



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**July 28, 2022**  
**Page 1**

**1. Call to Order and Roll Call**

Chair Brown called the Board Meeting to order at 9:00 a.m., Thursday, July 28, 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: Chair Ronald D. Brown – at the AMAFCA building  
Director Tim Eichenberg – at the AMAFCA building  
Director Elizabeth Newlin Taylor – at the AMAFCA building – left at 12:34 p.m.  
Director Bruce M. Thomson – at the AMAFCA building

Directors excused: Director Orlando G. Martinez, Jr.

Attorney present: William Zarr, Robles, Rael & Anaya – at the AMAFCA building

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.

Audio interference noted at this time.

**2. Approval of Agenda**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, requested that Agenda Items **9.a. AMAFCA Fourth Quarter Financial Report Ending June 30**, **9.b. Approval of Resolution 2022-10, AMAFCA Fourth Quarter Financial Report Ending June 30**, and **10. Resolution 2022-11 – Fiscal Year 2023 AMAFCA Budget – Adoption** be removed from the Agenda.

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

**3. Meetings Scheduled**

- a. **August 3, 2022, 9:00 a.m. – Special Meeting\***
- b. **August 25, 2022, 9:00 a.m. – Regular Meeting**

**AMAFCA Regular Meeting Minutes**

**July 28, 2022**

**Page 2**

- c. September 22, 2022, 9:00 a.m. – Regular Meeting**
- d. October 27, 2022, 9:00 a.m. – Regular Meeting**

\*A Special Meeting, was scheduled later in the meeting for August 3, 2022.

Audio interference noted at this time.

At this time, Mr. Lovato introduced Mr. Eric De Flon, AMAFCA's Finance and Administration Manager. Mr. De Flon summarized his Certified Public Accountant (CPA) background and expressed his excitement to be part of AMAFCA. The Board welcomed Mr. De Flon.

**4. Items from the Floor Public Comments**

No items from the floor or public comments were received.

**5. Approval of Minutes**

**a. June 23, 2022**

Director Thomson made a motion to approve the Minutes of June 23, 2022. Director Taylor seconded the motion, which passed (4-0).

**b. July 7, 2022**

Director Taylor made a motion to approve the Minutes of July 7, 2022. Director Thomson seconded the motion, which passed (4-0).

**6. Consent Agenda**

Chair Brown referred to **Agenda Items 6.a. through 6.f.** on the Consent Agenda. Director Thomson made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Ditch Safety Coordinator – Advertise Request for Proposals; and
- Legislative Liaison / Lobbyist – Advertise Request for Proposals; and
- Technical Standards Committee – Appointment / Reappointment of Technical Standards Committee Members; and
- AMAFCA Miscellaneous Construction Projects XI – Advertise for Construction Bids; and
- Tijeras Arroyo Grade Control Structure 383 at the West Kirtland Air Force Base Boundary – Advertise for Request for Proposals; and
- Tijeras Arroyo Grade Control Structure 637 at the Northeast Kirtland Air Force Base Boundary – Advertise for Request for Proposals.

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

## AMAFCA Regular Meeting Minutes

July 28, 2022

Page 3

### 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.

- **Governmental Affairs**

*KAFB:* Staff has been in contact with Kirtland Air Force Base (KAFB) concerning discussions regarding certain drainage issues in and around the Tijeras Arroyo and to modify documents within the existing master planned drainage for improvements. It is not known if AMAFCA will provide the information to KAFB or KAFB will manage the documents on their own.

- **General & Administrative**

*AMAFCA Staffing:* Mr. Eric De Flon, CPA, accepted the position of the AMAFCA Financial Manager. AMAFCA has advertised for the GIS manager position, and it is hoped the position will be filled soon.

- **Facilities Operations & Maintenance**

*AMAFCA Emergency Operations – Mora and San Miguel Counties:* AMAFCA has been assisting the New Mexico Department of Transportation, by providing sand for sandbags for areas impacted by the Hermits Peak and Calf Canyon fires.

