



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**May 27, 2021**  
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**1. Call to Order and Roll Call**

Chair Thomson called the Board Meeting to order at 10:01 a.m., Thursday, May 27, 2021 at the AMAFCA office in Albuquerque, NM. The meeting was hosted 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    Chair Bruce M. Thomson  
   Director Cynthia D. Borrego – off Zoom prior to 1:33 p.m.  
   Director Ronald D. Brown  
   Director Tim Eichenberg  
   Director Deborah L. Stover

Directors excused:                None

Attorney present via Zoom:    Samuel DeFillippo, Robles, Rael & Anaya

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**

Director Borrego made a motion to approve the Agenda. Director Stover seconded the motion, which passed (5-0), on a roll-call vote.

**3. Meetings Scheduled**

- a. June 24, 2021, 10:00 a.m. – Regular Meeting**
- b. July 22, 2021, 10:00 a.m. – Regular Meeting**
- c. August 26, 2021, 10:00 a.m. – Regular Meeting**

Chair Thomson advised he might not be able to attend the August meeting. There were no changes to the above dates.

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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 22, 2021

Director Borrego made a motion to approve the Minutes of April 22, 2021. Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

### 6. Consent Agenda

Chair Thomson referred to **Agenda Items 6.a. and 6.b.** on the Consent Agenda. Director Stover made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Design, Bidability, and Constructability Review Services – Third / Final Extension of Engineering Service Agreements with AUI, Inc., CBKN Dirtworks, Inc., New Mexico Underground Utilities, Inc., and RMCI, Inc.; and
- Valle de Oro Drainage Facility Project – Approval of Amendment Twenty to the Agreement for Design Services with Wilson & Co. Inc.

Director Eichenberg seconded the motion, which passed (5-0), on a roll-call vote.

### 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 month and answered a question from the Board.

- **General & Administrative**

*COVID-19:* Over 90% of AMAFCA's staff has been vaccinated. AMAFCA continues to follow recommendations from the Governors health emergency declaration and the Centers for Disease Control and Prevention. AMAFCA will continue to see the public by appointment only, will determine if and when to open the office to the public, and to request vaccination cards from employees.

*AMAFCA Staffing:* To date, the field crew is fully staffed. The AMAFCA Real Estate Manager position is still open. In addition, AMAFCA is exploring the use of temporary employees and temporary services to address staff safety concerns when dealing with the homeless population on AMAFCA facilities and to address miscellaneous operations activities such as painting AMAFCA facilities.

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- **Project Management**

*Joint Projects City of Albuquerque:*

Dallas Regional Flood Control Facilities - Zuni Penn: CoA is ready to sign the 2018 agreement that would allow CoA to maintain the drainage facility currently being designed by AMAFCA. The project, once complete, would reduce the amount of runoff entering the system south of Central Avenue, thereby increasing the amount of capacity available to capture flood flows north of Central Avenue. This would also enhance the reduction of flood plain anticipated with the construction of the joint project to design and construct the region pond at the new international district library (old Caravan site). Chair Thomson asked staff for an update on the status of the pond.

*Joint Projects Bernalillo County:*

Upper Petroglyphs Drainage Management Plan: The Board was briefed in 2019 concerning a funding proposal to fund regional flood control facilities that would allow development and build needed infrastructure in a timely manner. The funding agreement is being revised to reflect current conditions and may be presented to the Board at the next Board meeting.

- **AMAFCA Operations**

*North Domingo Baca Arroyo:* During the review of the preliminary results of the recent fire damage assessment study, a discrepancy was discovered concerning the current capacity of the North Domingo Dam. It appears that once the La Cueva Arroyo diversion was constructed modifications to the dam were needed. These modifications were explored during the design of the diversion channel. A Hydrologic and Hydraulic Study is being conducted through the AMAFCA On-Call Engineering Services to determine the extent of the needed modifications to the dam pool, emergency spillway, and the principal spillway. The Office of the State Engineer (OSE) Dam Safety Bureau was notified of the situation and is working with AMAFCA staff to coordinate review of future engineering studies and designs.

