



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2008**

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1. Call to Order and Roll Call

Chairman Hernandez called the Regular Board Meeting to order at 1:01 p.m., Thursday, January 24, 2008. 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 Marcus J. Rael, Jr., Attorney Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Mr. Kelly noted that there were late mailouts on agenda items 11 and 16. He stated that agenda items 13 and 14 would probably need additional discussion, and recommended they be taken off the consent agenda and placed on the regular agenda.

Director Brown made a motion to approve the agenda, with agenda items 13 and 14 moved from the consent agenda to the regular agenda. Director Saiers seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

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

There were no changes to the meeting schedule.



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- 4. Election of Officers**
 - a. Chairman**
 - b. Vice Chair**
 - c. Secretary-Treasurer**
 - d. Assistant Secretary-Treasurer**

Director Eichenberg made a motion that the Board re-elect Danny Hernandez as Chairman, Janet Saiers as Vice Chair, Tim Eichenberg as Secretary-Treasurer, and Ronald D. Brown as Assistant Secretary-Treasurer. Director Brown seconded the motion, which passed unanimously (5-0).

- 5. Approval of Resolution 2008-1, *Open Meetings Standards***

The memo from Irene Jeffries, AMAFCA Business Manager, stated that Resolution 2008-1, *Open Meetings Standards*, was essentially the same as the resolution used in prior years. The dates were updated, and there was one addition to Section 3 at the recommendation of Attorney Rael, requiring that meeting notices be posted in two places rather than just one. The memo stated that she had confirmed with Mr. Rael that posting such notices on the AMAFCA website meets the secondary posting requirement. Legal counsel had reviewed and approved the resolution.

Director Brown made a motion to approve Resolution 2008-1: *Open Meetings Standards*. Director Eichenberg seconded the motion, which passed unanimously (5-0).

- 6. Minutes**
 - a. December 13, 2007**

Director Eichenberg made a motion to approve the minutes of the December 13, 2007 Regular Board Meeting. Director Saiers seconded the motion, which passed unanimously (5-0).

- 7. Financial Matters**
 - a. Approval of December 2007 Expenditures**

Ms. Jeffries presented the December 2007 Expenditure Report.

In response to a question from Director Eichenberg, Ms. Jeffries stated that AMAFCA does not seek a prorated refund of professional organization membership fees and licensure fees when employees leave AMAFCA.



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Director Eichenberg stated his appreciation of the plaque for Dan Hogan, obtained by AMAFCA staff at the Board's request. He then requested that seminar and conference expenses for the Board of Directors be tracked.

Mr. Kelly stated that seminars and conferences are normally paid by either check, if the registration period coincides with a normal check run, or by credit card. If someone is unable to attend a seminar, the normal procedure is to request a refund or credit towards another class. This had only happened once during his time at AMAFCA.

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

b. Investment Report for December 2007

For information.

c. Financial Recap December 11, 2007, through January 15, 2008

For information. Ms. Jeffries noted that the Financial Forecast expenditure of over \$5 million from the Construction Fund last month had not been spent due to the funds for the New Mexico GRIP project not being disbursed.

d. Financial Forecast January 16, 2008, through February 15, 2008

Ms. Jeffries presented the Financial Forecast for the period January 16, 2008, through February 15, 2008. She noted that \$250,000 will be transferred from the General Operating Fund to the Contingency Fund, as per the budget. This money will then be transferred to the State Short Term Fund.

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

8. Legal

a. Status Report

Mr. Kelly stated that Attorney Jackie Bregman had provided her final legal status report. The Bregman Law Firm would continue representing AMAFCA on the West I-40 right of way condemnation.



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Attorney Marcus Rael reported that he and Ms. Bregman had conducted a transition meeting, and several items were discussed. The Governmental Conduct Act may be changed by current Senate Bill 320, which will pare down some of the requirements of the Governmental Conduct Act if passed. He will watch that bill.

He stated that they also discussed AMAFCA's Campaign Contribution Disclosure Form, and the changes requested by the Board at the December 13, 2007 meeting. He opined that an agency may have a form asking for more information than required by statute, if the agency officially adopts the new form.

He also reported that Mr. Kelly may be deposed on a lawsuit not directly involving AMAFCA.

After brief discussion regarding the Campaign Contribution Disclosure Form, Chairman Hernandez stated that he was putting agenda items 13 and 14 back on the consent agenda, with the caveat that the previous version of the Campaign Contribution Disclosure Form be used in the RFP, rather than the new form that was included in the mailout. The new form, with the changes requested by the Board, will be on the agenda for discussion at the next Board meeting.

