



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

Chairman Hernandez called the Regular Board Meeting to order at 10:04 a.m., Thursday, December 13, 2007. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Janet Saiers Director Tim Eichenberg Director Ronald D. Brown Director Daniel Lyon
Directors excused:	None
Others present:	John Kelly, Executive Engineer Jackie Bregman, Attorney Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

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

3. AMAFCA General Counsel Services – Selection Advisory Committee Meeting, Recommendation, and Selection of Top Ranked Firm

Chairman Hernandez stated that the entire Board would serve as the Selection Advisory Committee for AMAFCA General Counsel Services.

Director Saiers noted that the proposal from Dolan & Associates didn't cover two of the criteria to be scored, "proposed approach" and "costs and billing." She commented positively on a proposal from a firm which had not previously submitted, Smith & Payne. Director Eichenberg stated that in their proposal for the first General Counsel Services RFP this summer, Dolan & Associates had covered all the criteria, but two areas were left out of this proposal.

In response to a question from Director Saiers, Mr. Kelly stated that the General Counsel Services contract would be for one year, with up to three one-year extensions if mutually agreed upon by both parties. He then recorded the firms ranked number one, number two, and number three by each Board member. Ordinals were used to eliminate the bias of a high score or low



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score. The ordinal rankings were converted to seven points for a number one ranking, six points for a number two ranking, and five points for a number three ranking. The Selection Advisory Committee's top-ranked firm was Robles, Rael & Anaya. The Modrall Law Firm was ranked second, and Smith & Payne was ranked third.

Director Saiers made a motion that the Board select the Robles, Rael & Anaya law firm as AMAFCA's General Legal Counsel. Director Lyon seconded the motion, which passed unanimously (5-0).

After discussion, the consensus of the Board was to make the contract with Robles, Rael & Anaya effective in late January, 2008, with a short-term interim agreement to cover legal services and to begin the transition from the Bregman Law Firm between now and when the contract is approved and signed. The Bregman Law Firm will be continue to be engaged at an hourly rate for any transition assistance required. Ms. Bregman stated that she anticipated a smooth transition period.

4. Meetings Scheduled

- a. January 24, 2008, 10:00 a.m. – Regular Meeting
- b. February 28, 2008, 10:00 a.m. – Regular Meeting
- c. March 27, 2008, 10:00 a.m. – Regular Meeting

After discussion, and at Chairman Hernandez's request, the meetings for January 24, 2008, February 28, 2008, March 27, 2008, and April 24, 2008 were moved to 1:00 p.m. The meetings will return to 10:00 a.m. with the May 22, 2008 meeting. The revised meeting schedule is as follows:

- a. **January 24, 2008, 1:00 p.m. – Regular Meeting**
- b. **February 28, 2008, 1:00 p.m. – Regular Meeting**
- c. **March 27, 2008, 1:00 p.m. – Regular Meeting**

5. Approval of Minutes

- a. **November 15, 2007**

Director Saiers made a motion to approve the minutes of the November 15, 2007 Regular Board Meeting. Director Brown seconded the motion, which passed unanimously (5-0).



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6. Financial Matters

a. Approval of November, 2007 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the November, 2007 Expenditure Report. In response to a question from Director Eichenberg, Ms. Jeffries stated that the new coffee maker was a three burner commercial model, to replace the previous coffee maker, which had ceased working. Mr. Kelly added that the previous coffee maker had seen heavy use since its purchase in 1994.

Responding to another question from Director Eichenberg, Ms. Jeffries stated that a deposit on framing office photos was put on an AMAFCA credit card, and the balance of the cost was paid by check. Mr. Kelly added that at the time of the office remodel, he had asked for old aerial photos of the North and South Diversion Channel to be framed to better preserve them.

There being no further questions, Director Eichenberg made a motion to approve the November, 2007 Expenditure Report. Director Brown seconded the motion, which passed unanimously (5-0).

b. Investment Report for November, 2007

For information.

c. Financial Recap November 16, 2007, through December 12, 2007

For information. She stated that under the Construction Fund, two special accounts were created for AMAFCA's GRIP projects with the NMDOT. These accounts are shown as a \$5,417,000 investment in the state short-term fund.

d. Financial Forecast December 12, 2007, through January 15, 2008

Ms. Jeffries presented the Financial Forecast for the period December 12, 2007, through January 15, 2008. There were no questions.