- **Public Outreach**

*AMAFCA PSA:* AMAFCA staff developed a Public Service Announcement (PSA) program to provide information concerning AMAFCA's programs and operations that are needed to protect life and property. The first PSA was completed and is currently on the AMAFCA YouTube Channel. More PSAs could be developed explaining AMAFCA's maintenance program and planning efforts.

*Flood Preparedness:* AMAFCA is in preliminary discussions with CoA and the OSE to develop a PSA concerning emergency preparedness for the upcoming monsoon season. Staff will provide additional information to the Board when it becomes available.

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

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

### **c. PSC Budget Recommendations**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. The Board requested a recap of recent Cost of Living Adjustments to AMAFCA staff which is as follows: 2016 = 1%; 2017 = none; 2018 = none; 2019= 1%; 2020 = none. There was a brief discussion regarding the difference between an increase on merit / base rate and COLA / current salary rate; the range of merits = 0% to 7%; Board noted AMAFCA had not shut down (during the COVID pandemic) and ran effective and smooth; AMAFCA had not kept up with inflation for COLAs in 10-12 years; and the Bond rate does not anticipate the rate of inflation at 4.2%.

Director Borrego made a motion to approve the PSC (Personnel Salary Committee) Budget Recommendation (for AMAFCA Cost of Living Adjustment). Director Stover seconded the motion, which passed (4-1), on a roll-call vote. Director Eichenberg voted no.

## **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 a question from the Board.

Director Stover made a motion to approve the April 2021 Expenditure Report. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

### **b. Other Matters**

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

## **9. AMAFCA FY-2022 Budget Approvals**

### **a. FY-2022 General Fund Budget for submittal to NM-DFA**

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

Director Borrego made a motion to approve the FY-2022 General Fund Budget for submittal to NM Department of Finance and Administration (DFA). Director Brown seconded the motion, which passed (5-0), on a roll-call vote.

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**b. FY-2022 Acquisitions & Savings Fund Budget for submittal to NM-DFA**

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

Director Stover made a motion to approve the FY-2022 Acquisitions & Savings Budget for submittal to NM-DFA. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

Director Eichenberg suggested combining the remaining budget items, listed below, into one motion.

- c. FY-2022 Construction Fund Budget for submittal to NM-DFA**
- d. FY-2022 Agency & Area-Wide Fund Budget for submittal to NM-DFA**
- e. FY-2022 Debt Service Fund Budget for submittal to NM-DFA**
- f. FY-2022 Fiduciary Fund Budget for submittal to NM-DFA**

There were no questions or discussion on the budgets.

Director Brown made a motion to approve the FY-2022 Construction, Agency & Area-Wide, Debt Service, and Fiduciary Fund Budgets for submittal to NM-DFA. Director Borrego seconded the motion, which passed (5-0), on a roll-call vote.

**10. Resolution 2021-03 – Ad Valorem Tax Levy for Tax Year 2021, Applicable to General Operating Fund**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. There was a brief discussion that included the scenario that the Department of Finance and Administration (DFA) could use to change the tax structure; Director Brown stated he would vote to raise the rate if DFA modifies in the future; AMAFCA frequently fights the DFA on the yield control formula; DFA knows AMAFCA wants to keep rates steady; and AMAFCA and the Middle Rio Grande Conservancy District (MRGCD) may attend this year's DFA meeting.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2021-03, Ad Valorem Tax Levy for Tax Year 2021, Applicable to General Operating Fund and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Stover seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

**11. Resolution 2021-04 – Ad Valorem Tax Levy for Tax Year 2021, Applicable to Debt Service Fund**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There was a brief discussion regarding the proportional amounts between non-residential (very unpredictable) and residential (some undervalued); the more non-residential goes up the more potential for residential to drop; AMAFCA and the Board had met with the

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BernCo property assessor's office and they are aware of AMAFCA's concern with large properties being undervalued; a property downtown in 2018 sold for \$19M yet shows on the tax roll at only \$4.5M; and there is a lot of equity that AMAFCA is not getting and more important MRGCD in the downtown area.