9. Notification of On-Call Services Task Orders

Mr. Kelly stated that two task orders had been issued on On-Call Services contracts in December. Wilson and Company had been issued Task Order #1 for construction management services for the Vineyard Arroyo Storm Water Quality Facility Project, on a time and materials basis not to exceed \$23,750.00.

Easterling Consultants, LLC, had been issued Task Order #1 for professional engineering services in support of establishing and organizing the New Mexico Dam Owners Coalition (NMDOC), on a time and materials basis not to exceed \$10,000.00. The first organizational meeting was held on January 15, 2008, with nearly 50 dam owners in attendance, along with two representatives from the Office of the State Engineer Dam Safety Bureau. He stated that Mr. Easterling will brief the Board about the NMDOC at the February Board meeting.

In response to questions from Director Saiers, Mr. Kelly stated that staff conceived of the new organization as a way to open communications between the Office of the State Engineer, dam owners in the state of New Mexico, and the engineering community. The funds expended so far were from the Special Projects account, where budgeted funds are available.

Chairman Hernandez stated that he had been kept informed of the initial meeting to judge the interest level in creating the NMDOC. Mr. Kelly reported that Easterling had expended far less than the \$10,000 of the task order. Funds were also expended to hire a professional facilitator, Tim Karpoff, to facilitate the meeting.



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In response to a question from Director Lyon, Mr. Kelly stated that the NMDOC would support the OSE's legislative requests for additional OSE staff. That request had not made it past the governor in this legislative session. With a year until the next legislative session in 2009, NMDOC has the opportunity to work on legislation and support member requests for that session, but time is too short to propose or support changes in dam safety regulations during this session.

In response to a question from Director Eichenberg, Mr. Kelly stated that his contracting authority was for up to \$20,000 for any new initiative, and up to \$75,000 for an on-call assignment with written notification to the Board at the next meeting.

Director Eichenberg asked how the new regulations from the Albuquerque Bernalillo County Water Utility Authority, calling for collection of roof water, affected regulations of the Office of the State Engineer. He asked if cisterns would be considered "dams" and if the collection and retention of rain water would cause problems with the "96 hour rule" which requires that water be retained in a dam no longer than 96 hours.

Mr. Kelly replied that, as far as he knew, cisterns were not considered dams, so the 96 hour did not apply. However, water rights of downstream property owners might be adversely affected if the water so retained had historically drained to the Rio Grande. He did not know if the ABCWUA regulations clearly define which water needs to be captured and retained onsite. He added that he could locate a copy of the OSE's policy on onsite retention for the Board's information. Since maintenance of on-site measures cannot be guaranteed, storm drains and the rest of the drainage system still need to be sized assuming there is no on-site retention.

Director Lyon noted that the Board was discussing regulations, not statutes.

Consent Agenda:

Chairman Hernandez reminded the Board that the RFPs in agenda items 13 and 14 will use the previous version of the Campaign Contribution Disclosure Form, rather than the one included in the Board's mailout packets for those items.

10. AMAFCA General Counsel Services – Consideration of Agreement for Legal Services with Robles, Rael Anaya, PC

The memo from Ms. Jeffries stated that the proposed legal agreement with Robles, Rael & Anaya, P.C., follows the sample agreement in the RFP. The hourly rates and reimbursements are as stated in the proposal from Robles, Rael & Anaya, P.C. The term of the agreement is for one year, with up to three one-year extensions upon mutual agreement. The agreement is



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effective beginning January 25, 2008. A short term interim agreement covered the period December 17, 2007 through January 24, 2008.

The memo requested the Board authorize the Board Chairman to execute the agreement for legal services with Robles, Rael & Anaya, P.C.

11. Vineyard Inlet to North Diversion Channel Storm Water Quality Facility – Award of Construction Contract

The memo from Kurt Wagener, AMAFCA Field Engineer, stated that eight contractors submitted bids on the Vineyard Inlet to North Diversion Channel Storm Water Quality Facility Project. The low bidder was Salls Brothers Construction, with a bid of \$1,017,293.80, plus New Mexico Gross Receipts Tax.

The memo stated that ASCG, Inc., had tabulated the bids and found no mathematical errors, had checked the bid forms, and had verified Contractors Licenses and classifications. ASCG and AMAFCA staff recommended the construction contract be awarded to Salls Brothers Construction.

The memo requested the Board accept Salls Brothers Construction as the lowest responsible bidder and authorize the Chairman to execute a contract with Salls Brothers Construction in the amount of \$1,107,293.80, plus New Mexico Gross Receipts Tax, for the construction of the Vineyard Arroyo Storm Water Quality Facility.

12. Commercial Banking and Cash Management Services – Consideration of Selection Advisory Committee Recommendation

The memo from Ms. Jeffries stated that one bank, Wells Fargo Bank New Mexico, N.A., submitted a proposal on the Commercial Banking and Cash Management Services RFP. Wells Fargo is AMAFCA's current bank. Bank of America requested an RFP packet but did not submit a proposal.

