



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**February 24, 2022**  
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**1. Call to Order and Roll Call**

Chair Brown called the Board Meeting to order at 10:03 a.m., Thursday, February 24, 2022, at the AMAFCA office in Albuquerque, NM. The meeting was accessible 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. Zoom program cut off later in the meeting and resumed thereafter.

Directors present via Zoom and / or in person:	Chair Ronald D. Brown – at the AMAFCA building Director Bruce M. Thomson – at the AMAFCA building / Left the meeting at 1:12 p.m. Director Elizabeth Newlin Taylor – at the AMAFCA building Director Orlando G. Martinez, Jr. – via Zoom / Left Zoom around 12:30 p.m. Director Tim Eichenberg – in via Zoom at 10:43 a.m.
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Directors excused:	None
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Attorneys present via Zoom and / or in person:	William Zarr, Robles, Rael & Anaya at the AMAFCA building
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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**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, requested that **Agenda Item 7a. La Cueva Arroyo Survey and Hydraulic Analysis Project – Professional Service agreement with RESPEC Company, LLC**, be deferred until March due to the scope of work still being negotiated. Mr. Lovato gave a brief overview on the reasons for the deferment.

Director Thomson made a motion to approve the Agenda, as amended. Director Taylor seconded the motion, which passed (4-0), on a roll call vote.

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**3. Meetings Scheduled**

- a. March 24, 2022, 10:00 a.m. – Regular Meeting**
- b. April 28, 2022, 10:00 a.m. – Regular Meeting**
- c. May 26, 2022, 10:00 a.m. – Regular Meeting**

There were no changes to the dates.

**4. Appointment to Boards and Committees**

- a. MRCOG Executive Board**
- b. MRCOG Board of Directors**
- c. Middle Rio Grande Water Resources Board**
- d. Metropolitan Transportation Board**
- e. Personnel and Salary Committee**
- f. Strategic Planning Committee**
- g. Financial Committee**

Chair Brown made appointments to the following MRCOG Boards:

MRCOG Executive Board (AMAFCA FY 23): Chair Ronald D. Brown  
Director Bruce M. Thomson – alternate

MRCOG Board of Directors: Director Bruce M. Thomson  
Chair Ronald D. Brown – alternate

Middle Rio Grande Water Resources Board: Director Elizabeth Newlin Taylor  
Director Bruce M. Thomson – alternate

Metropolitan Transportation Board: Chair Ronald D. Brown  
Director Bruce M. Thomson – alternate

Chair Brown made appointments to the following AMAFCA Committees:

Personnel and Salary Committee: Director Bruce M. Thomson  
Chair Ronald D. Brown

Strategic Planning Committee: Director Tim Eichenberg  
Director Elizabeth Newlin Taylor

Financial Committee: Director Tim Eichenberg  
Chair Ronald D. Brown

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

Public comment was received from Mr. James Hoffman. Mr. Hoffman thanked the Board and voiced his concerns regarding Item 15.b. Upper Piedras Marcadas Watershed and Water Quality Management Plan – Approval of Joint Funding Agreement for Property Acquisition and Item 15.c. Upper Piedras Marcadas Watershed Regional Ponds – Paseo del Norte Pond Project – Approval of Temporary Construction and Access Agreement. The Board acknowledged that they are aware that the City of Albuquerque (CoA) is participating, to some degree, in trying to enable the facilities to be able to have water and sewer lines put in. It was also noted that Directors of the AMAFCA Board, staff from AMAFCA and CoA, along with the Consultant, Parametrix, participated in a long and productive meeting regarding the referenced project, as well as a long talk with the Chief Planning Officer with the Albuquerque Bernalillo County Water Utility Authority.

### 6. Approval of Minutes

#### a. January 27, 2022

Director Taylor requested some changes. Director Taylor made a motion to approve the Minutes of January 27, 2022, as amended. Director Thomson seconded the motion, which passed (4-0), on a roll call vote.

### 7. Consent Agenda

Chair Brown referred to **Agenda Items 7.b. through 7.j. (7.a. had been deferred to the March meeting. Items 7.c. and 7.g. were not used as noted on the Agenda)** on the Consent Agenda. Director Taylor made a motion that the Board accept the items on the Consent Agenda without Agenda Item a.

The motion approved the following:

- Calabacillas Grade Control Structures 3a1, 3b1, and Associated Bank Protection – Selection Advisory Committee Recommendation for Bohannon Huston, Inc.; and
- Advertise Request for Proposals for Design, Bidability, and Constructability Reviews; and
- Advertise Construction Bids for the Calabacillas Grade Control Structure 2 Extension Project; and
- Valle de Oro Drainage Facility Project – Approval of Amendment Twenty-Two on Agreement for Design Services; and
- Advertise Bids for Manual Trash and Debris Removal from Flood Control Facilities; and
- AMAFCA Fleet – Authorization for Executive Engineer to purchase vehicle; and
- Grant of Easement for Lot 23, Block 10, Tract 2, Unit 1 of North Albuquerque Acres.

