



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 1

1. Call to Order and Roll Call

Chairman Brown called the Regular Board Meeting to order at 1:03 p.m., Thursday, March 26, 2009. Roll was noted as follows:

Directors present: Chairman Ronald D. Brown
Director Janet Saiers (arrived at 1:07 p.m.)
Director Danny Hernandez
Director Tim Eichenberg
Director Daniel Lyon

Directors excused: None

Others present: John Kelly, Executive Engineer
Marcus Rael, Jr., 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 Hernandez seconded the motion, which passed unanimously (4-0).

3. Meetings Scheduled

- a. April 23, 2009, 1:00 p.m. – Regular Meeting
- b. May 28, 2009, 10:00 a.m. – Regular Meeting
- c. June 25, 2009, 10:00 a.m. – Regular Meeting

There were no changes to the meeting schedule at first, but this item was revisited after Director Saiers arrived. At that point, and after discussion, the meeting schedule was changed as follows:

- a. **Wednesday, April 22, 2009, 9:00 a.m. – Regular Meeting**
- b. **Thursday, May 28, 2009, 10:00 a.m. – Regular Meeting**
- c. **Thursday, June 25, 2009, 10:00 a.m. – Regular Meeting**

4. Items from the Floor/Public Comment

None.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 2

Director Saiers arrived at 1:07 p.m.

5. Southwest Contractor New Mexico "Best of" Award for Tingley Park Flood Control Facility – Presentation by John R. Castillo, P.E., Director, Department of Municipal Development, City of Albuquerque

Mr. Kelly introduced John Castillo, who had recently retired as Director of the Department of Municipal Development, City of Albuquerque.

Mr. Castillo stated that the City and AMAFCA had received an award from Southwest Contractor Magazine for the Tingley Park Flood Control Facility. Chairman Brown accepted the award on behalf of AMAFCA.

On behalf of AMAFCA and the Board of Directors, Chairman Brown then presented Mr. Castillo with a plaque thanking him for his 27 years of service to Albuquerque and the state. Others, including former AMAFCA Executive Engineer Larry Blair and Director Saiers, also reminisced about working with Mr. Castillo.

6. Approval of Minutes

a. February 26, 2009

Director Hernandez made a motion to approve the minutes of the February 26, 2009 Regular Board Meeting. Director Eichenberg seconded the motion, which passed (4-0). Director Eichenberg abstained from the vote as he had been unable to attend the meeting.

7. Financial Matters

a. Approval of February 2009 Expenditures

Ms. Jeffries presented the February 2009 Expenditure Report, clarifying several items for the Board with assistance from Mr. Kelly and Jerry Lovato, AMAFCA Drainage Engineer.

Director Hernandez made a motion to approve the February 2009 Expenditure Report. Director Saiers seconded the motion, which passed unanimously (5-0).

b. Investment Report for February 2009

For information. There were no questions regarding the Investment Report.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 3

c. Financial Recap February 16, 2009, through March 15, 2009

For information. Ms. Jeffries noted that the Operating Fund included an \$11K refund, as further covered in agenda item 7e.

She also explained that, with the new City payroll system, AMAFCA had not been billed for payroll and benefits since December. Invoices were expected to resume in the next few weeks.

d. Financial Forecast March 16, 2009, through April 15, 2009

Ms. Jeffries presented the Financial Forecast for the period March 16, 2009, through April 15, 2009. She noted that the forecast includes four payments to the City for payroll and benefits from the Operating Fund, and payments on four projects from the Construction Fund.

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

e. Equipment Rental Reimbursement

Ms. Jeffries explained that an invoice had been accidentally double-paid in the fall of 2006. As the funds had come from the Contingency Fund, she had reimbursed the Contingency Fund in that amount. She had taken steps to help ensure that double payment of invoices does not happen again.

f. Further News from LGIP on Reserve Account

Ms. Jeffries stated a recent communication from the New Mexico State Treasurer outlined a revised method for handling the LGIP Reserve Account. A copy of the communication was provided to the Board.

8. Legal

a. Status Report

Attorney Marcus Rael, Jr., briefed the Board on the status of various legal matters, answering several questions from the Board.

At Director Eichenberg's request, Chairman Brown removed items 9a and 9b from the Consent Agenda.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 4

Consent Agenda (items 10-15):

10. Amole Arroyo/Unser Boulevard Crossing Project – Consideration of Agreement for Construction, Maintenance and Transfer of Right of Way for the Unser Boulevard Crossing of the Amole Arroyo with the City of Albuquerque

The memo from Mr. Kelly recommended the Board approve the *Agreement for Construction, Maintenance, and Transfer of Right of Way for the Unser Boulevard Crossing of the Amole Arroyo*.

