



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
August 25, 2022
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1. Call to Order and Roll Call

Chair Brown called the Board Meeting to order at 8:59 a.m., Thursday, August 25, 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: Chair Ronald D. Brown – at the AMAFCA building
Director Tim Eichenberg – at the AMAFCA building
Director Orlando G. Martinez, Jr. – at the AMAFCA building
Director Elizabeth Newlin Taylor – at the AMAFCA building
Director Bruce M. Thomson – at the AMAFCA building

Directors excused: None

Attorney present: William Zarr, Robles, Rael & Anaya – at the AMAFCA building

Others present via Zoom Jerry M. Lovato, P.E., Executive Engineer
and / or in person: Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, advised **Items 9.a. Fiscal Year 2023 Budget Adjustment Fiduciary Funds – Approval of Resolution 2022-13 and 16. Southeast Valley Drainage and Water Quality Management Plan – Authorization to Acquire Real Property** should be removed from the Agenda due to the need for a meeting with DFA on Item 9.a. and more information would be required before proceeding with Item 16. Director Thomson asked that **Item 6.b. Piedras Marcadas Outfall – Advertise for Nonagricultural Lease** be removed from the Consent Agenda for discussion under the Regular Agenda.

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

3. Meetings Scheduled

a. September 22, 2022, 9:00 a.m. – Regular Meeting

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- b. **October 27, 2022, 9:00 a.m. – Regular Meeting**
- c. **November 17, 2022, 9:00 a.m. – Regular Meeting**

There were no changes to the dates.

4. **Items from the Floor Public Comments**

Mr. Lovato introduced Ms. Vanessa Alarid with Alarid Consulting. Ms. Alarid informed the Board of a Celebration of Life on September 10, 2022, for Mr. Mark Fleisher, who passed away on August 1, 2022. Ms. Alarid provided information from Ms. Fleisher regarding an invite to the Board; expressed her heartfelt sympathy; asked that if there were any stories the Board wished to submit they could do so; and on a business note, advised that she, as well as her team, are still planning to work with AMAFCA; and will continue to work with the State of New Mexico and AMAFCA on the Infrastructure Capital Improvement Plan.

5. **Approval of Minutes**

a. **August 17, 2022**

Director Taylor made a motion to approve the Minutes of August 17, 2022. Director Thomson seconded the motion, which passed (4-0). Director Eichenberg had not attended the meeting and abstained.

6. **Consent Agenda**

Chair Brown referred to **Agenda Items 6.a. and 6.c. through 6.h.** on the Consent Agenda. Item 6.b. had been removed to the Regular Agenda earlier in the meeting. The Consent Agenda was screen shared for everyone on Zoom to view. Director Thomson made a motion that the Board accept the remaining items on the Consent Agenda.

The motion approved the following:

- Lot 19, Block 17, Tract 3, Unit 2, of the North Albuquerque Acres – Drainage Easement; and
- Embudo at Jefferson – Advertise for Nonagricultural Lease; and
- West Amole Diversion Channel – Advertise for Nonagricultural Lease; and
- Hubbell Lake Dam Expansion Project – Selection Advisory Committee Recommendation; and
- Lot 2, Block 15, Tract 1, Unit 3, of the North Albuquerque Acres – Quitclaim of Drainage Easement; and
- Lot 3, Block 15, Tract 1, Unit 3, of the North Albuquerque Acres – Quitclaim of Drainage Easement; and
- AMAFCA Fleet – Purchase Two Mowers.

Director Taylor noted a change needed on the Drainage Easement signature page and indicated it may have already been corrected. Director Taylor seconded the motion, which passed (5-0).

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6.b. Piedras Marcadas Outfall – Advertise for Nonagricultural Lease

Responding to questions from the Board, Mr. Willie West, AMAFCA Real Estate Manager, covered the location, the cost per acre, and the reasoning for putting the property out for lease. There was a brief discussion regarding the zoning of the property; access to the property; the property could be leased in portions, or the entire piece could be leased; the complexity of issues regarding permanent fixtures that AMAFCA does not encourage; and in the case of an emergency AMAFCA would retake the land.

Director Eichenberg made a motion to defer Advertisement for the Piedras Marcadas Outfall until this time next year. Director Martinez seconded the motion, which passed (4-1). Director Thomson voted No.

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.

- **Governmental Affairs**

Legislative Liaison: Staff have been working with AMAFCA's state legislative liaisons concerning capital outlay funding including an emergency generator for the AMAFCA Office and an excavator.

Marble Arno Pump Station: The ribbon cutting for the Marble Arno Pump station was held on August 16, 2022. Unfortunately, the AMAFCA Board had not been represented during the event. Director Thomson expressed his disappointment over an invite being received, then a cancellation was received which resulted in no AMAFCA Board representation at the ribbon cutting, and AMAFCA had provided funding for the project.

- **General & Administrative**

AMAFCA Staffing: AMAFCA extended an offer to fill the GIS manager position. It is anticipated that the position would be filled by the next Board meeting.

AMAFCA continues to advertise for a maintenance worker and there will be training for the position to backfill as needed.

North Albuquerque Acres (NAA) Floodplains: With the economy getting better and development resuming in NAA, AMAFCA has had increased (heated) discussions with homeowners and Bernalillo County concerning development in mapped floodplains and AMAFCA requirements concerning compliance with AMAFCA's revisited drainage policy.

