



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
March 22, 2007**

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

Chairman Hernandez called the Regular Board Meeting to order at 10:00 a.m. Thursday, March 22, 2007. Roll was noted as follows:

Directors present:                      Chairman Danny Hernandez  
   Director Janet Saiers  
   Director Tim Eichenberg  
   Director Ronald D. Brown  
   Director Daniel Lyon

Others present:                              John Kelly, Executive Engineer  
   Jackie Bregman, Attorney  
   Staff  
   Other attendees on file at AMAFCA

A quorum was present.

**2. Approval of Agenda**

Mr. Kelly noted memos on five items were provided in a late mailout. There were no changes to the agenda. Director Saiers made a motion to approve the agenda. Director Brown seconded the motion. The motion passed unanimously (5-0).

**3. Meetings Scheduled**

- a.      April 12, 2007, 9:30 a.m. – Work Study on Project Schedule
- b.      April 26, 2007, 10:00 a.m. – Regular Meeting
- c.      May 10, 2007, 9:30 a.m. – Work Study on Project Schedule
- d.      May 24, 2007, 10:00 a.m. – Regular Meeting

Director Lyon stated he had a conflict with the date of the April 26, 2007 Board meeting. Chairman Hernandez advised that he also would not be available on that day. After discussion, the April 26, 2007 Board meeting was moved to May 3, 2007, at 10:00 a.m., and the May 24, 2007 Board meeting was moved to May 31, 2007, at 10:00 a.m. The revised meeting schedule is as follows:

- a.      **April 12, 2007, 9:30 a.m. – Work Study on Project Schedule**
- b.      **May 3, 2007, 10:00 a.m. – Regular Meeting**
- c.      **May 10, 2007, 9:30 a.m. – Work Study on Project Schedule**
- d.      **May 31, 2007, 10:00 a.m. – Regular Meeting**



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**4. Approval of Minutes – February 22, 2007**

Director Brown made a motion to approve the minutes of the February 22, 2007, Regular Board Meeting. Director Saiers seconded the motion, which passed (4-0). Director Eichenberg abstained from voting as he had not been present at the meeting.

**5. Financial Matters**

**a. Approval of February, 2007 Expenditures**

Irene Jeffries, AMAFCA Business Manager, presented the February, 2007 Expenditure Report.

Director Lyon made a motion to approve the February, 2007 Expenditure Report. Director Saiers seconded the motion, which passed unanimously (5-0).

**b. Investment Report for February, 2007**

For Information.

**c. Financial Recap February 16, 2007, through March 15, 2007**

Ms. Jeffries noted that there was \$57,000 in miscellaneous income in the construction fund, received from Llave Construction for the purchase of two lots adjacent to the La Cueva Arroyo.

**d. Financial Forecast March 16, 2007, through April 15, 2007**

Ms. Jeffries presented the Financial Forecast for the period March 16, 2007, through April 15, 2007. She pointed out that the construction fund includes approximately \$252,000 to be paid as the final payment on the West I-40 Diversion Channel Phase I. Mr. Kelly added that this is the net amount after \$450,000 in liquidated damages is withheld from the final payment.

Director Saiers made a motion to approve the Financial Forecast. Director Brown seconded the motion, which passed unanimously (5-0).

**e. Sandoval County Tax Disbursements Update**

Ms. Jeffries stated that the tax disbursement refund had been sent to Sandoval County Treasurer. The Sandoval County Treasurer had issued a check in the amount of \$5,539.22 to



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the Southern Sandoval County Arroyo Flood Control Authority for the amount of the tax disbursements originally sent to AMAFCA in error.

**f. Sale of Surplus Equipment – Auction Results**

Ms. Jeffries stated that the 1996 Chevrolet pickup truck and 1984 Belshe utility trailer that the Board declared as surplus last fall had been sold at auction on March 8, 2006. The truck sold for \$6,500 and the trailer for \$3,500. The Stephen Passy auction commission is 15%, plus a \$50 title processing fee for each vehicle. The FY 07 budget had projected revenue of \$5,000 for the sale of surplus equipment.

Responding to a question from Director Saiers, Mr. Kelly stated that other governmental agencies are informed when AMAFCA has surplus real property, but they are not generally informed when surplus equipment or other property is being sold at auction. He added that he will check the Procurement Code to see if this procedure is proper.

**6. Legal – Status Report**

Attorney Jackie Bregman briefed the Board on the status of various legal matters.

**7. Calabacillas Arroyo Bank Stabilization – Award of Contract to Salls Brothers Construction, Inc.**

The memo from Kurt Wagener, AMAFCA Field Engineer, stated that five contractors submitted bids for the Calabacillas Arroyo Bank Stabilization Project. Salls Brothers Construction, Inc., submitted the low bid of \$782,525.80. Wilson and Company tabulated the bids and found no errors, and recommended the contract be awarded to Salls Brothers Construction, Inc.

In response to a question from Director Eichenberg, Mr. Kelly stated that Salls Brothers had purchased the old Ribble basalt pit south of Ventana Ranch, and in addition have been stockpiling boulders from Westside subdivisions. They had offered the rock to other contractors, but were able to supply it at less cost to themselves. It appears that Salls will also be doing the adjacent bank protection for Costco and anticipates some cost savings there as well.

Director Lyon made a motion that the Board accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chairman to execute a contract with Salls Brothers Construction, Inc., in the amount of \$782,525.80 plus New Mexico Gross Receipts Tax, for the Calabacillas Arroyo Bank Stabilization Project. Director Saiers seconded the motion, which passed unanimously (5-0).



