



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
November 17, 2022
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1. Call to Order and Roll Call

Chair Brown called the Board Meeting to order at 9:00 a.m., Thursday, November 17, 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 Tim Eichenberg – at the AMAFCA building
Director Elizabeth Newlin Taylor – at the AMAFCA building
Director Bruce M. Thomson – at the AMAFCA building

Directors excused: Director Orlando G. Martinez, Jr.

Attorney present via Zoom: William Zarr, Robles, Rael & Anaya – via Zoom & telephone

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

A quorum was present.

2. Approval of Agenda

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, asked that **Item 10.b. Draft of Resolution 2022-19, Notice of Bond Sale** be considered an Action Item at the current Board meeting. With a brief discussion and consultation with Attorney William Zarr, AMAFCA Legal Counsel, it was suggested that if there were no changes of a substantial nature, he would defer to Bond Counsel on if the Resolution could be accepted. Mr. Lovato asked that **Items 6.a. Legislative Liaison / Lobbyist Services – Approval of Professional Services Agreement with Alarid Consulting; 6.d. Hubbell Lake Dam Expansion Project – Approval of the Professional Engineering Services Agreement with Bohannon Huston, Inc.; 7.c. Executive Engineer’s Contracting Authority – Discussion; and 17.c. Engineering Construction and Cost Review** be deferred. Director Thomson requested that **Item 8.a. Financial Matters – Acceptance of Financial Information** be removed since the Board had not received the report in time to review.

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

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3. Meetings Scheduled

- a. **December 15, 2022, 9:00 a.m. – Regular Meeting and Board Holiday Luncheon**
- b. **January 26, 2023, 9:00 a.m. – Regular Meeting**
- c. **February 23, 2023, 9:00 a.m. – Regular Meeting**

There were no changes to the dates.

4. Items from the Floor / Public Comments

Ms. Therese Saunders with the Taylor Ranch Neighborhood Association (TRNA), read a Thank You letter from Ms. Diana Shea, President of the TRNA, and provided the hard copy to Mr. Jerry M. Lovato, AMAFCA Executive Engineer.

Mr. Craig Hoover, Senior Vice President with Bohannon Huston, Inc., provided some follow-up information regarding the North Pino Arroyo (channel between I-25 and the North Diversion Channel) that had been a topic of discussion at previous Board meetings and answered questions from the Board. He clarified the design Bohannon Huston had done on that channel had been based on the Northeast Heights Drainage Management Plan (DMP), often referred to as the Leonard Rice Study that was completed 1975. That was the current adopted DMP for that area with a flowrate of 1,175 cubic feet per second (cfs), which is what the channel was designed for. That is a big discrepancy with what we would see today with current hydrology. After looking further in the report, future developed conditions flows were based on 110% of existing conditions (pre-development) flows. He opined that this seems to be the criteria the channel design was based on. Today, we typically see a two- or three-fold increase in developed conditions flows compared to predevelopment hydrology, perhaps more, from existing to developed conditions. While this was a developed conditions study based on existing conditions, and flow was based on the study, it is not consistent with today's hydrology and or state of practice. There is still an identified deficiency with the channel capacity, based on the USACOE study which identified a flow of 2,700 cfs, The bridges at Jefferson St NE and Tiburon St NE cannot pass that flow. The Board thanked Mr. Hoover for taking time to come in and present his findings to the Board.

Ms. Nicole M. Friedt, Director of Planning and Engineering, introduced Ms. Marie Vandergeest, AMAFCA Project Engineer. Ms. Vandergeest summarized her background, experience, and expressed her appreciation for the opportunity to come on board with AMAFCA. The Board welcomed Ms. Vandergeest.

5. Approval of Minutes

- a. **October 27, 2022**

Director Taylor made a motion to approve the Minutes of October 27, 2022. Director Thomson seconded the motion, which passed (4-0).

