



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
June 24, 2021
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1. Call to Order and Roll Call

Chair Thomson called the Board Meeting to order at 10:01 a.m., Thursday, June 24, 2021 at the AMAFCA office in Albuquerque, NM. The meeting was hosted via Zoom 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 and / or in person:	Chair Bruce M. Thomson – at the AMAFCA building Director Cynthia D. Borrego Director Ronald D. Brown Director Tim Eichenberg Director Deborah L. Stover – at the AMAFCA building
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Directors excused:	None
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Attorney present via Zoom:	William Zarr, Robles, Rael & Anaya
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Others present via Zoom and / or in person:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA
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A quorum was present.

2. Approval of Agenda

Chair Thomson requested that **Agenda Item 6 a. Ladera Dam 5 Diversion Professional Services – Recommendation of Selection Advisory Committee** be removed from the Consent Agenda for discussion during the Regular Agenda. He further requested that **Agenda Item 9 a. COVID-19 Policy – Personnel and Salary Recommendation** be moved up to right after the passing of the Agenda, in the event the policy passes, those present who have been vaccinated may take their mask off.

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.

Item 9 a. COVID-19 Policy – Personnel and Salary Recommendation was moved up earlier with the Approval of Agenda.

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9. COVID-19 Policy – Personnel and Salary Recommendation

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo.

Director Brown made a motion to approve the COVID-19 Vaccination Policy recommended by the Personnel and Salary Committee. Director Stover seconded the motion, which passed (5-0), on a roll-call vote.

In regards to a question from the Board regarding hybrid meetings, there was a brief discussion regarding the Open Meetings Act (OMA) allowing telephonic participation by the Board (public body) in a rare occurrence prior to the pandemic; during the COVID-19 State of Public Health Emergency guidance had been provided by the New Mexico Attorney General's office (Open Government Division Advisory) regarding OMA and the requirements needed to conduct a virtual meeting; once the pandemic is over the OMA may revert back to pre-pandemic requirements; however, there may still be virtual participation for the public; and the Board requested that Staff and the AMAFCA Attorney get the Attorney General's interpretation of OMA requirements after July 1, 2021.

3. Meetings Scheduled

- a. July 22, 2021, 10:00 a.m. – Regular Meeting**
- b. August ~~26~~19, 2021, 10:00 a.m. – Regular Meeting**
- c. September 23, 2021, 10:00 a.m. – Regular Meeting**
- d. October 28, 2021, 10:00 a.m. – Regular Meeting**

Chair Thomson and Director Stover advised they would not be able to meet on August 26, 2021. August 19, 2021 was suggested and agreed upon by all Directors.

4. Items from the Floor / Public Comments

Public comment was received from Mr. James Hoffman. Mr. Hoffman voiced his concerns regarding the Unser Pond Analysis (Chamisa Pond Analysis) and limited his comments to two minutes. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, advised that the work CoA had approved / accepted is temporary work; the Unser expansion has not been completed yet; the design of the new road is at approximately 60% at this point. Director Borrego thanked Mr. Hoffman for his comments; acknowledged she is very aware of the project from both the AMAFCA side as well as at CoA; and Chair Thomson noted Director Borrego sits on the City Council.

Chair Thomson recognized AMAFCA staff who had signed up to speak before the Board to comment on the COVID-19 Vaccine Policy and other areas of concern. Messrs. Manny Romero, Mark Ramirez, and Sal Hernandez addressed the Board. It was noted by the Board that AMAFCA should have an actual HR person, not only for this issue but in general; AMAFCA is looking at providing some type of third party review; regarding the medical accommodation – it would be sent out to the medical professional to complete and return; the religious accommodation would

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have the same requirement however from the applicable religious authority; only HR has access to the employee's medical file; the mask requirement for unvaccinated individuals is a Center for Disease Control (CDC) recommendation and the Governor of New Mexico currently issued the same guidance; the policy is a Board adopted policy; the Board of Directors are not health experts and are following CDC and / or State Health Department Guidelines; there is a procedure for staff members who have a grievance to utilize the Personnel and Salary Committee (PSC) as the venue for staff to bring items to the Board's attention; staff are encouraged to bring questions and concerns in written form to the Executive Engineer to forward on the PSC to be reviewed and addressed accordingly.

