



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
July 22, 2021
Page 1

1. Call to Order and Roll Call

Chair Thomson called the Board Meeting to order at 10:01 a.m., Thursday, July 22, 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 Tim Eichenberg Director Deborah L. Stover – at the AMAFCA building Director Cynthia D. Borrego – on Zoom at 10:03 a.m. Director Ronald D. Brown (in transit) – on Zoom at 10:21 a.m.
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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.

Director Borrego signed into Zoom at 10:03 a.m.

2. Approval of Agenda

Director Stover made a motion to approve the Agenda. Director Eichenberg seconded the motion, which passed (4-0), on a roll-call vote.

3. Meetings Scheduled

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

The August Board meeting was moved up at the June meeting due to a couple directors not being available. There were no changes to the above dates.

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 2

4. Items from the Floor / Public Comments

Public comment was received from Ms. Nita Day with the Taylor Ranch Neighborhood Association (TRNA) regarding the Mariposa Diversion Channel. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, advised that AMAFCA is aware of dying cottonwood trees and removed a couple of topplers this year; there is a replacement schedule to add new trees; AMAFCA maintains the facility (for flood control) and would rather plant the plants as opposed to members of the community due to knowing the infrastructure that is there as well as the pipes buried in the ground, cottonwoods would be planted as well as possibly some desert willows. Mr. Nolan Bennett, AMAFCA Field Engineer, noted that AMAFCA has a great working relationship with the TRNA and had met with members in the past; acknowledged that AMAFCA is aware of an erosion at one of the entrances; AMAFCA would fix the erosion if it becomes a larger issue; improvements for better vehicle access had been made to the west side of the channel; and both maintenance roads into the facility are needed. Director Borrego asked Ms. Day to reach out to her and Chair Thomson noted AMAFCA Director Borrego sits on the Albuquerque City Council for the Taylor Ranch District as well as an AMAFCA Director; and the Board thanked Ms. Day for taking time out of her day to present her concerns and acknowledged the TRNA has one of the most active, supportive, and involved associations in the City of Albuquerque.

5. Approval of Minutes

a. June 24, 2021

Director Stover made a motion to approve the Minutes of June 24, 2021. Director Borrego seconded the motion, which passed (4-0), on a roll-call vote.

6. Consent Agenda

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

The motion approved the following:

- On-Call Geotechnical and Materials Testing Services - Authorization to Advertise for Request for Proposals; and
- On-Call Land Surveying Services - Authorization to Advertise for Request for Proposals; and
- On-Call Oblique Aerial Photography Services - Authorization to Advertise for Request for Proposals; and
- Design Engineering and Construction Management Services for the Calabacillas Grade Control Structure 2 Extension - Authorization to Advertise for Request for Proposals; and
- On-Call Oblique Aerial Photography Services - Authorization to Advertise for Request for Proposals; and
- On-Call Storm Water Quality Services / Environmental Engineering Services- Authorization to Advertise for Request for Proposals; and
- Ladera Dam 5 Diversion Professional Services Contact with Bohannon Huston, Inc.; and

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 3

- Lot 11, Block 14, Tract 3, Unit 1, North Albuquerque Acres – Quitclaim of Drainage Easement; and
- Lot 24, Block 17, Tract 2, Unit 2, North Albuquerque Acres – Quitclaim of Drainage Easement; and
- Lot 31, Block 5, Tract 3, Unit 1, North Albuquerque Acres – Quitclaim of Drainage Easement; and
- Embudo Channel at Jefferson Property Lease Services - Authorization to Advertise for Bids; and
- Out of State Travel to attend StormCon 2021 in Milwaukee, WI, September 13-15, 2021.

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

- **Governmental Affairs**

Marble Arno Pump Station: The AMAFCA Board of Directors received a letter from the Citizens Information Committee of the Martíneztown Neighborhood Association. The letter thanked the Board for their efforts to complete the Marble Arno Pump Station and for the Board's diligence to resolve the long-standing infrastructure inadequacies the community historically faced as well as designing the facility in such a way as to minimize the impact to the historic location.

- **General & Administrative**

AMAFCA Staffing: A Maintenance Worker position was advertised last month which is still open. It is hoped that the position would be filled soon.

AMAFCA Human Resources: Staff has been working with the Personnel and Salary Committee to outline an audit of Human Resource practices at AMAFCA. AMAFCA engaged Southwestern HR Consulting to provide an assessment to determine what work, if any, needs to be done. This will be an ongoing process.

North Albuquerque Acres Flood Plains: AMAFCA staff continue to work with homeowners in North Albuquerque Acres to address encroachments in AMAFCA easements.