*AMAFCA Emergency Operations – Sanitary Sewer collapse – 64 Street:* On Tuesday, July 12, 2022, a meeting between AMAFCA, Pueblo of Isleta (PoI), Environmental Protection Agency, New Mexico Environmental Department, and the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) was held in the field to discuss the spill which led to the Rio Grande cleanup efforts from the Interceptor Collapse on July 10, 2022. Attendees included the AMAFCA Chair and Lt Governor from PoI. This item will be covered in more detail under Item 7.c. July 11, 2022, Sanitary Sewer Collapse. It was noted that flows were diverted into a water quality feature to stop the sewage from getting to the Rio Grande River. Work done also helped to alleviate overflow from reaching the river from an upcoming rain event.

#### 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 month. There were no questions.

## AMAFCA Regular Meeting Minutes

July 28, 2022

Page 4

### c. **July 11, 2022, Sanitary Sewer Collapse – Update by the Albuquerque Bernalillo County Water Utility Authority**

Mr. Lovato introduced Mr. Mark S. Holstad, Chief Engineer with ABCWUA Collection Section. Mr. Holstad covered various aspects of the Sanitary Sewer Collapse and answered questions from the Board. Part of the presentation covered the coordination between AMAFCA and the ABCWUA after the Interceptor Collapse on July 10, 2022; referenced the required paperwork under the National Pollutant Discharge Elimination System (NPDES) Permit(s); Latest – Past Efforts to include the Overflow Emergency Response Plan and the various components for coordination with ABCWUA, AMAFCA, others; and stressed nothing close to this mishap has happened before (to his knowledge during his tenure at ABCWUA). Mr. Holstad continued with Examples of Past Responses which included a spill in the Embudo; a sewage spill in the Piedras Marcadas; Test of High Lift Pump Off System in January 2022; and a Practice Simulation done back on 2/14/2018 at the Los Padillas Drain and Metzgar Road SW in coordination with AMAFCA, the Middle Rio Grande Conservancy District, and PoI. The Presentation continued with a Timeline of the Immediate Response and steps taken at the West Bluff Pond where the Interceptor Collapse took place; noted the spill at West Bluff impacted the Mariposa Channel where sewage was seeping into a citizen's yard; and concluded with Mr. Holstad stressing how impressed he was with the teamwork provided by all with the multiple issues that arose and how Mr. Lovato was reachable at all hours of the day/night.

## 8. **Financial Matters**

### a. **Financial Matters – Approval of Expenditures**

Mr. Eric De Flon, AMAFCA Finance and Administration Manager, summarized information provided in the memo. The Board had numerous questions and concern voiced regarding not having adequate time to review the financial reports. It was decided that both Agenda items **8.a.** and **8.b. under Financial Matters**, be deferred and discussed during a Special Board meeting.

### b. **Other Matters**

This item was deferred until the Special Meeting.

### c. **Resolution 2022-09, Disposal of Inventory with a Resale Value Greater than \$5,000.00**

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 approve and adopt Resolution 2022-09, Disposal of Inventory with a Resale Value Greater than \$5,000.00. Director Thomson seconded the motion, which passed unanimously (4-0), on a roll-call vote.

**AMAFCA Regular Meeting Minutes**

**July 28, 2022**

**Page 5**

**9. Fourth Quarter Report**

**a. AMAFCA Fourth Quarter Financial Report Ending June 30**

This item was removed from the Agenda earlier in the meeting and will be considered at a Special meeting.

**b. Approval of Resolution 2022-10, AMAFCA Fourth Quarter Financial Report Ending June 30**

This item was removed from the Agenda earlier in the meeting and will be considered at a Special meeting.

**10. Resolution 2022-11 – Fiscal Year 2023 AMAFCA Budget - Adoption**

This item was removed from the Agenda earlier in the meeting and will be considered at a Special meeting.

**11. Personnel and Salary Committee**

**a. Personnel and Salary Committee – Approval of Additional Staff Positions and Position Reclassification Recommendation**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. There was a discussion regarding redistributing some of the Executive Engineer's workload and how job descriptions had been modified to help with the communication log jam concern that the Board had raised. The discussion continued with concerns from the Board regarding what is felt as the AMAFCA family now turning into titles and bureaucracy; what works on paper may not develop as planned; and while some of the Board shared the same concerns, it was agreed that approval of the item should move forward. Both Director Thomson and Chair Brown, as representatives on the Personnel and Salary Committee, acknowledged that they supported the recommendation.

Director Thomson made a motion to approve the Personnel and Salary Committee's recommendation to create a new position, add a second position to an existing classification, reclassify one position, and rename positions to fit the new AMAFCA Reorganization structure. Chair Brown seconded the motion, which passed (4-0).