11. Mechanical Trash and Debris Removal – Approval of Second Extension of Contract with Southwest Sewer Service

The memo from Kurt Wagener, AMAFCA Field Engineer, recommended the Board extend the Mechanical Trash and Debris Removal contract with Southwest Sewer Service for another year, as allowed by the contract, with no change in the hourly rates.

12. Manual Trash and Debris Removal – Approval of Second Extension of Contract with Black Forest Tree Service

The memo from Mr. Wagener recommended the Board extend the Manual Trash and Debris Removal contract with Black Forest Tree Service for another year, as allowed by the contract, with no change in the hourly rates.

13. AMAFCA Bond Counsel Services – Approval of First Extension of Agreement with the Modrall Law Firm

The memo from Mr. Kelly recommended the Board extend the agreement with the Modrall Law Firm to provide Bond Counsel Services for one additional year, as allowed by the contract, with no change in the hourly rates.

14. AMAFCA Financial Advisor Services – Approval of First Extension of Agreement with RBC Capital Markets

The memo from Mr. Kelly recommended the Board extend the agreement with RBC Capital Markets to provide Financial Advisor Services for one additional year, as allowed by the contract, with no change in the hourly rates.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 5

15. Out of State Travel – Storm Water Quality Program Engineer to EPA Conference in Houston, Texas, June 22-25, 2009

The memo from Jerry Lovato, AMAFCA Drainage Engineer, recommended that the Board authorize out of state travel and expenses for Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, to attend the EPA Region 6 MS4 Operators Conference in Houston, Texas, June 22-25, 2009.

There being no further items on the Consent Agenda, and there being no questions, Director Eichenberg made a motion that the Board take the following actions on agenda items 10-15:

- Approve the *Agreement for Construction, Maintenance, and Transfer of Right of Way for the Unser Boulevard Crossing of the Amole Arroyo* and authorize the Chair to execute the same on behalf of AMAFCA;
- Authorize the Executive Engineer to extend the Contract with Southwest Sewer Service for an additional one-year term with no increase in the hourly unit prices;
- Authorize the Executive Engineer to extend the Manual Trash and Debris Removal from Flood Control Facilities for 2007 Contract with Black Forest Tree Service for an additional one-year term with no change to the existing rates;
- Extend the agreement with the Modrall Law Firm to provide Bond Counsel services for one additional year;
- Extend the agreement with RBC Capital Markets to provide Financial Advisor Services for one additional year; and
- Authorize out of state travel and expenses for Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, to attend the EPA Region 6 MS4 Operators Conference in Houston, Texas, June 22-25, 2009, not to exceed \$2,200.00, pursuant to Resolution 1998-16.

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

Regular Agenda:

- 9. Parkway Storm Drain**
- a. Consideration of Amendment Number One to Engineering Services Agreement with Smith Engineering for Construction Phase Services**

Mr. Kelly introduced Pat Conley, P.E., of Smith Engineering, the design engineer for this project, who will also be doing construction management services.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 6

Mr. Wagener recommended the Board approve Amendment Number 2 to the Agreement with Smith Engineering Company for the Parkway Storm Drain Project for Construction Engineering Services in the amount of \$77,400.76, plus NMGR.T.

In response to a question from Director Eichenberg, Mr. Wagener stated that this fee had been negotiated downward by reducing the involvement of the firm's principal engineer, and by making other adjustments. The fee is a little higher for this project than usual due to the narrow site in the middle of a neighborhood with no land available to stockpile supplies, which will slow progress on the project. In addition, the inspector will require additional travel time due to the project's distance.

Mr. Kelly noted several factors that make this job a little more difficult to manage than most construction projects. He opined that the fee was reasonable.

After discussion, Director Lyon made a motion that the Board approve Amendment Number Two to the Agreement with Smith Engineering Company for the Parkway Storm Drain Project for Construction Engineering Services in the amount of \$77,400.76, plus NMGR.T. Director Saiers seconded the motion, which passed (3-2). Directors Eichenberg and Hernandez voted against the motion.

b. Award of Construction Contract to New Mexico Underground Contractors, Inc.

Mr. Wagener stated that AMAFCA received ten bids, one of which was non-responsive due to the bid proposal being removed from the bound set of contract documents. Two minor mathematical errors did not change the ranking of the bidders. He recommended the Board award the contract to New Mexico Underground Contractors, Inc., in the amount of \$813,149.00.

Director Eichenberg made a motion that the Board accept New Mexico Underground Contractors, Inc., as the lowest responsible bidder and authorize the Chairman to execute the contract with New Mexico Underground Contractors, Inc., for the construction of the Parkway Storm Drain Project in the amount of \$813,149.00. Director Hernandez seconded the motion, which passed unanimously (5-0).

Director Eichenberg briefly left the meeting at 1:47 p.m., returning at 1:53 p.m.

