



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**December 16, 2021**  
**Page 1**

**1. Call to Order and Roll Call**

Chair Thomson called the Board Meeting to order at 10:03 a.m., Thursday, December 16, 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.

Audio interference was noted during various Agenda items.

Directors present via Zoom and / or in person:	Chair Bruce M. Thomson – at the AMAFCA building Director Tim Eichenberg – at the AMAFCA building Director Ronald D. Brown – at the AMAFCA building Director Deborah L. Stover – at the AMAFCA building Director Cynthia D. Borrego – on Zoom at 10:06 a.m. / present at the AMAFCA building at 10:39 a.m.
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Directors excused:	None
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Attorney present:	William Zarr, Robles, Rael & Anaya
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Others present via Zoom and / or in person:	Jerry M. Lovato, P.E., Executive Engineer Director Elect Elizabeth Newlin Taylor Director Elect Orlando Martinez Staff Other attendees on file at AMAFCA
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A quorum was present.

Chair Thomson acknowledged Directors Elect Elizabeth “Liz” Taylor, representing the Southwest District and Orlando Martinez, representing the Northwest District, were present.

**2. Approval of Agenda**

Director Eichenberg requested that **Agenda Item 4. Executive Session (closed) for Discussion of Executive Engineer Evaluation / Personnel Issues (§ 10-15-1(H)(2))** be moved to **Agenda Item 18.c.** on the Regular Agenda.

Director Eichenberg made a motion to approve the Agenda, as amended. Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

## AMAFCA Regular Meeting Minutes

December 16, 2021

Page 2

### 3. Meetings Scheduled

- a. **January 3, 2022, 10:00 a.m. – Special Meeting**
- b. **January 27, 2022, 10:00 a.m. – Regular Meeting**
- c. **February 24, 2022, 10:00 a.m. – Regular Meeting**
- d. **March 24, 2022, 10:00 a.m. – Regular Meeting**

There was a brief discussion regarding the swearing-in ceremony for the new Directors on January 3, 2022.

### 4. Executive Session (closed)

- a. **Discussion of Executive Engineer Evaluation (§ 10-15-1(H)(2))**

This agenda item had been moved to Agenda Item 18.c.

### 5. Items from the Floor / Public Comments

No items from the floor or public comments were received. The Board acknowledged Mr. Orlando Martinez, was present. Mr. Martinez introduced himself and stated he is honored to be part of the AMAFCA Board of Directors. The Board welcomed Mr. Martinez. Ms. Taylor had introduced herself at a previous meeting.

### 6. Approval of Minutes

- a. **November 18, 2021**

Director Stover made a motion to approve the Minutes of November 18, 2021. Director Eichenberg seconded the motion, which passed (5-0), on a roll-call vote.

### 7. Consent Agenda

Chair Thomson referred to **Agenda Items 7.a. through 7.g.** on the Consent Agenda. Director Eichenberg asked that **Agenda Item 7.d. On-Call Real Estate Appraisal Services – Approval of Selection Advisory Committee Recommendation**, be moved to the Regular Agenda.

Director Eichenberg made a motion that the Board accept the remaining items on the Consent Agenda.

The motion approved the following:

- On-Call Engineering Services Contracts – Second Extension with AECOM Technical Services, Inc., Bohannon Huston, Inc., Conley Engineering, LLC, Daniel B. Stephens & Associates, Ecosphere Environmental Services, Inc., ESP Associates, Inc., HDR Engineering, Huitt-Zollars, Inc., Molzen Corbin, Parametrix, Inc., River Restoration Org, LLC, Smith Engineering, Stantec Consulting Services, Inc., Tetra Tech, Inc., Thompson

## AMAFCA Regular Meeting Minutes

December 16, 2021

Page 3

Engineering Consultants, Inc., Weston Solutions, Inc., WHPacific, Inc. dba NV5, Wilson and Company, and WSP USA; and

- On-Call GIS and Technology Support Services Contract – Second Extension with Stantec Consulting Services, Inc., and
- Memorandum of Agreement for 2022 Orthophotography with Mid-Region Council of Governments of New Mexico; and
- Advertise Request for Proposals for Design Engineering and Construction Management Services for the Calabacillas Grade Control Structures 3a1, 3b1 and Bank Protection; and
- On-Call Storm Water Quality and Environmental Services – Draft of the Professional Service Agreements with Bohannon Huston, Inc., Weston Solutions, Inc., Tetra Tech, Inc., and Narasimhan Consulting Services, Inc.; and
- Out of State Travel to attend the Government Financial Officers Association National Conference in Austin, Texas, June 5-8, 2022.

