



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**October 28, 2021**  
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**1. Call to Order and Roll Call**

Chair Thomson called the Board Meeting to order at 10:02 a.m., Thursday, October 28, 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 and / or in person:	Chair Bruce M. Thomson – at the AMAFCA building Director Tim Eichenberg Director Deborah L. Stover Director Cynthia D. Borrego 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 and / or in person:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA
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A quorum was present.

**2. Approval of Agenda**

Audio interference noted during the Agenda item. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, requested that **Agenda Item 6.h. Embudo Channel at Jefferson Property Lease – Approval for Award of Bid to Highest Bidder**, be removed from the Consent Agenda due to no bids being received. This will be put on November's meeting Agenda.

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

**3. Meetings Scheduled**

- a. **November 18, 10:00 a.m. – Regular Meeting**
- b. **December 16, 2021, 10:00 a.m. – Regular Meeting and Board Holiday Luncheon**
- c. **January 3, 2022, TBD – Special Meeting**

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### d. January 27, 2022, 10:00 a.m. – Regular Meeting

There was a brief discussion regarding the December Board meeting and the possibility of a Board Holiday Luncheon right after adjournment of the meeting. The Board concurred to wait until the November 2021 meeting to see if the Governor of New Mexico will extend the mask mandate. If there is a mask mandate no luncheon will be scheduled. The January 3, 2022, Special Meeting would be the swearing in of two new Directors.

### 4. Items from the Floor / Public Comments

No items from the floor or public comments were received.

### 5. Approval of Minutes

#### a. September 23, 2021

Director Borrego made a motion to approve the Minutes of September 23, 2021. Director Stover seconded the motion, which passed (5-0), on a roll-call vote.

### 6. Consent Agenda

Chair Thomson referred to **Agenda Items 6.a. through 6.g. and 6.i. through 6.m.** on the Consent Agenda (6.h. had been removed from consideration). Director Eichenberg made a motion that the Board accept the remaining items on the Consent Agenda.

The motion approved the following:

- Ditch Safety Coordinator – Third / Final Extension with Sunny 505; and
- On-Call Geotechnical and Materials Testing Services - Selection Advisory Committee Recommendation for YeDoma Consultants, LLC and Wood Environment & Infrastructure Solutions, Inc.; and
- On-Call Land Surveying Services - Selection Advisory Committee Recommendation for Cobb, Fendley & Associates, Inc., Bohannon Huston, Inc., Miller Engineers, Inc. dba Souder Miller & Associates, Wilson & Company, Inc. - Engineers & Architects; and
- Valle de Oro – Amendment Twenty-One to the Agreement for Design Services with Wilson and Company; and
- Agency & Area-Wide Flood Control Rehabilitation XI Project - Amendment Six for Design and Construction Services with Conley Engineering; and
- On-Call Storm Water Quality Services / Environmental Engineering Services - Selection Advisory Committee Recommendation for Bohannon Huston, Inc., Weston Solutions, Inc., Tetra Tech, Inc., and NCS Engineers; and
- Calabacillas Grade Control Structure 2 Extension - Professional Services Contract for Design Engineering and Construction Management Services with Weston Solutions; and
- Herring Property Lease – Second Extension of Agricultural Lease with Ron Maestas; and
- Transfer of Drainage Easement from AMAFCA to City of Albuquerque – Tract 1-A and 2-A, The Foothills; and

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- Wintergreen Apartments – Turnkey Agreement; and
- Robert’s Oil Stormdrain Outfall – Turnkey Agreement; and
- On-Call Oblique Aerial Photography Services – Professional Service Agreements with Eagle’s Eye Photo and MaDeuce, LLC.

Director Borrego 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.

- **General & Administrative**

*2022 Capital Outlay:* The capital outlay process works better for smaller requests, \$200K and less. Given that AMAFCA projects are large, staff found that it would be better to work with City of Albuquerque (CoA) and Bernalillo County (BernCo) on joint project requests. Both CoA and BernCo have place holders in their respective requests. The exception to this would be the Hubbell Dam modification. Per the request of the Open Space Advisory Board, AMAFCA is looking at possible trail amenities that would allow better public access to the Hubbell Dam and the Hubbell Open Space. We are currently working with the lobbyists to outline capital outlay requests to design and build a new pedestrian bridge crossing over Coors Boulevard at the Hubbell Dam.

