



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**August 19, 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, August 19, 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.

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| Directors present via Zoom<br>and / or in person: | Chair Bruce M. Thomson – at the AMAFCA building<br>Director Tim Eichenberg<br>Director Deborah L. Stover – left Zoom at 12:37 p.m.<br>Director Cynthia D. Borrego<br>Director Ronald D. Brown |
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| Directors excused: | None |
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| Attorney present: | William Zarr, Robles, Rael & Anaya |
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| Others present via Zoom<br>and / or in person: | Jerry M. Lovato, P.E., Executive Engineer<br>Staff<br>Other attendees on file at AMAFCA |
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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. September 23, 2021, 10:00 a.m. – Regular Meeting**
- b. October 28, 2021, 10:00 a.m. – Regular Meeting**
- c. November 18, 2021, 10:00 a.m. – Regular 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. The public is encouraged to attend and were reminded that written Public Comments are due to the AMAFCA office (via routes indicated on the agenda) by 2:00 p.m., the day prior to the Board meeting.

### 5. Approval of Minutes

#### a. July 22, 2021

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

### 6. Consent Agenda

Chair Thomson referred to **Agenda Items 6.b. and 6.c.** (6.a. not used) on the Consent Agenda. Director Brown made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Floodplain Restudy for the Black Mesa Three-Dam Outlet Project – Approve the Selection Advisory Committee Recommendation for ESP Associates, Inc.; and
- Unplatted Tract of Land between Saltillo Unit 1 and Lands of Paradise West within the Town of Alameda Grant, Project Section 3, Township 11 North (PNM) – Acceptance of Drainage Easement.

Director Stover 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 questions from the Board.

- **Governmental Affairs**

*Legislative Liaison:* Staff contacted the Legislative Liaison concerning Capital Outlay funding for the next session. Due to AMAFCA being a flood control authority, funding for project elements that are not flood control were not identified in the past as possible projects. With the help of our lobbyists, a definite answer concerning what funding is allowed was obtained from DFA. Given the new information AMAFCA has identified three possible projects types and equipment: Flood Control Projects for AMAFCA; Flood Control Project with City of Albuquerque (CoA) / Bernalillo County (BernCo) and others; Community Enhancements on CoA or BernCo facilities to include trails, signs, park equipment, cameras (would need to be maintained by the applicable public entity – AMAFCA cannot

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maintain since these would not be considered a flood control project); and an Emergency Generator for AMAFCA.

Staff contacted sister agencies concerning joint projects. A list of possible projects would be the subject of a future Board Meeting which may include:

*Flooding Valencia County:* Mr. Lovato participated in a roundtable discussion formed by the MRGCD to discuss possible legislative solutions and federal programs to address the flooding problems in Valencia County.

*Ditch Safety:* AMAFCA made themselves available for numerous video and print interviews concerning storm runoff that resulted in four deaths. AMAFCA engaged Sunny 505, the Ditch and Water Safety Coordinator, to draft new Public Service Announcements (PSAs) to emphasize that flash floods are dangerous and stressing that people should stay out of ditches. In addition, the PSAs address urban and rural flash flooding. Mr. Roger Ebner, CoA Emergency Manager, was contacted concerning an early warning system. The ABQ ALERT system has been modified to capture NOAA flood warnings and push those warnings out to all the participants of ABQ ALERT.

- **General & Administrative**

*AMAFCA Staffing:* The Maintenance Worker position had been filled. The Real Estate Manager position is currently open and it is hoped that the position would be filled soon.

### **Facilities Operations & Maintenance**

*Storm Water Quality:* The AMAFCA stormwater quality program is in compliance with all aspects of the current permit, with the exception of the E. coli Total Maximum Daily Load (TMDL) during storm events. The program has identified E. coli standards need to be addressed and / or modified to reflect new data concerning E. coli loading in the Rio Grande. AMAFCA engaged Weston to develop a strategy to address the non-compliance. The three options are: Request a Change to the TMDL; use a risk assessment approach to determine the actual risk to human life from specific types of E. coli present in the Rio Grande; and pursue a suspension of the TMDL during high flows events. These approaches would require the New Mexico Environment Department to modify / change their current stance on pollutant loads in the Rio Grande. The three approaches have been successful in other parts of the United States and had been approved by the Environmental Protection Agency (EPA).