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**8. AMAFCA Office Tenant Improvements – Status**

Mr. Kelly stated that the due date for bids on the AMAFCA Office Tenant Improvements had been delayed to April 4, 2007, to allow time to work out issues regarding the audio-visual equipment.

**9. Trash and Debris Removal – Authorization to Advertise for Services**

- a. Manual Trash and Debris Removal**
- b. Mechanical Trash and Debris Removal**

Mr. Wagener stated that the R.P. Construction contract for Manual Trash and Debris Removal expires on March 31, 2007. This contract has resulted in the removal of 13,288 bags of trash and numerous large debris items from AMAFCA facilities, improving storm water quality. He proposed that a one-year contract with three optional one-year extensions be advertised for bids.

He also stated that the Southwest Sewer contract for Mechanical Trash and Debris Removal expires on March 31, 2007. \$87,898.14 has been expended on this contract since February, 2004, removing trash, debris, and sediment from AMAFCA facilities. He proposed that a one-year contract with three optional one-year extensions be advertised for bids.

In response to a question from Director Lyon, Mr. Kelly stated that the first contract, a pilot program, had been a one-year contract. The second contract was bid as a one-year contract with two one-year extensions. He opined that there will be even more interest in a contract with three extensions, which is consistent with most of AMAFCA's contracts and is the maximum allowed under the Procurement Code.

In response to questions from Director Eichenberg, Mr. Wagener stated he would obtain further information on the amount spent on each of the contracts annually.

Director Eichenberg made a motion that the Board table items 9a and 9b until later in the meeting. Director Lyon seconded the motion, which passed unanimously (5-0).

**10. AMAFCA Project Rights of Way – Consideration of Easement Agreement for Corps of Engineers Black Mesa 3 Dam Outlet Project**

Mr. Kelly stated staff was close to having a proposal for the Board to consider, but no agreement had been reached. He hoped to have an agreement for the Board at the next regular



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meeting. In response to a question from Director Saiers, Mr. Kelly used a map to point out the location of the parcel.

**11. Calabacillas Arroyo Bank Stabilization – Consideration of Turnkey and Project Funding Agreement between AMAFCA and Costco Wholesale**

Lynn Mazur, AMAFCA Development Review Engineer, introduced Craig Hoover, of Bohannon Huston, Inc., engineer and agent for the owners on this project.

Ms. Mazur stated that a draft agreement between AMAFCA and Costco had been prepared. The agreement will include a turnkey agreement for construction of bank stabilization, 100% funded by Costco; Costco-funded design of Grade Control Structure 7b; a funding agreement for future construction of Grade Control Structure 7b; an encroachment permit for construction of the bank stabilization, landscaping, and grading within the AMAFCA Drainage Easement; and a private storm drain license for facilities to serve the development, which will outfall just upstream of the Eagle Ranch bridge.

She stated the draft agreement includes Costco's lump sum payment of \$225,000 towards AMAFCA's future construction of the grade control structure. This lump sum amount is approximately 40-45% of the estimated cost of the structure. The agreement is being reviewed by Costco's legal counsel. She requested Board approval of the agreement, substantially the same as presented to the Board.

The Board discussed the proposed agreement.

Director Lyon expressed discomfort at approving an agreement which might be changed before it is signed. Ms. Mazur stated that the terms of the business agreement would not change, and any substantive change to the agreement would be brought back before the Board for their approval before the agreement would be signed.

Responding to questions from Chairman Hernandez, Mr. Kelly stated that GASB-34 still applies, as AMAFCA is using the depreciation approach under that requirement. Ms. Bregman stated that paragraph 3.3 would allow negotiation of the appropriate percentage participation from future developments along the Calabacillas, rather than allowing future developers to use this agreement as a precedent.

Mr. Kelly added that another substantial development will be occurring on the Calabacillas Arroyo, on the northwest corner of the arroyo and Golf Course Road. Director Eichenberg stated developers have typically contributed 50 to 60% towards the cost of improvements. Chairman Hernandez opined that the figure along the Calabacillas was usually 1/3 on each side of the arroyo, and 1/3 AMAFCA.



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Director Brown made a motion that the Board approve the Agreement, substantially the same as attached, and authorize the Chairman to execute the Turnkey/Funding Agreement for Calabacillas Arroyo Improvements as related to Costco Wholesale. Director Lyon seconded the motion, which passed unanimously (5-0).

**12. Barelás Flood Relief – Consideration of Funding Agreement with City of Albuquerque for Tingley Park Surge Pond**

Mr. Kelly introduced Ed Adams, John Castillo, Dan Hogan, and Roland Penttila, all of the City of Albuquerque. Mr. Adams is the Chief Operations Officer for the City. Mr. Castillo is the Director of the Department of Municipal Development. Mr. Hogan is the Manager of the Hydrology Division. Mr. Penttila is with the Department of Municipal Development Transportation Division.

Mr. Kelly stated the Board had been briefed in October, 2006, as well as at the January and February, 2007, meetings regarding the Barelás / Martineztown Flood Relief Projects. The City of Albuquerque engaged Wilson and Company to design \$3,010,000 in flood control projects that can be constructed before the next flood season.

Mr. Kelly added that the City had begun preparing the Tingley Park site for the drainage improvements. Demolition, excavation, grading, and storm drain inlet and outlet piping for the Tingley Park Surge Pond is estimated to cost \$2,087,000, including design and construction management. The park improvements will be done via a separate contract and are estimated at over \$2,500,000.

