



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
April 28, 2022
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1. Call to Order and Roll Call

Chair Brown called the Board Meeting to order at 10:00 a.m., Thursday, April 28, 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.

Directors present via Zoom and / or in person:	Chair Ronald D. Brown – at the AMAFCA building Director Bruce M. Thomson – at the AMAFCA building Director Orlando G. Martinez, Jr. – at the AMAFCA building Director Tim Eichenberg – at the AMAFCA building Director Elizabeth Newlin Taylor – 10:04 a.m. at the AMAFCA building
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Directors excused:	None
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Attorney present via Zoom and / or in person:	William Zarr, Robles, Rael & Anaya – Via Zoom
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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, advised that **Item 16.a. Executive Session (closed) Discussion of Acquisition of Real Property (§10-15-1(H)(8)) – Southeast Valley Drainage and Water Quality Management Plan would not be utilized for a Closed Session.** AMAFCA had not received all of the required information. The Board asked that AMAFCA plan on giving an update on the general status of the acquisition. Director Eichenberg asked that **Agenda Items 6.d., La Cueva Survey & Hydraulic Analysis Project – Approval of Professional Engineering Services Agreement with ESP Associates; 6.e., Valle de Oro Drainage Barr Spur Improvements & Water Quality Project – Authorization to Advertise for Construction Bids; and 6.g., Valle de Oro Drainage Facility Project – Approval of Amendment Twenty-Three to the Agreement for Design Services** be removed from the Consent Agenda for discussion under the Regular Agenda.

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Director Eichenberg made a motion to approve the Agenda, as amended. Director Thomson seconded the motion, which passed (5-0).

3. Meetings Scheduled

- a. **May 26, 2022, 10:00 a.m. – Regular Meeting**
- b. **June 23, 2022, 10:00 a.m. – Regular Meeting**
- c. **July 28, 2022, 10:00 a.m. – Regular Meeting**

There were no changes to the dates.

4. Items from the Floor Public Comments

No items from the floor or public comments were received.

5. Approval of Minutes

- a. **March 24, 2022**

Director Thomson made a motion to approve the Minutes of March 24, 2022. Director Eichenberg seconded the motion, which passed (5-0).

6. Consent Agenda

Chair Brown referred to **Agenda Items 6.a. through 6.c., 6.f. and 6.i.** on the Consent Agenda. **Items 6.d., 6.e., and 6.g.,** were moved to the Regular Agenda earlier in the meeting. It was requested that **Item 6.h. 2021 On-Call Other Services – Souder, Miller & Associates – Approval of Exhibit A – Fee Schedule** also be moved to the Regular Agenda. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Albuquerque International Balloon Fiesta License – Third / Final Extension with the City of Albuquerque; and
- Mechanical Trash and Debris Removal – Third / Final Extension with Southwest Sewer Service, Inc.; and
- Manual Trash and Debris Removal – Third / Final Extension with Black Forest Tree Service; and
- Design and Construction Management Services for The Hubbell Dam Expansion Project – Advertise Construction Bids; and
- North Domingo Baca Dam Inlet Channel Reconstruction and Dam Pool Grade Project – Advertise Construction Bids.

Director Taylor seconded the motion, which passed (5-0).

6.d., 6.e., 6.g., and 6.h. had been moved to the Regular Agenda earlier in the meeting.

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6.d. La Cueva Survey & Hydraulic Analysis Project – Approval of Professional Engineering Services Agreement with ESP Associates

Responding to questions from the Board, Mr. Jerry M. Lovato, AMAFCA Executive Engineer, covered the history of the negotiations with the consultant, RESPEC. AMAFCA and the consultant were unable to come to a mutual agreement on the scope of services; AMAFCA needed to have certain work done; this dealt with doing the Hydraulic Analysis with survey information and a GIS Program; there was a large discrepancy with how the work would be done; the consultant's fee could not be justified with the known specifications of work. Ms. Nicole M. Friedt, AMAFCA Engineer II, recapped that there was an issue associated with the manhour breakdown and the analysis AMAFCA had done, in the past, on jobs of a similar nature; there was no clarification provided on why would it take ten times longer then what AMAFCA had done on other similar tasks; fundamentally RESPEC was taking the terrain information, importing it into Hydrologic Engineering Centers River Analysis System (HEC-RAS), and then in turn manipulate the terrain points manually in the modeling software; and further explained how the process should work, HEC-RAS is not the appropriate software program for terrain manipulation. Responding to a question from the Board on the cost, Mr. Lovato stated that the agreement included the entire cost as well as ESP looking at the entire Light Detection and Ranging (LiDAR) for the North Albuquerque Acres, as the Board had instructed at the March meeting.