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- **Facilities Operations & Maintenance**

AMAFCA Emergency Operations: AMAFCA had been contacted by various institutions and agencies concerning emergency operations. AMAFCA provided equipment, staff time, technical advice, and materials to the NM Department of Transportation, Bernalillo County, and the Water Authority. Efforts proved beneficial to AMAFCA constituents and AMAFCA itself.

Responding to a question and request from the Board to finish the AMAFCA History Project, Mr. Lovato advised the AMAFCA Executive Committee would get together and look at the project and agreed that Sunny 505 could be consulted to help finish, if needed.

- 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 few months and answered questions from the Board. The Board asked if there is a memo on file that provides the reason(s) for assigning tasks; voiced concern that there may be no historical reference regarding why a company was tasked with an assignment; and stated a simple paragraph would suffice. Mr. Lovato agreed something could be done.

8. Financial Matters

- a. Financial Matters – Approval of Expenditures**

Mr. Eric De Flon, AMAFCA Finance and Administration Manager, summarized information provided in the memo. The Board had numerous questions and concerns that were voiced regarding not having adequate answers pertaining to items listed and / or not listed on the financial reports. The Board had requested previously that more information be provided on descriptions. Mr. Lovato advised that work is being done on item descriptions; however, it had been less than two weeks from the original request and the current expenditures had already been in the system. It was decided that Approval of Expenditures for the month of July be taken care of at the next Board meeting.

- b. AMAFCA Bond Program – Resolution 2022-14, 2022 Bond Election Approval**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo, answered questions from the Board, and read the language that would be included on the Election Ballot for the AMAFCA Bond.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2022-14, Approval of 2022 Bond Election, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Thomson seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

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9. AMAFCA Fiscal Year 2023

a. Fiscal Year 2023 Budget Adjustment Fiduciary Funds – Approval of Resolution 2022-13

This item was removed earlier in the meeting.

10. Legal

a. Status Report

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

11. Ditch & Water Safety Task Force – 2022 Monsoon Season – Review and Discussion

Mr. Willie West, AMAFCA Real Estate Manager, introduced Ms. Dezaree Vega Garcia with Sunny 505. Ms. Vega Garcia and Mr. West answered questions for the Board. Part of the presentation covered the 2022 Activities shift from making presentations to schools to concentrating on the homeless / unhoused in ditches and arroyos; Key Outcomes; Materials; Public Service Announcements; and next steps.

12. AMAFCA Redistricting – Selection of Preferred Option for Public Comment

Mr. Kevin Troutman, Director of Administration, summarized information provided in the memo and answered questions from the Board. There was a discussion regarding the existing boundaries; ethnic populations; three precincts that could be moved; a request, but not an issue, to delineate the boundaries of I-40 / I-25 for District 5; AMAFCA Redistricting would need to be completed by next June; Directors Martinez and Taylor should be consulted due to the impact to their district(s); and the item could be brought back to the Board for Adoption at the December 2022 Board meeting.

13. AMAFCA Projects

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

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered questions from the Board. Ms. Friedt advised Mr. Carl Martinez with Vital (Vital) Consulting Group, LLC was present. Responding to questions for the Board, Mr. Martinez opined Vital was extremely interested in the work; there is good core group of employees working for Vital; steel rebar and concrete pricing is up for everyone; and Vital would be wrapping up a job in October / November so the AMAFCA contract would help transition perfectly so Vital can keep their employees working through the winter.

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Director Thomson made a motion that the Board award the construction project to Vital Consulting Group, LLC in the amount of \$4,475,000.00, plus NMGRT, for the Valle de Oro Barr Improvements Project. Director Taylor seconded the motion, which passed (5-0).

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

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo. Mr. Lovato answered a question from the Board.

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

14. AMAFCA Field Highlights

a. Field Report

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

b. Construction Report

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the Construction Report. There was a brief discussion regarding the Water Authority sewer line bust on the west side and it was noted replacement pipe had been received; City of Albuquerque hired Smith Engineering to coordinate the pipe repair; there is still the concern that there will be a collapse in the system within a year; there are contingencies to be put in place in the next 90 days; and the Board requested that this be a topic on the next meeting agenda.

15. 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 advised **Agenda Item 15.a.** was a Closed Session agenda item. The meeting was at the AMAFCA building with all Directors in attendance. Director Taylor 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 Acquisition of Real Property. Director Thomson seconded the motion, which passed unanimously (5-0), on a roll call vote. Messrs. Lovato, West, and Troutman, along with Legal Counsel remained.

Chair Brown closed the meeting at 11:10 a.m. Chair Brown asked for a motion to re-open the meeting at 11:58 a.m. Director Eichenberg made a motion that the meeting be re-opened. Director

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Martinez seconded the motion, which passed unanimously (5-0), on a roll call vote. Chair Brown stated that no action was taken during the Closed Session and only information that pertained to Acquisition of Real Property was discussed.

16. Southeast Valley Drainage and Water Quality Management Plan – Authorization to Acquire Real Property

This item was removed earlier in the meeting

17. Unfinished Business

None.

18. New Business

None.

19. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 12:00 p.m.

Elizabeth Newlin Taylor, Secretary-Treasurer, 9/28/2022

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.