*2021 Local Election:* This year will be the second time that AMAFCA participated in the Local Election. Two Board positions, District 1 and District 2, were on the ballot. AMAFCA staff provided information to the two qualified candidates. Directors Stover and Borrego elected not to run for a second term. The two possible new Directors are Ms. Elizabeth Newlin Taylor and Mr. Orlando G. Martinez, Jr.

- **Governmental Affairs**

*Open Space Advisory Board:* The Open Space Advisory Board (OSAB) is allowing AMAFCA to use the Hubbell Open Space property for the needed expansion of the Hubbell Dam to address storage deficiencies in the Amole Dam. AMAFCA has provided information to the OSAB concerning possible timelines and all work that needs to be reviewed and approved by the New Mexico Office of the State Engineer’s Dam Safety Bureau. This information is important to schedule public meetings concerning the project.

*Ditch and Water Safety Task Force:* The Ditch and Water Safety Task Force completed a review of rescue attempts and homeless. He referred the Board to the GIS maps that identify homeless camps noting half are along drainage facilities and locations where the

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rescue attempts occurred. CoA completed a FEMA grant application for an advance warning system.

- **Public Outreach**

*Twinkle Light Parade:* The 2021 Twinkle Light Parade will be held on December 4, 2021. AMAFCA is planning on entering a float this year and will be augmenting the float with additional adornments.

*League of Women Voters:* AMAFCA staff participated in a virtual voter's conference to discuss drainage issues and the AMAFCA Bond Program.

Also, the Middle Rio Grande Flood Control annual breakfast is scheduled for December 8, 2021. AMAFCA Directors are invited as well.

- 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 couple of months. There were no questions.

- 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 questions from the Board.

Director Brown made a motion to approve the September 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 Personnel Manual – Approval of Exempt Employee Description**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo.

Attorney William Zarr informed the Board of a change he noted needed to be added. A brief discussion continued regarding additional corrections needed to the wording in the second and third paragraphs on page 7. The Board concurred with the modifications discussed.

Director Brown made a motion that the Board approve the identified modifications for the AMAFCA Personnel Manual, which clarify exempt employees' duties and expectations, with the

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editorial changes as discussed. Director Eichenberg seconded the motion, which passed unanimously (5-0), on a roll call vote.

### **10. Approval of Resolution 2021-08 – AMAFCA Compensation Policy**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo.

Director Borrego made a motion that the Board adopt Resolution 2021-08, Employee Compensation Policy, which increases the base salary of the Engineer II position equal to the Development Review Engineer base salary and adds the Real Estate Coordinator position that will have the equivalent base salary as the Real Estate Manager. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote.

Director Eichenberg announced that he would be stepping away from the Zoom meeting for a few minutes.

### **11. Approval of Resolution 2021-09 – Establishing the Naming and Memorial Committee**

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the memo containing the Resolution and answered questions from the Board.

Director Borrego made a motion that the Board adopt Resolution 2021-09, Establishing the Naming and Memorial Committee. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Eichenberg was not present to cast his vote.

### **12. Legal**

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

Attorney William Zarr, summarized information provided in the memo.

Director Eichenberg returned to the Zoom meeting.

### **13. AMAFCA Office – Building Modifications – Project Introduction**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. Part of the presentation included the need for an additional security measure at the front office to include an additional buffer zone between staff and the public; the concern raised with one person who shot near AMAFCA maintenance crew members noting that there was documentation the same individual visited the AMAFCA building; homeless individuals on AMAFCA property overnight and during the day. Mr. Jeremy Alford with Molzen Corbin had been tasked the project and various design models were considered with the last one provided to the Board during the meeting. With the need to make modifications for safety more cost efficient, it would be beneficial to make additional modifications, such as considering workspace for maintenance crew members who need to do

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various computer work as opposed to using the bottom of the stairwell and the Real Estate office which will be needed upon hire of a new staff member; the smaller conference room could be used for office work for maintenance crew members; a new conference room would be needed for those staff and other various meetings held, as well as a space to hold those individuals attending the Board meeting that need to leave the Board room for closed session(s); a different entry way to the building to include an established clear public area with restrooms, library (moved to the front), and access to the Board room; the outside would be modified so that there is no place for homeless individuals or others to hide; the handicapped access would be modified for better access into the building by visitors in wheelchairs and comply with Americans with Disabilities Act (ADA); button to push for admittance into the building would be moved to the new entry and positioned in an area where it is hoped visitors would be able to hear the intercom better; Board room would be modified to include a raised area where the Directors would sit for better viewing of the audience as well as the audience view of the Directors and a ramp for ADA compliance to maneuver to / from the raised area; tables for AMAFCA/Legal staff in the front; incorporate audio visual components so that the audience can view and the opposite end of the room the Directors can view the same.