Director Thomson made a motion to approve the Professional Engineering Services Agreement with ESP Associates, Inc., for the La Cueva Survey & Hydraulic Analysis Project. Director Eichenberg seconded the motion, which passed (5-0).

6.e. Valle de Oro Drainage Barr Spur Improvements & Water Quality Project – Authorization to Advertise for Construction Bids

Responding to a request by the Board, Mr. Lovato covered the purchase history of the land in the south valley for the Wildlife Urban Refuge known as Valle de Oro; associated construction that had gone into the project; an issue arose during potholing; a concrete structure had been placed over the Middle Rio Grande Conservancy District (MRGCD) ditch into the swale causing two big conveyances over top of each other; coordination with US Fish and Wildlife for pedestrian access; and covered the Albuquerque Bernalillo County Water Utility Authority's (ABCWUA) water line from Ridgecrest down to under VdO and the River to their reservoir, which is the same elevation as the Ridgecrest reservoir. Ms. Friedt noted that a conflict was found during a potholing project during the last amendment for the last phase, to make sure the design was sound; the potholes show the waterline is much shallower than originally thought; basically constructed at the flow line of the Barr Interior Drain; there is no real cover on it; and if you put a box at that flow line there would now be a box directly in conflict with a 36-inch water transmission line. Mr. Lovato further stated the reason the design was not anticipated was due to not knowing about the conflict until AMAFCA had the plan in hand with the ABCWUA; at that point ABCWUA said that there cannot be a structure put over the top of the ABCWUA pipe; if AMAFCA is to touch the ABCWUA pipe AMAFCA can only do it during two to three months of the year due to the ABCWUA reservoirs; and if the last phase does not go through it would stop the whole project at this point. Ms. Friedt advised the cost of the amendment also includes expediting getting the project out to bid; water pipe is a long lead item now; the contractor needs to be involved early;

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and there is the need to be ready for construction by November 1, 2022 (MRGCD and ABCWUA deadlines as well). Responding to a question on the design being functionally complete, Ms. Friedt recapped that the water line is part of it; part of the reason for coming to the Board now to advertise for construction; as soon as the constructions plans are done the process can start; the rest of the design, besides the water line, is substantially done; and covered the location of the waterline.

Director Eichenberg made a motion to authorize the advertisement of Construction Bids for the Valle de Oro Burr Spur Improvements & Water Quality Project. Director Thomson seconded the motion, which passed (5-0).

6.g. Valle de Oro Drainage Facility Project – Approval of Amendment Twenty-Three to the Agreement for Design Services

Responding to a request by the Board, Ms. Friedt recapped the cost of amendment would involve the design of waterline into the construction package which would include coordination with ABCWUA; new plans to be drafted; new specifications incorporated into the bidding documents; expedites the schedule required for the long lead time; closes out and gets through the bidding phase and services; will get through the final design elements for the VdO; and should be the end of the VdO design contract.

Director Thomson made a motion to authorize the Executive Engineer to approve Amendment Twenty-Three to the Agreement for Design Services for Valle de Oro Drainage Facility. Director Eichenberg seconded the motion, which passed (5-0).

6.h. 2021 On-Call Other Services – Souder, Miller & Associates – Approval of Exhibit A – Fee Schedule

Responding to questions from the Board, Mr. Lovato covered the daily cost for each survey with Souder Miller's equipment and stressed that using the on-call would save money on what is considered intensive labor.

Director Eichenberg made a motion to authorize the Executive Engineer to replace the current Exhibit A – Fee Schedule with a new Fee Schedule in the current On-Call Surveying Contract with Souder, Miller & Associates. Director Taylor seconded the motion, which passed (5-0).

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 / current month and answered questions from the Board.

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- **General & Administrative**

Congressional Delegation Update: AMAFCA's Lobbyists in New Mexico and Washington, DC are working together to establish the project criteria for a grant writing process to tie into the Bureau of Reclamation and Corp of Engineers processes. Two AMAFCA projects were listed in Senator Lujan's request: Black Mesa Pump Station Project with Bernalillo County (BernCo) and MRGCD and the Gibson Corridor Project that would be helping City of Albuquerque (CoA), BernCo, and possibly the US Air Force.

The Eastern Alvarado property is included in the Gibson Corridor Project

- **Project Management**

North Domingo Dam: AMAFCA staff contacted BernCo to start the process of modifying the spillway access from Eubank. This modification would eliminate the right turn, which requires heavy truck traffic to use neighborhood roadways to access Paseo del Norte. This would provide for better traffic flow and safer truck travel. The modification would allow a left turn from AMAFCA property onto Eubank.

