



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 28, 2009**

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1. Call to Order and Roll Call

Chairman Brown called the Regular Board Meeting to order at 10:02 a.m. Thursday, May 28, 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 there was a late mailout in support of agenda items 7b, 15, and 19. With the Board's concurrence, Chairman Brown moved item 23 forward to just after item 15, and moved item 6 back.

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

5. Approval of Minutes

a. April 22, 2009

Director Eichenberg made a motion to approve the minutes of the April 22, 2009 Regular Board Meeting. Director Hernandez seconded the motion, which passed unanimously (5-0).



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3. Meetings Scheduled

- a. **Thursday, June 25, 2009, 10:00 a.m. – Regular Meeting**
- b. **Thursday, July 23, 2009, 10:00 a.m. – Regular Meeting**
- c. **Thursday, August 27, 2009, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.

4. Items from the Floor/Public Comment

None.

7. Legal

a. Status Report

Attorney Christina Anaya briefed the Board on the status of various legal matters, answering several questions from the Board.

b. Personnel Matter

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

Director Lyon 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 Hernandez seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Brown closed the meeting at 10:10 a.m.

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

Chairman Brown reopened the meeting at 10:45 a.m. He stated that the Board had taken no action during the closed meeting, but had discussed a personnel matter.



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8. Notification of On-Call Services Task Orders

Mr. Kelly noted that four on-call services task orders had been issued in the past month, as described in his memo. There were no questions.

Consent Agenda (items 9-12):

9. AMAFCA Miscellaneous Construction Projects 2009, Phase II – Consideration of Award of Contract to Salls Brothers Construction, Inc.

The memo from Kurt Wagener, AMAFCA Field Engineer, recommended the Board award the AMAFCA Miscellaneous Construction Projects 2009, Phase II, to Salls Brothers Construction, Inc., in the amount of \$579,122.49.

10. Turnkey Agreement for Rundown from Oasis Restaurant to Raymac Dam Outfall Ditch

The memo from Lynn Mazur, AMAFCA Development Review Engineer, recommended the Board approve the Turnkey Agreement for a riprap lined swale rundown from the Oasis Restaurant parking lot to the Rayac Dam Outfall. This will also cure a small but ongoing maintenance problem for AMAFCA as a result of runoff from Coors Boulevard.

11. Out of State Travel Request – StormCon Conference and Trade Show, Anaheim, California, August 18-20, 2009

The memo from Mr. Kelly recommended the Board authorize out of state travel and expenses, pursuant to Resolution 1998-16, for Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, to attend the StormCon Conference and Trade Show in Anaheim, California, August 18-20, 2009, with costs not to exceed \$2,200.00.

12. Real Estate

a. Consideration of License Agreement with City of Albuquerque Regarding Balloon Fiesta Park

The memo from Loren Hines, AMAFCA Real Estate Manager, recommended the Board authorize execution of the 2009 Balloon Fiesta License, substantially the same as last year's license.



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b. Notification of Single Event Recreational License for Rio Grande Raft Race

Mr. Hines noted that a single event recreational license had been issued to the City of Albuquerque for access to the South Diversion Channel Outfall for a May 30, 2009 raft race on the Rio Grande. The Board was notified pursuant to Resolution 1994-3, *Short Term Recreational Licenses*.

There being no further items on the Consent Agenda, and there being no other questions, Director Eichenberg made a motion that the Board take the following actions on agenda items 9-12:

- Accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chairman to execute the contract with Salls Brothers Construction, Inc., for the construction of the Miscellaneous AMAFCA Construction Projects 2009 Phase II in the amount of \$579,122.49;
- Approve the Agreement, substantially the same as attached to the memo, and authorize the Chairman to execute the Turnkey Agreement for Drainage Outfall to Raymac Dam Outlet as Related to Oasis Restaurant;
- Authorize out of state travel and expenses, pursuant to Resolution 1998-16, for Kevin Daggett, Storm Water Quality Program Engineer, to attend the 2009 StormCon conference and trade show in Anaheim, California, August 18-20, 2009, not to exceed \$2,200.00; and
- Authorize the Chairman to execute the 2009 Balloon Fiesta License.