Responding to a question from Chair Thomson on AMAFCA hiring a Human Resource company to look at AMAFCA admin policies, Mr. Lovato responded that AMAFCA is working on the details of the contract. Chair Thomson had received some comments from staff stating that they were concerned about the status.

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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 and answered questions from the Board.

### **c. AMAFCA Operational COVID-19 Policy Modification**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. There was a discussion regarding the modification including information from the Occupational Safety and Health Administration (OSHA) regarding a person with COVID-19 would pose a direct threat to the health or safety of others in the workplace; AMAFCA is obligated to protect all employees for all identified threats that are likely to cause death or physical harm; the modification included Emergency Temporary Standard worksite checklists; the modification includes those requirements referenced in the State of New Mexico Executive and Public Health Orders; COVID-19 testing is free today; AMAFCA may be responsible for funding COVID-19 testing; AMAFCA's Legal Counsel had reviewed the policy; when testing should happen; can AMAFCA ask if employee had been vaccinated (yes); employee's vaccine information is filed under lock and key in their medical file; and the employees would sign an affidavit stating the information provided is true. In closing the Board asked if they should supply a copy of their own vaccine card, Mr. Lovato advised that was a question that had been raised, yes, they can. The Board thanked staff and AMAFCA Legal Counsel for their hard work on this matter.

Director Borrego made a motion to approve the AMAFCA Operational COVID-19 Policy Modification. Director Eichenberg seconded the motion, which passed (5-0), on a roll-call vote.

## **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. The credit card expenditures had not been sent out but would be included next month for a total of two months in the report.

Director Borrego made a motion to approve the July 2021 Expenditure Report. Director Stover 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.

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### 9. Legal

#### a. Status Report

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

### 10. Ditch & Water Safety Task Force – 2021 Monsoon Season – Review and Discussion

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized parts of the memo, advised this subject was coming before the Board due to a direct response to a City Council Resolution that recently passed pertaining to the increase of drownings in arroyos this year, and how people are trespassing into the facilities. Mr. Lovato introduced Ms. Joan Griffin with Sunny 505. Some of the information provided by Ms. Griffin included a recap of the history of the Ditch & Water Safety Task Force; areas of focus; current outreach; old and current advertising campaigns and mascots; drownings since 2018 to include the four unhoused so far in 2021; the unhoused population is a tough segment to reach; what can be done for outreach for the unhoused; and two Public Service Announcements were viewed. Director Borrego recapped the reasoning behind the City Council Resolution. Responding to a question from the Board, Mr. Lovato recapped some of the trespassing issues that happen daily on facilities; over the last two years AMAFCA had been aggressive getting people off of AMAFCA's facilities; AMAFCA staff have been threatened; AMAFCA staff had been shot at; currently the AMAFCA office is under lock and key due to this activity; it is impossible to be everywhere all the time; and people are getting in upstream of AMAFCA's facilities (example: Louisiana and Wyoming down CoA channel to AMAFCA facility). Ms. Joan Griffin introduced Ms. Carol Pierce with CoA Family and Community Services. Responding to a question from Ms. Griffin regarding how the unhoused population can be reached, Ms. Pierce acknowledged that the unhoused have the same needs for information and to feel safe and secure as everyone else; the idea of potential signage where people are accessing the facilities would be a small piece to help; continued warnings on cell phones; there already is a network of outreach teams (CoA, Heading Home, HopeWorks, and Healthcare for the Homeless) in place to get the word out to stay out of the arroyos; it is a priority when addressing encampments to keep the unhoused safe. Additional suggestions included the possibility of a flyer being made to hand out; a warning sent via cell phone may not be understood; education would be needed during the four months of the year where drownings can occur; the problem with Flash Flood Warnings is they are non-specific; when thunderstorms are forecast a group of people could go out to the intersections where individuals are begging with a dollar bill attached to the warning card as an incentive to read the card; there is not a fix at this time, etc.

Audio interference noted during the PSAs.

### 11. Naming and Memorial Committee

#### a. Establishment of an AMAFCA Naming and Memorial Committee

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo stressing AMAFCA does not have a formalized procedure in place from the Board request back in 2019. There was a brief discussion regarding if a committee would really be needed since there is

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already the Strategic Planning Committee; if the Board is not interested it should not have to go through the process; the request could be brought before the Board or the Executive engineer; and ended with the flow chart should change and a new resolution be proposed.