The memo stated that the Selection Advisory Committee, made up of Chairman Hernandez, John Kelly, and Irene Jeffries, had met, deemed Wells Fargo's proposal responsive, and recommended selection of Wells Fargo Bank New Mexico, N.A.

The memo also stated that the pricing in response to this RFP is \$115/month less than Wells Fargo's current pricing, and the compensating balance to offset fees was reduced from \$90,000 to \$50,000. The difference can be invested in the New MexiGrow Local Government Pool.



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The memo requested that the Board accept the Selection Advisory Committee recommendation to have Wells Fargo Bank provide AMAFCA with commercial banking and cash management services, and authorize the Executive Engineer to negotiate a contract with Wells Fargo Bank New Mexico, N.A., with fees per their proposal, for the Board's consideration next month.

13. AMAFCA Bond Counsel Services – Authorization to Advertise Request for Proposals for Legal Services

The memo from Ms. Jeffries stated that the third and final extension of the agreement with the Modrall Law Firm for Bond Counsel expires in March, 2008. A proposed schedule for advertisement of an RFP for AMAFCA Bond Counsel Services, along with the proposed RFP and sample agreement, were attached.

The memo requested that the Board authorize the advertisement of the Request for Proposals for Bond Counsel Services.

14. AMAFCA Financial Advisor Services – Authorization to Advertise Request for Proposals for Advisory Services

The memo from Ms. Jeffries stated that the third and final extension of the agreement with RBC Capital Markets for financial advisor services expires in March, 2008. A proposed schedule for advertisement of an RFP for AMAFCA Financial Advisor Services, along with the proposed RFP and sample agreement, were attached.

The memo requested that the Board authorize the advertisement of the Request for Proposals for Financial Advisor Services.

15. Consideration of Quitclaim/Release of Temporary Drainage Easement, Tract 19A-1, Paradise North Subdivision

The memo from Lynn Mazur, AMAFCA Development Review Engineer, stated that a Temporary Drainage Easement had been granted to AMAFCA on the parcel at the northeast corner of Unser Boulevard and McMahan Boulevard. The preliminary site plan for the property includes a storm water retention pond and two underground storage tanks to capture site runoff. The facilities will be maintained by the owners. With construction of these privately-maintained facilities, the Temporary Drainage Easement will not be required.

The memo requested that the Board authorize the Board Chairman to execute the Quitclaim Deed/Release of Easement for Tract 19A-1, Paradise North Subdivision.



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There being no further items on the Consent Agenda, Director Lyon made a motion that the Board approve the consent agenda, which included the following:

- Authorize the Board Chairman to execute the agreement for legal services with Robles, Rael & Anaya, P.C.;
- Accept Salls Brothers Construction as the lowest responsible bidder and authorize the Chairman to execute a contract with Salls Brothers Construction in the amount of \$1,107,293.80, plus New Mexico Gross Receipts Tax, for the construction of the Vineyard Arroyo Storm Water Quality Facility;
- Accept the Selection Advisory Committee recommendation to have Wells Fargo Bank provide AMAFCA with commercial banking and cash management services, and authorize the Executive Engineer to negotiate a contract with Wells Fargo Bank New Mexico, N.A., with fees per their proposal, for the Board's consideration next month;
- Authorize the advertisement of the Request for Proposals for Bond Counsel Services;
- Authorize the advertisement of the Request for Proposals for Financial Advisor Services; and
- Authorize the Board Chairman to execute the Quitclaim Deed/Release of Easement for Tract 19A-1, Paradise North Subdivision.

Director Brown seconded the motion.

Director Saiers commented that she was pleased to see that Wells Fargo had provided an even better price with this RFP than on their previous contract.

Chairman Hernandez introduced Sharen Ramirez, Senior Vice President of Wells Fargo Bank, who expressed her pleasure at the opportunity to continue working with AMAFCA.

Director Brown commented on the excellent engineer's cost estimate on the Vineyard construction contract, noting that the three lowest bids were all very close to the estimate.

The motion passed unanimously (5-0).



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Director Eichenberg left the meeting at 1:35 p.m., due to a prior commitment.

Regular Agenda:

16. 2008 Legislative Session – Briefing by New Mexico Outsourcing, Inc.

Chairman Hernandez introduced Maurice and Mary Hobson, of New Mexico Outsourcing, Inc., who briefed the Board on several bills in the current session of the New Mexico State Legislature.

Mr. Hobson commented that the 30-day session had begun calmly and somewhat solemnly, in part due to the recent deaths of two legislators.