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



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7. Legal

a. Status Report

Ms. Bregman had nothing to add to her written legal status report. She thanked the Board for moving to select a new General Counsel so that the transition could begin. Director Lyon, on behalf of the Board, thanked the Bregman Law Firm for their years of fine service.

8. Notification of On-Call Services Task Orders

The memo from Mr. Kelly stated that five task orders had been issued on the On-Call Services contracts in November. Boyle Engineering Corporation had been issued Task Order #1 for construction management services for the Embudo Channel Repairs Under Carlisle Project, on a time and materials basis not to exceed \$27,967.00. Vinyard & Associates, Inc. had been issued Task Order #5 for geotechnical testing services for the Embudo Channel Repairs Under Carlisle Project, on a time and materials basis not to exceed \$3,398.00.

He added that Smith Engineering Company had been issued Task Order #1 for construction management services for the Miscellaneous AMAFCA Projects 2008 Project, on a time and materials basis not to exceed \$30,572.50. Vinyard & Associates, Inc. had been issued Task Order #4 for geotechnical testing services for the Miscellaneous AMAFCA Projects 2008 Project, on a time and materials basis not to exceed \$6,786.00.

He stated that the final on-call task assigned in November was Bohannon-Huston, Inc., who was issued Task Order #1 for professional engineering services for creating new and updating existing standard AMAFCA drawings and details, on a time and materials basis not to exceed \$23,538.00.

Responding to a question from Chairman Hernandez, Mr. Kelly stated that the Miscellaneous AMAFCA Projects 2008 Project includes small jobs on 15 different sites.

In response to a question from Director Eichenberg, Kurt Wagener, AMAFCA Field Engineer, stated that, over the years, conflicting "standard" AMAFCA drawings and details had been created, and often different companies held different versions of those "standard" drawings. Revising these "standard" drawings and details, and creating new "standard" drawings where none exist, will standardize how AMAFCA builds fencing, access gates, side inlets, pipe penetrations, water quality manholes, and a number of other features. It will level the playing field among area engineers and contractors when everyone has the same "standard" drawings and details.



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He added that "standard" drawings and details simplify plan sets because every little detail does not have to be specified in each plan set. The plan set simply refers to the "Standard AMAFCA Drawing" (or Detail) for that detailed information.

Consent Agenda:

In response to a question from Director Saiers regarding the agreement with MRCOG for 2008 Digital Photography and Limited LIDAR Topography, Mr. Kelly stated that the cooperative digital photography program began in 1998, and is updated every two years, with a few areas added for topographical surveys as requested by funding partners. AMAFCA also makes the resulting data available to the engineering community for checkout on CD, or by duplication onto a portable hard drive. A digital photo will be made of the entire county, with topography done in areas of town where there has been considerable grading, such as new subdivisions, or where questions have arisen, such as at the Albuquerque West Levee near Montañó.

9. Authorization to Advertise Request for Proposals for Commercial Banking and Cash Management Services

The memo from Ms. Jeffries stated that the agreement with Wells Fargo Bank to provide commercial banking and cash management services expires February 28, 2008. A proposed Request for Proposals was attached to the memo.

The memo requested the Board authorize the advertisement of the Request for Proposals for Commercial Banking and Cash Management Services.

10. 2008 Digital Photography and Limited LIDAR Topography – Consideration of Cost Share Agreement with Mid Region Council of Governments

The memo from Christy Burton, AMAFCA GIS Manager, stated that AMAFCA, the City of Albuquerque, Bernalillo County, Belen, Kirtland Air Force Base, City of Los Lunas, MRGCD, City of Rio Rancho, Sandia Laboratories, Sandia Pueblo, Santa Ana Pueblo, USGS, Santa Fe County, and the Albuquerque Bernalillo County Water Utility Authority are participating in the 2008 Digital Orthophotography Project. Six-inch resolution digital orthophotos will be obtained for all of Bernalillo County and parts of adjacent counties. AMAFCA has requested new topography for the area of the Montañó west side levee. The agreement with the Mid-Region Counsel of Governments has been reviewed by legal counsel for both agencies.

The memo requested the Board approve the proposed agreement with the Mid-Region Counsel of Governments for 2008 Digital Photography and Limited LIDAR Topography.