The Board noted that considering no one can get into the building without permission a modification is not needed; a full time security guard could be hired; things need to be put in perspective; as a public agency the modification is not needed; a tour had been done by a Director of the downstairs area; during a recent continuing education for a license it was pointed out that everyone in the room talked about the problems due to the pandemic on construction and supply costs; some contractors said costs had gone up 200% in the last year; in the case of supply lines it is thought it will continue through the next year; there is a concern if construction starts in the spring there will be a wall open for 6 months that will cause more problems; the timing is off and should not be looked at in 21 or 22; wait until the economy, supply lines, construction costs come back to normal before starting something like this; put a better control on how visitors come in; and AMAFCA is a limited purpose public agency.

The conversation continued with additional security concerns provided to the Board such as there is more than the concern regarding just a visitor issue; in Albuquerque there have been shootings near former / current employees; the homeless individual referenced earlier visited the AMAFCA office 8 times in a 10-month period prior to the shooting; the same individual frequented AMAFCA facilities as well; when AMAFCA crew members were shot at the first person who came to mind was the same individual; the individual called the AMAFCA office (twice) when he was released from jail; a person in the building pulled a switch blade while talking up front and staff members kept him calm without anyone knowing what was happening; an individual messing with a staff members vehicle was told to leave and proceeded to rob Albuquerque Interlock within minutes of leaving AMAFCA property (discharged a firearm during the robbery); other public agencies that are visited have plexiglass, secured areas, cameras, and notification systems; CoA, BernCo, and MRGCD updated areas / buildings noting active shooter awareness as well; regarding AMAFCA there is no place for the person up front to hide in the event of an active shooter, cannot hide under the desk or in a cabinet; recently a visitor came up from the downstairs, parked vehicle, put on hard hat, walked up the back of the building and on into the front with no one downstairs questioning his presence; the intercom system has a delay, would be in clear view of and heard by the visitor; there is no alarm to push that does not emit an audible sound; other staff do not

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necessarily see what is happening at the front; someone walking from the back area to the front could be caught right in the middle of an active shooter situation. It was noted by staff that moving the Library would be beneficial so that staff time is not utilized to babysit those visitors. Mr. Lovato asked if staff can go back to the drawing board since the issue remains that once someone is inside the office there is no protection for staff; other ideas could be provided; there should be safe rooms; doors that close and lock are needed; and barriers as well to protect staff; the Board room can be made smaller if the Board does not want to allow more people in the building for meetings; and reiterated that over the years staff have been shot at, knives pulled, threatened, etc. Chair Thomson asked staff to come back with immediate modifications needed.

### **14. Stormwater Quality**

#### **a. Overview of Total Maximum Daily Loads (TMDLs)**

Mr. Patrick Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo. There were no questions.

#### **b. AMAFCA Compliance with TMDL for E. coli**

Mr. Patrick Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo and answered various questions from the Board regarding compliance.

### **15. AMAFCA Field Highlights**

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

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events 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.

### **16. Project Schedule Update**

Mr. Jared Romero, AMAFCA Engineer I, summarized information provided in the memo. The Board was reminded the item would be a topic for approval at the November Board meeting.

### **17. Unfinished Business**

None.

### **18. New Business**

There was a brief discussion regarding the Tax Increment Development District (TIDD) submitted by UNM for the South Campus; concern was raised regarding taking the land off the property tax

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role; a lot of drainage is involved; UNM would need to make some expensive improvements to drainage; it should be done in collaboration with AMAFCA; AMAFCA would have operating costs; there was no public notice; AMAFCA should have been involved in the conversation before the TIDD went to City Council for approval; why was AMAFCA not notified as a property owner; CoA gets their money but that money does not flow to AMAFCA; UNM had come to AMAFCA three times regarding drainage, improving the inlet to the South Diversion Channel, and a water quality component; the Board said maintaining the facility would be UNM's responsibility; now as a TIDD AMAFCA is to maintain and keep it clean; and Director Borrego agreed with the issues raised and would be happy to pass on the information if she could get a letter from AMAFCA to send to CoA's legal counsel.

**19. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:18 p.m.

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Deborah L. Stover, Secretary-Treasurer, 11/18/2021

*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.*