Mr. Hobson stated that they had been following a number of bills for AMAFCA. He discussed several bills in detail.

House Bill 183, and its companion bill Senate Bill 67, revise the Retiree Health Care Act. The bills would provide a temporary fix to future insolvency of the fund by increasing employee/ employer contributions from 1.95% to 2.4%, adding a state appropriation of \$5 million and an on-going state appropriation, and increasing retiree premiums, which will vary based on age of the retiree (significantly so for younger retirees). The changes in contributions and premiums would be effective July 1, 2008.

Mr. Kelly commented that AMAFCA participates in the Retiree Health Care program, so this bill will have a budgetary impact on AMAFCA and will also affect potential retirees from AMAFCA.

House Bill 112 revises the Mileage and Per Diem Act by setting mileage and per diem rates for non-salaried public officials at the same rates as legislators, effective July 1, 2008. State legislators' mileage reimbursement is set at the federal rate. Per diem would increase from \$95.00 to \$144.00, and mileage reimbursement would increase from \$0.32/mile to \$0.485/mile (at current rates) if the bill becomes law.

Mr. Hobson stated that he anticipated that the bill will probably pass, and will affect AMAFCA as AMAFCA's rates are tied to the state's rates. With the large number of ethics regulations, both those already passed and those pending, officials need to be made whole on the costs of attending meetings. In certain places, \$95 a day does not begin to cover lodging and meal costs, so the larger amount seemed appropriate.

Senate Bill 27 establishes the NMSU Dam Safety Center to provide research, training, and professional services in flood control dam maintenance and operation. \$500,000 will fund two



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faculty members and five graduate students to perform evaluations of the 27 dams in that area which were built between 1950 and 1970, teach people about dam safety, and provide training services.

In response to a question from Director Saiers about local residents in Alamogordo who were suing the City of Alamogordo in response to flooding in 2006, Mr. Hobson stated the residents are claiming the flooding was caused by inadequate flood control structures that had been built by the City. Those structures were not designed to handle developed conditions as development expanded up the mountains.

House Bill 173 repeals the subcontractors bonding requirement. Since the entire project is already bonded by the general contractor, requiring subcontractor bonds results in double-bonding, which increases project costs. Those costs are passed along to the public through higher construction bids. HB 173 will eliminate the double-bonding.

Mr. Kelly confirmed that separate bonding of the subcontractor is unnecessary, as the subcontractor's work is already covered under the general contractor's bond.

Chairman Hernandez briefly left the meeting at 1:50 p.m. Vice Chair Saiers presided over the meeting during his absence.

**17. East Amole Surge Pond Design and Construction Engineering Services –
Consideration of Engineering Services Agreement with Bohannon Huston, Inc.**

Mr. Kelly introduced Craig Hoover and Brad Sumrall, of Bohannon Huston, Inc., and Terry Doyle of the New Mexico Department of Transportation.

Jerry Lovato, AMAFCA Drainage Engineer stated that an agreement with Bohannon Huston, Inc., for the East Amole Surge Pond Project engineering services had been negotiated, and had come in under the budget estimate.

He stated that the project includes the design and construction engineering services for the East Amole Surge Pond, the construction inspection of the 98th Street Surge Pond, the construction inspection of the East Amole Surge Pond, and the LOMR preparation for the West I-40 Diversion Channel Extension Project from Paseo del Volcan to Estancia, including all submittals and approvals required by the Office of the State Engineer Dam Safety Bureau.

He noted that the agreement had been reviewed by Attorney Rael, who recommended only two changes in the agreement: formatting changes in paragraph A.3.B, and a revision to AMAFCA's boilerplate indemnity language in paragraph 11.4. Mr. Lovato added that staff recommended approval of the agreement with those changes.



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Mr. Rael stated that he would not add any language to the indemnification paragraph, but would remove some of the boilerplate language. He also opined that the current boilerplate contains too many limitations, and that it was improper to include indemnification of an unknown amount. He stated that the agreement could be approved subject to the changes being made.

Mr. Hoover stated that the changes contemplated would be acceptable to Bohannon Huston.

Director Brown made a motion that the Board approve the Agreement with Bohannon Huston, Inc., to provide Professional Engineering Services for the East Amole Surge Pond Project on a time and materials basis not to exceed \$268,810, not including New Mexico Gross Receipts Tax, with the changes to the agreement as addressed by Attorney Rael. Director Lyon seconded the motion, which passed (3-0).

18. Garduño Road Storm Drain Project – Briefing by Kelly Ward, Village Administrator, Village of Los Ranchos

Mr. Kelly introduced Kelly Ward, Village Administrator of the Village of Los Ranchos, and Roger Paul of Bernalillo County.

