



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
May 23, 2024
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1. Call to Order and Roll Call

Chair Brown called the Board Meeting to order at 9:01 a.m., Thursday, May 23, 2024, at the Balloon Fiesta Event Center in Albuquerque, NM.

Directors present via Zoom and / or in person Chair Ronald D. Brown – at the Balloon Fiesta Event Center
Director Tim Eichenberg – at the Balloon Fiesta Event Center
Director Orlando G. Martinez, Jr. – at the Balloon Fiesta Event Center
Director Elizabeth Newlin Taylor – at the Balloon Fiesta Event Center
Director Bruce M. Thomson – at the Balloon Fiesta Event Center

Directors excused: None

Attorney present via Zoom and / or in person: William Zarr, Robles, Rael & Anaya – at the Balloon Fiesta Event Center

Others present via Zoom and / or in person: Kevin Troutman, Executive Director
Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Thomson asked that Item **6.e. Advertise Request for Proposals for Professional Engineering Services for Agency & Area-Wide Flood Control Rehabilitation Design and Construction Management 2025** be moved to the Regular Agenda.

Director Eichenberg made a motion to approve the May 23, 2024 Agenda, as amended. Director Taylor seconded the motion. The motion passed unanimously (5-0).

3. Meetings Scheduled

- a. June 27, 2024, 9:00 a.m. – Regular Meeting – Balloon Fiesta Event Center**
- b. July 25, 2024, 9:00 a.m. – Regular Meeting – Balloon Fiesta Event Center**
- c. August 22, 2024, 9:00 a.m. – Regular Meeting – Balloon Fiesta Event Center**

Board of Directors meetings for the months of June through August will continue to be held at the Balloon Fiesta Event Center at 9401 Balloon Museum Drive in Albuquerque.

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4. Items from the Floor / Public Comments

No items from the floor or public comments were received.

5. Approval of Minutes

a. April 25, 2024

Director Taylor made a motion to approve the Minutes of April 25, 2024. Director Thomson seconded the motion, which passed unanimously (5-0).

6. Consent Agenda

Chair Brown recapped Agenda Items **6.a. through 6.d.** and **6.f. through 6.g.** on the Consent Agenda. The items were shared on the TV for all participants to view. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda. The motion approved the following:

- Design, Bidability, and Constructability Reviews – Second Extension of Agreement with CF Padilla, LLC., and Salls Brothers Construction, Inc.;
- Advertise Request for Bids for AMAFCA Office Finish and Furnishings;
- Advertise Request for Bids for AMAFCA Office Audio Visual and Conferencing Equipment;
- Design and Construction Management Engineering Services for Agency & Area-Wide Flood Control Rehabilitation 2023 – First Extension and Fee Schedule with Conley Engineering, LLC;
- Tract N-1, Watershed Subdivision – Accept Access Easement; and
- Tract N-1, Watershed Subdivision Access Agreement with Albuquerque Public Schools.

Director Taylor seconded the motion. The motion passed unanimously (5-0).

6.e. Advertise Request for Proposals for Professional Engineering Services for Agency & Area-Wide Flood Control Rehabilitation Design and Construction Management 2025

Ms. Adrienne Martinez, AMAFCA Project Engineer, summarized information pertaining to both the Construction Management and Construction contracts.

Director Taylor made a motion to authorize advertisement of Request for Proposals for Professional Engineering Services for Agency & Area-Wide Flood Control Rehabilitation Design and Construction Management 2025. Director Thomson seconded the motion, which passed (5-0).

7. Executive Director's Report

a. Notification of Past Month's Activities

Mr. Kevin Troutman, AMAFCA Executive Director, referenced the mailout, which highlighted significant activities from the previous and current month and answered questions from the Board.

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AMAFCA Office Modifications: Staff has been relocated to the eastern edge of the building and the lower level. Demolition of the west side of the building is nearing completion. Site work has begun for the new building entrance, additional bathrooms, and the new offices. Interior walls in the 1994 expansion area have been removed. The existing asphalt in the parking area has been removed in preparation for excavation of the fire line and installation of the backflow prevention device. Staff was commended for their patience during the demolition phase that caused an excessive amount of dust that permeated throughout the building.