16. 2009 Legislative Session – Briefing by New Mexico Outsourcing, Inc.

Mr. Kelly introduced Maurice and Mary Hobson, of New Mexico Outsourcing, Inc., noting there had been a late mailout on this agenda item.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 7

Mr. Hobson briefed the Board on the recent actions of the New Mexico 2009 Regular Legislative Session. He stated that 2134 bills were introduced, with 490 passing. They had tracked 35 bills for AMAFCA. He discussed 11 of them in his report to the Board.

Mr. Hobson stated that House Bill 63, *State Engineer's Authority of Dam Construction*, passed both houses and will be signed by the Governor on Monday. This was the bill supported by the New Mexico Watershed and Dam Owners Coalition. House Bill 19 gives the State Engineer jurisdiction over additional underground aquifers. Senate Memorial 18, the *Rio Grande Levee Study*, also passed and had been distributed to the affected parties. Mr. Kelly's memo had provided a copy of Senate Memorial 18.

Mr. Kelly noted that, with the passage of House Bill 63, 28 of AMAFCA's 34 dams are under the jurisdiction of the Office of the State Engineer. Formerly, 33 of the 34 dams were jurisdictional. He invited the Board to the signing ceremony for House Bill 63 and House Bill 19, to be held on Monday, March 30, at the Kinney Dam at 11:00 a.m.

Mr. Hobson stated that a special session of the Legislature is expected later this year.

**17. South Diversion Channel Storm Water Quality Reconnaissance Study –
Consideration of Amendment Number One to Engineering Services Agreement with
WHPacific, Inc., for Design Phase Services for Selected Storm Water Quality BMPs**

Mr. Kelly introduced Clint Dodge, of WHPacific, Inc.

Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, stated that Amendment One to the Engineering Services Agreement with WHPacific would provide Design Phase Services for the "Slick's Inlet" Linear Pond Storm Water Quality Facility, near the old Mesa Oil site. He explained why this project should be done first (of the three recommended at the February 26, 2009 Board meeting), and recommended the Board's approval of the amendment.

Director Hernandez briefly left the meeting at 1:59 p.m., returning at 2:08 p.m.

In response to questions from the Board, Mr. Daggett stated that storm water will be treated to remove solids and petroleum products, and that the project's design will be completed by fall, with construction beginning early in 2010.

Director Lyon made a motion that the Board approve Amendment No. 1 to the Agreement with WHPacific (formerly ASCG) for the Mesa Linear Pond Storm Water Quality Facility Design and Construction Engineering Services in the amount of \$58,256.00, plus NMGRT. Director Saiers seconded the motion, which passed (4-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 8

18. Southeast Valley Drainage and Storm Water Quality Management Plan – Authorization to Issue Request for Proposals for Engineering Services

Mr. Lovato requested that the Southeast Valley Drainage and Storm Water Quality Management Plan RFP be approved for advertisement. This RFP will select a firm to update the hydrology and hydraulic model to current standard practices and will include a gross area probable maximum precipitation (PMP) hydrology analysis for the modeled area. This will confirm that the PMP on Mesa del Sol will drain to the south rather than to the west.

Mr. Kelly noted that this Drainage and Storm Water Quality Management Plan is listed in the FY 2008 Project Schedule as a Drainage Management Plan at \$150,000 to begin in 2009 and taking about two years to complete. This study is similar to the process used in other watersheds with the addition of the study of storm water quality impact at the planning stage.

Director Lyon made a motion that the Board approve the advertisement of the RFP for the Southeast Valley Drainage and Storm Water Quality Management Plan. Director Hernandez seconded the motion.

Discussion followed. Consensus of the Board was to direct staff to extend the due date of the Request for Proposals when it is advertised, so as to allow firms more time to prepare their proposals.

The motion passed unanimously (5-0).

19. Paseo del Norte/Coors Boulevard Detention Pond – Briefing on Project Development and Cooperative Funding, Maintenance and Transfer of Right-of-Way Agreement between NMDOT and AMAFCA

Mr. Kelly introduced Tony Abbo, of the New Mexico Department of Transportation.

Lynn Mazur, AMAFCA Development Review Engineer, reviewed the history of the Paseo del Norte/Coors Boulevard Detention Pond. Mr. Abbo then gave further information on the NMDOT portion of the project. The project will address traffic safety and drainage issues in the area.

Ms. Mazur stated that the proposed agreement provides for funding, maintenance, and transfer of right-of-way for the pond, two culverts under Coors, and a water quality ported riser in the pond. AMAFCA will pay \$900,000 towards the project, which is 69% of the drainage total. The first draft of the FY 2010 Construction Fund Budget includes funding for this project. A potential multi-use might be a walking trail with benches, as the site is quite small.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 9

Discussion followed. Consensus of the Board was support of the draft cooperative agreement for the project.