Chairman Hernandez returned to the meeting at 1:57 p.m.

Referring to a large map, Mr. Kelly gave the Board a brief history of drainage issues in the area around the Garduño Road Storm Drain Project, which was included in the FY-08 Project Schedule as \$50,000 in FY-09 and \$950,000 in FY-10. \$500,000 was also included in the Project Schedule for Ponding Area Right of Way Acquisition in FY-08. In addition, \$500,000 was included on the Project Schedule for North Valley Miscellaneous Drainage Improvements in FY-12. This funding could be combined into one project.

Mr. Ward briefed the Board on the Garduño Road Storm Drain Project. He stated that the Village of Los Ranchos has been obtaining land for the project, and has begun working on the project design. A multi-use designation, with a generous amount of open space, is anticipated. He asked for AMAFCA's funding to be moved forward slightly so that both phases of the project (both sides of Fourth Street) could be built at the same time.

Roger Paul, of the Bernalillo County Public Works Department, stated that Bernalillo County is in support of the project.

Mr. Kelly stated that he would like to move the \$500,000 in Miscellaneous Drainage Improvements from FY-12 to FY-10, so that all drainage improvements in the area could be built as one project. There would be time for the Village of Los Ranchos and/or the County to



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seek additional funding assistance from the legislature in the 2009 legislative session, if necessary, with construction to begin in the fall of 2009. He asked the Board's authorization to begin negotiating a three-way funding agreement among AMAFCA, the Village of Los Ranchos, and Bernalillo County, and authorization to move the funding for "North Valley Miscellaneous Drainage Projects" from FY-12 to FY-10.

In response to a question from Director Saiers, Mr. Kelly stated that the funding for this project could be moved as progress on some City of Albuquerque projects had been slightly delayed. He added that the project is necessary because lack of drainage in this area is causing problems similar to those in the South Valley. Stormwater is entering vacuum sewer pits and water meter boxes and creating environmental problems.

Responding to a comment from Chairman Hernandez, Mr. Kelly stated that this project is the Village's biggest drainage priority at this time. AMAFCA will be funding a major portion of the project, dollar-wise, but the Village is contributing land, and will be the lead on the project. Bernalillo County is also providing funding for the project.

Director Lyon noted that he had visited the site in the field, and had many of the same questions until he saw the project's location. Director Lyon affirmed his support of the project, as did Director Brown.

Consensus of the Board was support of the proposed project, and authorization for the Executive Engineer to proceed with negotiating an agreement, and move the funds from FY-12 to FY-10

19. Coal Avenue Storm Drain Extension – Briefing by Roland Penttila, City of Albuquerque Department of Municipal Development

Mr. Lovato introduced Roland Penttila, of the City of Albuquerque Department of Municipal Development, and David Thompson, of Thompson Engineering Consultants, who is working with the City on this project. Mr. Lovato stated that AMAFCA's FY-08 Project Schedule included \$1,000,000 in funding for the Coal Storm Drain Extension in FY-09. The City had asked that an agreement be negotiated now, so that funding will be available in July, 2008.

Mr. Penttila briefed the Board on the Coal Storm Drain Extension Project. He stated that Dan Hogan's idea of water blocks, similar to speed humps but built at the sidewalk position at intersections, are helping to keep water from flowing down two side streets. Phase I of the project will extend storm drain east from Harvard along Coal to Princeton. Additional pipe may be installed along Cornell and/or Stanford to direct flow to the Garfield Storm Drain, which will relieve overloading on the Coal Storm Drain at Yale. Phase I is estimated to cost \$1.1 million.



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He stated that Phase II of the project will be to upsize the Coal Storm Drain from Princeton to Tulane. This will be done as a part of a transportation project, and is estimated to cost \$1.2 million. Phase III will be to upsize the storm drain along Coal from Tulane to Carlisle, and along Carlisle south to nearly Garfield. The intersection at Carlisle and Garfield will also be regraded. Phase III is estimated to cost \$1.0 million, and will remove floodplain from the lower areas along Carlisle.

Mr. Penttila stated that the final task in the project will be submittal of a Letter of Map Revision to FEMA to remove floodplain from the area.

The Board commented on the project.

Consensus of the Board was support of the project, and of development of a draft cost-share agreement.

Director Saiers briefly left the meeting at 2:15 p.m.

20. Barelas Storm Drain Siphon Reconstruction and Storm Drain Slipline Projects – Briefing by Roland Penttila, City of Albuquerque Department of Municipal Development

Mr. Kelly stated Roland Penttila would brief the Board on the Barelas Storm Drain Siphon Reconstruction and Storm Drain Slipline Projects. He added that construction on these projects may be combined into one cost-share agreement. The Barelas Storm Drain Siphon Reconstruction is funded at \$400,000 as AMAFCA's share in FY-08 in the Project Schedule, and the Barelas Storm Drain Slipline is funded at \$800,000 in FY-09 in the Project Schedule.

