



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**December 15, 2022**  
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**1. Call to Order and Roll Call**

Chair Brown called the Board Meeting to order at 8:59 a.m., Thursday, December 15, 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 via Zoom and / or in person: Chair Ronald D. Brown – at the AMAFCA building  
Director Tim Eichenberg – at the AMAFCA building  
Director Orlando G. Martinez, Jr. – at the AMAFCA building  
Director Bruce M. Thomson – at the AMAFCA building

Directors excused: Director Elizabeth Newlin Taylor

Attorney present via Zoom and /or in person: 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.

**2. Approval of Agenda**

Director Thomson asked that **Item 6.f. AMAFCA Building Renovations – Authorization to Advertise for Construction Bids** be moved to the Regular Agenda.

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

**3. Meetings Scheduled**

- a. **January 26, 2023, 9:00 a.m.– Regular Meeting**
- b. **February 23, 2023, 9:00 a.m. – Regular Meeting**
- c. **March 23, 2023, 9:00 a.m. – Regular Meeting**

There were no changes to the 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. November 17, 2022

Director Eichenberg made a motion to approve the Minutes of November 17, 2022. Director Thomson seconded the motion, which passed (3-0). Director Martinez was not present at the November meeting and recused himself.

### 6. Consent Agenda

Chair Brown referred to **Agenda Items 6.a. through 6.e.** on the Consent Agenda. Item 6.f. had been removed to the Regular Agenda earlier in the meeting. Director Thomson made a motion that the Board accept the remaining items (recapped by Chair Brown and shared on the Smart Board for all participants to view) on the Consent Agenda.

The motion approved the following:

- On-Call Engineering Services – Third / Final Extension with AECOM Technical Services, Inc., Bohannon Huston, Inc., Conley Engineering, LLC, Daniel B. Stephens & Associates, Ecosphere Environmental Services, Inc., ESP Associates, Inc., HDR Engineering, Inc., Huitt-Zollars, Inc., Parametrix, Inc., River Restoration Org., LLC., Engineering Company, Stantec Consulting Services, Inc., Tetra Tech, Inc., Thompson Engineering Consultants, Inc., Weston Solutions, Inc., WHPacific, an NV5 Company, Wilson and Company, WSP USA, Inc.; and
- On-Call Real Estate Appraisal Services – First Extension with PinnacleWest Investments; and
- Legislative Liaison / Lobbyist Professional Services Agreement with Alarid Consulting; and
- Hubbell Lake Dam Expansion Project Professional Engineering Services Agreement with Bohannon Huston, Inc.; and
- Tract A-1B, Block 24 & 26 Timoteo Chavez Addition Access Easements.

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

#### 6.f. AMAFCA Building Renovations – Authorization to Advertise for Construction Bids

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and referred to the construction plan. Responding to questions on whether the Board gave permission to move forward, Mr. Jerry M. Lovato, AMAFCA Executive Engineer, reminded the Board that in July 2022, the project was brought before the Board, which approved completing the final the design. Responding to questions on the increase in cost, Mr. West identified building rehabilitation needs to address the issues regarding safety of personnel; building emergency egress

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issues, ADA compliance; lack of fire suppression and alarms; and the need for a working HVAC unit. Mr. West did not have comparable costs associated with building a new building versus the rehabilitation of the existing AMAFCA building.

Director Thomson made a motion to Authorize to Advertise for Construction Bids, with the caveat that AMAFCA would pursue Legislative Funding, and if not partially funded by the State Legislature, the Board would reconsider approving award of the Construction Contract. Director Eichenberg seconded the motion, which passed (4-0).

### 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.

- **General & Administrative**

*AMAFCA Organization Change:* The AMAFCA organizational changes will be fully implemented on January 1, 2023. The change at the beginning of the year coincides with annual performance evaluations and merit increases identified in the AMAFCA Personnel Manual.

- **Governmental Affairs**

*AMAFCA Bond Program:* The AMAFCA Preliminary Official Statement was posted December 13, 2022. The Bond sale is scheduled for 8:30 a.m. on December 20, 2022.

- **Project Management**

*Tijeras Arroyo Grade Control Structure:* The request for proposals for site design were advertised and AMAFCA received three proposals. The selection advisory committee selected AECOM with negotiations on-going and it is anticipated the agreement will be before the Board for consideration at the January Board Meeting.

- **Public Relations**

*AMAFCA's 60th Anniversary:* AMAFCA was created by the New Mexico State Legislature in 1963. 2023 will mark AMAFCA's 60 anniversary protecting life and property in the Albuquerque urban area. Our legislative liaison is working with legislators to sponsor proclamations and memorials to mark the anniversary. March 26th has been identified as the date of our creation.

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

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the memo for the task orders issued and answered questions from the Board.

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**8. Personnel and Salary Committee**

**a. Modification to Personnel Manual**

Mr. Kevin Troutman, AMAFCA Director of Administration, summarized information provided in the memo. There were no questions.

Director Thomson made a motion that the Board authorize replacing Section 3 Benefits, Holidays, in the AMAFCA Personnel Manual to replace the Employee Birthday with a Personal Day, effective January 1, 2023. Director Eichenberg seconded the motion, which passed (4-0).