Interim Post Office Pond Property: AMAFCA and the City of Albuquerque (CoA) met regarding the Interim Post Office Pond property. In attendance were Dr. Samantha Sengal, CoA Chief Administrative Officer, Messrs. Kevin Troutman, AMAFCA Executive Director, Patrick Montoya, CoA Chief Operations Officer, and Terry Brunner, Metropolitan Redevelopment Agency Director. The current status of the Letter of Map Revision submittal to FEMA for the former Interim Post Office Pond site was discussed. CoA is currently responding to FEMA comments in the submittal. There was a brief discussion on how the land transfer might be made with no definitive plan identified at the meeting. Both the CoA and AMAFCA 2008 agreement for the purchase of the property and the 2016 agreement for the Marble Arno Pump Station require the proceeds of the sale of the property to be put back into mid-valley drainage improvements. It was discussed that any change to that plan would require a supplemental agreement. Currently, no projects are identified in the mid-valley in the AMAFCA Project Schedule. Responding to a question on AMAFCA having a 50% interest in the sale of the property, Mr. Troutman advised CoA has ownership and when the property is sold, AMAFCA would receive fifty percent of the sale proceeds to reinvest in the area. Ms. Shellie Eaton, CoA Engineer, advised CoA had replaced electrical and rewired the motors in the pump station(s). The Board advised that one of the considerations AMAFCA had when considering purchasing (the property to help with flooding in the area) was that the facility is within a major entrance into downtown Albuquerque and it should be developed as an asset to the area.

Upper Piedras Marcadas Drainage Management Plan (DMP): Staff received a request for an update on the Upper Piedras Marcadas Drainage Management Plan. The document remains unchanged since its adoption in 2017. The DMP outlined funding and reimbursement mechanisms for development of the watershed that include drainage easements, special assessment district (SAD), infrastructure development zone (IDZ), public improvement district (PID), and tax increment financing (TIF). The only option fully in AMAFCA's control is the drainage easement process. The drainage easement process requires the grant of an easement over all property and a payment amount is set. The drainage easement is released when the payment is complete. To date, there have been no drainage easements granted to AMAFCA in the area. The other funding mechanisms would be through either CoA or the State. AMAFCA staff has not been informed if any of these other funding mechanisms have been pursued. There is no prohibition on developing any of the lots in the subject area, but stormwater would need to be retained on-site if funding for the infrastructure is not provided.

AMAFCA Staffing: Mr. Samuel Montoya has accepted the position of Maintenance Worker and will be starting with AMAFCA in June. AMAFCA is currently advertising a second Maintenance Worker position and hopes to have that filled soon.

NMED Stormwater Primacy: Staff continues to monitor the progress on both the Statewide MS4 Permit and the process for New Mexico Environmental Department (NMED) to take primacy from

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EPA. Comments on the proposed permit were sent by the Storm Team. There will be a second opportunity to submit comments during the public comment period before the issuance of the permit. Right now, staff are focusing on the fiscal impacts on the AMAFCA budget. We are expecting an increase in expenditures with the additional testing requirements. The administrative continuance of the current permit has reduced sampling costs, as the group is only required to fulfill the recurring testing requirements. The initial permit issuance had a finite number of tests required during the original permit duration. AMAFCA anticipates testing requirements to be reissued along with higher sampling frequency and additional analytes. The bigger unknown is the possibility of permit fees associated with NMED primacy. The Air Quality Division at CoA, which was delegated primacy by EPA for Clean Air Act regulations for Bernalillo County, uses permit fees to fund the program. NMED has not indicated how they intend to fund the program. NMED has looked at full funding from appropriations and full funding from permit fees. Staff will continue to monitor this process.

b. Notification of On-Call Services Task Orders

Mr. Kevin Troutman, AMAFCA Executive Director, referred to the memo for task orders issued over the last few months. There were no questions.