He stated that, rather than begin the work on the Barelas Storm Drain Siphon Reconstruction just before storm season, the City is currently planning to begin this project in the fall of 2008.

Mr. Penttila stated that the storm drain heads southwest from the Tingley Park Surge Pond along El Bordo Street to Tingley Drive. The Tingley Park Surge Pond is now sufficiently complete to function as a surge pond during storm events, but the downstream system needs to be improved. The siphon will be reconstructed and existing old pipe sliplined to increase its hydraulic efficiency and longevity.

He stated that the City would like AMAFCA's FY-08 funding of \$400,000 and FY-09 funding of \$800,000 to both be paid in FY-09, so the project could be begun after the end of the 2008 summer storm season.



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Consensus of the Board was support of moving funding for the project back to FY-09, and beginning preparation of a draft cost-share agreement.

Director Saiers returned to the meeting at 2:27 p.m.

21. Martineztown Drainage - Air Quality Pond Project Construction Phasing – Briefing by Roland Penttila, City of Albuquerque Department of Municipal Development

Roland Penttila next briefed the Board on the Martineztown Drainage - Air Quality Pond Project Construction Phasing. Mr. Kelly briefly described the history of this project and the funding agreement, which called for a \$1.9 million lump sum contribution from AMAFCA. He stated that the City is now planning to phase construction of the project.

Mr. Penttila stated that excavation of the pond area had begun behind the Air Quality Station at Broadway and Odelia.

Mr. Penttila stated that the project will be constructed in four phases. Phase I, already underway, is construction of the Air Quality Pond. The Air Quality Pond will discharge to the Broadway Storm Drain. Phase II is construction of the Odelia Storm Drain, which will direct water into the surge pond. Construction of Phase II has also begun.

Phase III of the project will be construction of the Kinley Storm Drain, which will collect water from the Kinley Street area and divert it to the Air Quality Pond. Phase IV of the project, the Mountain Storm Drain, will direct water from the railroad track area along Mountain to the Kinley Storm Drain.

Mr. Penttila stated that the first two phases of the project are being constructed under on-call agreements, and the last two phases are in design. Design of phase III was expected to be complete shortly. He added that all four phases were expected to total \$4 million. As construction prices have eased recently, the City will be able to construct all four phases for the same amount as they had anticipated for just the first three phases.

Mr. Kelly stated that he had proposed that the funding agreement be amended so that AMAFCA funding will also be phased. The lump sum contribution of \$1.9 million will be changed to "50% of the project construction costs, to be paid upon award of each phase of the project, not to exceed a total of \$1.9 million."

Consensus of the Board was support of this amendment to the funding agreement.



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22. Ciudad Soil and Water Conservation District – Interagency Education and Outreach Project – Briefing by Steve Glass, Supervisor, Ciudad SWCD

Christy Burton, AMAFCA GIS Manager, introduced Steve Glass, Supervisor of the Ciudad Soil and Water Conservation District, and Mark Murphy, a Ciudad SWCD Board member. She reminded the Board that Ciudad SWCD had approached AMAFCA about joining the other agencies from the "Storm Water Team" in the team's public education and outreach activities. Ciudad SWCD had given a presentation to the Board at the July 26, 2007 Board meeting, after which the Board had a number of questions.

Ms. Burton stated that Ciudad SWCD had provided the Board with several documents to answer those questions. Ciudad SWCD receives general operating funds from the legislature, and additional funding through grants. The grant for the education program was awarded by the New Mexico Soil and Water Conservation Commission through the New Mexico Department of Agriculture. The grant provides \$10,000 to go directly to public education and outreach, with additional funds for grant administration.

Her memo stated that the grant proposal makes it clear that, although they will evaluate and report on the project's objectives, no additional requirements would be imposed on the Storm Water Team by incorporating Ciudad SWCD as a member.

Mr. Glass's presentation to the Board gave more details on Ciudad SWCD's creation by the New Mexico legislature, governing body, boundaries, and funding sources. He noted that the public education and outreach programs of the Storm Water Team dovetail nicely with Ciudad SWCD's goal to reduce storm-water borne pollution to the Rio Grande through public education and outreach.

In response to a question from Chairman Hernandez, Ms. Burton stated that the other agencies would have to concur with the AMAFCA Board's decision to add Ciudad SWCD to the cooperative agreement.

Mr. Kelly stated that this would also be a good opportunity to revise the agreement to add an oversight committee, similar to the one for the Ditch and Water Safety Task Force, at the time the agreement is amended to add Ciudad SWCD to the member agencies. The executive committee would direct how the Storm Water Team's money is spent, and the agencies would have input on expenditures.