Mr. Castillo stated that the projects include constructing a \$1.85 million detention/surge pond at Tingley Park, \$900,000 to remove an existing siphon in the storm drain at 10th St. SW and El Bordo Drive, \$300,000 to construct a storm drain diversion and piping to force more water toward the Alcalde Pump Station, \$850,000 for an improved bar screen at the Barelás Pump Station, and a \$110,000 retrofit to the motor controllers at the Alcalde Pump Stations so all pumps will run simultaneously as designed.

Mr. Castillo added that the City would like AMAFCA's assistance in accomplishing the flood control projects, which total about \$5 million. City funds will be used to build the new park at Tingley Park as a separate project after the surge pond is complete. As the City wanted to have the pond complete by the end of June 2007, work on the project has begun. The contract was let some time ago so the surge pond will be functional before the monsoon season begins.



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In response to a question from Director Saiers, Mr. Hogan stated that when the pump stations cannot keep up with storm flows, the surge pond will collect storm water instead of it backing up into area streets and homes.

Mr. Adams added that he had seen home video shot by one of the area residents during last summer's storms, showing water knee-deep in their homes. Water will only be stored in the surge pond a short time, approximately 5-6 hours, until the pump stations can catch up and evacuate all of the water. He stated his appreciation of AMAFCA's help in alleviating this condition, noting that Barelás residents endured two 100-year events within 30 days last summer.

Responding to a question from Chairman Hernandez, Mr. Adams stated that the 2007 Capital Outlay from the State included \$145,000 for "Barelás / Martineztown Pump Stations / Drainage," and \$500,000 for "Martineztown Drainage / Flood Control." He added that the City is seeking \$1,000,000 from AMAFCA to help fund the remainder of the drainage improvements for the Tingley Park Surge Pond in Barelás.

Discussion followed. Director Lyon and Chairman Hernandez expressed to Mr. Adams and Mr. Castillo their appreciation for the fine job Mr. Hogan has been doing in educating the Board and articulating needs within the City.

Director Saiers asked if the City would be installing prefabricated restrooms that could be unlocked by the Field Supervisor during scheduled games at the refurbished park, as was being done at other cities in New Mexico, including Rio Rancho. Mr. Adams stated the City was considering installation of such units, but that security and maintenance were issues the City was researching. Mr. Castillo added that the City is testing a modular restroom unit at a number of locations within the City.

Mr. Kelly stated that the funding agreement is similar to previous funding agreements with the City. It has gone through legal review. The only obligation on AMAFCA is to provide \$1,000,000 towards construction of the City's \$2,087,000 Tingley Park Surge Pond Project. AMAFCA will not review or approve the design. Maintenance will be by the City of Albuquerque.

Director Lyon made a motion that the Board approve the Cost Sharing Agreement with the City of Albuquerque for the Tingley Park Surge Pond, with AMAFCA funding a lump sum of \$1,000,000.00, and authorize the Chairman to execute the same on behalf of AMAFCA. Director Eichenberg seconded the motion, which passed unanimously (5-0).



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**13. West I-40 Diversion Channel Extension Project Briefing**

Chairman Hernandez stated that the Board would not be making a decision on the State Infrastructure Bank (SIB) funding proposed for the West I-40 Diversion Channel Extension Project by the New Mexico Department of Transportation (NMDOT), but would receive an update on the negotiations. There were still questions as to how this funding source fit in with AMAFCA's enabling legislation, how it would affect AMAFCA's mill levy, and how it would affect AMAFCA's bond rating. A related question was who would be responsible for repayment of the loan. The only way AMAFCA can find out if the agreement will affect its bond rating is to have the draft agreement reviewed by the bond rating agencies.

Jerry Lovato, AMAFCA Drainage Engineer, thanked Chairman Hernandez for his summary of the situation. Mr. Lovato introduced Terry Doyle, Javier Lopez, and Debbie Bauman, of the NMDOT, and AMAFCA's bond counsel, Duane Brown. Mr. Kelly added that AMAFCA's financial advisor, Kevin Powers, had been unable to attend the Board meeting due to an out-of-town commitment.

Mr. Lovato stated that a meeting attended by Chairman Hernandez, staff, AMAFCA's bond counsel, financial advisor, and general counsel was held with NMDOT District 3 staff on March 6, 2007, to discuss the SIB loan agreement to fund a portion of the West I-40 Diversion Channel Extension up to Paseo del Volcan. A second meeting that also included NMDOT legal staff was held on March 16, 2007, in Santa Fe.

He added that there was also a meeting on March 14, 2007 with the Federal Highway Administration, NMDOT, and staff to discuss the eligibility of the diversion of storm waters through a transportation project. As the infrastructure is required to insure the project will function as designed, the infrastructure is eligible for federal funding.

Responding to a question from Director Saiers, Mr. Lovato replied that the MRCOG would identify AMAFCA as the lead agency for funding. The loan itself would be paid by future federal funds as they came in. AMAFCA would like to have language drafted to clearly state that AMAFCA will not be responsible for the debt if the federal funds were to be disrupted.

Mr. Lovato stated that the next step would be to have Duane Brown, AMAFCA Bond Counsel, draft the alternative loan agreement that provides that in the event of a default by the federal government, the SIB would not look to AMAFCA for repayment. The draft agreement will also be reviewed by the bond rating committees at Standard and Poor's and Moody's to ensure that the loan would not affect future AMAFCA bond ratings. The agreement would then come to the Board for approval.





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Mr. Lovato asked for Board input and guidance on the proposed use of SIB funding for the West I-40 Diversion Channel Extension, and for permission to allow Duane Brown to draft a proposed agreement that would have the elements discussed.