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

### **7.d. On-Call Real Estate Appraisal Services – Approval of Selection Advisory Committee Recommendation** had been moved to the Regular Agenda.

Responding to a question from the Board regarding the Request for Proposal (RFP) respondent, Kris A. Kapke dba PinnacleWest Investments, Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, provided a brief history and advised what companies were replaced. He further stated that he would provide a copy of the RFP that had been submitted. The Board asked that staff bring back this item during Unfinished Business for further discussion, voiced concern that with only one person /company responding there could be an issue, the respondent may not be able to handle AMAFCA tasks along with the other business duties.

## **8. 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 / current month and answered questions from the Board.

- **Governmental Affairs**

*Legislative Liaison:* Staff contacted the Legislative Liaison concerning possible infrastructure funding associated with the Infrastructure Investment and Jobs Act. AMAFCA is not eligible for direct funding, but staff is looking into the possibility of becoming a direct funding agent. Federal funding would have restrictions that would reject / deny an AMAFCA project. It may be necessary to do lobbying in Washington, DC. There were approximately \$30M identified in the memo that would be in conjunction with Bernalillo County (BernCo) and the City of Albuquerque (CoA) as well as some stand-alone AMAFCA Projects. Two of the Projects highlighted were the Gibson and Tijeras Arroyo Corridor(s) drainage improvements and the Hamilton Dam Outfall pipe.

## AMAFCA Regular Meeting Minutes

December 16, 2021

Page 4

- **General & Administrative**

AMAFCA Staffing: The Real Estate Manager (Coordinator) position is still open. It is advertised on the website and on Indeed.com.

Interviews have been conducted to fill the Engineer I position. Staff has selected a highly qualified candidate to fill the position. The current base salary for the Engineer I position was based on the 2004 salary survey and is too low.

Southwest HR Consulting is tasked to conduct a Compensation Study and should provide recommendations to staff in early 2022.

*COVID-19:* AMAFCA has had three individuals test positive for COVID-19 in the last six months or 13% of the work force. The current definition of fully vaccinated now includes booster vaccinations. AMAFCA has informed staff of the new definition and would require verification starting January 10, 2022.

AMAFCA Personnel Manual – 2022: Staff completed a revision of the 2015 AMAFCA Personnel Manual. It had been sent to Southwest HR Consulting and Legal Counsel for review. It is anticipated the Manual would be submitted to the Personnel and Salary Committee in early 2022.

- **Public Outreach**

*Tumbleweed Snowman:* The AMAFCA Tumbleweed Snowman is celebrating its 26th year along Interstate-40.

*Twinkle Light Parade:* The 2021 Twinkle Light Parade was held on December 4, 2021. Attendees included AMAFCA Directors, staff, family, and friends. AMAFCA placed third for government entries.

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

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

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

**AMAFCA Regular Meeting Minutes**

**December 16, 2021**

**Page 5**

**b. Other Matters**

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

**10. AMAFCA Fiscal Year 2022**

**a. Fiscal Year 2022 Budget Adjustment General Fund – Approval of Resolution 2021-10**

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 2021-10, Approval of Fiscal Year 2022 Budget Adjustment General Fund 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.

**b. Fiscal Year 2022 Budget Adjustment Fiduciary Funds – Approval of Resolution 2021-11**

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 2021-11, Approval of Fiscal Year 2022 Budget Adjustment Fiduciary Funds 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 and answered a question from the Board.

Director Borrego was present at the AMAFCA office at 10:39 a.m.

**12. Legislative Liaison**

**a. Legislative Liaison – Approval for Third / Final Extension of Professional Services Agreement**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. There were no questions.