**b. Resolution 2022-12 – Adoption of Compensation Policy**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board

Director Taylor made a motion that the Board approve and adopt Resolution 2022-12, Compensation Policy, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Thomson seconded the motion, which passed (4-0), on a roll call vote.

## AMAFCA Regular Meeting Minutes

July 28, 2022

Page 6

### 12. Legal

#### a. Status Report

Attorney William Zarr, summarized information provided in the memo and answered questions from the Board.

### 13. AMAFCA Projects

#### a. North Domingo Baca Dam Improvement Project – Award of Construction Contract to Qualified Bidder

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding Compass (Compass) Engineering being the qualified low bidder; the previous work Compass had done on AMAFCA projects, would Compass be able to do the work for the contract amount; and Guzman was the sub for the earthwork. Mr. Bennett stating that he had spoken with Mr. Mark Otero with Compass, and they are excited to get going on the project.

Director Thomson made a motion that the Board award the construction project to Compass Engineering & Construction Services, LLC in the amount of \$5,797,885.00, plus NMGRT, for the North Domingo Baca Dam Improvement Project. Director Taylor seconded the motion, which passed (4-0).

#### b. AMAFCA Building Expansion – Project Update

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. Part of the presentation included items such as design plans are near 50 percent design; estimated 90 percent design later this fall; security of AMAFCA staff and the facility are a concern; referenced crime data on 720+ incidents within a one mile circumference of the AMAFCA office in the last month to include everything from graffiti, trespassing, and serious incidents such as murder; covered fire code, HVAC, and ADA enhancements required as well as egress to and from the building; the current plans for the three new offices would add approximately 900 square feet to building; Molzen Corbin, the project consultant, contacted the City of Albuquerque (CoA) regarding the remodel and everything seems to be in pretty good shape; and there would be an alternative in the bid package to update the Board Room should to Board wish to do so. There was a discussion regarding property to the west and north of the AMAFCA building as well as the costs involved to rehab a building versus building a new building. The Board requested information regarding the possibility of purchasing the applicable properties closer to the building for presentation at the next Board meeting.

#### c. Pino Dam Emergency Spillway – Authorization to Acquire Temporary Easement and Reconstruct Spillway Berm

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation included an aerial of the

## AMAFCA Regular Meeting Minutes

July 28, 2022

Page 7

area; the property owner east of the spillway had encroached on the easement in the past; both AMAFCA and the property owner worked together during that time to make the encroachment work; new review done by the property owner's engineer shows AMAFCA is now encroaching; by superimposing the aerial on the as-builts it shows the coordinates are not correct and are off by about 30 feet which is about 2 degrees; the as-builts are correct; AMAFCA development review staff had been in discussions with the engineer representing the property owner to the north of the Pino Dam Emergency Spillway (Spillway) regarding potential subdivision and development of the property; the property owner's engineer identified the existing conditions hydraulic analyses shows that the Probable Maximum Precipitation (PMP) storm event discharge through the Spillway exceeds the limit of the existing AMAFCA easement for the Spillway; January 2022 Wilson & Company was contracted to update topography and aerial imagery and submitted final topography and imagery later in the month; February 2022 Bohannon Huston was contracted to conduct a two-dimensional hydraulic analysis of the Spillway on existing conditions for the PMP flow; results of the hydraulic analysis confirm that the AMAFCA spillway flows are not contained within the AMAFCA easement; for access control the golf course wants to put up a fence across the Spillway; the easement that runs along the toe may encroach onto the golf course; Wilson & Company has been contracted to go out and stake the entire Dam; AMAFCA would need to maintain the embankment; and AMAFCA will need to discuss with the Dam Safety Bureau any future Dam modification. The Board asked that staff check to see if the area is still CoA public open space.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to acquire a temporary easement and reconstruct the emergency spillway berm for the Pino Dam. Director Thomson seconded the motion, which passed (4-0).

### **d. Valle de Oro Swale Project – Approval of Change Order 6, New Unit Costs**

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion that the Board authorize the Executive Engineer to approve change order six with updated unit costs for the Valle de Oro Swale Project. Director Eichenberg seconded the motion, which passed (4-0).

