



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
April 22, 2021
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1. Call to Order and Roll Call

Chair Thomson called the Board Meeting to order at 10:00 a.m., Thursday, April 22, 2021 at the AMAFCA office in Albuquerque, NM. The meeting 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.

Directors present via Zoom Chair Bruce M. Thomson
Director Cynthia D. Borrego – stepped away for 20+/-
minutes / left the Zoom meeting at 12:32 p.m.
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 Jerry M. Lovato, P.E., Executive Engineer
and / or in person: Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Chair Thomson requested **Agenda Item 6.e. AMAFCA Equipment – Approval to Purchase a Front-End Loader and Water Truck** be removed from the Consent Agenda for discussion under the Regular Agenda. Director Stover made a motion to approve the Agenda, as amended. Director Eichenberg seconded the motion, which passed (5-0), on a roll-call vote.

3. Meetings Scheduled

- a. **May 27, 2021, 10:00 a.m. – Regular Meeting**
- b. **June 24, 2021, 10:00 a.m. – Regular Meeting**
- c. **July 22, 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. March 25, 2021

Chair Thomson requested a minor change. Director Brown made a motion to approve the Minutes of March 25, 2021, as amended. Director Stover seconded the motion, which passed (5-0), on a roll-call vote.

Director Borrego stepped away from Zoom conference.

6. Consent Agenda

Chair Thomson referred to **Agenda Items 6.a. through 6.d. and 6.f. to 6.g.** on the Consent Agenda. Director Brown made a motion that the Board accept the remaining items on the Consent Agenda. Per Board request, Mr. Jerry M. Lovato, AMAFCA Executive Engineer, read the items listed for this Agenda item.

The motion approved the following:

- Albuquerque International Balloon Fiesta License – Second Extension of License with the City of Albuquerque (CoA); and
- Manual Trash and Debris Removal – Second Extension of Contract with Black Forest Tree Service; and
- Mechanical Trash and Debris Removal – Second Extension of Contract with Southwest Sewer Service; and
- AMAFCA Audit Services – Second Extension of Audit Contract with Carr, Riggs, and Ingram, LLC; and
- Ladera Dam 5 Diversion Design Engineering and Construction Management Services Authorization to Advertise for Request for Proposals; and
- Parametrix On-Call Engineering Services Agreement change to Exhibit A.

Director Stover seconded the motion, which passed (4-0), on a roll-call vote. Director Borrego was not able to voice her vote during roll call.

Audio interference was noted during the presentation which cleared up.

Item **6.e. AMAFCA Equipment – Approval to Purchase a Front-End Loader and Water Truck** had been moved to the Regular Agenda earlier in the meeting. Responding to a question from the Board, Mr. Nolan Bennett, AMAFCA Field Engineer, covered the estimated costs for the equipment. Mr. Lovato stated that the current front-end loader has the ability to attach different attachments which may be able to be connected to the new piece of equipment. There was a brief discussion regarding a request from the Board that in the future, as done in Fiscal Year 2020,

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AMAFCA look into requesting Capital Outlay from the State Legislature for big equipment purchases; a recent story in the newspaper listed all Capital Outlay amounts and the entities who received funding; Senators were provided \$2M +/- to distribute; how often the equipment would be used (almost daily); leasing versus owning; and a caution and examples recapped regarding State Price Agreement (SPA) versus Request for Proposal (RFP); one example of a RFP coming in 20% less than the SPA and another RFP coming in 7 times lower than the published SPA with the same service provided; and just because there is a SPA it does not mean some companies are not taking advantage of the SPA system.

Director Brown made a motion to authorize the Executive Engineer to purchase a front-end loader and water truck. Director Eichenberg seconded the motion, which passed (4-0), on a roll call vote. Director Borrego was not present to voice her vote during roll call.

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 a question from the Board.

- **General & Administrative**

COVID-19: AMAFCA encouraged staff members to get vaccinated which resulted in over 80% of AMAFCA staff getting their first vaccination.

AMAFCA Staffing: The Maintenance Worker position was advertised last month which is still open. It is hoped that the position will be filled before the start of the wet season.

- **Project Management**

Southern Sandoval County Arroyo Flood Control Authority

Los Diamantes Offsite Regional Pond: AMAFCA had been informed that SCAFCA would maintain the facility that outlets into the Calabacillas Arroyo. AMAFCA would retain the access easements that were granted as part of the project. AMAFCA anticipates an agreement between SCAFCA and AMAFCA regarding the joint maintenance responsibilities for regional facilities to be brought to the Board in May.