He added that the Water Quality Protection Advisory Board (WQPAB) wants to make a one-time \$30,000 contribution towards the Team's education efforts. Mr. Kelly stated that the



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WQPAB might be added to the cooperative agreement for the one-time contribution, without making them a voting member of the advisory committee.

The Board commented on the proposed addition of Ciudad SWCD to the existing agreement, and on the proposal to add an oversight committee to the agreement. Director Lyon expressed his wish to have the proposed oversight committee explained in more detail. Mr. Kelly stated that the role of the oversight committee would be clearly defined in the draft agreement.

In response to a question from Mr. Kelly, Mr. Glass stated that the 2 mill levy authorized by the legislature had never been approved by the voters. The most recent attempt at a 0.1 mill levy was soundly defeated approximately 5 or 6 years ago. He stated that additional taxes were very unpopular at the time.

Responding to a question from Director Saiers, Mr. Kelly stated that the idea of the Storm Water Team was created as a part of AMAFCA's initial EPA permit in the late 1990's. Mr. Lovato added that the actual Storm Water Team was established a few years later.

In response to a question from Director Lyon about grant funding, Mr. Glass stated that for the last few years, Ciudad SWCD has brought in a little over \$1 million each year in grant funds. The two years prior to that were in the \$700,000 to \$800,000 range. As overhead is extremely low, a good portion of the funding has gone directly to their programs.

Consensus of the Board was to move forward with adding the Ciudad Soil and Water Conservation District to the agreement, and to reorganize the Storm Water Team to add an oversight/leadership group as well.

23. Agency and Area-Wide Flood Control Maintenance Contract – Briefing on Proposed Maintenance Contract by Jerry Lovato, AMAFCA Drainage Engineer

Mr. Lovato introduced Terry Doyle, of the New Mexico Department of Transportation, and Wilfred Gallegos and David Silva of the City of Albuquerque.

Mr. Lovato stated that, during the 2006 storm season, AMAFCA assisted in emergency repairs of the Hahn Arroyo, owned by the City, and the I-40 Embudo Channel, owned by the NMDOT. As AMAFCA has expertise in repairing flood control facilities, the parties are considering a cooperative agreement to do engineering, construction management, and construction to maintain concrete-lined flood control channels.

He stated that a project could go out to bid whereby the contractor would be guaranteed \$900,000 of work, but that additional job locations could be added later. Any funds not expended by the parties for emergency summer repairs would be used for channel maintenance



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tasks after the storm season, to be performed by the same contractor using the same bid lot prices set during the bid process. Each bid lot would represent a common type of small concrete channel repair. Repair tasks would be assigned by task order. Some predetermined task orders would be assigned right away. Additional task orders would be assigned for emergency summer repairs, or further maintenance tasks after the storm season.

Mr. Lovato stated that the NMDOT I-40 Channel, and the City's Hahn Arroyo and Embudo Channel, all need maintenance. The NMDOT would like AMAFCA to eventually take over maintenance of the I-40 Channel, but before that can happen, it needs to be brought up to AMAFCA standards. This contract will assist the City and NMDOT to maintain their channels.

He stated that the proposal is that the three agencies would each guarantee \$300,000 of work, for a total \$900,000 contract. The contract would run through fall 2009 to cover the 2008 and 2009 monsoon seasons, and allow normal maintenance work under the contract to be completed during the winter of 2008-2009.

Mr. Kelly added that additional task orders could be added if emergency repairs are necessary during the summer monsoon season, and would be paid at the rates established during the bid process. \$900,000 of work would be guaranteed under the contract, but the actual amount of work done could be considerably higher. If the contract is successful, the maintenance contract might be let on an annual basis each year thereafter.

In response to a question from Chairman Hernandez regarding liability, Mr. Kelly stated that the contract will be carefully drafted to handle liability issues. Each agency will be responsible for their own task orders, including defining the scope of the task order, inspections, testing, certifying monthly pay estimates, and negotiating any construction claims that might happen to arise during construction. Mr. Lovato added that the contractor will also bond the work and each task order.

Director Brown pointed out that failure of any flood control facility affects the entire community. He stated his support of the cooperative agreement, as it would help ensure maintenance is done, and would set up a plan to handle emergency repairs. Director Lyon also stated his support of the agreement, but wondered if, rather than having AMAFCA oversight over all task orders as fiscal agent, the various agencies could handle their own task orders using the rates negotiated under the contract.

Mr. Lovato opined it would be easier for the contractor to have only one lead agency through which task orders would originate. This would also simplify tracking expenditures under the contract.



