



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
April 22, 2009**

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1. Call to Order and Roll Call

Chairman Brown called the Regular Board Meeting to order at 9:02 a.m. Wednesday, April 22, 2009. Roll was noted as follows:

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

A quorum was present.

2. Approval of Agenda

Mr. Kelly noted that he had added one handout in support of agenda item 7, for the Board's information.

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

3. Meetings Scheduled

- a. **Thursday, May 28, 2009, 10:00 a.m. – Regular Meeting**
- b. **Thursday, June 25, 2009, 10:00 a.m. – Regular Meeting**
- c. **Thursday, July 23, 2009, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.

4. Items from the Floor/Public Comment

Mr. Kelly noted there will be a UNM Sustainability Conference at UNM today, a meeting on middle Rio Grande Levees and vegetation tomorrow at MRGCD, and an upcoming tour of the



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UNM Hydraulic Modeling facility to see the South Diversion Channel water quality feature model. The Board was invited to attend these events if interested.

There were no comments from the public.

5. Approval of Minutes

a. March 26, 2009

Director Hernandez made a motion to approve the minutes of the March 26, 2009 Regular Board Meeting. Director Saiers seconded the motion, which passed unanimously (5-0).

6. Financial Matters

a. Approval of March 2009 Expenditures

Ms. Jeffries presented the March 2009 Expenditure Report. There were no questions.

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

b. Local Government Investment Pool Reserve Update

Ms. Jeffries noted the changes in the Local Government Investment Pool liquidation plan which isolates AMAFCA's pro-rata share of funds into a non-interest-paying fund named the Reserve Contingency Fund. She stated she had proportionally allocated the AMAFCA LGIP Reserve Contingency Fund to the various Funds based on the balance of each fund in the LGIP as of September 15, 2008.

Director Eichenberg asked if AMAFCA should explore other avenues for AMAFCA's investments. Kevin Powers, AMAFCA's Financial Advisor, stated that the LGIP has refocused its investments into treasury bills and fully collateralized bank deposits. He opined that the LGIP is currently very safe and stable.

After discussion, the consensus of the Board was to keep AMAFCA's funds in the LGIP rather than putting some funds into bank certificates of deposit.



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c. Investment Report for March 2009

Ms. Jeffries noted that she had reported the un-encumbered balances in each fund and its corresponding balance in the LGIP Reserve Contingency Fund. There were no questions regarding the Investment Report.

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

For information. There were no questions.

e. Financial Forecast April 16, 2009, through May 15, 2009

Ms. Jeffries presented the Financial Forecast for the period April 16, 2009, through May 15, 2009. She noted payments will be made on four construction projects and their associated engineering invoices.

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

f. Sandoval County Debt Service Taxes Due AMAFCA – Discussion on Proposed Agreement for Lump Sum Payout by SSCAFCA

Mr. Kelly noted Duane Brown, AMAFCA's Bond Counsel, and Kevin Powers, AMAFCA's Financial Advisor, were available to answer questions.

Mr. Kelly stated that when the Bernalillo/Sandoval County boundary changed in the "Baja Corrales" area in 2006, the area remained liable for previously-authorized AMAFCA debt. As the bonds from the 2004 authorization and prior are paid off, the debt service mill levy in Baja Corrales has been declining. The final payment on those bonds is due in August, 2013.

He stated that SSCAFCA has been reluctant to impose their own debt service mill levy on Baja Corrales as long as AMAFCA's debt service mill levy is still being collected. SSCAFCA has approached AMAFCA regarding a lump sum payout agreement.

Discussion followed, with input from all Board members and Mr. Brown and Mr. Powers. Consensus of the Board was to proceed with negotiating the agreement, and to collect the full amount still due AMAFCA. Director Eichenberg believed no discount should be used. Director Lyon agreed. Director Eichenberg also suggested reminding SSCAFCA that they should already be collecting their tax, as failing to collect it in Baja Corrales is unfair to the rest of the taxpayers within SSCAFCA's boundary.



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7. Legal

a. Status Report

Attorney Christina Anaya briefed the Board on the status of various legal matters. There were no questions from the Board.

b. Personnel Matter

Chairman Brown stated that discussion of a personnel matter would be in closed session.

Director Eichenberg made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in Attorney General Madrid's document, "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004, to discuss a personnel matter. Director Saiers seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Brown closed the meeting at 9:31 a.m.