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**11. Vineyard Inlet to North Diversion Channel Storm Water Quality Facility –
Authorization to Advertise for Construction Bids**

The memo from Mr. Wagener stated that the Vineyard Arroyo Water Quality Facility is ready to bid. The project consists of approximately 400 sf of wedge wire screen, 460 cy of structural concrete, 350 lf of 96" RCP storm drain, and a 96" pipe penetration into the North Diversion Channel, at an estimated cost of \$950,000 plus NMGR. The facility will take clean water out of the trash and debris laden storm flows, rather than the prior practice of taking the trash and debris out of the storm water.

The memo requested that the Board authorize the Executive Engineer to advertise for construction bids for the Vineyard Arroyo Inlet to the North Diversion Channel Water Quality Facility.

**12. La Cueva Inlet to North Diversion Channel Storm Water Quality Facility –
Authorization to Advertise for Construction Bids**

The memo from Jerry Lovato, AMAFCA Drainage Engineer, stated that the La Cueva Inlet to the North Diversion Channel Storm Water Quality Facility Project will soon be ready to bid. The project consists of a box culvert installed between the La Cueva Channel and the North Diversion Channel. It will divert up to 1500 cfs into a water quality structure that will separate sediment and debris from the water and place treated storm flows in the North Diversion Channel. Estimated cost of construction is \$1,052,500 plus NMGR.

The memo requested that the Board authorize the Executive Engineer to advertise for construction bids for the La Cueva Inlet to the North Diversion Channel Storm Water Quality Facility.

There being no further items on the Consent Agenda, Director Brown made a motion that the Board:

- Authorize the advertisement of the Request for Proposals for Commercial Banking and Cash Management Services;
- Approve the proposed agreement with the Mid-Region Council of Governments for 2008 Digital Photography and Limited LIDAR Topography;
- Authorize the Executive Engineer to advertise for construction bids for the Vineyard Arroyo Inlet to the North Diversion Channel Water Quality Facility; and



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- Authorize the Executive Engineer to advertise for construction bids for the La Cueva Inlet to the North Diversion Channel Storm Water Quality Facility.

Director Saiers seconded the motion, which passed unanimously (5-0).

Regular Agenda:

13. Consideration of Resolution 2007-13, "*Film Production Location Licenses*"

Mr. Kelly stated that he had revised the Ditch Safety clause in the longer version of Resolution 2007-13, *Film Production Location Licenses*, pursuant to direction from the Board at the November 15, 2007 meeting. The film production fee schedule will be included in Exhibit A of AMAFCA Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*. Fees will be \$500 per day for site preparation and wrap up; \$1,000 per day for shooting days; and full reimbursement of all direct AMAFCA staff time spent in licensing and monitoring film productions, plus benefits at 40% of the employee's hourly rate.

Director Lyon made a motion that the Board adopt Resolution 2007-13, *Film Production Location Licenses*. Director Brown seconded the motion, which passed unanimously (5-0).

Chairman Hernandez called a brief recess at 10:52 a.m. The meeting was called back to order at 11:02 a.m.

14. Consideration of Revised "Exhibit A," Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*

The memo from Ms. Jeffries presented a revised "Exhibit A" fee schedule for Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*. Fees previously listed remain the same. Fees for film production licenses and the sediment royalty have been added to the fee schedule. All AMAFCA-charged fees are now included in one fee schedule. The fee schedule will next be reviewed and approved in June, 2008, to better coincide with AMAFCA's fiscal cycle.

Director Brown made a motion that the Board approve the revised "Exhibit A" of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*. Director Lyon seconded the motion, which passed unanimously (5-0).

15. Piedras Marcadas Dam Park – Consideration of Encroachment License with City of Albuquerque

Mr. Kelly introduced Colleen Frenz, of the City of Albuquerque's Department of Municipal Development.



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Loren J. Hines, AMAFCA Real Estate Manager, stated that the City of Albuquerque has been planning a neighborhood park on the AMAFCA Piedras Marcadas Dam property for over two years. Christina Sandoval, Senior Planner with the City of Albuquerque Department of Municipal Development, briefed the Board at the onset of the conceptual planning in October 2005. Ms. Frenz updated the Board on the first phase of the project in October, 2007.

He stated that the current plans have the park facilities within the emergency spillway and on the high ground just north of the spillway. The first phase will be to construct the play areas north of the spillway. Due to concerns raised by the Office of the State Engineer, no construction will take place in the spillway at this time. The Encroachment License will allow the first phase to proceed. The encroachment license has been approved by AMAFCA and City legal counsel. The Department of Municipal Development requested minor changes to the License's exhibit to more accurately reflect the license area.