Joint Projects City of Albuquerque

Regional Ponds: AMAFCA and CoA staff have been meeting concerning CoA properties and Temporary Construction Easements (TCEs) along Unser Boulevard and Paseo del Norte, Five J's, and Eastern and Alvarado. The discussions led AMAFCA to review proposed exhibits that would limit AMAFCA full access to the CoA properties. The restrictions would not allow AMAFCA to proceed with design options. AMAFCA has identified how the designs would need to be phased to allow CoA time to review and

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coordinate with their roadway design teams. It was stressed CoA would retain ownership of the property and maintain the drainage facilities after construction is complete. AMAFCA would only build the ponding facilities.

Dallas Storm Drain Regional Facilities: AMAFCA and CoA staff have been meeting concerning the approval of the 2018 agreement to construct and maintain the Zuni Penn regional pond. CoA is currently reviewing the agreement and AMAFCA anticipates the agreement would be brought to the Board for approval in the next two months.

Joint Projects Bernalillo County

Upper Petroglyphs Drainage Management Plan: AMAFCA, CoA, and BernCo staff have been meeting concerning a proposed development by Western Albuquerque Land Holdings west of 98th Street south of I-40. The Board was briefed in 2019 concerning a funding proposal to fund regional flood control facilities to allow development and build needed infrastructure in a timely manner. The funding agreement is being revised to reflect current conditions and would be presented to the Board at a future meeting.

- **Public Outreach**

Memorial Plaque at Boca Negra Dam: AMAFCA and CoA staff have been discussing the best date and time to unveil the memorial plaque installed at Boca Negra Dam. The unveiling will be on April 26, 2021 at 10:00 am. This will be a COVID safe event.

Black Mesa Three Dam Outlet Project: AMAFCA, BernCo, MRGCD, and New Mexico Congressional staff have been in discussions to determine the best date and time to have a ribbon cutting to acknowledge the completion of the project. This project was conceptualized in 2001 as part of the Southwest Valley Flood Reduction Project. Staff will provide additional information to the Board once the date and time has been finalized.

- 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 a question from the Board.

Director Brown made a motion to approve the March 2021 Expenditure Report. Director Stover seconded the motion, which passed (4-0), on a roll-call vote. Director Borrego was not present to voice her vote during roll call.

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b. Other Matters

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

9. Financial Advisors 2021 Conditions & Outlook – Presentation by RBC Capital Markets, LLC

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, introduced Ms. Regina Gaysina from RBC Capital Markets, LLC. Ms. Gaysina summarized information provided from RBC to the Board. Part of the presentation included Assessed Valuation; Tax Rate History; Outstanding Debt; Finance Plan; Key Continuing Areas of Market Focus; and Economic Overview. There was a brief discussion regarding past concern of approaching 80% on bonding capacity; AMAFCA and Bond Counsel staff had determined this would not be an issue; AMAFCA is in a strong cash position; AMAFCA pays a sizeable amount on the first initial payment(s); and responding to a request from the Board AMAFCA would look into paying off the debt early.

10. AMAFCA Board of Directors Election

a. Resolution 2021-2 – Notification to County Clerk of AMAFCA positions to be filled at the November 2, 2021 Regular Local Election

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. The Board requested the current Districts up for Election be noted in all areas.

Director Brown made a motion that the Board approve and adopt Resolution 2021-02, Notification to County Clerk of AMAFCA positions to be filled at the November 2, 2021 Regular Local Election and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Stover seconded the motion. Director Eichenberg made a motion to accept as amended to reflect the correct Districts. Director Borrego seconded. The motion passed unanimously (5-0), on a roll-call vote.

11. Legal

a. Status Report

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

12. Joint Projects

a. Simplified Inundation Mapping of Jurisdictional Dams – Joint Project with the Office of the State Engineer and the City of Albuquerque – Project Introduction

Mr. Jerry M. Lovato AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation included the Office of the State Engineer's (OSE) effort to utilize a simplified inundation mapping program to provide CoA and AMAFCA with mapping to be supplied to emergency managers; mapping would assist with evacuation, road closures, and recovery during a flooding event; OSE would fund \$50K and manage the mapping task for each dam; AMAFCA and CoA would split 50/50 necessary additional funding for AMAFCA's John B. Robert and CoA's Arroyo del Oso dams; without an official Emergency Action Plan for the dams the data would be utilized to protect life and property; would utilize the dam-full operating spillway as the design event for the mapping; AMAFCA and CoA would provide technical review and additional data the OSE does not have; and the Board concurred this is a great project.

b. 4th Street and Paseo Del Norte Area Drainage Project – Approval of the Cost Share Agreement with Village of Los Ranchos and Bernalillo County

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo, advised the agreement is substantially as attached, and reminded the Board the agreement is renamed to better reflect the project. The Board recognized Village of Los Ranchos Mayor Donald T. Lopez was present on the Zoom meeting. Mayor Lopez thanked the Board and stated he looks forward to making the project a success.