- **Facilities Operations & Maintenance**

AMAFCA Office Building: AMAFCA is looking at the onsite safety for AMAFCA staff. Today, there is only one barrier between an outside intruder and no barriers inside the building between the public and office space. Staff engaged an On-Call architect to look at

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 4

building modifications to create public areas that have distinct barriers between public and office space. Options to address staff safety will be the subject of a future Board Meeting.

AMAFCA Emergency Operations - Belen: The Middle Rio Grande Conservancy District (MRGCD) suffered many ditch breaks along the Belen Highline channel from the rain event on July 7, 2021. MRGCD contacted AMAFCA and requested emergency operations be established to provide clean fill to repair damaged ditch banks. AMAFCA field personnel were dispatched and provided fill dirt from the South Diversion Channel stockpile to the MRGCD Belen operation yard.

AMAFCA Emergency Operations – Hahn Arroyo Channel: The City of Albuquerque (CoA) suffered a major blow out of the Hahn Arroyo Channel, just west of Louisiana, from the rain event on July 20, 2021. CoA contacted AMAFCA and requested emergency operations be established to repair the damaged concrete channel. AMAFCA field personnel were dispatched and started to remove concrete debris. AMAFCA and the CoA will be using the emergency provisions in the Agency Area Wide X Contract to place a temporary mud slab in the channel. The mud slab should protect the channel until a permanent fix can be designed and constructed.

- **Public Outreach**

Society of Professional Engineers: Mr. Jerry Lovato, AMAFCA Executive Engineer, was honored to give a lunchtime presentation to the New Mexico Society of Professional Engineers on July 15, 2021. The presentation titled “AMAFCA - Protecting Life, Property and your Wallet - Flood Control and Economic Development” was well received.

- 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.

Director Brown signed into Zoom at 10:21 a.m.

- 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.

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

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 5

b. Other Matters

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. It was noted that AMAFCA received recognition for governmental accounting and fiscal reporting from the Government Finance Officers Association and a Certificate of Achievement for Excellence in Financial Reporting. There were no questions.

9. Fourth Quarter Report

a. AMAFCA Fourth Quarter Financial Report Ending June 30

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

b. Approval of Resolution 2021-06, AMAFCA Fourth Quarter Financial Report Ending June 30

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 approve and adopt Resolution 2021-06, AMAFCA Fourth Quarter Financial Report Ending June 30, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Borrego seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

10. Resolution 2021-07 – Fiscal Year 2022 AMAFCA Budget - Adoption

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 2021-07, Fiscal Year 2022 AMAFCA Budget, 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.

11. Legal

a. Status Report

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

12. Joint Projects – Bernalillo County

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

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 6

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. It was noted that BernCo would like to add a clause to the two current agreements being considered that any party may terminate with a 30-calendar day notice (needs AMAFCA legal review).

Director Stover made a motion that the Board approve the funding agreement with Bernalillo County for the Funding, Design, Construction, and Management of the Roadway Crossing of the Barr Interior Drain at Lagunitas Lane, substantially as attached. Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

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, summarized information provided in the memo. Examples on the Program Standards Agreement and Entity Agreement had been provided to the Board in a late mailout. The final funding agreement would be the subject of an upcoming Board meeting. The Board agreed that this was a great program. There were no questions.

c. Valle de Oro Swale Project – Mountain View Spoil Bank Stockpile – Approval of Three-Party Agreement to Provide Funding, Design, Construction, and Project Management

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding naming the Swale; BernCo would like to add a clause that any party may terminate with a 30-calendar day notice (needs AMAFCA legal review); the stockpile would be located at a certain levee location; the United States Corp of Engineers would have the spoil storage on their embankment; this project is not in the President's current Federal Budget; MRGCD would like to get credit as a local partner with the Stockpile agreement; and the soil mix with clay is not the best but will be mixed to stabilize.

Director Stover made a motion that the Board approve the funding agreement with Bernalillo County and the Middle Rio Grande Conservancy District for Funding, Design, Construction, and Project Management for the Valle de Oro Swale Project – Mountain View Spoil Bank Stockpile, substantially as attached. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

13. Joint Projects – City of Albuquerque

a. Dallas Storm Drain Regional Flood Control Facilities – International District Library Pond – Project Update – Presentation by City of Albuquerque

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, reiterated that the project would help reduce the need to have 400+ acre feet of storage in this area, referred the Board to a picture of the Library and ponding area; and introduced Mr. John MacKenzie, Ms. Kathy Verhage, and Ms. Paula Dodge Kwan from CoA. Ms. Dodge Kwan thanked the Board and reintroduced staff working on