## AMAFCA Regular Meeting Minutes

December 16, 2021

Page 6

Director Brown made a motion that the Board approve the third / final extension of the professional services agreement with Alarid Consulting. Director Eichenberg seconded the motion, which passed (5-0).

### a. Briefing before 2022 New Mexico Legislative Session

Mr. Lovato introduced Ms. Vanessa Alarid with Alarid Consulting. Ms. Alarid thanked the Board and covered items such as the current special legislative session for Redistricting, along with allocation of COVID federal recovery money and Medical Malpractice; the current special session began on December 6 and was still in session 10 days later; important dates for the upcoming regular 30-day session in January; AMAFCA staff had been in talks with the Department of Finance regarding capital requests and how to partner with other jurisdictions; asked the Board to let her know of any projects that they have heard about or any other ideas on how to leverage monies; and stressed the need for AMAFCA to consider Washington lobbyists to represent AMAFCA in Washington. A brief discussion regarding pursuing a short-term contract (three to four months) with a local lobbyist who could work with Washington lobbyists for AMAFCA; using the City of Albuquerque (CoA) Lobbyist contract with John O'Donnell (Director Borrego holds in high regard); there is a federal timeline that needs to be met; projects with the Corp of Engineers needs to be in their workplan in February / March of 2022; there would be a short term contract for three to four months then a stop of the contract; the lobbyists with Alarid Consulting had been working extremely hard on this issue; using the CoA contract may not necessarily be best for AMAFCA; a separate contract with AMAFCA would be needed since CoA priorities are different than AMAFCA's priorities; it is important that if a project can be considered and money was coming into the State and Bernalillo County other agencies would be on board once the money is here; a theatrical project would be Gibson Boulevard where AMAFCA is trying to take care of drainage at San Mateo and Gibson / CoA would be interested in the roadwork portion; the Board concurred the Executive Engineer could enter into a short term contract; Ms. Alarid has reached out to numerous individuals and entities and the expertise that AMAFCA would need is not there; Ms. Alarid has heard great things about Mr. O'Donnell; the Executive Engineers contract authority is \$20K; procurement allows \$60K; and the Board concurred if action is needed soon, it could be part of the special virtual meeting or during the special meeting scheduled on January 3, 2022.

### 13. Governmental Affairs

#### a. Floodplain Awareness Public Outreach Informational Videos – Partnership with the New Mexico Floodplain Managers Association – Draft Joint Funding Agreement

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered a question from the Board. The Board advised staff to proceed.

Responding to an inquiry on the AMAFCA History Project, Mr. Jerry M. Lovato, Executive Engineer, stated the draft document had been received. He further stated there are some modifications needed, with the pandemic hitting the project was put it on the back burner, and the document would be revisited. The Board asked that the project be completed.

**14. Joint Projects**

**a. Upper Piedras Marcadas Watershed Regional Ponds – Unser Boulevard Roadway Project Update – Presentation by City of Albuquerque**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, stressed the existing pond is not adequate and needs to be increased in size and can be increased as part of the Unser portion of the CoA's Roadway Project. He covered the location; project would expand the pond to the south for the regional ponding needed in the area for the growth of the road and the property; the AMAFCA task to design of the pond would not be done until the agreement is final; the profile and cross section of the road set would need to be done in order to start the AMAFCA work. Mr. Bingham acknowledged Ms. Debbie Bauman with CoA was on the Zoom meeting. Ms. Bauman thanked the Board and acknowledged Chris Baca with Parametrix (CoA's project manager consultant) was on as well; she thanked Mr. Bingham for his good job summarizing the project; the presentation included items such as CoA is actively working through the terms of the funding agreement; she stressed CoA's federal funding is in Fiscal Year 2024; currently moving in design; hoping to have 30% plan early next year (end first quarter / early second quarter); Right-of-Way (ROW) acquisition is going to be key and probably the driving factor on how fast can get to construction; not sure how complicated ROW process will be; and grateful for, and appreciates the working relationship (between CoA and AMAFCA), and for providing some funding to get started on ROW.

