and Curb, Inc.). Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

c. Los Diamantes Offsite Regional Pond – Draft Turnkey Agreement

Ms. Nicole M. Friedt, AMAFCA Development Review Engineer, summarized information provided in the memo. The Board voiced concern going back the previous agenda item and noted that SSSCAFCA would be benefiting from the tax base; however, AMAFCA would be doing the work, which goes against the protection and benefits of AMAFCA's tax base. The Board asked that AMAFCA discuss with SSSCAFCA the possibility of them maintaining the pond.

Director Eichenberg stated he would need to step away for a phone call.

13. 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 a question from the Board.

b. Construction Report

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the various charts and answered a question from the Board.

c. AMAFCA Monsoon Readiness

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board. He stressed AMAFCA is ready for the season.

14. Stormwater Quality

Audio interference was noted which cleared up.

a. AMAFCA Stormwater Quality – Water Quality Compliance and Monitoring Program

Mr. Patrick J. Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation included items such as Required Sampling; Compliance; Assessment Monitoring; E.coli Concentration data on west bank; BEMP E.coli Data and E.coli loading calculations; Various pictures; Summary of North Diversion Channel flow; GIS Based Color Coded Graph; Quality Assessment Monitoring; Upstream / downstream samples taken; Readout from sondes at 550 bridge in Bernalillo on 3/24/2021; and a video at the Lower Bear.

15. AMAFCA FY-2022 Budget

a. Surplus Property Report

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

b. AMAFCA Equipment and Fleet Evaluation

Mr. Nolan Bennett, AMAFCA Field Engineer, introduced Mr. Esquipula Padilla, AMAFCA Oiler / Stormwater Technician. Mr. Padilla covered some of his previous work experience, recapped some new tasks, and stated he was thankful he was selected for the position. The Board welcomed Mr. Padilla. Mr. Bennett continued the presentation with an update on various equipment and the

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life expectancy of the fleet. The Board encouraged staff to work with the Lobbyist to purchase large equipment through Capital Outlay; if possible.

c. FY-2022 Revenue Projections

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

d. Draft FY-2022 General Fund Budget

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

e. Draft FY-2022 Acquisitions & Savings Fund Budget

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

f. Draft FY-2022 Construction Fund Budget

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

g. Draft FY-2022 Agency & Area-Wide Fund Budget

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

h. Draft FY-2022 Debt Service Fund Budget

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

i. Draft FY-2022 Fiduciary Fund Budget

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

Responding to a question on the budget process, Mr. Chavez covered the remaining steps needed for Board then DFA approval. Responding to a request from the Board, Mr. Chavez stated he would add another exhibit with an analysis for three years of actual and projected year end 2021 for the General Fund and work on additional forecasting on the Tiers for the Construction Budget.

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16. Executive Session (closed)

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

Chair Thomson advised **Agenda Item 16 a** was a Closed Session agenda item. This was hosted in a Zoom Breakout session. 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 Meetings Act, A Compliance Guide for New Mexico Public Officials and Citizens*,” eighth edition, 2015, to discuss Threatened or Pending Litigation. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Eichenberg could not voice his vote. Mistery Lovato and Chavez along with Legal Counsel remained.

Chair Thomson closed the meeting at 12:45 p.m. Chair Thomson asked for a motion to re-open the meeting at 1:12 p.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. Director Borrego left the meeting prior to the vote. Chair Thomson stated that no action was taken during the Closed Session and only items that pertained to Threatened or Pending Litigation were discussed.

17. Unfinished Business

There was a brief discussion regarding the vacant Real Estate Manager position. Responding to questions from the Board, Mr. Lovato stressed that the AMAFCA process works, it is just getting applicants to apply that is the issue. The advertisement would be reworded to help get quality applicants.

18. New Business

None.

19. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:16 p.m.

Deborah L. Stover, Secretary-Treasurer, 4/22/2021

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.