The Board thanked staff for taking the initiative and time to bring their questions and concerns before them; acknowledged the dangers presented in the field as well as with the dangers of the COVID-19 pandemic; it is hoped that AMAFCA will review existing policies to address all those things; the Board is very sympathetic to the issues raised; the comments made were thoughtful and helpful; and acknowledged there were things brought up that need to be addressed.

5. Approval of Minutes

a. May 27, 2021

Chair Thomson requested a minor change. Director Borrego made a motion to approve the Minutes of May 27, 2021, as amended. Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

6. Consent Agenda

Chair Thomson referred to **Agenda Items 6.b. through 6.f.** on the Consent Agenda. Director Borrego made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Lot 637, Unit 6, Sandia Heights South – Drainage Easement to AMAFCA; and
- Lot 17, Block E, Tract 3, Unit 1, North Albuquerque Acres – Quitclaim of Drainage Easement to AMAFCA; and
- Lot 17, Block E, Tract 3, Unit 1, North Albuquerque Acres – Drainage Easement to AMAFCA; and
- REA Tract, Rio Rancho Estates, Unit 10, situate within the Town of Alameda Grant, Projected Section 33, Township 12 North, Range 2 East, N.M.P.M., City of Rio Rancho, Sandoval County, New Mexico – Drainage Easement to AMAFCA; and
- Lot 29, Block 10, Tract 2, Unit 2, North Albuquerque Acres – Quitclaim of Drainage Easement.

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

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Item 6 a. Ladera Dam 5 Diversion Professional Services – Recommendation of Selection Advisory Committee had been moved to the Regular Agenda earlier in the meeting.

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board. Mr. Troutman confirmed that the Request for Proposal was for the Ladera Dam 5 Diversion and the other project listed on the Board memo was an error.

Director Borrego made a motion that the Board accept the recommendation of the Selection Advisory Committee and authorize the Executive Engineer to commence contract negotiations with Bohannon Huston, Inc. Director Stover 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 a question from the Board.

- **General & Administrative**

AMAFCA Staffing: After the previous Board meeting a maintenance worker resigned and the position had been advertised.

The AMAFCA organizational chart will be modified to bring the Storm Water Quality Program under the Executive Engineer. The change would allow better separation of responsibilities and increase AMAFCA's accountability to its constituents.

North Albuquerque Acres Floodplains: AMAFCA staff was commended for their work on various components on this project concerning encroachments in AMAFCA easements. This work included field visits and phone conversations with affected constituents.

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

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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.

c. Acceptance of Inventories

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

Director Brown made a motion that the Board accept the Inventories as presented. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

d. Approval of "Exhibit A," Resolution 2006-08, Reimbursement for AMAFCA Goods and Services

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 that the Board approve "Exhibit A" of Resolution 2006-8, Reimbursement for AMAFCA Goods and Services. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

Item 9 a. COVID-19 Policy – Personnel and Salary Recommendation had been moved up earlier in the Agenda.

10. Legal

a. Status Report

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

11. Joint Projects – Bernalillo County

a. Lagunitas Road Crossing – Draft Funding Agreement with Bernalillo County to Provide Funding, Design, Construction, and Project Management

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, provided a verbal recap of the project and answered a question from the Board. Bernalillo County (BernCo) had asked to add a claw back clause into the agreement for time limits. BernCo would take care of the lower crossing on the Barr Drain to Valle de Oro. The split would be 50/50. Staff may have an updated agreement available for the next Board meeting.

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b. Agency and Area-Wide FEMA Flood Plain Elimination Contract – Draft Funding Agreement with Bernalillo County to Provide Project Funding

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, provided a verbal recap of the project reiterating this was the same project that had been before the Board in the past. BernCo had asked to add a claw back clause into the agreement for time limits. This project would be with both the City of Albuquerque (CoA) and BernCo on a task order basis. Staff may have an updated agreement available for the next Board meeting.

12. Joint Projects – City of Albuquerque

a. Upper Piedras Marcadas Watershed Regional Ponds – Chamisa Pond Analysis

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered a question from the Board. Part of the presentation covered items such as the late mailout on the approximate estimate of \$5.5M that is broken down in sections; reiterated both CoA and AMAFCA are working together to provide a drainage solution for the future road and the deficiency in the Chamisa Pond System; and the two solutions that are being considered. Mr. Lovato covered the various line items costs of the project. Mr. Bingham reminded the Board that there is a 212 cubic feet per second limit based on the Chamisa Storm Drain agreement entered into around 2012 with CoA, APS, and developers. Referring to memos provided by Mr. Hoffman to the Board, Mr. Bingham covered information on the requirements of the Chamisa agreement with the development north of the Grantline and other storm drains; the DMP documented during the analysis that the pond was not excavated fully towards its design by approximately two-acre feet probably due to the presence of basalt; and other information on the project.

b. Zuni-Penn Detention Pond Project – Approval of Agreement with the City of Albuquerque

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and stressed that the redline strikeout information would be cleaned up before coming back to the Board for signature.