Valle de Oro: AMAFCA, during plan review with the ABCWUA, was informed of a conflict with the large water transmission line and the Barr Drain. This was discussed in further detail earlier in the meeting.

- **Facilities, Operations & Maintenance**

North Pino Channel: A new development came in for normal plan review for a proposed development that abuts the AMAFCA channel. Through the plan review process an issue was identified with the existing channel that runs through the Journal Center. The channel is a hybrid with a small concrete bottom and grass side slopes. The original design analysis cannot be found but it is thought to be designed for 1,000 to 2,000 cubic feet per second (cfs). The channel was built in the late 1980s. In the mid-1990s, the Corps of Engineers completed a study to identify all flows that enter into the North Diversion Channel and noted the North Pino inlet (channel) was designed for a flow rate of 2,700 cfs. After the report was completed in 1995, AMAFCA and CoA allowed flows to enter the channel not to exceed 2,700 cfs, this allowed development east of I-25 to discharged into the current channel. Knowing there is approximately 3,000 cfs generated from the upper basin that enters the channel, the given configuration requires super critical flows to be accepted and safely conveyed to the NDC. The analysis provided by the development assumed super critical flows, but the hybrid channel section cannot safely convey super critical flows. Therefore, a new analysis was requested by staff assuming subcritical flow that could safely be conveyed by the hybrid channel built in the late 1980s. AMAFCA will independently verify the as-built information and do an independent engineering analysis of this section of the channel. This is an AMAFCA facility, on AMAFCA right-of-way, and the grass is currently maintained by a third party. No documentation of a maintenance

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agreement can be found with a third party. The third party has been notified that AMAFCA will be addressing the possible channel deficiencies if and when they are quantified.

- **Public Outreach**

Black Mesa Three Dam Outlet Project: AMAFCA received an American Council of Engineering Companies (ACEC) award during the 2022 Annual Gala. AMAFCA and MRGCD staff attended, as well as former District 1 Director Deborah Stover.

- 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 and answered a question from the Board.

- c. PSC Budget Recommendations**

This item was removed from the agenda earlier in the meeting. It will be on the May Board agenda.

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 Thomson made a motion to approve the March 2022 Expenditure Report. Director Eichenberg seconded the motion, which passed (5-0).

- b. Other Matters**

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

- c. AMAFCA Audit Services – Consideration for Approval of Selection Advisory Committee Recommendation**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. It was noted that Chair Brown and Director Eichenberg sat on the Committee with Messrs. Lovato and Chavez. The committee advised the contract would be only for one year as opposed to the usual one year with two renewals. After a year, the Board can choose to renew or go to Request for Proposals.

Director Eichenberg made a motion that the Board approve the Selection Advisory Recommendation for Carr, Riggs, and Ingram. Director Taylor seconded the motion, which passed (5-0).

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9. 2022 General Election

a. AMAFCA Redistricting – Introduction and Authorization to Procure Services

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo and answered a few questions. The Board requested a consultant do a limited-scale analysis with more complete data. No motion was made pertaining to this item.

b. Notification to County Clerk – AMAFCA Bond Question

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and advised AMAFCA would have the Bond Question on the Election ballot as long as there is room. There were no questions.

10. AMAFCA Bond Program

a. Bond Sale Presentation by RBC Capital Markets, LLC

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, introduced Mr. Erik Harrigan, Managing Director with RBC Capital Markets, LLC and Mr. Daniel Alsup with Modrall, Sperling, Roehl, Harris & Sisk. Mr. Harrigan provided current market information; noted the last time AMAFCA had a Bond Sale, the Board had authorized the AMAFCA Chair and Vice Chair flexibility for a bigger window; the current Resolution has the same language; the Bond Sale could happen during a Board meeting day; it was felt the markets are stabilized; and AMAFCA should get a competitive rate.

b. Approval of Resolution 2022-04, Notice of Bond Sale

Mr. Alsup referenced the Resolution, noting if adopted, his office would publish the Notice of Bond Sale in the Albuquerque Journal for 30 days.

Director Taylor made a motion that the Board adopt Resolution 2022-04, Notice of Bond Sale. Director Thomson seconded the motion, which passed unanimously (5-0), on a roll call vote.

11. Legal

a. Status Report

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred the Board to the memo from Robles, Rael, and Anaya. There were no questions. Attorney William Zarr was able to voice he was on the call and was advised the Board had no questions.

12. Joint Projects

a. Hubbell Dam Expansion – Approval of Partnership Agreement with City of Albuquerque as substantially attached

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Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo, noting the City of Albuquerque has edits to the agreement, and answered questions from the Board.