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6. Consent Agenda

Chair Brown referred to **Agenda Items 6.b. and 6.c.** on the Consent Agenda. Director Eichenberg made a motion that the Board accept the remaining items (shared on the Smart Board for all participants to view) on the Consent Agenda.

6.a. and **6.d.** had been deferred earlier in the meeting.

The motion approved the following:

- On-Call GIS and Technology Support Services Contract – Third / Final Extension with Stantec Consulting Services; and
- 2023 ESRI International Users Conference – Authorization for Out of State Travel to San Diego, CA, July 10-14, 2023.

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

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.

- **General & Administrative**

COVID-19: Because the Governors Executive Order 2022-149 expires on December 9, 2022, the AMAFCA COVID Operational Policy will stay in effect until then. Unfortunately, AMAFCA has experienced an outbreak in the office over the last month which affected timely completion of many Board Memos.

AMAFCA Personnel Manual: Staff is currently working on modifications to the manual to address the change in AMAFCA management structure. Staff and legal will review the draft before presentation to the Personnel and Salary Committee. Staff hopes to have the revised document to the AMAFCA Board for approval in January.

AMAFCA Financial Presentation: During the October Board Meeting, the Board questioned staff concerning the discrepancies between current expenditures in FY23 budget compared to FY22 expenditures. Salary increases were broken down for the Board. To better address the Boards concerns, the Financial Memo will be modified to show monthly estimated expenditures. In addition, supplemental information will be provided to the Board on credit card purchases made by individual AMAFCA staff members.

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- **Governmental Affairs**

City of Albuquerque 2023 Bond Program: The City of Albuquerque's Environmental Planning Commission met to discuss the COA 2022-2023 Capital Program. AMAFCA staff, Director Taylor, and Chair Brown addressed the Commission during public comment to express concern with the reduction of funding for drainage. The topic was discussed for about three hours. The Commission stated that they would recommend to Mayor Keller that storm drainage bonds be increased by at least \$6 million.

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

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the memo for the task orders issued and answered questions from the Board.

- c. Executive Engineer's Contracting Authority - Discussion**

This item was deferred earlier in the meeting.

8. Financial Matters

- a. Financial Matters – Acceptance of Financial Information**

This item was removed earlier in the meeting.

- b. Other Matters**

Mr. Eric De Flon, AMAFCA Director of Finance, advised the CAFR has been drafted and will be going out for publication. He stated there is additional information regarding Arbitrage that is needed for the report and once received it will be forward to the Auditor. Mr. De Flon referenced the draft CAFR available for the Board to review; however, is not to be released until the State Auditor approves the release for public distribution.

9. 2022 General Election

- a. AMAFCA Bond Question Results**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, provided a brief recap on the 2022 Election results. More information would be provided at the December Board meeting.

- b. Flood Control Education 2022 Bond Committee - Acknowledgement**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, provided a brief recap on the members of the 2022 Bond Committee. A Resolution to certify the AMAFCA Bond Question Canvass and an official acknowledgement will be presented at the December Board meeting.

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10. Series 2022 Bond Sale – Introduction

a. Bond Sale Presentation by RBC Capital Markets

Chair Brown acknowledged Mr. Erik Harrigan with RBC Capital Markets was present. His presentation included some of the following: Assessed Value; Taxing Entities for Residential Property Owners; Outstanding Bonds; Debt Services; Bond Rating Call with Moody's scheduled for December 1, 2022; Bond Sale on December 20, 2022; Close Bond Sale mid-January; and first payment due August 2023. Responding to a question from the Board regarding a past concern that AMAFCA would max out the Bond Capacity in the next four to five years, Mr. Lovato stated while it was a concern in 2018 when it had been brought to the Board's attention, the Board directed staff to change the payment structure to pay off the Bond(s) early. He reiterated there is no concern at this time.

b. Draft of Resolution 2022-19, Notice of Bond Sale (made final during meeting)