8. Financial Matters

a. Financial Matters – Acceptance of Financial Information

Ms. Laurel Johnson, AMAFCA Accounting Manager, summarized information provided in the memo and answered questions from the Board. The presentation included General Fund Budget to Actuals; Revenues; Expenditures; and Cash & Investments. Responding to a question from the Board regarding the year-to-date amount spent with SW HR (SWHR) Consulting, Mr. Troutman noted that AMAFCA has been utilizing SWHR for the revision of the new personnel manual, confirming policies are following the law, as well as prescreening potential employees, and working on various employment advertisements and searches online.

Director Eichenberg made a motion that the Board accept the Financial Information. Director Martinez seconded the motion. The motion passed unanimously (5-0).

b. Other Matters

Ms. Laurel Johnson, AMAFCA Accounting Manager, summarized information provided in the memo and walked the Board through upcoming tasks within the ConceptBoard system. Ms. Johnson advised there had been an issue with the NM Department of Finance and Administration (DFA) system, but it was in their end and not AMAFCA's.

c. Resolution 2024-11, Fiscal Year 2024 Budget Adjustment for the Agency & Area-Wide Fund

Ms. Laurel Johnson, AMAFCA Accounting Manager, summarized information provided in the memo. Ms. Johnson stated the adjustment to budgeted revenues was a request of the analyst at DFA.

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Director Taylor made a motion that the Board approve and adopt Resolution 2024-11, Fiscal Year 2024 Budget Adjustment for the Agency & Area-Wide Fund 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.

d. Resolution 2024-12, Fiscal Year 2024 Budget Adjustment for the Acquisitions & Savings Fund

Ms. Laurel Johnson, AMAFCA Accounting Manager, summarized information provided in the memo. Ms. Johnson advised the adjustment to budgeted revenues was a request of the analyst at DFA.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2024-12, Fiscal Year 2024 Budget for the Acquisitions & Savings Fund, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Martinez seconded the motion. The motion passed unanimously (5-0) on a roll call vote.

9. Legal

a. Status Report

Attorney William Zarr summarized information provided in the memo. There were no questions.

10. AMAFCA Projects

a. Boca Negra Drainage Management Plan Update Above Unser Blvd. - Overview of Final DMP

Ms. Marie VanDerGeest, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation contained the following: The recommended alternative accounts for a fully developed watershed with a proposed AMAFCA regional detention facility located just upstream of the existing Boca Negra Dam; requires two upstream detention ponds to be constructed and managed by private development for the Quail Ranch and Double Eagle Airport areas; addresses the capacity constraints for the existing Boca Negra Dam and other downstream infrastructures; and the alternative is anticipated to be the most economically efficient and aesthetically pleasing of the four alternatives. Responding to a request from the Board, staff agreed to include diagrams in the future of preferred alternatives so that the Board would not have to look through past documents and would have them available for the action item.

b. Resolution 2024-13, Adoption of the Boca Negra Arroyo Drainage Management Plan Above Unser Blvd.

Ms. Marie VanDerGeest, AMAFCA Drainage Engineer, summarized information provided in the memo. There were no questions.

Director Thomson made a motion that the Board approve and adopt Resolution 2024-13, Adoption of the Boca Negra Arroyo Drainage Management Plan Above Unser Blvd. and authorize the Chair

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and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Taylor seconded the motion. The motion passed unanimously (5-0) on a roll call vote.

c. AMAFCA Building Security Modifications and Renovations – Authorization to Approve Change Order for Stairway Code Compliance

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding using the current contract, going out to rebid, and doing a change order to keep costs down.

Director Thomson made a motion that the Board authorize the Executive Director to approve Change Order Four for the AMAFCA Building Security Modifications and Renovations to bring the stairway into code compliance. Director Martinez seconded the motion, which passed unanimously (5-0).

d. Construction Report

Ms. Adrienne Martinez, AMAFCA Project Engineer, referenced the Construction Report and answered questions from the Board.