Director Lyon expressed concern that AMAFCA would be paying for the SIB agreement to be redrafted by Mr. Brown. Chairman Hernandez replied that it had been his decision to engage Mr. Brown for this effort. The agreement needs to be drafted so that it can be reviewed by staff, counsel, bond counsel, and the bond rating agencies. Mr. Brown added that this draft agreement would be shown to the bond rating agencies to determine if it would adversely affect AMAFCA's bond rating, before being brought before the Board for approval.

Ms. Bregman stated that, as a result of the meetings, it was determined that AMAFCA is an eligible entity to take out an SIB loan, as the drainage portion of the project is a significant portion of the project.

She added that the Board will not be able to approve the loan agreement until the other steps have been taken, namely having the agreement reviewed by the bond rating agencies. AMAFCA hopes the bond rating agencies will determine that the debt is not a debt upon AMAFCA, as the money stays within NMDOT, and there is no obligation for repayment upon AMAFCA. The federal government will also need to approve the agreement before the loan can be made.

Mr. Brown stated that the City of Albuquerque SIB loan agreement for the I-40 Project had similar language regarding repayment, where the City had no obligation for repayment other than federal funds. The City of Rio Rancho SIB loan agreement did not have such language.

Ms. Bregman continued, stating that AMAFCA made it clear to NMDOT that they would not guarantee the debt. NMDOT agreed that the only source of repayment would be federal funds, the default language could be taken out of the agreement, and language used in its place that would indicate there could be no financial default. She reported that Mr. Powers was hopeful that bond rating agencies would see AMAFCA as simply a conduit for the funds.

In response to a comment from Director Lyon that NMDOT would benefit from the loan, Mr. Doyle, Assistant District Engineer for NMDOT District 3, stated that both AMAFCA and NMDOT would benefit from the SIB loan. Mr. Kelly added that a 44 square mile watershed drains through the project, so it is a major trunk line in AMAFCA's drainage system. Mr. Doyle added that the SIB loan would be for drainage and allows the drainage components to be installed as a part of the road project.

In response to a question from Director Eichenberg, Mr. Doyle stated that the improvements in this corridor (I-40/Coors interchange, and along I-40 to the top of the escarpment) would



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total approximately \$70 million. GRIP funds for Phases I, II, and III were front loaded into Phase I, so NMDOT is now running short of funds in Phase III.

Mr. Kelly stated that AMAFCA will own and maintain the trunk storm drain, as well as arranging funding through NMDOT. He added that debt payment is considered "first tier" for repayment in the local transportation improvement program, if federal funding is reduced. Mr. Brown will add language to the draft agreement to either suspend or extend the debt payments if the federal program should happen to be discontinued. This will protect AMAFCA in the case that unlikely event occurs.

Mr. Kelly added that the project has about \$18 million in the two main drainage components: about \$12 million in the diversion to keep water out of the South Valley, and another \$6 million in drainage within the NMDOT right of way and the freeway interchanges.

Mr. Kelly stated that the West I-40 Diversion Channel and drainage plan was master-planned in the mid-1970's, in the Westside Drainage Management Plan written by William Matotan & Associates. The City built the first leg, a 14' x 14' box culvert in the north side of the roadway cut, going under the bridge and up to Coors, at a cost of \$8 million (including design, construction, and construction management). NMDOT built a four-barrel culvert under Coors in the mid-70's. AMAFCA used two of those four barrels to extend that project across Coors. AMAFCA picked up the funding on a box culvert up to Estancia in the mid-90's, at a cost of \$4 million (including design, construction, and construction management).

He continued, stating that AMAFCA had just finished extending the diversion channel up to Unser, at a construction cost of \$5.5 million. AMAFCA has also purchased right of way for the channel all the way up to 98th Street, with funding approximately 60% AMAFCA/40% City. Approximately \$20 million has been spent on the West I-40 Diversion Channel to date.

Mr. Kelly added that this project would install permanent facilities all the way up to the Paseo del Volcan interchange, with a couple of interim channels on Westland property, and an interim channel between Unser and 98th in the existing right of way, that will be designed to carry existing flows. That interim channel will be upgraded in the future to something similar to the channel between Estancia and Unser which was recently completed.

He concluded by saying the West I-40 Diversion Channel is the "North Diversion Channel" of the Westside. The projects downstream of this one have been built with the completed channel in mind.

In response to a question from Director Saiers about the loan, Chairman Hernandez stated that this loan will allow NMDOT to build the drainage portion of the project at the same time as



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they build the transportation portion. Responding to another question, Mr. Lovato stated that AMAFCA was contributing approximately \$5.2 million towards the drainage on the project.

Mr. Lovato added that the West I-40 Diversion Channel which was just completed is 30% in NMDOT right of way. NMDOT will dedicate that land to AMAFCA when the entire channel is complete. If the diversion channel portion of the project is not built, the transportation portion of the NMDOT project would not work as it is currently designed. NMDOT would have to spend more money on the transportation portion of the project to get existing flows across the freeway.

Mr. Lopez, from NMDOT, stated that in the agreement, AMAFCA will only be pledging the money that NMDOT will be getting from the federal government. If the federal money is not received, there would be no repayment. He opined the loan agreement was simply a funding mechanism.

In response to a question from Director Lyon about bond ratings and the previous SIB loans obtained by the City of Rio Rancho and the City of Albuquerque, Mr. Brown stated that he was unaware of any precedents for the bond rating agencies reviewing an agreement for an SIB loan prior to issuance of the loan.

Consensus of the Board was to allow Duane Brown to draft the appropriate language for the proposed agreement for staff review, and review by the bond rating agencies.