Director Thomson seconded the motion, which passed (4-0), on a roll-call vote.

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## 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.

- **January Board Meeting**

*Item 15c Upper Piedras Marcadas Watershed Regional Ponds – Paseo del Norte Pond Project – Draft Temporary Construction and Access Agreement:* The Board requested in January that staff look at additional information concerning the costs associated with blasting basalt rock. The cost to drill and blast is approximately \$45 a cubic yard (cy) assuming required blasting would occur at least 300 feet from residents and infrastructure. If homes are within 300 feet of the area, the cost per cubic foot would increase accordingly. The Board noted that there would be additional costs incurred should utility trenches be put in (\$100 estimated, per cy) in order to place compactable soil.

- **Governmental Affairs**

*Legislative Liaison:* The legislative liaisons worked very hard to inform the State Legislature of the importance of having the New Mexico State Engineer continue to be a Registered Professional Engineer in the State of New Mexico. Director Taylor, not in an AMAFCA Director capacity, had provided some very good information that was beneficial. In addition, AMAFCA's lobbyists are working with the State of New Mexico on American Rescue Plan Act (ARPA) funding requests and with discussions with Mr. Martin Chavez.

*Bernalillo County (BernCo) - North Albuquerque Acres (NAA):* Staff met with BernCo staff concerning the quitclaiming of drainage easements in NAA. In the past, AMAFCA had granted quitclaims for easements that did not meet current AMAFCA policy. That process has been stopped. AMAFCA does have the ability to quitclaim easement for flood control and drainage. When an existing AMAFCA drainage easement is being modified by a new grading and drainage plan, AMAFCA would grant a quitclaim once a new easement is provided to BernCo. Each existing AMAFCA easement will need to be addressed separately by both BernCo and AMAFCA. The assignment of bulk easements to BernCo will not work.

- **Public Outreach**

*Black Mesa 3 Dam Outlet Project – 2022 Engineering Excellence Awards Winner:* AMAFCA was notified by Ms. Dawn Tibbetts, Executive Director ACEC New Mexico, that AMAFCA and Wilson & Company won an award for the Black Mesa 3 Dam Outlet Project in the Water Resources category. Awards will be presented at the Annual Awards GALA to celebrate the Engineering Excellence Awards Winners at the Sandia Resort & Casino on April 22, 2022.

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Not referenced in the memo was the Zuni-Penn project. Zuni-Penn is moving forward with 70% design. The project moved from 60% to 70% design due to a major change that now goes deeper to obtain a larger storage volume; a change to the retaining wall would be a little different from the original plan; estimated to be 100% for Scope and Fee by February 28, 2022; final Scope and Fee by March 7, 2022; once Scope is done, public meetings would need to take place. Responding to questions from the Board, Mr. Lovato advised the depth of the pond is approximately 30-40 feet deep, approximately half would be gravity flow; there would need to be a concrete wall at least 8-10 feet tall; AMAFCA gave ideas regarding public involvement to CoA; a property owner put in a façade that blends in well with the neighborhood; and the wall will be something that would be acceptable to the neighborhood.

Responding to a question from the Board regarding the AMAFCA History Project, Mr. Lovato stated he would talk to the Board offline, but the report is currently being worked on.

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

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

### **c. AMAFCA Operational COVID-19 Policy Modification – Approval**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo noting that the Personnel and Salary Committee had reviewed the policy modification. The Board noted that there had been several renditions of the policy which may change as conditions evolve.

Director Taylor made a motion to approve the AMAFCA Operational COVID-19 Policy Modification. Director Thomson seconded the motion, which passed (4-0), on a roll-call vote.

## **9. Financial Matters**

### **a. Financial Matters – Approval of Expenditures**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. He stated he would be presenting all of the financial items due to Mr. Herman Chavez, AMAFCA Finance and Administration Manager, taking a course pertaining to procurement.

Director Thomson made a motion to approve the January 2022 Expenditure Report. Director Taylor seconded the motion, which passed (4-0), on a roll call vote.

### **b. Other Matters**

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

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Director Eichenberg on Zoom at 10:43 a.m.

**10. Audit Services – Authorization to Advertise Request for Proposals**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board.

Director Taylor made a motion to authorize the advertisement of Request for Proposals for AMAFCA Audit Services. Director Thomson seconded the motion, which passed (4-0), on a roll call vote. Director Eichenberg advised he could not vote and wanted to let the Board know he was on the Zoom meeting.