Director Thomson made a motion to approve the Partnership Agreement with the City of Albuquerque for the Hubbell Dam Expansion Project, substantially as attached. Director Taylor seconded the motion, which passed (5-0).

b. Agreement to Develop Simplified Inundation Mapping in an Urban Area – Consideration of Approval of a Funding Agreement between City of Albuquerque and the New Mexico Office of the State Engineer

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion to approve the Cost Share Agreement among the New Mexico Office of the State Engineer, City of Albuquerque, and AMAFCA to develop Simplified Inundation Mapping in an Urban Area. Director Eichenberg seconded the motion, which passed (5-0).

c. Calabacillas West Branch Grade Control Structure #11 – Award of Construction Contract

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Mr. Bingham noted Mr. Mack King with Pate Construction was present. It was noted that Pate Construction is headquartered in Pueblo, Colorado; news had hit in the construction community of the impending award; and Pate has done work with AMAFCA before.

Director Thomson made a motion that the Board award the Construction Contract for the Calabacillas West Branch Grade Control Structure #11 to Pate Construction, in the amount of \$1,961,081.00, plus New Mexico Gross Receipts Tax. Director Taylor seconded the motion, which passed (5-0), on a roll-call vote.

d. Calabacillas West Branch Grade Control Structure #11 – Approval of Amendment Three to the Design Contract to include Construction Management, Inspection and Material Testing

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion to authorize the Executive Engineer to approve Amendment Three to the Engineering Services Agreement for the Calabacillas West Branch Grade Control Structure. Chair Brown seconded the motion, which passed (5-0).

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13. AMAFCA Field Highlights

a. Field Report

Mr. Nolan Bennett, AMAFCA Field Engineer, provided a 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 and answered a question from the Board.

c. AMAFCA Storm Water Management Program (SWMP) Control Measures

Mr. Patrick J. Chavez, AMAFCA Stormwater Quality Engineer, passed out a copy of the slides that were shown to the Board and answered questions from the Board. The presentation covered Storm Water Management Program (SWMP) Control Measures in the Watershed that included Cooperative Permittees; Political Boundaries; Map of the Watershed; Exchange of Information; General Permit Requirements; SWMP Minimum Control Measures; Public Outreach; Scoop the Poop Signage; Green Stormwater Infrastructure; 2022 Land & Water Summit; Post Construction Runoff; Stormwater Quality Monitoring; Wet Weather Monitoring; Stormwater Quality Samples; Impairments in the Mid-Rio Grande River: Monitoring Results of CMC / AMAFCA; Bosque Ecosystem Monitoring Program (BEMP) monitoring and sampling; Total Trash / Sediment / Vegetation Removed by AMAFCA; Annual Report due by December 1 every year; Permit Status; and BEMP Funding.

14. Real Estate

a. North Domingo Baca Dam – Sediment Removal Prior to AMAFCA Project

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board.

b. Leasing AMAFCA Property – Policy Discussion

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered a question from the Board.

15. AMAFCA FY-2023 Budget

a. Draft FY-2023 General Fund Budget

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

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b. Draft FY-2023 Acquisitions & Savings Fund Budget

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

c. Draft FY-2023 Construction Fund Budget

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

d. Draft FY-2023 Agency & Area-Wide Fund Budget

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

e. Draft FY-2023 Debt Service Fund Budget

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

f. Draft FY-2023 Fiduciary Fund Budget

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

The FY-2023 Budgets will be acted upon at the May Board meeting.

16. Executive Session (closed)

a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8)) – Southeast Valley Drainage and Water Quality Management Plan

Chair Brown noted that the Board would not go into Executive Session. Mr. Willie West, AMAFCA Real Estate Manager, advised AMAFCA just received information and covered the remaining steps. Chair Brown advised both he and Director Taylor met as part of the Committee to review some information and there are not any specific offers or counter offers. Mr. Lovato asked that both Chair Brown and Director Taylor continue on the committee, if possible.

18. Unfinished Business

None.

19. New Business

Responding to a question from the Board regarding AMAFCA not having covered parking in the form of a solar array, Mr. Lovato stated he tried four times to get covered parking with solar arrays. He noted that AMAFCA had made many cost saving changes in recent years and does not use

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enough electricity to qualify for a solar program. He further stated he is having issues getting solar on AMAFCA facilities. There are legal issues with solar credits and selling credits back for commercial entities.

20. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 1:50 p.m.

Elizabeth Newlin Taylor, Secretary-Treasurer, 5/26/2022

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.