Chairman Hernandez called a recess at 11:16 a.m. The meeting resumed at 11:26 a.m.

**9. Trash and Debris Removal – Authorization to Advertise (*continued*)**

Mr. Wagener stated that at the time the contracts had originally gone to bid, Loren Mainz had estimated the number of hours and days of trash and debris removal that would be needed over the course of a year. Each contractor billed AMAFCA at an hourly rate for the work actually done. The amounts actually billed each year have been less than the amounts budgeted.

Mr. Wagener had quickly prepared a table to indicate expenditures per fiscal year (based upon when invoices had been paid). The fiscal year expenditures did not directly correlate to the contract years due to their different starting months, but demonstrated that expenditures have been less than budgeted for each of the years. The amounts varied year-to-year based on crew availability and cleanup needs.



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		R.P. Construction – Manual Trash & Debris Removal		Southwest Sewer – Mechanical Trash & Debris Removal	
Bid Amounts		61.50/hr	\$53,640.00	150.00/hr	\$84,500.00
Actual expenditures to date (per FY)	1	61.50/hr	\$42,346.07	150.00/hr	\$29,983.56
	2	61.50/hr	\$53,665.21	150.00/hr	\$32,537.06
	3	62.73/hr	\$59,316.25	153.00/hr	\$27,729.13
Totals			\$155,327.53		\$90,249.75

The hourly bid amounts were increased by 2% the third year due to increases in fuel costs, per the contractors' requests and Board approval.

Mr. Kelly added that the number of trash bags collected is reported to the EPA. During the EPA Audit, the Pueblo of Sandia's Water Quality Officer told the EPA inspectors that the Pueblo is observing a noticeable reduction in trash in the Rio Grande because AMAFCA's trash and debris removal crew is removing trash from the North Diversion Channel Outfall. Because of the contract, AMAFCA's maintenance crew is allowed time to perform more highly skilled maintenance tasks. Mr. Kelly recommended both contracts be sent out for bid, and be retained in the budget. The amount budgeted for each contract might be adjusted during the budget process.

**a. Manual Trash and Debris Removal**

Director Eichenberg made a motion the Board authorize the Executive Engineer to advertise for maintenance contract bids for Manual Trash and Debris Removal from Flood Control Facilities for 2007. Director Lyon seconded the motion, which passed unanimously (5-0).

**b. Mechanical Trash and Debris Removal**

Director Eichenberg made a motion the Board authorize the Executive Engineer to advertise for maintenance contract bids for Mechanical Trash and Debris Removal from Flood Control Facilities for 2007. Director Saiers seconded the motion, which passed unanimously (5-0).

**14. 2007 Legislative Session – Briefing by New Mexico Outsourcing, Inc.**

Mr. Kelly introduced Maurice and Mary Hobson, of New Mexico Outsourcing, who briefed the Board on the 2007 Legislative Session.

Mr. Hobson noted that a record 2980 bills were introduced during the 60-day session. As a result, it was difficult for bills to get through both houses for approval. This was particularly



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evident in the Senate, as they wished to clear all of their bills before addressing those from the House. Bills introduced early had a greater chance of making it through both houses.

Mr. Hobson stated that the AMAFCA bill, HB251, had passed both houses and was en route to the Governor's office to be signed. He thanked Chairman Hernandez, Mr. Kelly, and Mr. Lovato for attending committee hearings and speaking as expert witnesses. Representative Dan Silva sponsored the bill in the House, where it passed 69-0, and Senator James Taylor carried the bill in the Senate, where it passed 35-1. The bill raises AMAFCA's debt limit to \$80 million. Mr. Hobson opined that introducing this bill early had contributed to its success.

Mr. Hobson stated that HB978 and the identical bill, SB1090, had been tabled in committee. Mr. Kelly testified for AMAFCA, one of eight agencies protesting the bill. Ms. Hobson added that the bills might be resurrected in interim committees. Mr. Kelly stated that further information from the Office of the State Engineer will be forthcoming when they address the Board in May.

Mr. Hobson stated that HB823, the Government Conduct Act, had passed both houses unanimously. It may affect AMAFCA campaign contributions and contracts, and should be reviewed by legal counsel. He opined that AMAFCA would be considered "local government" for purposes of this bill.

Director Eichenberg noted that in the comments for HB823, an amendment had taken away the exception for judges, which had matched the exception for legislators. He asked if legislators were covered by the bill, recalling a constitutional provision that the legislators cannot enact a law covering other elected officials but excluding themselves. Mr. Hobson stated a few examples of legislation that only applied to certain groups, such as judges. He stated the bill should be carefully reviewed in its final form.

In response to a question from Director Eichenberg about duplicate "mirror bills," Mr. Hobson replied that the practice of sending identical bills through the two houses had contributed to the near doubling of the number of bills introduced per session in recent years, creating a "logjam" effect. As this practice also contributes to fewer bills making it to the Governor's desk, the legislators tend to not like duplicate "mirror bills." AMAFCA had chosen not to go that route. Ms. Hobson stated that a bill preventing mirror bills in committee did pass.

Ms. Hobson added that, as there was only one bill to follow, they were able to lobby each committee prior to it being heard in that committee, with good results.

Director Eichenberg commented that the one vote against the bill in the Senate had come from Senator Leonard Rawson. His comments during the committee hearing indicated his wish that



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AMAFCA would increase its debt service mill levy rather than extend the payoff schedule. Ms. Hobson noted that his vote had also been the only one against the 1997 bill to increase AMAFCA's debt limit from \$20 to \$40 million. Mr. Hobson added that the Senator had wanted a statutory limit set on AMAFCA's mill levy, but recognized that the mill levy was self-limiting in that voters had to approve the bond issues.