**11. Legal**

**a. Status Report**

Attorney William Zarr summarized information provided in the memo and answered a question from the Board.

**12. Legislative Liaison**

**a. Briefing on the 2022 New Mexico Legislative Session**

Mr. Mark Fleisher, working in conjunction with Alarid Consulting, answered questions from the Board and presented items such as: Various Bills that were being watched for AMAFCA to include House Bill (HB) 18 Professional Engineer Requirements; HB 83 Qualification for Head of OSE; HB 24 State Engineer Water & Planning Management; various other Bills of possible interest; the Senate passed 38 Bills; the House passed 26 Bills; they approved a Tax Package; and Social Security is no longer to be taxed in New Mexico. Mr. Fleisher mentioned an upcoming meeting with former Albuquerque Mayor Martin Chavez to discuss State funding and stated Mr. Mike Hamman was confirmed as the State Engineer. Responding to a question from the Board regarding any AMAFCA employee making below the proposed \$15.00 State Minimum Wage, Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated that AMAFCA had one employee under the state wage at this time. Responding to a question pertaining to AMAFCA planning on using New Mexico Department of Transportation's (NMDoT) Design-Build projects, Mr. Lovato noted AMAFCA would do this if allowed; however, the Design-Build is a NMDoT-only program and NMDoT is not allowing other entities to be involved at this time.

**b. Introduction of John O'Donnell, HROD, Inc. d/b/a MMO Partners**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, introduced Mr. John O' Donnell with Murray Montgomery O'Donnell (MMO). Mr. O'Donnell covered items such as: the History of MMO; Federal Legislative Platform; Federal Funding Opportunities; and AMAFCA Capital Projects Review. There was a brief discussion on various AMAFCA projects that may work alongside Federal funds; both U.S. Representative Teresa Leger Fernandez and Congresswoman Melanie Stansbury have voiced the importance of water quality in the Rio Grande; AMAFCA could reach

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out to Senator Martin Heinrich, who serves on the Military Construction Committee, regarding military construction funding on infrastructure that would benefit Kirtland Air Force Base and the Tijeras Arroyo; and closed noting he could do a presentation to the Board on a semi-annual basis.

Director Eichenberg asked the record to reflect he has a relative by the name of John O'Donnell. The Mr. John O'Donnell presenting is not his relative.

**13. Joint Projects – State of New Mexico**

- a. Grantline Water Quality Structure Lining Project - Partnership with NMDOT – Draft Funding Agreement for the Grantline Water Quality Improvement Project**

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered questions from the Board. She noted that a final agreement would be brought back to the Board in March.

- b. Cost Share Agreement to Develop Simplified Inundation Mapping in an Urban Area – Draft Funding Agreement between City of Albuquerque and the Office of the New Mexico State Engineer**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Responding to a question from the Board regarding the amount of the agreement being under the Executive Engineer's authority, Mr. Lovato advised his authority is only \$20K. Mr. Bingham stated the final agreement would be brought back to the Board in March.

**14. Joint Projects – Bernalillo County**

- a. Salida Sandia Road Repair – Funding Agreement with Bernalillo County to Provide Funding, Design, Construction, and Project Management – Project Introduction and Draft Agreement**

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered a question from the Board. She noted that a final agreement would be brought back to the Board in March.

- b. North Albuquerque Acres Drainage – North Domingo Baca Dam Tributary Arroyos Survey and Hydraulic Analysis – Presentation of Final Project Information**

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo. There were no questions. The Board acknowledged the dilemmas that staff are trying to work through in the area.

**15. Joint Projects – City of Albuquerque**

**a. Hubbell Dam Expansion – Partnership Agreement with City of Albuquerque – Project Introduction and Draft Agreement**

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered questions from the Board. The agreement is currently in legal review with CoA and AMAFCA. A final agreement would be brought back to the Board in the future.