### **12. Los Diamantes Offsite Regional Pond – Draft Maintenance Agreement with SSCAFCA**

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo. The Board liked Section Two that states what AMAFCA agrees to and expressed appreciation to SSCAFCA for working with AMAFCA on this project.

### **13. Joint Projects – Bernalillo County**

#### **a. North Albuquerque Acres Drainage – Analysis of the La Cueva Arroyo West of Ventura Street to the Bernalillo County Line – Draft Cost-Share Agreement with Bernalillo County**

Ms. Nicole M. Friedt, AMAFCA Drainage Review Engineer, summarized information provided in the memo and answered questions from the Board. She stressed this is a large arroyo that carries approximately 3,000 cubic feet per second with a floodplain span of two to three lots in width. There was a brief discussion regarding items such as the location; the impact on the CoA portion downstream (very small western extent of the unchanneled area); overlapping jurisdiction over the whole area; and a lot of pressure for development in the area is being felt by CoA and AMAFCA engineering staff. The Board noted a Survey and Hydrologic & Hydraulic Study would be very appropriate. The Board expressed their appreciation to BernCo for working with AMAFCA on these issues in this part of town.

#### **b. Upper Petroglyphs – Draft Funding Agreement for Regional Infrastructure – Private Public Partnership**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, along with Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, provided a verbal recap of the project. He stated that there is no draft agreement due to a major change from the presentation done approximately two years ago. Part of the presentation included review of the location; the original conversation would build regional facilities in a certain area; at the time of platting the landowner would pay AMAFCA for the infrastructure put in based on differentiated targeted costs associated with development in the different zones; the landowner (Western Albuquerque Land Holdings = WALH) has now identified another area to be developed which does not work with the original target area; two years ago all water flowed to the east; now the water would be moved to the south; the regional facilities and progression has changed; instead of the targets AMAFCA would like to change to subbasins with the same differential costs to make sure AMAFCA gets reimbursed for monies put forward on the regional facilities; staff would determine appropriate costs under a subbasin approach; WALH has agreed to the concept so far; discussions would ramp up quick if the Board approves the approach; and a draft agreement could be brought to the Board at a later date. The Board agreed that the subbasin approach was very logical.

**14. Joint Projects – City of Albuquerque**

**a. Alameda Drain Comprehensive Land Management and Multi-Use Corridor Master Plan – Draft Funding Agreement**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo, covered the location, design aspects, and answered questions from the Board. A final agreement would come before the Board at a later time.

**b. Albuquerque Bernalillo County Water Utility Authority Waterline Extension Project – Project Introduction**

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 a Masterline License Agreement to install a line could be a complication; the Board would be more comfortable with an easement; the improvement on the project would benefit both ABCWUA and AMAFCA. Responding to a request to AMAFCA Legal Counsel from the Board on drafting an easement with the appropriate language, Attorney Zarr agreed it can be done.

**c. Upper Piedras Marcadas Watershed and Water Quality Management Plan - Joint Funding Agreement for Property Acquisition with the City of Albuquerque – Draft Agreement**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. A final agreement will be brought to the Board at a later date. The Board supported the approach.

**15. AMAFCA Field Highlights**

**a. Field Report**

Audio interference noted during the presentation. Mr. Nolan Bennett, AMAFCA Field Engineer, introduced Mr. Agustin Vigil. Mr. Vigil provided his background and was welcomed by the Board. Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the last few months and answered questions from the Board.

**b. Construction Report**

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

**c. Field Spotlight – AMAFCA Stormwater Quality Technician – Sampling**

Mr. Nolan Bennett, AMAFCA Field Engineer, introduced Mr. Esquipula Padilla, AMAFCA Oiler / Stormwater Quality Technician and provided some background information. Mr. Padilla recapped his history with AMAFCA; current position; the tasks of purchasing parts for equipment;

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standardizations made to include checklists; sampling, water collection, and cleaning; and answered a question from the Board. The Board agreed that testing in-house would save money.

Director Stover left the Zoom meeting at 12:37 p.m.

**16. AMAFCA 2022 Project Schedule**

Mr. Kevin Troutman, AMAFCA GIS Manager, summarized information provided in the memo . There were no questions.

**17. Unfinished Business**

None.

**18. New Business**

None.

**19. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:39 p.m.

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Deborah L. Stover, Secretary-Treasurer, 9/23/2021

*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.*