Chair Brown inquired if Mr. Daniel Alsup with Modrall Sperling was on Zoom. Mr. Alsup was present and advised he had not been on the phone at the beginning of the meeting. Chair Brown referenced the concern with the Resolution being in draft form. Mr. Alsup advised he was highly comfortable that the labeling of the agenda for the validity of the Bonds would not be a problem and that there was ample notification to the public of the Board's consideration to issue the Bonds. He referenced New Mexico Statue Section 6-14-6 that is specific to issuing Bonds. If the Board adopted the Resolution, his office would publish the Notice of Bond Sale in the Albuquerque Journal for 30 days. Director Taylor inquired on some issues with dates listed and where / how the meeting was held. Mr. Lovato advised the information would be corrected.

Director Thomson made a motion that the Board adopt Resolution 2022-19, Notice of Bond Sale, as amended. Director Eichenberg seconded the motion, which passed unanimously (4-0), on a roll call vote.

11. Legal

a. Status Report

Chair Brown referenced the Legal Status Report. There were no questions.

12. Legislative Liaison - Update

Mr. Lovato introduced Ms. Vanessa Alarid with Alarid Consulting. Ms. Alarid, along with Ms. Skye Devore, referenced their handout and answered questions from the Board. Part of the presentation included the recent Environmental Planning Commission Zoom meeting regarding the City of Albuquerque's 2023 GO Bond Program; Capital Outlay Program for the State; the State of New Mexico Commercial Driver's License and Hazmat training from CNM; Grant Writer; and runoff Elections.

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13. AMAFCA Redistricting – Authorization to Advertise Option 3B for Public Comment

Mr. Kevin Troutman, AMAFCA Director of Administration, summarized information provided in the memo and answered questions from the Board.

Director Eichenberg made a motion that the Board authorize the advertisement of the AMAFCA Redistricting Option 3B for Public Comment. Director Taylor seconded the motion, which passed (4-0).

14. AMAFCA Projects

a. AMAFCA Miscellaneous Construction Projects XI – Award of Construction Contract to Qualified Bidder

Ms. Adrienne Martinez, AMAFCA Engineer I, summarized information provided in the memo and answered questions from the Board. It was noted that the contractor was made aware, and approved, that the Notice to Proceed would be delayed dependent on the upcoming Bond Sale.

Director Thomson made a motion that the Board award the construction project to Salls Brothers Construction, Inc. in the amount of \$1,224,709.35, plus NMGRT, for the AMAFCA Miscellaneous Construction Projects, with a Notice to Proceed to be delayed until funds are available. Director Taylor seconded the motion, which passed (4-0).

b. Amole Dam Gravity Outlet Phase III – Award of Construction Contract to Qualified Bidder

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

Director Eichenberg made a motion that the Board award the construction project to Compass Engineering & Construction Services, LLC in the amount of \$1,214,885.00, plus NMGRT, for the Amole Dam Gravity Outlet Phase III Project. Director Thomson seconded the motion, which passed (4-0).

15. Joint Projects – Bernalillo County

a. Isleta Drain + Trail Plan Draft Update

Mr. Nolan Bennett, AMAFCA Director of Operations, summarized information provided in the memo and answered questions from the Board. Some of the items covered included the Project Team, Timeline, Public Input, specific components, and accessibility of the Trail; and the Board agreed it was a great project for Albuquerque. Responding to a question regarding Capital Outlay Funding, Mr. Elias Archuleta with Bernalillo County (BernCo), advised BernCo utilizes the alternative Department of Transportation funding, which is awarded in amounts larger than what would be approved for State Legislature Capital Outlay.

16. Not Used

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17. AMAFCA Field Highlights

a. Field Report

Mr. Nolan Bennett, AMAFCA Director of Operations, provided a report on various projects / events and answered questions from the Board.

b. Construction Report

Mr. Nolan Bennett, AMAFCA Director of Operations, referred the Board to the Construction Report. There were no questions.

c. Engineering and Construction Cost Review

This item was deferred earlier in the meeting.