**b. Upper Piedras Marcadas Watershed and Water Quality Management Plan – Approval of Joint Funding Agreement for Property Acquisition**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo, advised CoA and Parametrix staff were present; and answered questions from the Board. Part of the presentation covered items such as: the agreement would enable CoA and AMAFCA to purchase property for a Regional Pond along Unser Boulevard; the Drainage Management Plan (DMP) for the area identified locations for regional ponding and flood control; AMAFCA is interested in part of the watershed due to the need to divert water from approximately three square miles out of the five square miles basin of the Piedras Marcadas Watershed, which is the last section to be diverted; once the diversion is done north and south along Unser Boulevard the facility downstream would be protected; AMAFCA is obligated to the National Park Service in the DMP; CoA would be purchasing properties; the utility corridor and Right-of-Way area(s) were covered; sanitary sewer and water line will not be put in but the storm drain will be put in; CoA will upsize the storm drain to ensure that the diversion can be started for this phase of their contract; there is potential to add money to the CoA project in the future to ensure the entire storm drain in the future is upsized to accomplish the required AMAFCA diversion. The Board referenced again the very productive meeting with CoA, AMAFCA, AMAFCA Board, and Parametrix staff. There was a discussion pertaining to the water and sewer extension in the area with the ABCWUA, Mr. Lovato agreed that CoA and AMAFCA cannot extend; ABCWUA is requiring that the utilities be put into the outside of the roadway so that utilities can be put in at a future date when the property owners have the time and funding to do so; the DMP shows that the master lines are on the outside of the roadway to accommodate that situation; utility trench lines, which is part of the Federal project, will be blasted for the future utility extension. Responding to a question regarding a request made by Mr. Hoffman to update the DMP in the area and the impression by the Board that the DMP was perfectly serviceable, Mr. Bradley L. Bingham, AMAFCA Drainage Manager, agreed and referred the Board to the exhibit that shows the alternatives that were done with the DMP to enable property owners, CoA, and others to pick the best alternative, which is Alternative #3; the other alternatives required conveyance through the National Monument and the Mariposa Canyon, which is problematic; Alternative #3 allows the roadway and development to occur and identified the ponds that are regional in nature; it was noted that the Unser Pond was shown on two CoA-owned tracts, which AMAFCA combined into the Chamisa Pond; the Chamisa Pond was identified early; and showing Chamisa would be the only change he would do. Mr. Lovato stated that modifying a DMP after you construct a project is done if there is a massive change to the DMP; by combining the two ponds into one it still allows the water to be collected and run in the direction needed; and Chamisa would be noted in the facility maps in the future. Responding to questions on what the action item was, what was actually being done, and to confirm that the Open Meetings Act was being met, Mr. Bingham stated the requested action would be to approve the



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funding agreement with the City of Albuquerque to purchase a Regional Pond along Unser Boulevard. It was further confirmed that the only action is the purchase, not for an extension, or any other items, and AMAFCA would reimburse CoA for the portion(s) of the purchase that would be applicable to the Pond.

Director Thomson made a motion to approve the funding agreement with the City of Albuquerque to purchase a Regional Pond along Unser Boulevard. Director Taylor seconded the motion, which passed (5-0), on a roll call vote.

### **c. Upper Piedras Marcadas Watershed Regional Ponds – Paseo del Norte Pond Project – Approval of Temporary Construction and Access Agreement**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo noting the agreement is substantially as attached. There were no questions.

Director Taylor made a motion to approve the Upper Piedras Marcadas Watershed and Water Quality Management Plan – Paseo del Norte Pond Temporary Construction and Access Agreement, substantially as attached. Director Thomson seconded the motion, which passed (5-0), on a roll call vote.

## **16. AMAFCA Field Highlights**

### **a. Field Report**

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a brief report on various projects / events and answered questions from the Board.

### **b. Construction Report**

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the construction report. Responding to questions from the Board, Ms. Nicole Friedt, AMAFCA Engineer II, covered the concern with a contractor not providing the required surveys for the VdO project; the issues have been addressed and should be corrected soon; and the project is taking shape.

## **17. Stormwater Quality**

Mr. Patrick Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo and answered numerous questions from the Board. Part of the presentation covered items such as: History of the permit; What is a watershed-based permit? Why watershed-based permitting? Class A, B, and C Permittees; AMAFCA's Stormwater Quality Program Minimum Control Measures; Other Control Measures in Permit; Public Education and Outreach; Public Involvement and Participation; Construction Site Runoff Control; Post-Construction Runoff Control; and Pollution Prevention and Good Housekeeping.

Director Thomson left the meeting at 1:12 p.m.

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**18. Real Estate**

**a. Resolution 2022-03, Approval to Authorize the Acquisition of Real Property for the Southeast Valley Drainage and Stormwater Quality Management Plan**

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered numerous questions from the Board. It was noted that properties have not been identified at this time.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2022-03, Authorize the Acquisition of Real Property for the Southeast Valley Drainage and Stormwater Quality Management Plan, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Taylor seconded the motion. The motion passed unanimously (3-0), on a roll call vote. Both Directors Martinez and Thomson were no longer present to voice their vote.

**19. Unfinished Business**

None.

**20. New Business**

None.

**21. Adjourn**

There being no further business to come before the Board, Chair Brown adjourned the meeting at 1:23 p.m.

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Elizabeth Newlin Taylor, Secretary-Treasurer, 3/24/2022

*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.*