20. FY 2010 Budget

a. AMAFCA Surplus Property Report

Loren Hines, AMAFCA Real Estate Manager, gave a Surplus Property Report to the Board. He described properties currently under lease, lease projections, and sale projections. Beyond extending current leases, no additional leases and no sales are anticipated in the draft budget. He and Mr. Kelly answered questions from the Board regarding several parcels.

b. AMAFCA Equipment and Fleet Evaluation

Mr. Wagener provided an Equipment and Fleet Evaluation to the Board. He recommended that unit 205, a 1993 6 CY dump truck, be replaced with a 15 CY tandem axle dump truck with a rock bed. He also recommended the purchase of a 2,000 gallon water truck to increase the crew's efficiency.

After discussion, consensus of the Board was support of including the two items in the FY 2010 budget.

c. PSC Recommendations for FY10 Operating Budget

Mr. Kelly presented the Personnel and Salary Committee's recommendations for the FY 2010 Operating Budget. The recommendations were:

- Suspend the COLA for FY 2010;
- Include 2% in the budget for potential merit increases effective January 1, 2010;
- Change one "driver" position to an "oiler" position operating the fuel truck, at a premium of \$1.50/hr., and make the oiler responsible for the extensive record-keeping and reporting now required; and
- Increase the "HazMat" endorsement incentive pay to \$1.00/hr to provide a backup to the oiler position.

Director Hernandez, chair of the Personnel and Salary Committee, noted that the HazMat endorsement had become much harder to obtain. He supported the increased incentive pay in order to keep an adequate number of trained individuals on the crew. Chairman Brown added that, beyond the trained fuel truck driver and his backup, it is advantageous to AMAFCA to have others on the crew with HazMat endorsements.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 10

Director Saiers suggested that, in lieu of a COLA, AMAFCA could consider offering a one-time additional day or two of paid leave, or other similar low or no cost benefit, to show appreciation to its employees.

Director Lyon made a motion that the Board accept the recommendations of the Personnel and Salary Committee. Director Hernandez seconded the motion.

After extensive discussion, the motion passed (4-1). Director Saiers dissented, requesting that the Board consider her suggestion.

d. Draft FY-2010 Operating Budget

Ms. Jeffries presented the first draft of the FY 2010 Operating Budget.

The Board discussed the draft budget, mainly concentrating on the Mid-Region Council of Governments (MRCOG) contribution, the fleet requests, the contingency fund, and the economy's impact on tax revenue. It was noted that the cost of the dump truck was about the same as the amount of the revenue shortfall that may occur in a "worst case" scenario.

Consensus of the Board was to put both the dump truck and the water truck in the budget, but hold off on actually purchasing the dump truck until spring 2010, after the first set of tax revenues have been received. If tax collection projections are insufficient, the Board could decide to further delay the purchase at that time.

Ms. Jeffries stated that due to the savings from the Amole Sediment Removal line item, the water quality software, hand held data collector, and the data server would be purchased this fiscal year.

The Board directed the Executive Engineer to obtain additional information from the MRCOG regarding the increased contribution.

e. Draft FY-2010 Construction Fund Budget

Mr. Kelly presented the first draft of the FY 2010 Construction Fund Budget.

After discussion, consensus of the Board was support of the first draft as presented.

21. Notification of On-Call Services Task Orders

Mr. Kelly noted that three on-call services task orders had been issued in the past month, as described in his memo.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 11

22. Field Highlights

a. Construction Report

Mr. Wagener's memo contained a summary of current construction projects. There were no questions.

23. Unfinished Business

None.

24. New Business

a. Corps of Engineers North and South Diversion Channels Continuing Eligibility Inspection Reports

Mr. Kelly reported that the Corps of Engineers' continuing eligibility inspection reports for the North and South Diversion Channels had been received. Both passed their inspections with a "minimally acceptable" rating, with one year to do certain maintenance and repair work.

He noted that this means the channels remain eligible for federal funding assistance to rebuild them if they are damaged in a flood event.

He stated that the only item on the report which is not part of normal maintenance has already been accomplished as a part of the Miscellaneous AMAFCA Construction Projects 2009 project. This item is also the only item that could not have been fixed within the one year deadline.

Mr. Kelly added that Kurt Wagener would have a full briefing on the reports at the next Board meeting.

25. Drainage Facility Planning Review – Review of Projects on East Side Upland Areas Draining to North and South Diversion Channels

Due to the lateness of the meeting, Chairman Brown stated that the Board would defer agenda item 25 to the April 22 Board meeting.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
March 26, 2009**

Page 12

26. Adjourn

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 4:00 p.m.

Danny Hernandez, Secretary-Treasurer 4/22/09

Recorded by Pam Woodruff, Secretary to the Executive Engineer