Director Stover made a motion that the Board approve the funding agreement with the City of Albuquerque for Funding, Design, and Maintenance of the Zuni-Penn Detention Pond project, substantially as attached. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

13. Climatology Update – 2020-2021 Winter/Spring Recap and 2021 Monsoon Forecast

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered questions from the Board. The presentation covered topics such as Late Spring Types of Thunderstorms; Total Precipitation Last Quarter 2020; February 2021 Freeze; Precipitation and Temperature Anomalies; May 31 Storm; North American Monsoon with Moisture Transport: Global Forecast Model: Ingredients and Lifecycle of a Thunderstorm; Outflow Boundaries, Monsoon Precipitation Forecast and Temperature; Drought, Total Accumulation Precipitation; and the forecast for monsoon season.

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14. AMAFCA Field Highlights

a. Field Report

Audio interference including temporary disconnection occurred during the presentation. Meeting resumed within minutes.

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 various charts. There were no questions.

15. AMAFCA Stormwater Quality Program

a. Other Regulatory Items

Audio interference including temporary disconnection occurred during the presentation. Meeting resumed within minutes.

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 information provided by the Environmental Protection Agency recently as well as Pyramid Regulations / Statue; Construction General Permit and the four steps for it; Published 2022 Change; Storm Team information; Training Requirements noting Professional Engineer status not acceptable; and Routine Maintenance / Corrective Action.

16. Joint Projects – Bernalillo County/MRGCD

a. Valle de Oro Swale Project – Award of Construction Contract to Qualified Bidder

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board.

Director Stover made a motion that the Board award the construction project to Guzman Construction Solutions, in the amount of \$4,102,131.72 (base bid and add alt #1), plus New Mexico Gross Receipts Tax, for the Valle de Oro Swale Project. Director Eichenberg seconded the motion, which passed (5-0), on a roll-call vote.

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b. Valle de Oro Drainage Facility Project – Approval of Amendment Two to the Agreement for Construction Management Services

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered a question from the Board.

Director Stover made a motion that the Board approve Amendment Two to the Agreement for the Construction Management Services for the Valle de Oro Drainage Facility Project. Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

c. West I-40 Drainage Management Plan – Plan Implementation, Draft Public Private Partnership for Funding Flood Control Infrastructure

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, provided a verbal recap of the project and answered questions from the Board. An estimate was received the day before the Board meeting from the consultant working on the project for the developer; the estimate received is approximately \$4M more than what was anticipated; the project would have more of a park like appearance; considering the option of purchasing additional land or minimizing the footprint of the flood control facility; if a park like feature comes in later it would be up to the developer; originally planned on approximately 25 acres which has increased to 52 +/- acres; and covered the process for the Private Partnership for Funding Flood Control Infrastructure. The Board concurred that they would be interested in seeing more data on the project.

d. Calabacillas Facility Plan Above Swinburne Dam – Resolution 2021-05, Adoption of Calabacillas Facility Plan Above Swinburne Dam

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and stressed the comments that had been made by the Board were incorporated into the Resolution. There were no questions.

Director Borrego made a motion that the Board approve and adopt Resolution 2021-05, Adoption of Calabacillas Facility Plan Above Swinburne Dam and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Stover seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

e. North Domingo Dam – Geotechnical Investigation Phase I – Authorization to Use Engineering On-Call

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered various questions from the Board. The Board voiced various concerns and it was noted that an authorization would not be approved by the Board.

17. AMAFCA-2022 Project Schedule – Project Introduction

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo reiterating the Project Schedule does not bind the Board or AMAFCA into completing a specific project at a specific time and the Board would continue to approve projects on an individual basis.

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Director Stover stated she would be interested in meeting with staff on projects impacting her district.

18. Unfinished Business

None.

19. New Business

None.

20. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:14 p.m.

Deborah L. Stover, Secretary-Treasurer, 7/22/2021

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.