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 7

the Project. Mr. MacKenzie presented items such as Overall Site/Concept Plan with proposed ponding area and park; partnership with Storm Drainage and the Architects to focus on drainage of ponding area; Parks and Rec will now have a delayed participation; CoA preceding with design of the pond and the infrastructure to the Dallas Storm that will extend to the pond to the east; CoA has a contract with RMKM Architects and High Mesa Consulting to design the pond; will be hydraulically connected to the Zuni Penn pond; and CoA would be happy to update the Board as the project moves forward. It was noted by the Board that a presentation had been requested since money had been put in, but the Board had not heard anything. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, advised that the presentation noted an AMAFCA Park which is incorrect and AMAFCA helped purchase but will not maintain. It is a CoA facility which CoA will maintain. The project would remove floodplains from Chico Road and at Central and Louisiana.

b. Unser Boulevard Roadway Project – Project Update – Presentation by City of Albuquerque

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, provided the Board a map on the Kimmick to Paradise roads portion of the project. Mr. Bingham introduced Ms. Paula Dodge Kwan with CoA and Mr. Chris Baca with Parametrix. Ms. Paula Dodge Kwan noted that the Unser Boulevard Roadway Project is a federally funded project, important for the west side, currently in design, and reintroduced Mr. Chris Baca with Parametrix. Mr. Baca thanked AMAFCA for help in the multiple coordination meetings to make this project more manageable and answered questions from the Board. Part of the presentation included an aerial of the location; due to Federal funding CoA is going through Department of Transportation (DoT) location study procedures for plan development; CoA is doing a Design Analysis report for the DoT Site Alternative Analysis to encompass all project elements for recommendation to go to design for completion in 2021; design in early 2023; construction slated for FY 2024 for Phase I; currently has \$13M of Federal Funds for the project and while not enough anticipates more funds for the phased implementation; key elements are widen to 4 lanes, pedestrian facilities, landscaping, and storm drainage management in the area; CoA acquiring Right-of Way (ROW) south of Paseo del Norte (PdN); north of PdN to the Boulders Subdivision there is only 78 feet of ROW and approximately 156 feet is needed; key agencies are CoA, Federal Highway DoT; AMAFCA; Albuquerque Bernalillo County Water Utility Authority (ABCWUA), and Mid-Region Council of Governments; analysis of roadway is being looked at as well as environmental studies; CoA and AMAFCA have been coordinating to implement Alternative 3 of the Volcano Heights Storm Drainage Master Plan to control and limit water going to the open space area; with the roadway drainage in Unser it is important for both agencies to coordinate to take care of developed conditions; Volcano Heights, south, down to Boca Negra, looking to get infrastructure in for undeveloped conditions in the area; provides a challenge to work with the current and future conditions; CoA coordinating with ABCWUA on utilities for placement due to the fair amount of rock in the area; and CoA's Geotech Engineer is doing additional bores to better identify location of the rock areas and what may be encountered for rock removal. There was brief discussion regarding the need to have additional capacity; storm drain trunk line at the south end of the Boulder Subdivision for the Chamisa pond; access needed to CoA owned property; CoA is following the Federal NEPA process; there had been concern over the last eight to nine months from property owners regarding when the drainage issues would be resolved; CoA and AMAFCA already have a Drainage Management Plan and the solution is in there; working together keeps the solution in place; CoA has been meeting individually with property

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 8

owners adjacent to the roadway; studies are being done to potentially acquire ROW for the expansion; and CoA plans to keep key stakeholders informed. The Board thanked Mr. Baca for the information on this high-profile project for AMAFCA.

c. Upper Piedras Marcadas Watershed Drainage and Water Quality Management Plan Joint Funding Agreement for Property Acquisition with the City of Albuquerque – Agreement Introduction

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. AMAFCA is working with CoA and their design team to figure out a drainage solution for both Unser and Paseo del Norte. There was a brief discussion regarding the utility corridor along Unser; once the road is in the CoA would not be able to allow utilities to be added; the utility corridor is approximate 7600 feet long; 10 feet deep; 60 feet wide; produce 168,000 cy of rock; cost approximately \$4.2M just to blast rock; \$6.7M to remove the rock; and once rock is removed would need to put dirt back in for approximately \$3.3M for a total cost of \$14.3M for the utility corridor along Unser Boulevard; CoA has Federal project for roadway; a regional flood control area for CoA to drain the roadway, but ultimately the project is not to put in a utility corridor for private property owners in that area; there is approximately \$3.3M to \$3.4M to put storm drain in Unser south to Kimmick as part of the regional facility; CoA is doing a great job and the project is on schedule; ultimately there will be a new road in two years; the AMAFCA storm drain could be in the utility corridor depending on how Parametrix designs the 42 inch or 60 inch storm drain going south; and regarding the other utilities holders that AMAFCA was asked to reach out too, monies are not available to put in a utility corridor at this point. The Board noted that the whole project calls out for a Special Assessment District as a solution that property owners would benefit from on the installation and the problem AMAFCA has is that the property owners do not want to understand or consider.