18. Storm Water Quality

a. AMAFCA Storm Water Quality Program Annual Overview

Mr. Patrick J. Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo and answered questions from the Board. Some of the items covered included the Report which is currently out for Public Comment; Exceedance Areas Reported per Fiscal Year (FY); FY Total Sediment / Trash Removed from AMAFCA Compared to Precipitation; Usage of Next Generation Weather Radar (Nexrad) Data compared to the Community Collaborative Rain, Hail & Snow (CoCoRaHS) Data; and Mutt Mitt Stations. There was a brief discussion regarding CoA's statistics on their mutt mitt stations and if they track this same information; Polychlorinated Biphenyls (PCBs) in the River and the Pueblo of Isleta standard being lower than what is allowed by AMAFCA; and there is no TMDL for PCBs, but there are impairments listed.

b. Storm Water Quality Education Coordinator – 2022 Program Review – Presentation

Mr. Patrick J. Chavez, AMAFCA Stormwater Quality Engineer, introduced Ms. Dezaree Vega Garcia with Sunny 505. Ms. Vega Garcia recapped the 2022 Program, which included the Overview; Overall Program Outreach; Updated Website; New Collateral; Social Media; and Upcoming items. There were no questions.

c. Storm Water Quality Education Coordinator – Approval of Second Extension

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, advised Sunny 505 was up for a second extension. Mr. Patrick J. Chavez, AMAFCA Stormwater Quality Engineer, answered funding and Education and Outreach questions from the Board.

Director Eichenberg made a motion to approve the Second Extension of the Professional Services Agreement with Sunny 505. Director Taylor seconded the motion, which passed (4-0).

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19. Executive Session (closed)

- a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8))**
- b. Discussion of Threatened or Pending Litigation (§ 10-15-1(H)(7))**

Chair Brown advised the only Agenda Item to be discussed under Closed Session would be **Item 19.a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8)). Item 19.b. Discussion of Threatened or Pending Litigation (§ 10-15-1(H)(7))** would not be discussed. The meeting was at the AMAFCA building with four 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 (4-0), on a roll call vote. Messrs. Lovato and West, and Ms. Regensberg were present, with Legal Counsel via telephone.

Chair Brown closed the meeting at 11:15 a.m. Chair Brown asked for a motion to re-open the meeting at 11:31 a.m. Director Eichenberg made a motion that the meeting be re-opened. Director Taylor seconded the motion, which passed unanimously (3-0), on a roll call vote. Director Thomson had stepped out of the room prior to the reopening of the meeting. Chair Brown stated that no action was taken during the Closed Session and only information that pertained to Acquisition of Real Property was discussed.

20. Real Estate

- a. Southeast Valley Drainage and Water Quality Management Plan – Authorization to Acquire Real Property**

There was no discussion on this item.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to proceed with purchase of the property at Tract D-1-14, RCA Industrial Park, Bernalillo County, New Mexico. Director Taylor seconded the motion, which passed (4-0).

- b. Sec. 17, T.9N., R.3E. A tract of Land situates within Bernalillo County – Quitclaim of Los Picaros Right-of-Way**

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

Director Eichenberg made a motion that the Board authorize the Chair to accept the conveyance of Los Picaros Right-of-Way from the City of Albuquerque to AMAFCA. Director Taylor seconded the motion, which passed (4-0).

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21. Unfinished Business

None.

22. New Business

Responding to questions from the Board regarding AMAFCA participating in the Twinkle Light Parade, Mr. Lovato advised that this year there were no volunteers from the AMAFCA crew to drive the float and clarified that while AMAFCA salaried personnel participate as part of public outreach, hourly AMAFCA employees are required to be paid for their time.

23. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 11:43 a.m.

Tim Eichenberg, Assistant Secretary-Treasurer, 12/15/2022

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.