Director Hernandez made a motion that the meeting be re-opened. Director Saiers seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Brown reopened the meeting at 9:36 a.m. He stated that the Board had taken no action during the closed meeting, but had discussed a personnel matter.

8. Notification of On-Call Services Task Orders

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

Consent Agenda (items 9-14):

9. Design Bidability & Constructability Reviews – Approval of Third and Final Extension of Contracts with:

- a. A.S. Horner, Inc.**
- b. AUI, Inc.**
- c. New Mexico Underground, Inc.**



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- d. **RMCI, Inc.**
- e. **Salls Brothers Construction, Inc.**

The memo from Kurt Wagener, AMAFCA Field Engineer, recommended the Board extend the on-call contracts with the above firms for the third and final time, as per the provisions of the contracts, with no increase in fees.

10. FY 2009 Audit – Second Extension of Contract with Ricci & Company for Audit Services

The memo from Ms. Jeffries recommended the Board extend the audit contract with Ricci & Company for a one-year term.

11. Out of State Travel Request – Association of State Flood Plain Managers 33rd Annual Conference, "Levees and FEMA," June 7-12, 2009, Orlando, Florida

The memo from Mr. Kelly recommended the Board authorize out of state travel and expenses for Director Hernandez and Jerry Lovato, AMAFCA Drainage Engineer, to attend the 2009 ASFPM 33rd Annual National Green Works Conference in Orlando, Florida, June 7-12, 2009, with costs not to exceed \$5,100 total, pursuant to Resolution 1998-16.

12. Real Estate – Consideration of Quitclaim/Partial Release of Drainage Easement for Rinconada Channel Wing Dike as Related to Villa Senderos Subdivision

The memo from Lynn Mazur, AMAFCA Development Review Engineer, recommended the Board authorize execution of a Quitclaim Deed / Partial Release of Easement for the Rinconada Channel Wing Dike. The easement is no longer needed due to improvements made.

13. AMAFCA Miscellaneous Construction Projects 2009, Phase II – Authorization to Advertise for Construction Bids

The memo from Mr. Wagener recommended the Board authorize advertisement for construction bids for the AMAFCA Miscellaneous Construction Projects 2009, Phase II.

14. AMAFCA Policy Revisions

- a. **Consideration of Adoption of AMAFCA Cell Phone Use Policy**
- b. **Consideration of Adoption of Use of Communication Systems Policy**

The memo from Director Hernandez, Chair of the Personnel and Salary Committee, recommended the Board adopt the AMAFCA Cell Phone Use Policy and the AMAFCA Communication Systems Policy, effective immediately.



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In response to questions regarding the Cell Phone Policy, Mr. Kelly stated that there have been no complaints during a test run of this policy. The FY-2010 budget includes an upgraded digital radio system which will become the primary contact method between staff and the maintenance crew during the day. The policies strive to make the cell phone and office phone use policies the same. In response to a suggestion from Director Saiers, language will be added to the cell phone policy to make it clear that "family emergency" includes medical and health issues.

There being no further items on the Consent Agenda, and there being no other questions, Director Hernandez made a motion that the Board take the following actions on agenda items 9-14:

- Authorize the Executive Engineer to extend each of the above listed Design, Bidability and Constructability Agreements for a third and final one-year term as per the provisions of the contracts;
- Authorize the Executive Engineer to extend the audit contract with Ricci & Company, LLC, for a one-year term;
- Authorize out of state travel and expenses for Director Hernandez and Jerry Lovato to attend the 2009 ASFPM 33rd Annual National Green Works Conference June 7-12, 2009, not to exceed \$5,100.00 total, pursuant to Resolution 1998-16;
- Authorize the Board Chairman to execute the Quitclaim Deed / Partial Release of Easement for the Rinconada Channel Wing Dike;
- Authorize the Executive Engineer to advertise for construction bids for the AMAFCA Miscellaneous Construction Projects 2009, Phase II; and
- Adopt the AMAFCA Cell Phone Use Policy and the AMAFCA Communication Systems Policy, effective immediately.

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

Regular Agenda:

15. Southeast Valley Drainage and Storm Water Quality Management Plan – Consideration of Agreement with Bernalillo County for Cost Sharing of Certain DMP Elements

Mr. Kelly introduced Roger Paul, of Bernalillo County.