### **e. Agency and Area-Wide X – Approval of Change Order 11, New Unit Costs Based on New Wage Rates**

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion authorize the Executive Engineer to approve change order eleven with updated unit costs, based on new wage rates, for the Agency and Area-Wide Flood Control Rehabilitation X Project. Director Taylor seconded the motion, which passed (4-0).

**AMAFCA Regular Meeting Minutes**

**July 28, 2022**

**Page 8**

**f. Dallas Storm Drain Regional Flood Control Facilities**

**i. Zuni Pennsylvania Pump Station – Project Update**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered the issues noted in previous Board meetings; with the issues that arose the entire project was looked at again and there is a revised plan; the new design with hybrid slope / vertical walls shows that concrete walls (five-foot floodwall) may not be needed; project will have an open design; at this time, the area is currently fenced off; AMAFCA staff have been working with AMAFCA's security firm to remove people from within the fenced area; 48 cubic feet per second could be situated on the 2.2-acre site; the project really cannot have an additional use due to the need to maximize storage capacity at this location; and CoA had advised they would not consider a park since there is a park close by.

**ii. International District Library Pond – Project Update**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered history of the project; location; the San Mateo to Moon Mini Drainage Management Plan had confirmed approximately 40 acre feet of detention storage is needed to mitigate the lack of capacity in the sub-basin that feeds the Dallas Storm Drain; depth of the storm drains and slopes have the ability to capture ample amount of water to remove floodplain; AMAFCA helped CoA purchase the property for approximately \$400K to \$500K; CoA does not want to finish the pond; the pond is another cost; the current project is approaching \$4M; the Board voiced concerns that included the project is a CoA project that AMAFCA should not have done in the first place; the issue was there before AMAFCA and has nothing to do with an AMAFCA arroyo; CoA is having issues budgeting; CoA may think that AMAFCA will step up and do the remainder of the project (if CoA steps out); it is very disappointing that AMAFCA funds were utilized for a CoA project that keeps shrinking; and it was confirmed the Board had not received notice of the Ribbon Cutting event other than the information Mr. Lovato located and provided.

Agenda Items **15.a. Executive Session Discussion of Acquisition of Real Property (§ 10-15-1(H)(8))** and **16. Southeast Valley Drainage and Water Quality Management Plan – Authorization to Acquire Real Property** were moved up due to time constraints. **Item 14.a, AMAFCA Field Highlights, 14.b. Construction Report,** and the remainder of the items were to be presented after **Item 16. Southeast Valley Drainage and Water Quality Management Plan – Authorization to Acquire Real Property.**

**15. Executive Session (closed)**

**a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8))**

Chair Brown advised **Agenda Item 15.a.** was a Closed Session agenda item. Director Eichenberg 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*

**AMAFCA Regular Meeting Minutes**

**July 28, 2022**

**Page 9**

*Officials and Citizens,*” eighth edition, 2015, to discuss Acquisition of Real Property. Director Taylor seconded the motion, which passed unanimously (4-0), on a roll call vote. Messrs. Lovato, West, and Troutman, along with Legal Counsel remained.

Chair Brown closed the meeting at 12:01 p.m. Chair Brown asked for a motion to re-open the meeting at 12:20 p.m. Director Taylor made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (4-0), on a roll call vote. Chair Brown stated that no action was taken during the Closed Session and only an update that pertained to Acquisition of Real Property was discussed.

Audio interference noted during the item.

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

There was no discussion on this item.

Audio interference noted during the item.

Director Taylor made a motion that the Board authorize the Executive Engineer to proceed with purchase of the property at Lot Numbered Four (4) of Plat of Eidson Residential Subdivision in Bernalillo County, NM. Director Thomson seconded the motion, which passed (4-0).

The Special Meeting was scheduled for 9:00 a.m. on Wednesday, August 3, 2022, to cover those financial items that had been removed from the Agenda and deferred for the meeting.

Items 14, 17, 18, and were moved to after Items 15 and 16.

**14. AMAFCA Field Highlights**

**a. Field Report**

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

**b. Construction Report**

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

**17. Unfinished Business**

None.

**AMAFCA Regular Meeting Minutes**

**July 28, 2022**

**Page 10**

**18. New Business**

None.

**19. Adjourn**

There being no further business to come before the Board, Chair Brown adjourned the meeting at 12:41 p.m.

---

Elizabeth Newlin Taylor, Secretary-Treasurer, 8/17/2022

*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.*