Director Brown made a motion that the Board approve the 4th Street and Paseo Del Norte Area Drainage Project Cost Share Agreement with the Village of Los Ranchos and Bernalillo County, substantially as attached. Director Stover seconded the motion, which passed (5-0), on a roll-call vote.

c. North Diversion Channel Outfall “Bathtub” Structure Project – Project Update

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board. He stressed a number of alternatives scenarios were tested; there are ongoing discussions with Weston; Weston requested a contract to coincide with AMAFCA's agreement with the UNM Hydraulics Lab; and a future amendment or agreement would be done with Weston.

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d. Marble Arno Pump Station – Project Update

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the late mailout memo and answered questions from the Board. Mr. Bingham stressed that the project is only approximately six months in with another year before completion.

e. Upper Piedras Marcadas Watershed Regional Ponds – Project Update

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, provided a brief verbal recap on this item stating it was hoped that there would be an agreement with CoA concerning the TCEs needed for the ponds. AMAFCA has been assured by CoA that they would be relooking at the Exhibits for the two CoA parcels / TCEs that AMAFCA is looking at; AMAFCA needs to start doing preliminary design work; CoA is concerned about reserving their rights to build the widening of Unser Boulevard in the area of Paseo del Norte and is concerned about AMAFCA encroaching into the roadway work; AMAFCA understands the possibility of lost effort (in the design); AMAFCA is ready to move forward and hopes to have new exhibits from CoA within a week; AMAFCA has an on-call engineering firm looking at different options for the lots; and it is hoped that there will be better news for the May Board meeting. There were no questions.

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. There were no questions.

b. Construction Report

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the various charts. There were no questions.

c. Field Spotlight – AMAFCA Integrated Pest Management

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Mark Ramirez, AMAFCA Operator, was introduced. Mr. Ramirez recapped his history and various components of the Integrated Pest Management (IPM) program. The Board thanked AMAFCA for allowing staff the opportunity to learn new skills; acknowledged the IPM is an impressive program; and it was good to hear that AMAFCA stays away from dangerous chemicals.

14. AMAFCA Stormwater Quality Program

a. Collaborating for Water Quality in the Watershed

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

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items such Presentation to the Water Protection Water Board; Mid Rio Grande (MRG) Technical Advisory Group Collaboration; Cooperative Stormwater Quality Monitoring; Wet Weather Monitoring; CMC Sample Locations; Water Quality Impairments and Total Maximum Daily Load; MRG Watershed-Based Permit Collaborative Studies; and Public Outreach, Education, Involvement, and Participation.

15. Real Estate

a. Tijeras Arroyo Inlet – Approval of Lease Agreement with Albuquerque Asphalt

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and advised the agreement is substantially as attached. There were no questions.

Director Stover made a motion that the Board approve the Lease Agreement with Albuquerque Asphalt, substantially as attached. Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

b. West Amole Diversion Channel – Lease Agreement with Lonestar Truck Group

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo noting requirements to lease the property and answered questions from the Board. There was a brief discussion regarding the possibility of selling the property in lieu of leasing; the extensive steps needed to replat, sell, and obtain fair market value; the bid process including sending to DFA would be a challenge. The Board concurred to lease the land.

16. AMAFCA FY-2022 Budget

a. Draft FY-2022 General Fund Budget

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

b. Draft FY-2022 Acquisitions & Savings Fund Budget

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

c. Draft FY-2022 Construction Fund Budget

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

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d. 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.

e. 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.

f. Draft FY-2022 Fiduciary Fund Budget

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

Mr. Chavez covered the steps on the Budget(s) approval process that would take place during upcoming Board meetings.

Director Borrego stated she would be leaving the Zoom meeting and departed at 12:32 p.m.

17. Executive Session (closed)

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

Chair Thomson advised **Agenda Item 17.a.** was a Closed Session agenda item. This was hosted in a Zoom Breakout session. 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 Meetings Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* eighth edition, 2015, to discuss Threatened or Pending Litigation. Director Brown seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Borrego had left the Zoom meeting prior to this item. Mistery Lovato and Chavez along with Legal Counsel remained.

Chair Thomson closed the meeting at 12:32 p.m. Chair Thomson asked for a motion to re-open the meeting at 12:54 p.m. Director Stover made a motion that the meeting be re-opened. Director Brown seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Stover stated that no action was taken during the Closed Session and only items that pertained to Threatened or Pending Litigation were discussed.

18. Unfinished Business

None.

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19. New Business

Director Eichenberg advised he attended a Mid-Region Council of Governments Executive Board meeting in Director Brown's absence and that there was nothing substantial to report. There was a brief discussion regarding when the Board planned on coming back to the AMAFCA building for Board meeting. The Board concurred all Directors could be present via Zoom for the month of May, starting in all June Directors should plan to be present in person, and Mr. Lovato and staff would work out the logistics for the public to be able to participate via Zoom (until the Governor's Executive order is lifted).

20. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:00 p.m.

Deborah L. Stover, Secretary-Treasurer, 5/27/2021

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.