Director Eichenberg stated that committee members were impressed that AMAFCA's bond authorization is set at a general election, rather than in a limited-turnout special election.

Mr. Kelly stated that a flood control authority had been authorized in Las Cruces, but never formed. He added that the legislature had approved the formation of the Eastern Sandoval County Arroyo Flood Control Authority, covering Placitas and the eastern side Bernalillo, adjacent to SSCAFCA (HB939). The flood control district had been modeled on AMAFCA's enabling legislation. Mr. Hobson added that they had also established the Chavez County Flood Control Commissioner. Otero County wants to do something similar.

Chairman Hernandez mentioned HM100, the "Skippy" Padilla bill, which requested that the APS Surge Pond at Bridge and Hartline, adjacent to the School on Wheels, be named after Mr. Padilla. Mr. Kelly responded, stating that Bernalillo County and Albuquerque Public Schools own and maintain the APS Surge Pond. It is up to those entities to name the site, if they wish. Director Lyon suggested a letter be sent stating that AMAFCA would not object to the name. Chairman Hernandez stated it could be discussed at a future Board meeting.

The Board thanked the Hobsons for their report.

Chairman Hernandez called a brief recess for lunch at 12:00 p.m. The meeting resumed at 12:13 p.m.

**15. Field Highlights**

- a. Construction Report**
- b. Field Report**

Staff presented a slide show of current AMAFCA projects. Mr. Wagener stated that Mr. Lovato had met with the surety on the West I-40 project, and is very close to finalizing the final adjusting change order.

Mr. Wagener discussed photos of the La Cueva Arroyo at Barstow, and the Amole Phase III Project. The pedestrian bridge over the La Cueva Arroyo, which is near two schools, is already seeing use and improving safety. Most of the seeding has been completed on the Amole Phase III Project.



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Christy Burton, AMAFCA GIS Manager, discussed photos of the Isleta/Hartline Storm Drain Project. The grand opening celebration on March 9, 2007, at the APS Surge Pond was well-attended and was covered by the media.

Mr. Wagener discussed photos of the Albuquerque Bernalillo County Water Utility Authority's Raw Water Project, the EPA field trip (part of the EPA Audit at the end of February), the Las Ventanas Dam temporary parking, and shotcrete installation at the Corrales Main Canal.

Mr. Wagener then showed pictures of the AMAFCA crew cleaning the "bathtub" area of the North Diversion Channel Outfall, and the railing the crew installed at the bike trail alongside the channel at Indian School Road.

Other pictures depicted a contractor removing approximately 15,000 CY of excess sediment at the Black Diversion Dam, which was authorized by the Board at zero royalty last fall; dam inspections with a representative from the Office of the State Engineer; the crew using a dozer to fix minor erosion discovered during inspection of one of the dams; maintenance at the John Robert Dam to fix runoff erosion; repairing concrete at the North Pino Arroyo in several locations; a turnkey project at Universe Plaza, and the Jefferson bikeway project in progress.

**16. Tour of AMAFCA Maintenance Yard**

Mr. Wagener introduced Roland Penttila of the City of Albuquerque Department of Municipal Development Transportation Division, who was in attendance in regards to this item and the next.

Chairman Hernandez called a recess at 12:27 p.m. for a tour of the AMAFCA Maintenance Yard, in preparation for the next item on the agenda. The meeting resumed at 12:47 p.m. Chairman Hernandez stated that during the tour, the Board examined the portion of the maintenance yard that would be impacted by item 17, and the adjacent bike trail.

**17. Embudo Arroyo Bike Trail and AMAFCA Yard Improvements – Briefing on Proposed Cost Share Arrangements with City of Albuquerque**

Mr. Wagener stated that the City of Albuquerque and their engineer, The Larkin Group, were in final design of the Embudo Arroyo Multi-Use Trail, adjacent to the AMAFCA Maintenance Yard. The City will install a bridge over the Embudo Arroyo, parallel to the freeway, and add a circular landing and ramp down to the existing bike trail.



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Mr. Kelly added that, due to the City's Trail Design Standards (covered under AASHTO), and ADA accessibility issues, a wider trail area is needed to allow for a railing and a recovery zone. This is a federal requirement on new construction, which the bridge is. To accomplish this, the existing concrete (MSE) retaining wall along a portion of the east side of the AMAFCA yard will need to be extended north, and new fencing installed along the top of the retaining wall. This will eliminate a portion of dirt slope extending into the maintenance yard, making a larger useable area in the yard.

Mr. Wagener stated that, due to economy of scale, it would be a good opportunity for AMAFCA to improve the retaining wall and fencing along the north side of the AMAFCA yard, at the same time as these improvements are being done by the City on the east side of the AMAFCA yard. The Board had previously budgeted \$20,000 for yard improvements. These funds could be used to pay for the improvements on the north side of the yard, estimated to cost \$20,000 - 25,000.

He requested Board input on the proposal, stating the design had gained Development Review Board approval at the City.

Discussion followed. In response to an inquiry from Director Saiers, Mr. Wagener stated that, in addition to a better aesthetic appearance, the AMAFCA maintenance yard would have greater useable space as a result of the new retaining wall and fence.

Mr. Kelly confirmed Director Saiers' comment that the Board will be deciding whether or not to use the money previously budgeted for "Yard Improvements" to replace the small portion of timber wall, and the yard fence along the north perimeter, at the same time as the City project is constructed. He added that, if AMAFCA does not spend the \$20,000, it will roll over into the beginning balance for next year's Operating Fund.