Mr. Lovato stated that Bernalillo County would like to jointly fund the Drainage Management Plan for the Southeast Valley. The DMP will now include exploring the possibility of a new basin diversion to the Tijeras Arroyo within the existing area of the study. The lump sum of \$9,000 is an appropriate amount to cover this work, on a DMP expected to cost about \$150,000.



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Director Hernandez made a motion that the Board approve the *Funding Agreement for Southeast Valley Drainage and Storm Water Quality Management Plan* with Bernalillo County and authorize the Chair to execute the agreement on behalf of AMAFCA. Director Saiers seconded the motion, which passed unanimously (5-0).

16. East Amole Surge Pond – Consideration of Agreement with Bernalillo County to Take Portion of Excess Earth to Bernalillo County Landfill

Mr. Lovato stated that, as the Board had been previously briefed, the agreement provides for a lump sum payment of \$85,000 from Bernalillo County to AMAFCA to cover the cost of material placement, dust control, and contract administration associated with the placement of 21,000 cubic yards of material. Additional dirt may also be placed at the landfill if the contractor elects to use it as a dump site. This will save AMAFCA money on the East Amole Surge Pond Project, which is currently in design, because a scraper haul can be used instead of a truck haul.

He stated that during construction, the contractor will be responsible for dust control. Once construction is complete, the County will be responsible.

Director Hernandez made a motion that the Board approve the *Agreement for Excess Material Placement at Bernalillo County 9 Mile Hill Landfill from the East Amole Surge Pond Project* with Bernalillo County, and authorize the Chair to execute the agreement on behalf of AMAFCA. Director Lyon seconded the motion, which passed unanimously (5-0).

17. South Valley Gateway Park / La Familia Surge Pond
a. Briefing on Project Design by Adrienne Candelaria, Bernalillo County Parks and Recreation

Loren Hines, AMAFCA Real Estate Manager, introduced Adrienne Candelaria, Senior Parks, Open Space and Trail Planner with Bernalillo County. She briefed the Board regarding the phased project design plan for the South Valley Gateway Park, which will retain the full volume of the La Familia Surge Pond and will cover both the La Familia site and the former McDonald's site.

After discussion of the design, maintenance, and liability difficulties that would arise from opening up the enclosed section of MRGCD irrigation ditch along two edges of the site, consensus of the Board was support of the project plan as presented.

b. Consideration of Dedication of Property to Bernalillo County

Mr. Hines stated that Bernalillo County would like to take ownership of the La Familia Pond site, which will become part of the South Valley Gateway Park. The proposed Special Warranty Deed



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would convey the property to Bernalillo County, with restrictions. The property must be used for a public purpose, and reverts to AMAFCA if the park is not built within five years. Also, Bernalillo County must get AMAFCA's approval if they decide to sell the property. By transferring the property, maintenance and liability is also transferred to the County.

Ms. Candelaria added that AMAFCA's donation of the land for the park will be acknowledged in the park signage.

Director Hernandez made a motion that the Board authorize the Chairman to convey the La Familia Pond to Bernalillo County by Special Warranty Deed. Director Saiers seconded the motion, which passed unanimously (5-0).

18. AMAFCA Basement Offices Project – Status Report of Project Scope and Identified Code Requirements

Mr. Lovato briefed the Board on the status of the building remodel project. He stated that the estimated cost of remodeling the basement to bring it up to code for use as office space has risen to approximately \$220,000. Building a new "upstairs" wing off the northwest corner of the building would cost approximately \$288,000. Discussion followed.

The consensus of the Board was support of the option of building a new upstairs wing.

19. FY 2010 Budget

a. Draft FY-2010 Operating Budget

Ms. Jeffries stated that she had revised the budget revenue projections based on the Board's input. There is an increased contribution to the Building and Yard Improvement Fund to cover the increased costs of the remodel, and the amount of the membership fee to the Mid Region Council of Governments was reduced to \$10,000 as no additional supporting information had been received from MRCOG. The computer software line item was also adjusted.

Director Saiers reiterated her suggestion that AMAFCA consider offering a day or half-day off to show appreciation to its employees since they will not be getting a COLA this year. Chairman Brown suggested this might be handled at management's discretion.

b. Draft FY-2010 Construction Fund Budget

Mr. Kelly noted minimal changes had been made from the first draft, updating project costs. At the request of the Board, he stated he will add a column coding the projects by district.