Director Brown made a motion that the Board approve and adopt Resolution 2021-04, Ad Valorem Tax Levy for Tax Year 2021, Applicable to Debt Service Fund and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Stover seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

### **12. Legal**

#### **a. Status Report**

Attorney Samuel DeFillippo, summarized information provided in the memo. There were no questions.

### **13. Calabacillas Arroyo Facility Plan – Presentation by Tetra Tech**

Mr. Kevin Troutman, AMAFCA GIS Manager, introduced Mr. Kyle Shour with Tetra Tech and Stu Trabant with BHI. Mr. Shour covered the Overview of the Project; Project Reach Overall; Data Collection; Hydrology; Hydraulic Analysis; Sediment Transport Analysis; Bank Stabilization Recommendation; Grade Control Recommendation; 100-year Flood Reduction Recommendation; Proposed Sediment Retention Facility; Conceptual Cost Estimated; Plant Profile Set; and answered questions from the Board. The Board requested that Mr. Charles Thomas with Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) be invited to AMAFCA / Board meetings where the Plan would be discussed / presented since SSSCAFCA is a partner on portions of the Calabacillas. It was also requested that AMAFCA and SSSCAFCA apply for Legislative funding for the project.

### **14. UNM Hydraulic Modeling and Technical Assistance Funding Agreement for FY-2022 – Approval of FY-2022 Funding Agreement**

Chair Thomson turned the meeting over to Vice Chair Brown stating there could be a perceived conflict of interest. Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo. He introduced Mr. Cristian Kremer, UNM Intern. Mr. Kremer provided his background and the goals for his thesis. The Board welcomed Mr. Kremer. A video from the Center for Water and Environment was also viewed.

Director Stover made a motion that the Board approve the Funding Agreement for FY-2022 with UNM for Hydraulic Modeling and Technical Assistance. Director Borrego seconded the motion, which passed (4-0), on a roll-call vote. Chair Thomson had recused himself. Vice Chair Brown turned the meeting back over to Chair Thomson.

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### **15. Effects of Climate Change on Stormwater Management in NM – Presentation by Bruce Thomson, PhD, P.E.**

Chair Thomson presented information on a small contract with the Interstate Stream Commission and the Geology and Mineral Resources Department at NM Tech; this project included many volunteers on the Who's Who list on water matters; the project looked at the impact of climate change on various aspects effecting the water supply for irrigation and public consumption; effects on forests / forest fires / stormwater; as climate warms there is a concern storms will drop more water; most infrastructure designed to protect from 100-year storm; focus on large dams / high hazard dams; Dams in NM are under the NM OSE except for federal dams; climate projections in NM agree among all models temperatures will increase; precipitation predictions are highly variable; climate models do not predict storm events; the Hydrometeorological Report (HMR) 55a shows a high degree of uncertainty in storm events due to diverse types of storms, different sources of weather, effects of topography; 100-year versus Probable Maximum Precipitation events shows change of very high precipitation; local storms; general storms; tropical storms; more problems for stormwater managers; AMAFCA's stormwater management infrastructure appears to be properly designed; and AMAFCA and AMAFCA's consultants have the expertise needed to for preparation to climate change on stormwater management.

### **16. Joint Projects – Bernalillo County/MRGCD**

#### **a. Valle de Oro Swale Project – Mountain View Spoil Bank Stockpile – Draft Agreement with the Middle Rio Grande Conservancy District**

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board. She stressed if a Cost Share Agreement is needed it would be brought before the Board for action at an upcoming Board meeting.