Mr. Penttila commented that, as an avid bicyclist himself, he is excited to see this addition to the City's trail system. He stated that the City project has a budget of \$850,000. The City agreed to upgrade the fencing in response to a request from AMAFCA. The additional trail width increases safety to avoid having any bicyclists running into the fence. The price per unit goes down as more MSE is purchased, which would save both the City and AMAFCA money.

Mr. Kelly added that the portion of the project along the north side of the AMAFCA yard would be a separate bid lot, to be paid separately by AMAFCA based on actual cost. Staff could prepare a Cost Share Agreement for the Board's consideration at a future meeting.

Mr. Wagener stated that the existing slope will be removed. The City will extend the existing MSE wall further to the north. The steel picket fence will be installed along the top of the





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MSE wall. The lower chain-link fence will be removed. All of this is included in the City project. The Board will decide if they want to continue the MSE and steel picket fencing around to the north boundary of the AMAFCA yard.

Responding to a question from Director Eichenberg, Director Hernandez stated that the trail is rather heavily used, handling about 1% of the daily traffic load of Carlisle, plus pedestrians. This study was done before the "Big I" project was begun in 2000.

After further discussion, the Board asked staff to make a specific inquiry to risk management at the DRB regarding the safety of having the steel picket fencing alongside a bike trail, as opposed to chain link fencing. Mr. Penttila stated he would make this inquiry. As the City will own and maintain the trail, any liability will be the City's. Mr. Kelly added that vinyl-coated chain link is a possible alternative.

Consensus of the Board was support of the installation of the concrete retaining wall along the north yard boundary, and support of installing the steel picket fencing on the north yard boundary if it would be safe for the bicyclists who use the trail.

Director Eichenberg left the meeting at 1:10 p.m., due to a prior commitment.

**18. FY 2008 Budget**

**a. AMAFCA Equipment and Fleet Evaluation**

Mr. Wagener stated that, after review of the fleet, the dump trucks and loader originally scheduled for replacement in FY 2008 are still in good condition and do not need replacement at this time. The loader will probably be replaced in FY 2009, and the dump trucks in FY 2010.

He requested that the Board consider including the purchase of a Compact Track Loader with implements at \$80,000.00 and the purchase of a Rough Haul End Dump at \$50,000.00 in the FY 2008 Operating Budget. These purchases would allow better access to certain maintenance areas, and reduce wear and tear on the dump trucks.

Discussion followed. Director Brown opined that being able to extend the life of AMAFCA's equipment by using other equipment better suited to moving and hauling rock and concrete would be beneficial and cost-effective.

Mr. Lovato added that, as the current loader cannot work two places at once, AMAFCA would be able to accomplish more work in the same amount of time if there were two loaders. The compact loader would also allow more efficient maintenance work in areas currently



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inaccessible to mechanized equipment, which are now being cleared by hand. Maintenance requirements will also increase over the next 18-24 months. The new equipment would greatly assist with these additional maintenance needs. The purchases will reduce rentals of similar equipment.

Mr. Wagener added that implements, such as a mower, an auger, and a grapple, would also be purchased. AMAFCA does not currently have some of these implements.

Consensus of the Board was support of including the purchase of the additional equipment in the FY 2008 draft operating budget, with a request to see figures on annual rentals of similar equipment, and an indication of what the purchases would save AMAFCA on an annual basis, for additional justification of the purchases.

**b. Discussion on Additional Maintenance Worker**

Mr. Wagener stated that AMAFCA had need of an additional heavy equipment operator on the maintenance crew. Most of the overtime experienced by the crew goes to the heavy equipment operators due to the workload. Mr. Kelly added that the position would be advertised internally first. At least three of the existing maintenance crew had sufficient qualifications to apply for the position. Mr. Wagener added that, if one of the crew members was promoted, the vacated position would be filled with a new crew member.

Chairman Hernandez stated that the Personnel and Salary Committee had met to discuss the situation. They had determined that the current maintenance crew size was inadequate, as there were not enough people to do the work needed. Director Brown added that safety consciousness was an important qualification of the position, which had been demonstrated by those on the current maintenance crew.

Discussion followed. The Board consensus was support of including an additional maintenance worker in the FY 2008 draft operating budget.

**c. Draft FY 2008 Operating Budget**

Ms. Jeffries stated that tax revenues in FY 2007 were higher than budgeted, so the projected June 30 ending balance is higher. The projected tax revenues for FY 2008 were calculated using current mill levy rates and assuming 3% growth in residential and non-residential, and a 2% growth in centrally assessed valuations. A 98% collection rate was assumed. The assessed valuations from the abstract dated October 2, 2006, was used.

Ms. Jeffries stated that the draft FY 2008 operating budget was similar to the FY 2007 budget, with the following changes:



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- Pursuant to direction from the Personnel and Salary Committee, FY 2008 salaries are listed at their current level plus 5%, and including the proposed new maintenance worker/heavy equipment operator discussed in Item 18b.
- FICA, PERA, RHC and Insurance percentages will be verified with the City after further information becomes available in April.
- The Uniforms, Boots, Etc. line item was increased assuming the approval of an additional maintenance worker.
- Worker's Compensation Insurance is based on last year's billing.
- Under Office & Building Operating expenses, Gas was increased due to rising costs, minor building maintenance was increased to cover the rising costs of maintaining the building, and Periodicals/Books was decreased to reflect current history.
- Under Elections and Government Affairs, Elections was adjusted to more accurately reflect costs, and State Legislative Liaison was decreased to reflect the 30-day session in January 2008.
- The USGS Cooperative Program was increased to reflect additional rainfall gauging stations.
- MRCOG 2008 Digital Photography reflects AMAFCA's portion for the spring 2008 acquisition of aerial photos.
- General Landscape Maintenance covers the proposed contracts for seeding and reseeding, tree and plant removal and replacement, and maintenance of irrigation systems at Swinburne Dam, Las Ventanas Dam, Black Dam, and the AMAFCA Office and Yard.
- An additional line item for Dam Crest Surveys required by the Office of the State Engineer to document to elevations of the dam crests on 19 of AMAFCA's 34 dams.
- Purchase of additional equipment as requested under item 18a.
- Transfer to Contingency fund increased from \$100,000 to \$250,000.