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c. Draft FY-2010 Debt Service Fund Budget

Ms. Jeffries presented the first draft of the Debt Service Fund budget. The Board discussed the projected growth rate, with input from Kevin Powers, AMAFCA's Financial Advisor. Consensus was that the budgeted growth rate was conservative.

Director Lyon briefly left the meeting at 10:23 a.m.

d. FY-2010 Contingency Fund – Discussion of Reclassification of Reserve Designations

Mr. Kelly stated that, with the construction of the Parkway Storm Drain, and the resulting transfer of \$500,000 from the Contingency Fund to the Construction Fund in FY 2010, he proposed adding two projects to the reserve project list: the old box culvert at the upper end of the North Diversion Channel, which was constructed by AMAFCA in the late 1960s, and bank protection on the Calabacillas Arroyo just upstream of Swinburne Dam, in the area known as the "Caliche Bend."

He stated that the box culvert at the upper end of the North Diversion Channel is showing signs of alkali-silica reactivity in the concrete. The Caliche Bend area was formerly thought to be stable, but suffered significant erosion in 2006, later repaired by the crew.

He added that the change to the reserve project list will be made by resolution. Consensus of the Board was support of the proposed changes.

e. Draft FY-2010 Contingency Fund Budget

Ms. Jeffries reviewed the first draft of the Contingency Fund budget. The Board had no changes.

f. Draft FY-2010 Saiers Building and Yard Improvement Fund Budget

Mr. Kelly reviewed the first draft of the Building and Yard Improvement Fund budget. The Board had no changes.

20. Corps of Engineers Continuing Eligibility Inspections – Summary of Inspection Results and Actions Taken / Actions to be Taken

Mr. Wagener stated that many of the items mentioned in the Continuing Eligibility Inspections for the North and South Diversion Channels in August, 2008, were addressed in the fall of 2008. The AMAFCA maintenance crew is in the process of continuing to address the remaining items listed. William Trujillo, Levee Safety Program Manager with the Corps of Engineers, has assured



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AMAFCA that neither channel is in danger of being removed from the Public Law 84-99 program.

21. Field Highlights

a. Construction Report

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

b. Field Report

Mr. Wagener showed pictures of current projects and recent events, including the plaque presentations at the March Board meeting and the Governor's bill-signing ceremony.

Director Lyon returned to the meeting at 10:43 a.m.

22. Unfinished Business

None.

23. New Business

a. Notice of Issuance of Film Production Location License, Northern Entertainment Productions, Inc., La Familia Property, April 21, 23, 2009

Mr. Hines stated that a film production license had been issued for parking and a staging area at the La Familia site April 21-23, 2009, with a one-day extension on April 27.

Chairman Brown called a brief recess at 10:50 a.m. The meeting resumed at 11:03 a.m.

24. Drainage Facility Planning Review

Mr. Kelly stated that the technical team had met twice to discuss and prioritize projects. They will meet to discuss the southwest mesa next week, and the valley next month.

a. Review of Projects on East Side Upland Areas Draining to North and South Diversion Channels

Beginning at the north end of the North Diversion Channel, Mr. Lovato worked his way upstream and then south, by watershed, covering the area east of the North and South Diversion Channels.



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He briefly described each potential project on the map. The Board directed him to remove the UNM box culvert from the project list for now. Mr. Lovato also answered questions about which projects had changed in class or priority since the last Project Schedule.

Due to a prior commitment, Director Hernandez left the meeting at 11:42 a.m.

[The batteries on the digital recorder ran out at this point. The rest of these written minutes are from the Executive Secretary's written notes of the meeting, collaborated by staff review of the minutes.]

b. Review of Projects on Northwest Area, North of I-40, West of Rio Grande

Mr. Lovato similarly covered the west side of the Rio Grande, north of I-40, describing each project on the map and whether its class or priority had changed since the FY-08 Project Schedule was created.

The Board requested that future project reviews include the district of each project, and also note if a project's class or priority had changed since the last Project Schedule, and why.

25. Adjourn

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 12:05 p.m.

Danny Hernandez, Secretary-Treasurer 5/28/09

Recorded by Pam Woodruff, Secretary to the Executive Engineer