Responding to a Board inquiry regarding why AMAFCA is funding the purchase (of land) and how AMAFCA has requested in the past that developers (Alvarado Realty and High Desert, and others) donated land in support of dams; developers who wish to build need to buy flood protection, yet the document says AMAFCA will fund. Ms. Bauman acknowledged that a donation would be much more preferable for CoA and also provided some of the following information: due to having federal funds on the project CoA is required to go through the title and appraisal process and let the property owner know the appraised value for negotiation; CoA has to follow the Department of Transportation process as well as entertain conversations with each property owner on negotiations. The Board acknowledged that if a property owner wants a tax deduction, they will do their own appraisal work, they know they cannot go forward without protecting property and life, and AMAFCA would be looking at the landowner putting up 50%. Mr. Lovato stressed Unser Boulevard cannot drain in this area, the Chamisa Pond is undersized, and the regional pond would address the current deficiency in that area. The agreement specifies that AMAFCA would help pay for the additional ROW, but CoA would build with their project and maintain afterwards. The Board referenced AMAFCA's statutory legislation which is flood control; if the pond would be expanded AMAFCA would be happy to share in the cost; funding for the Unser and Paseo del Norte Roadway Projects are part of public safety and for the roads; and voiced concern with what CoA would be paying for. Mr. Chris Baca with Parametrix continued with the presentation noting collaboration with the cooperating agencies, in particular with AMAFCA, due to all the drainage work needed was important in filling in the gap working on the Master Plans; CoA would use federal and local funds to construct the roadway, buy the ROW for roadway, build trunkline of the storm drain, and other amenities that go in; partnering with AMAFCA on regional ponds to help divert water away from the Petroglyph National Monument and control the different basins to get the water where it needs to go is important; CoA

## AMAFCA Regular Meeting Minutes

December 16, 2021

Page 8

is paying for design of the system in place that will handle the roadway water and ultimately pickup all of the regional flows, allowing development to modify infrastructure needs in order to protect the roadway (storm drain underneath); estimates for the whole roadway project to build upwards of \$33M; where the AMAFCA agreement is specific to items to partner on the actual facilities to manage stormwater whether from the road or larger basins; AMAFCA was in agreement to provide some funding to purchase property; the property had been looked at but never came to fruition; follow state and federal process to permit roadway and detention pond; and good faith effort on construction costs that would be appropriate; CoA to maintain the facility; cooperation between CoA and AMAFCA has been outstanding; and the plan seems to be a win win. The Board voiced concern that the agreement is not easy to understand; there is substantial benefit in having the roadwork done; there needs a more complete analysis presented to be in a much better position to move forward.

Mr. Lovato stated that AMAFCA's interest would be in the four and a half acres for the Paseo del Norte Pond, which was the next topic.

### **b. Upper Piedras Marcadas Watershed Regional Ponds – Paseo del Norte Pond Project Update**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo. Part of the presentation covered the pond location, what is needed for the project; and noted that the basalt that would be excavated prior to the construction of the road would be used on another AMAFCA project. The Board acknowledged that this pond had been identified for some time and the location is the logical place for the area to drain.

### **15. Black Mesa Three Dam Outlet Project – Project Overview**

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered history of the project; agreements and coordination required with the theoretical agencies; various before and after pictures / videos; the final step is the completion of the floodplain restudy to update the floodplain mapping in the area; remove floodplain in areas where improvements were made; and the analysis to be completed in late 2022. Ms. Friedt acknowledged Mr. Jason Casuga, Chief Operating Officer, with the Middle Rio Grande Conservancy District (MRGCD) was on the Zoom meeting. Mr. Casuga thanked the Board; advised it was very, very nice to have a stormwater partner; when he had inquired with MRGCD staff on how things are going, especially during July through September, he is told they are fine since AMAFCA is there to help out.

### **16. Real Estate**

#### **a. Allaso at Journal Center 6 Apartments – Turnkey Project Introduction and Draft Turnkey Agreement**

## **AMAFCA Regular Meeting Minutes**

**December 16, 2021**

**Page 9**

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered a question from the Board. She advised the Turnkey could come before the Board next month.