In response to a question from Director Brown, Ms. Jeffries stated that the FY 2008 budgets would be approved via Board resolution at the May 31, 2007 Board meeting, for submission to DFA by the June 1st deadline.

Responding to a question from Director Saiers, Ms. Jeffries confirmed that there was a savings in the administrative salaries line item due to the Real Estate Manager position being open from December 2006 to present. Mr. Kelly added that applications would be accepted through 5:00 p.m., and five applicants had shown interest in the position as of the previous day.



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**d. Draft FY 2008 Construction Fund Budget**

Mr. Kelly stated that the first draft of the FY 2008 Construction Fund budget reflects the \$20 Million Bond Election approved in November, 2006. He provided a list of projects remaining from the FY 2005 Project Schedule/FY 2007 Construction Fund Budget in a declining balance format, with several additions and two projects on hold.

He stated that design of the Domingo Baca Inlet Storm Water Quality Facility has been suspended until NMDOT plans for the Paseo del Norte/I-25 interchange and collector roads are finalized, and the Amole Dam Gravity Outlet has been delayed until the Corps of Engineers Southwest Valley Drainage Improvements Project receives federal funding.

The following were added:

- El Pueblo Storm Drain, Phase I (design, construction, and construction management)
- AMAFCA Project and Concrete Channel Rehab, 2008 (design, construction, and construction management of several repair jobs bundled together)
- Tingley Park Surge Pond (construction funding)
- The John Robert Dam Emergency Action Plan (a cost-shared project with City of Albuquerque)
- The North Domingo Baca and Kinney Dam Emergency Action Plan
- Tijeras Arroyo 500-year Evaluation (evaluation has begun and may be complete before FY 2008)
- West I-40 Diversion Channel Extension LOMR (an AMAFCA obligation as a part of the agreements with NMDOT and SunCal, formerly Westland, for the West I-40 Diversion Channel Extension Project)
- Los Padillas Gravity Drain Outlet to the Rio Grande Right of Way acquisition
- West I-40 Diversion Channel – Plat of Drainage Right of Way (an obligation to the City of Albuquerque)

Director Saiers asked if a generic item could be added for Martineztown Drainage Improvements. At Chairman Hernandez's invitation, Mr. Hogan stated that the City is looking at several potential projects to improve drainage in this area. These include possibly installing a surge pond at the back end of the old emissions control station at Odelia and Broadway, a potential surge pond near the pump station on Broadway next to the Post Office, revamping the pump station, and possibly changing the criteria for development within the basin to require on-site ponding of a large percentage of the runoff from any new development.

In response to a further question from Director Saiers, Mr. Kelly stated that the following projects could be slowed if necessary, to provide funding for additional projects:



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- McCoy Channels
- Johniece Storm Drain
- North Camino/El Camino Arroyos Avulsion One (dependant on an agreement with the Pueblo)
- Swinburne Dam Water Quality
- Miscellaneous Drainage Improvements, North and South Valley
- Southwest Valley Drainage Improvements Project (depending on federal funding, could move earlier)
- Paseo del Norte/Coors Blvd. Ponds and Storm Drain

If these projects are delayed, the corresponding construction management expenditures would also be delayed. Over \$5 million in projects could be deferred.

He added that there is an expectation at the legislature that AMAFCA will help to fund drainage improvements in Barelvas and Martineztown with the additional bonding capacity approved by the legislature. Chairman Hernandez and Director Brown pointed out that the City would probably not be ready to start any projects in Martineztown this fiscal year. Director Lyon suggested renaming the line item for the Tingley Park Surge Pond as the Barelvas Surge Pond at Tingley Park, emphasizing that this project benefits Barelvas.

Mr. Kelly stated that further discussion of these projects would be covered at the Board's Work Study sessions. The first session would cover the eastside, upstream of the North Diversion Channel and South Diversion Channel. The second session would look at projects in the Valley. The final session would cover westside projects.

**19. Unfinished Business**

None.

**20. New Business**

Director Lyon asked if the Board could send a generic letter to Bernalillo County and/or Albuquerque Public Schools in support of, or expressing no objections to, the renaming of the APS Surge Pond after "Skippy" Padilla, as the legislature called for in HM100. Chairman Hernandez replied that he was considering a resolution to that effect at the next Board meeting.



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**21. Items from the Floor/Public Comment**

Roger Paul, of the Bernalillo County Public Works Department, stated that the contractor would be finishing up work on the Isleta Boulevard Phase II Project soon. A ribbon cutting ceremony is anticipated in early June. The Board and AMAFCA staff will be invited.

**22. Adjourn**

With no further business to discuss, Chairman Hernandez adjourned the meeting at 1:55 p.m.

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Tim Eichenberg, Secretary-Treasurer 5/3/07

Recorded by Pam Woodruff, Secretary to the Executive Engineer