Director Lyon complimented Ms. Frenz on her hard work, and asked if there were any proposed memorials to Larry Weaver in the area. Ms. Frenz stated she had not heard of any plans to name any City facilities after Mr. Weaver, but would look into it.

Director Brown made a motion that the Board approve the Encroachment License with the City of Albuquerque for Recreational Facilities at Piedras Marcadas Dam, substantially the same as attached, and authorize the Chairman to execute the same on behalf of AMAFCA. Director Eichenberg seconded the motion.

Director Saiers commented that the plaza area of the park would be an ideal location for the pedestrian-oriented AMAFCA joint use signage. Mr. Wagener stated that the Miscellaneous AMAFCA Projects 2008 Project included two large prototype signs and one pedestrian prototype sign to be installed at North Domingo Baca Dam. The plans for the signs will become a standard AMAFCA drawing.

Responding to a question from Director Saiers, Ms. Frenz stated that master planning on the community park site is in process. The City is currently working with the Office of the State Engineer (OSE) on the facilities that might be allowed in the dam pool area. Mr. Lovato added that the OSE is currently experiencing a long review period, generally lasting a year or more, with multiple submittals and revisions being required to gain approval.

The motion passed unanimously (5-0).



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**16. East Amole Surge Pond Design and Construction Engineering Services –
Consideration of Selection Advisory Committee Recommendation**

Mr. Lovato stated that six firms had picked up the Request For Proposals package for the East Amole Surge Pond Design and Construction Engineering Services Project, and one proposal was submitted. The other firms stated they did not submit proposals due to the aggressive schedule identified in the proposal, their on-going workloads, and their concerns about meeting AMAFCA's schedule given the lengthy approval process through the Office of the State Engineer (OSE).

Mr. Lovato added that the schedule is dictated by AMAFCA's agreements with the New Mexico Department of Transportation and Westland DevCo. NMDOT construction of the 98th Street Pond is due to begin in early February 2008, so the agreement needs to be approved prior to that time. Construction inspection and OSE certification of the 98th Street Pond is included in the scope of this RFP.

He stated that the Selection Advisory Committee had met on Tuesday, December 11, 2007, and found the proposal from Bohannon Huston responsive. The proposal met all the requirements including the signed mandatory Campaign Contribution Disclosure Form. The SAC recommended selection of Bohannon Huston, Inc. for the East Amole Surge Pond Design and Construction Engineering Services.

In response to a comment from Director Eichenberg, Mr. Lovato stated that the schedule is dictated by the construction schedule on the NMDOT GRIP projects. NMDOT Control Number 1313 has been awarded with construction scheduled to begin soon. A blind cost estimate was received, which has remained sealed.

Mr. Kelly added that this is a quality-based selection under the Procurement Code. Price is negotiated after the Selection Advisory Committee recommendation is accepted by the Board.

The Board had considerable discussion regarding the fact that only one proposal was received.

Director Brown suggested AMAFCA send a letter to the Office of the State Engineer, stating that approval delays are adversely affecting engineering proposals on AMAFCA projects, as the engineers are intimidated by the process of obtaining OSE approval. Chairman Hernandez concurred, as did the rest of the Board.

Chairman Hernandez and Director Lyon pointed out this is an important project, and that the Board should not delay it.



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Director Lyon made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations with Bohannon Huston, Inc., per the New Mexico Procurement Code, and consider approval of an Agreement for Engineering Services at the January Board meeting. Director Brown seconded the motion.

Director Eichenberg noted that only the third page of the Campaign Contribution Disclosure Form was included in the proposal. A contribution was noted, but the form did not say to whom the contribution was made. He suggested several changes to the Campaign Contribution Disclosure Form, and suggested that the form go through legal review, and be officially approved and accepted by the Board. He also stated he did not wish to delay the project.

In response to a question from Director Saiers, Mr. Lovato stated that delay would hold up the NMDOT project, and they could, in theory, ask for additional money from AMAFCA if AMAFCA's delay causes an overrun. The RFP was detailed, with specific dates required for certain tasks. As a result, all proposers knew exactly what needed to be done, and when.