### **b. Transfer of North Albuquerque Acres Drainage Easements to Bernalillo County - Update**

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered questions from the Board. Mr. Kevin Troutman, AMAFCA GIS Manager, stressed that AMAFCA is looking at Option #3 due to AMAFCA staffing levels, it would simplify BernCo permitting, BernCo has full administrative authority, have enforcement protocols in place (AMAFCA had no enforcement authority), and this already falls under BernCo regulatory oversight. There was a brief discussion regarding a discussion earlier in the morning between AMAFCA Legal and BernCo legal; AMAFCA and BernCo staff have met many times in the last three years regarding the topic; North Albuquerque Acres (NAA) is developing in the area and AMAFCA is asked to approve or disapprove plans before BernCo process starts; CoA has a very small section in NAA; regarding legal ramifications AMAFCA Legal advised cannot make BernCo take over the easement(s); the BernCo Manager is aware of the plan; the County Commissioner for NAA is fairly new and has been invited to meet with the Board and AMAFCA staff; and the Board suggested that the AMAFCA Chair and Vice Chair meet with BernCo after the January regular meeting.

## **17. AMAFCA Field Highlights**

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a brief report on various projects / events. There were no questions.

### **a. Construction Report**

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

## **18. Recognition of Public Service**

### **a. Director Deborah L. Stover**

Chair Thomson presented Director Stover with a plaque recognizing her for seven years of service to AMAFCA and the constituents in the District. Director Stover thanked the Board.

**AMAFCA Regular Meeting Minutes**

**December 16, 2021**

**Page 10**

**b. Director Cynthia D. Borrego**

Chair Thomson presented Director Borrego with a plaque recognizing her for seven years of service to AMAFCA and the constituents in the District. Director Borrego thanked the Board.

The Board and staff, thanked both Directors, conveyed various sentiments of appreciation including the time and commitment given, how they worked well as a Board, and it was appreciated that most votes were unanimous.

The Board moved the following agenda item up prior to the closed session.

**19. Unfinished Business**

**Item 7.d., moved to 19. On-Call Real Estate Appraisal Services – Approval of Selection Advisory Committee Recommendation for Kris A. Kapke dba PinnacleWest Investments**

There was a brief discussion that included the following: Proposal had been reviewed and while the RFP was impressive there was concern that only one RFP was received; at this time it would be appropriate to authorize a contract with Kris A. Kapke dba PinnacleWest Investments; staff was asked to do further outreach to get some other qualified appraisers; should plan to advertise another RFP in hopes of getting more appraisers; use CoA procurement to utilize the CoA appraiser(s); do outreach to those CoA appraisers and possibly BernCo as well; and Messrs. Lovato and Chavez confirmed that with AMAFCA's and CoA's administrative agreement it allows to utilize CoA procurement.

Director Brown made a motion that the Board approve the Selection Advisory Recommendation for Kris A. Kapke dba PinnacleWest Investments, noting that staff would advertise for more qualified appraisers. Director Borrego seconded the motion, as amended, which passed (5-0).

The **Executive Session (closed)** was moved earlier in the meeting.

**c. Discussion of Executive Engineer Evaluation (§ 10-15-1(H)(2))**

Chair Thomson advised **Agenda Item 18.c.** was a Closed Session agenda item. He announced that the Board would close the meeting, recess for lunch, and then resume. 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 Personnel Issues. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote. Mr. Lovato was asked to remain for a short time.

Chair Thomson closed the meeting at 12:37 p.m. Chair Thomson asked for a motion to re-open the meeting at 2:10 p.m. Director Brown made a motion that the meeting be re-opened. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote. Chair Thomson

**AMAFCA Regular Meeting Minutes**  
**December 16, 2021**  
**Page 11**

stated that no action was taken during the Closed Session and only items that pertained to Personnel Issues were discussed.

**20. New Business**

The Board authorized Mr. Lovato to hire a new junior engineer with a compensation offer comparable to what other public agencies are offering.

**21. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 2:12 p.m. Directors Borrego and Stover were thanked again for their work on the AMAFCA Board during their term of service.

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Elizabeth Newlin Taylor, Secretary-Treasurer, 1/27/2022

*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.*