**9. Financial Matters**

**a. Financial Matters – Acceptance of October Financial Information**

Mr. Eric De Flon, AMAFCA Director of Finance and Procurement, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion that the Board accept the October Financial Information. Director Eichenberg seconded the motion, which passed (4-0).

**b. Financial Matters – Acceptance of November Financial Information**

Mr. Eric De Flon, AMAFCA Director of Finance and Procurement, summarized information provided in the memo and answered questions from the Board.

Director Eichenberg made a motion that the Board accept the November Financial Information. Director Martinez seconded the motion, which passed (4-0).

**c. Other Matters**

Mr. Eric De Flon, AMAFCA Director of Finance and Procurement, summarized information provided in the memo and answered questions from the Board.

**d. On-Call Engineering Services Agreement with Molzen-Corbin – Consideration of third Extension and Approval of New Exhibit A**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion that the Board approve the Third and Final Extension to the On-Call Engineering Services Agreement with a new fee schedule for Molzen-Corbin. Director Eichenberg seconded the motion, which passed (4-0).

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### 10. 2022 General Election

#### a. Resolution 2022-20, 2022 AMAFCA Bond Question Canvass

Mr. Kevin Troutman, AMAFCA Director of Administration, summarized information provided in the memo and answered questions from the Board.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2022-20, 2022 AMAFCA Bond Question Canvass, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Martinez seconded the motion. The motion passed unanimously (4-0), on a roll-call vote.

#### b. Flood Control Education 2022 Bond Committee - Acknowledgement

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated Mr. Dan Aguirre and Ms. Joan Griffin were not present at the meeting. Chair Brown recognized Mr. Kim Kemper as the 2022 Bond Committee Treasurer. The Board thanked Mr. Kemper for the challenging work done while negotiating all the obstacles the committee faced this year.

### 11. Legal

#### a. Status Report

Chair Brown referenced the Legal Status Report. There were no questions.

### 12. Legislative Liaison

#### a. Briefing before 2023 New Mexico Legislative Session

Mr. Lovato introduced Ms. Vanessa Alarid with Alarid Consulting. Part of the presentation included the current budget for New Mexico; currently working with Mr. Lovato on the list of priorities for AMAFCA; and Senator Michael Padilla and Representative Cynthia Borrego are working on a Memorial for AMAFCA's 60th year anniversary.

### 13. Joint Projects – City of Albuquerque

#### a. City of Albuquerque Bond Program 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 City of Albuquerque's (CoA) 2023 Bond Program and Decade Plan and the continued reduction in funding; EPC meeting that both AMAFCA staff and Board attended virtually; meeting with CoA and AMAFCA staff; CoA does not want to fund multiple years only one year at a time; CoA had provided info on how they quantify projects based on money; AMAFCA's six year projects will not work for the CoA system; AMAFCA is not part of CoA's Bond Program; City Council may change the goals; AMAFCA would go to the City Council for requests; Board advised AMAFCA staff should not have to go to the City Council; it was noted that unofficial comments from CoA

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Staff stated that AMAFCA has the money and bonding capacity so AMAFCA should do the work (on inadequate CoA infrastructure); there are several projects that AMAFCA has contracts with CoA that now would have no funding match; and if CoA does not participate in the Zuni / Penn project the facility will be non-functional.

### **b. City of Albuquerque – Current Projects with AMAFCA Discussion**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered projects that have AMAFCA funds already incurred which AMAFCA should either break or suspend to allow those monies to be used elsewhere. Zuni / Penn was used as an example. AMAFCA can provide a 90% design and turn over to CoA; however, that would not relieve / reduce floodplain. The Board requested that AMAFCA staff identify planned joint projects by AMAFCA and Council Districts so that the Board has the information to discuss each project.

### **14. AMAFCA Field Highlights**

#### **a. Construction Report**

Mr. Nolan Bennett, AMAFCA Director of Operations, referred the Board to the Construction Report and answered questions.

### **15. Real Estate**

#### **a. Land Use Exemptions / Exceptions - Discussion**

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. Part of the discussion included a list of Facilities Usage Guidelines; items to consider and not consider; and the information would be used to put a Resolution together.

#### **b. Borrega Channel Update**

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. Part of the discussion included current issues at the location; letters sent by Bernalillo County and the New Mexico Environmental Department; and the survey results done by Bohannon Huston, Inc.

### **16. Executive Session (closed)**

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

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

Chair Brown advised the only Agenda Item to be discussed under Closed Session would be **Item 16.a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8)). Item 16.b. Discussion of Threatened or Pending Litigation (§ 10-15-1(H)(7))** would not be discussed. The meeting was at the AMAFCA building with four Directors in attendance. Director Eichenberg made a motion that

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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 Acquisition of Real Property. Director Thomson seconded the motion, which passed unanimously (4-0), on a roll call vote. Messrs. Lovato and West, Ms. Regensberg and Legal Counsel remained.

Chair Brown closed the meeting at 10:53 a.m. Chair Brown asked for a motion to re-open the meeting at 11:10 a.m. Director Thomson 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 information that pertained to Acquisition of Real Property was discussed.

**17. Unfinished Business**

Mr. Willie West, AMAFCA Real Estate Manager, provided the Board with the names of the parties involved with the concern at the Borrega Channel.

**18. New Business**

None.

**19. Adjourn**

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

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Elizabeth Newlin Taylor, Secretary – Treasurer, 1/26/2023

*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.*