In response to a question from Director Eichenberg, who noted that Craig Hoover of Bohannon Huston was present, Mr. Hoover stated that Bohannon Huston was confident it could meet the contract schedule specified in the RFP, but they had no control over the OSE. Mr. Hoover stated that delaying the contract a month would make it extremely difficult, if not impossible, to meet the required schedule.

Returning to a discussion of the Campaign Contribution Disclosure Form, Directors Brown and Eichenberg suggested finding out to whom the contribution was made, and requesting the entire form (pages one, two, and three) be submitted. Director Eichenberg also suggested that contributions to the AMAFCA Bond Committee be added to the form.

There being no more discussion, the motion passed unanimously (5-0).

17. AMAFCA Right of Way Adjacent to UNM North Golf Course – Further Discussion of Proposals/Inquiries Received Regarding Potential Sale/Lease of AMAFCA Property

Mr. Kelly stated that this agenda item was a followup to the discussion at the November 15, 2007 meeting. He stated that since that meeting, the University of New Mexico plans for the North Golf Course had changed and no longer include the AMAFCA parcel. The North Course Group had provided additional information, including House Bill 990, which was passed by the legislature in 2007. He noted that the Department of Finance Administration had not yet drafted regulations on implementing HB-990.



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Mr. Kelly recommended that the subject be discussed at a later time, when the Board would have more time to devote to the subject. He added that AMAFCA's interests are whole right now, and nothing had happened to affect maintenance, or reconstruction of this reach of the North Diversion Channel at a later date. He stated that he would keep the Board informed.

Director Saiers made a motion that the Board defer discussion of this agenda item to the January 2008 Board meeting. Director Brown seconded the motion, and amended the motion to defer discussion to such a time as there is a specific proposal for the property. Director Saiers agreed to the amendment to her motion.

Chairman Hernandez commented that a reply to the University of New Mexico had stated that the property was currently not surplus to AMAFCA's needs. UNM was told that decisions on potential surplus property are made by the Board in March.

Mr. Kelly noted that the property is not surplus until the Board declares it surplus. The review of potentially surplus property is normally done as a part of the budget process at the March Board meeting, when the Board reviews the recommendations of the Real Estate Committee regarding potentially surplus property. He stated that he had conveyed this information to Mr. Murphy at UNM.

Director Eichenberg made a motion to amend the motion to state that discussion of this agenda item be deferred to the March 2008 Board meeting. Director Brown seconded the motion, which passed unanimously (5-0).

The amended motion, to defer discussion of this agenda item to the March 2008 Board meeting, passed unanimously (5-0).

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

Dan Hogan, retiring from the City of Albuquerque Department of Municipal Development, introduced Roland Penttila as his replacement at the City. He added that Mr. Penttila had been at the City for four years, and had worked at the County for about five years before that. Mr. Penttila stated he was excited to be taking over his new role.

Mr. Wagener presented a slide show of projects completed throughout the year, introducing the various engineers and construction firms that had participated in each project.

Mr. Kelly then gave a brief illustrated overview of Dan Hogan's career with the City of Albuquerque Department of Municipal Development, and the various projects he had been a



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part of over the last 25 years. Mr. Kelly, on behalf of AMAFCA staff, thanked Mr. Hogan for the fine working relationship they had developed over the years.

Chairman Hernandez presented Mr. Hogan with a plaque expressing the Board's appreciation for his many years of service to the community.

Ed Adams, Chief Operations Officer of the City of Albuquerque, expressed the City's gratitude for Mr. Hogan's years of service to the City.

Dan Hogan thanked the Board, and expressed his appreciation for his staff at the City, and the good relationship between the City and AMAFCA.

19. Unfinished Business

None.

20. New Business

a. AMAFCA Holiday Schedule

The memo from Pam Woodruff, AMAFCA Executive Secretary, stated that the AMAFCA office will be closed December 25, 2007 and January 1, 2008. The office will be open on December 24 and December 26-28, 2007, but at a reduced staffing level. The maintenance crew will be on vacation beginning December 24, 2007. They will return to work on January 2, 2008.

21. Items from the Floor/Public Comment

None.

22. Adjourn

With no further business to discuss, Chairman Hernandez adjourned the meeting at 12:05 p.m.

Tim Eichenberg, Secretary-Treasurer 1/24/08

Recorded by Pam Woodruff, Secretary to the Executive Engineer