#### **b. North Albuquerque Acres Drainage – Analysis of the North Domingo Baca Dam Tributaries between Browning Street and Lowell Drive – Project Update**

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board. She covered the history of the drainage analysis done in partnership with BernCo; on-call contract included survey to obtain topographic information for the area in order to do hydraulic analysis and based on granted easements identify encroachments into those easement areas; aerial photography was obtained; AMAFCA staff went through all easements along with the information provided by the surveyor and identified encroachments; it was estimated 1/3 had no encroachment or were permitted; 1/3 had minor encroachment(s); 1/3 had severe encroachment(s); letters were sent out to those with lite and severe encroachments; examples of both lite and severe encroachments were provided in the presentation; some of the encroachments are in violation of the BernCo ordinance; the ordinance came about as a requirement of the National Flood Insurance Program (NFIP) in order to be a participating community in the NFIP program; if BernCo loses the Community Rating System rating there would be an immediate impact to everyone who pays insurance within BernCo; the entire county (AMAFCA all the way to the east mountains) would have a broad spectrum of factors looked at to determine insurance rates /premiums that mortgages would require property purchasers to obtain;

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there is also an effect on the commercial side; most of the people that received notice that have asked for a meeting have been receptive; those who have been hostile have not wanted to meet; there are some recipients that are not the original owner; part of the conversations have been why issues were not caught sooner, why letters were sent, and why AMAFCA cares; how encroachment issues impact not only the property owner but their neighbors as well; AMAFCA is in discussions with BernCo to help on a joint project to try to capture some of the flows in this area; the technical info from the tech models had to be done prior to purchasing property; the models are finalized and all documentation is being pulled together. Both Director Brown and Chair Thomson stated they would be happy to sit on a subcommittee to help with this project.

### **17. Joint Projects – City of Albuquerque**

#### **a. Upper Piedras Marcadas Watershed Regional Ponds – Unser Pond Analysis**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the Temporary Construction Easement that AMAFCA would require for the project; there is an issue with the wrong size pipe and slope that CoA installed at Unser and Paradise; AMAFCA continues to get blamed for drainage inefficiencies in the area; if the pipe and slope could be corrected it would mean less ponding would be required at the Chamisa Pond; CoA is working closely with their consultant to make sure diversion of water is handled; AMAFCA should push to do a joint project to include correction of pipe north to Unser; would need to do Paradise as well; and AMAFCA cannot contact property owners to purchase property without Board instruction; and the area had been studied very well; however costs on Unser reconstruction are not done.

### **18. AMAFCA Field Highlights**

#### **a. Field Report**

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the last few months. There were no questions.

#### **b. Construction Report**

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the various charts. There were no questions.

### **19. AMAFCA Stormwater Quality Program – Stormwater Quality and Monsoon Readiness**

Mr. Patrick J. Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation included items such Water Quality Program meeting or exceeding permit requirements; Upgrades to Water Quality Sample Collection; Updates to Multisector Permit and Construction General Permit; Total Maximum Daily Loads E.coli pollutant load; Public Education; Outreach, Involvement and Participation; and Alternative Compliance Possibilities.



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**20. Executive Session (closed)**

**a. Discussion of Threatened or Pending Litigation (§ 10-15-1(H)(7))**

Chair Thomson advised **Agenda Item 20.a.** was a Closed Session agenda item. This was hosted in a Zoom Breakout session. Director Brown 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. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Borrego was not present to voice her vote during roll call. Mistery Lovato and Chavez along with Legal Counsel remained.

Chair Thomson closed the meeting at 1:34 p.m. Chair Thomson asked for a motion to re-open the meeting at 2:01 p.m. Director Eichenberg made a motion that the meeting be re-opened. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Borrego was present to voice her vote during roll call. Director Eichenberg stated that no action was taken during the Closed Session and only items that pertained to Threatened or Pending Litigation were discussed.

**21. Unfinished Business**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated CoA had made a request during the current meeting to make a presentation on the International Library at the next Board meeting. There was a brief discussion regarding the length of time an employee works to be vested in the Public Employees Retirement Association retirement program.

**22. New Business**

None.

**23. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 2:04 p.m.

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Deborah L. Stover, Secretary-Treasurer, 6/24/2021

*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.*