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Mr. Doyle commented that the NMDOT is very good at maintaining roads, but not so good at maintaining flood control facilities. Through the cooperative agreement, they could learn from AMAFCA the proper way to maintain a facility to AMAFCA standards.

Chairman Hernandez commented that the cooperative agreement would benefit AMAFCA's constituents, who also are NMDOT and City of Albuquerque constituents.

Responding to a comment from Director Saiers, Mr. Gallegos stated that this contract would only apply to surface channels. Mr. Lovato stated that the limits of the contract would include the channels within the partner agencies' boundaries.

Chairman Hernandez reminded the Board that the initial funds would be channeled through one contract, but if one agency happened to need additional repairs on their facilities, they would cover the entire cost of those additional repairs on their channels through additional task orders.

Chairman Hernandez summed up the consensus of the Board, which was to move forward with negotiating the terms of the cooperative agreement, with special attention given to the liability issues.

Mr. Rael stated that there would be no problem drafting the appropriate liability language, as the owner of each channel would still be liable for it during repairs. "Negligent maintenance" risks would also be clearly defined.

While staff was setting up for the Field Report, Chairman Hernandez reported that he had met with the North Golf Course Advisory Group, and had made clear to them that the land AMAFCA owns near the North Diversion Channel and the UNM North Golf Course is land that AMAFCA needs for maintenance and repair uses, which are expected to occur over the next thirty to forty years.

Due to another commitment, Director Saiers left the meeting at 3:29 p.m.

24. Field Highlights

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

Mr. Wagener presented a slide show of various projects, including the Embudo Floor Repair under the Carlisle Bridge, the several of the small projects under the AMAFCA Miscellaneous Projects 2008, and the East Black Channel Extension Project. He stated that the City's Osuna Storm Drain Project had been completed.



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He also showed pictures of the AMAFCA crew cleaning out the Corrales Main Canal, where the new compact track steer had proved itself to be invaluable and a time-saver, a contractor hauling sediment from the North Diversion Channel Outfall near the Balloon Fiesta Park, and the AMAFCA crew completing repairs to the North Diversion Channel which were similar to the concrete repairs that will be done under the cooperative agreement discussed as agenda item 23.

Several final pictures depicted the Board's Holiday Luncheon and Dan Hogan's retirement ceremony.

25. Unfinished Business

None.

26. New Business

a. Out of State Travel Request, Construction Equipment Exposition, Las Vegas, Nevada, March 11-15, 2008

Mr. Kelly requested Board authorization to send Larry Trujillo, AMAFCA Maintenance Superintendent, to the Construction Equipment Exposition and Trade Show in Las Vegas, Nevada, March 11-15, 2008, in the Concrete Management education track.

He stated the conference will be of great benefit to AMAFCA, as there are many onsite demonstrations and an extensive vendor area where state of the art equipment, tools, and materials are displayed. He added that one reason AMAFCA has been able to keep the maintenance crew small but do as much work as they do, is because they've been able to utilize the appropriate equipment for each task in their maintenance and repairs.

After brief discussion, Director Lyon made a motion that the Board authorize out of state travel and expenses for Larry Trujillo, Maintenance Superintendent, to attend the Construction Equipment Exposition and Trade Show in Las Vegas, Nevada, on March 11-15, 2008, not to exceed \$1,600.00, pursuant to Resolution 1998-16. Director Brown seconded the motion, which passed (3-0).

b. EPA Audit Report for Albuquerque MS-4 Storm Water Permit

Christy Burton, AMAFCA GIS Manager, stated that the Environmental Protection Agency Region 6 Storm Water Team had completed an audit of AMAFCA and its MS-4 co-permittees on February 26, 2007 through March 1, 2007. The results of that audit were received by AMAFCA on November 19, 2007, and were attached to the Board mailout. The EPA



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recommended some actions that would improve AMAFCA's storm water program; however, they concluded that the program was adequate overall at this time.

She stated that the MS-4 permit is up for renewal this year, and Kathy Verhage with the City of Albuquerque is the lead on the permit application process. Due to communications with the EPA both during and after the audit, and in anticipation of the City's drinking water coming from the Rio Grande, it is anticipated that the effort of producing an improved storm water quality program permit will require substantial AMAFCA staff and consultant time over the next several months.

The Board did not have any questions regarding the MS-4 Storm Water Permit audit report or the permit renewal process.

27. Items from the Floor/Public Comment

None.

28. Adjourn

Director Brown made a motion for adjournment. Director Lyon seconded the motion, which passed (3-0). Chairman Hernandez adjourned the meeting at 3:37 p.m.

Tim Eichenberg, Secretary-Treasurer 2/28/08

Recorded by Pam Woodruff, Secretary to the Executive Engineer