11. FY 2025 Project Schedule

a. Approval of Publishing of the FY 2025 AMAFCA Project Schedule

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized information provided in the memo and answered questions from the Board

Director Taylor made a motion that the Board approve the Publishing of the FY 2025 AMAFCA Project Schedule, substantially as attached. Director Thomson seconded the motion. The motion passed unanimously (5-0).

12. AMAFCA Operations

a. Vegetation Management – Award of Contract to Qualified Bidder

Mr. Esqui Padilla, AMAFCA Engineering Technician, summarized information provided in the memo. Responding to a question from the Board, Mr. Padilla advised the bidder deemed unresponsive submitted the required Campaign Contribution Disclosure Form; however, it was not signed.

Director Eichenberg made a motion that the Board award the Contract for Vegetation Management to Ameristar Construction, Inc., in the amount of \$114,050.00, plus New Mexico Gross Receipts Tax. Director Taylor seconded the motion, which passed unanimously (5-0).

b. AMAFCA Field Highlights

Ms. Paula Dodge-Kwan, AMAFCA Director of Operations, provided a report on various projects and events and answered questions from the Board.

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13. Executive Session (closed)

- a. **Threatened or Pending Litigation In Which the Public Body Is or May Become a Participant (§ 10-15-1(H)(7))**
- b. **Purchase, Acquisition or Disposal of Real Property or Water Rights (§ 10-15-1(H)(8))**

Chair Brown advised **Items 13.a. and 13.b.** were Closed Session agenda items. The meeting was at the Balloon Fiesta Event Center 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 Threatened or Pending Litigation In Which the Public Body Is or May Become a Participant (§ 10-15-1(H)(7)) and Purchase, Acquisition or Disposal of Real Property or Water Rights (§ 10-15-1(H)(8)). Director Eichenberg seconded the motion, which passed unanimously (5-0) on a roll call vote. Messrs. Troutman and West, and Legal Counsel remained.

Chair Brown closed the meeting at 10:10 a.m. Chair Brown asked for a motion to re-open the meeting at 10:56 a.m. Director Taylor made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (5-0) on a roll call vote. Director Taylor stated that Item 15.a. Threatened or Pending Litigation In Which the Public Body Is or May Become a Participant was not discussed during the Executive Session. Chair Brown stated that no action was taken during the Closed Session and only information was discussed that pertained to Item 13.b. for the Purchase, Acquisition or Disposal of Real Property or Water Rights and staff was given direction on how to proceed.

14. Unfinished Business

None.

15. New Business

Mr. Willie West, AMAFCA Real Estate Manager, advised that he had received an inquiry from the Clean CoA Task Force pertaining to graffiti on an area near Glendale on the La Cueva Channel. Part of the presentation included: AMAFCA has an easement with the Pueblo of Sandia; an aerial view of the channel, which has the name of Dragon Channel on Goggle, was viewed; the graffiti itself would cost around \$50,000.00 to clean up; AMAFCA has reached out to the Pueblo of Sandia to make sure they or the Pueblo Elders did not give an artist permission to paint the channel; the anticipated cost is above the Executive Director’s authority; should AMAFCA take on the endeavor a contract would need to be authorized; the easement area was the old Coronado Airport; AMAFCA’s is researching documents to find the language in order to verify the entity boundaries; AMAFCA was most likely granted the easement prior to the Pueblo’s ownership; there is a small area near San Pedro and Glendale where the graffiti can be seen; AMAFCA is not sure yet if it is in CoA or BernCo boundaries; AMAFCA will be encouraging the Pueblo, instead of AMAFCA, to put up their own No Trespassing signs; and staff is obligated to look into the area since AMAFCA was notified; and the Board agreed that the graffiti should not be covered up at this time due to other parties of interest.

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16. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 11:14 a.m.

Orlando G. Martinez, Jr., Secretary – Treasurer, 6/27/2024

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.