14. Grantline Water Quality Structure Lining Project – Partnership with NMDOT – Project Introduction

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board. The project will do improvements on the Montgomery Interchange Project where the interstate crosses the NDC south to Comanche. In discussions with NMDOT AMAFCA identified the project needed on the Grantline Water Quality Structure. The facility is lined with a plastic liner and when maintenance is being done it is difficult to not damage the lining material; the project would go in and hardline; and better access with a ramp was also identified to keep clean so BMP can do its job. The Board agreed it was a good project.

15. AMAFCA Field Highlights

a. Field Report

Audio interference noted during the presentation. Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the last few months and answered questions from

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 9

the Board. There was a brief discussion regarding the ditch failures in Socorro / Valencia County; there had been multiple issues over the last three years; AMAFCA helped out MRGCD knowing it was not their water (private and public water hitting their facilities); their system was overwhelmed with off-site water; AMAFCA and MRGCD have such a good relationship that either can call on each other for help; CoA and AMAFCA will have the same rapport as that relationship grows; and Valencia / Socorro County need to step up as well for their constituents.

b. Construction Report

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the various charts.

c. Agency and Area-Wide Flood Control Maintenance X – Contract Amendment

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo. Mr. Bennett acknowledged Mr. Matthew Dyer with Salls Brothers was present. There was a discussion that included items such as the amount of contract increase; did it succeed bid received last year; was it time to rebid due to procurement; the item before the Board was not a change order; the contract has the ability to be extended for two more years with Board approval; last year only two bidders submitted a bid; when contractors were contracted they advised that they were busy with their current work load; contract had verbiage regarding keeping same contractor if doing good work; and the Board agreed the contractor was doing good work yet an increase on a contract amendment could be considered dicey if it is not within the constraints of the public process / procurement; the requested increase in unit costs pertained to five to six line items that were beyond the contractors control; the contract was not being extended and currently is three months ahead of schedule. The Board thanked Salls Brothers, acknowledging the long relationship with AMAFCA, their work was very productive, and appreciated their efforts. Mr. Dyer thanked the Board.

Director Brown made a motion that the Board authorize the Executive Engineer to approve change order three with updated unit costs for Agency and Area-Wide Flood Control Rehabilitation X Project – Phase II Construction. Director Stover seconded the motion, which passed (4-0), on a roll-call vote. Director Borrego was not responding during roll-call.

16. Stormwater Quality

a. Construction General Permit for Stormwater Discharges – Comments on Draft 2022 Permit

Audio interference noted during the presentation. Mr. PJ Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered a question from the Board. Part of the presentation included Comments submitted to EPA by AMAFCA and the Middle Rio Grande Storm Team; Revisions to the Construction General Permit (CGP); Majority of CGP will remain the same; Definition of Operator; Authority versus Ability to make Modifications; Site Stabilization Verification by Photograph; Storage of Construction Waste Materials; Proposed Prohibited Discharges; and Discharging Dewatering Water.

AMAFCA Regular Meeting Minutes

July 22, 2021

Page 10

b. Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity – Comments on 2021 MSGP

Mr. PJ Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation included information on Eligibility for Permit Coverage; Inconsistent Determination between MRG MS4s; CoA reports spent over \$800K to establish compliance testing (\$120K Annual estimated); and AMAFCA has not identified any eligible facilities.

17. AMAFCA 2022 Project Schedule – Project Update

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo stating the information included some updates on scopes and after working with Mr. Herman Chavez had updated total costs; will bring back in September, write up draft in October, adopt in November, and go to print in December in time to get out for the 2022 Legislative Session.

18. Unfinished Business

None.

19. New Business

There was a discussion regarding if / when the AMAFCA Directors are expected to be present at the AMAFCA building for Board meetings; AMAFCA should let the Board know via agenda or email; the requirements of the New Mexico Open Meetings Act (OMA) are clear on what may be allowed in extreme circumstances (difficult or impossible to attend); AMAFCA Legal opinion had been drafted and provided to the Board; currently there is no way to really know if those attending have been vaccinated; when the restrictions (health) are lifted by the Governor of New Mexico it is anticipated meetings would be conducted as in the past to comply with OMA; the Executive Order (from the Governor) defers to the most current Health Order; AMAFCA's OMA Resolution can be updated; the Resolution passed in January does not allow participation by phone as a normal circumstance; and AMAFCA Legal would look into updating a new Resolution.

20. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:48 p.m.

Deborah L. Stover, Secretary-Treasurer, 8/19/2021

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.