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

Mr. Kelly introduced Sandy Zuschlag of the City of Albuquerque Parks and Recreation Department, who attended in support of item 12a.

Regular Agenda:

13. Osuna Boulevard I-25 to Edith Widening Project – Briefing by Melissa Lozoya, P.E., Department of Municipal Development, City of Albuquerque

Mr. Kelly introduced Melissa Lozoya, P.E. She briefed the Board on the City's planned widening of Osuna Boulevard from I-25 to Edith, including a bike trail notch under Osuna at the North Diversion Channel. She stated the City plans to enter into a contract with a consulting engineer for the alignment study this July. Consideration will be given to bike access to Osuna from the bike trail and closing the bike trail as little as possible during construction. The roadway will be widened into the median, so no additional right of way will be necessary. The project will be coordinated with AMAFCA.



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Mr. Kelly stated that the alignment study will also consider the future addition of a channel road along the east side of the North Diversion Channel, and will look at the intersection geometry of Osuna, Chappell Road, and the new channel road.

14. North Coors Drainage Calabacillas Outlet Project – Briefing on Discussions with MRGCD Regarding Status of Corrales Main Canal Right of Way

Mr. Kelly introduced Ray Gomez, Assistant Engineer with the Middle Rio Grande Conservancy District.

Mr. Hines described the chronological events in the early 1990s regarding the status of the Corrales Main Canal right of way.

Mr. Gomez stated that, as the MRGCD was updating their right of way records in their GIS system, they noticed that they had never received a deed granting the Corrales Main Canal right of way to the MRGCD.

After discussion, consensus of the Board was to have the AMAFCA attorney work with staff to draft a quitclaim deed to the MRGCD that would protect AMAFCA's drainage needs. Mr. Kelly stated that he and AMAFCA's attorney would prepare the deed for the June meeting.

15. North Diversion Channel Storm Water Quality Reconnaissance Study – Briefing by Stephanie Moore of Daniel B. Stephens and Associates

Mr. Kelly introduced Stephanie Moore, who briefed the Board on the North Diversion Channel Storm Water Quality Reconnaissance Study.

Ms. Moore referred to the area of the North Diversion Channel Outfall from the equipment crossing to the river as the "embayment" area. This area ranges from one to eight feet deep, and is connected to the river.

She stated that storm water in the North Diversion Channel (NDC) and near the surface of the embayment is well oxygenated. During mid-summer, dissolved oxygen (DO) drops near the bottom of the embayment. According to the computer modeling, large storms flush the stagnant water from the embayment into the river, leading to temporary sags in DO in the Rio Grande of less than one hour duration.

Several options to reduce the low DO problem in the embayment were discussed, including aeration, increased water circulation, and filling the embayment. Ms. Moore stated the alternatives will be further evaluated in the next phase of the reconnaissance study. Mr. Kelly added that the tech team will also be reviewing the study.



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23. FY 2010 Budget

a. FY-2010 Operating Budget

Ms. Jeffries stated that the line items for Worker's Compensation and for the MRCOG had changed since last month. Otherwise, the final budget was the same as the draft budget from the April Board meeting. If approved, the summary sheet of the budget will be sent to the New Mexico Department of Finance and Administration (DFA) before the June 1 deadline, along with the summary sheets of the other budgets and Resolution 2009-3, *Fiscal Year 2010 Budget*.

Director Saiers made a motion that the Board approve the FY 2010 Operating Fund Budget for submittal to DFA by June 1, 2009. Director Hernandez seconded the motion, which passed unanimously (5-0).

b. FY-2010 Construction Fund Budget

Mr. Kelly stated the only changes made from the second draft of the Construction Fund Budget were to update balances and input as-bid costs where available.

Director Lyon made a motion that the Board approve the FY 2010 Construction Fund Budget for submittal to DFA by June 1, 2009. Director Hernandez seconded the motion, which passed unanimously (5-0).

c. FY-2010 Debt Service Fund Budget

Ms. Jeffries' memo stated tax revenues were estimated using valuations from the County Assessor's Abstract dated October 1, 2008, with 5% growth in residential valuations, 10% growth in non-residential valuations, and no growth in centrally assessed valuations. A 96% collection rate was assumed, at the current mill levy rate of \$0.675. Interest income was projected at 0.5% of the monthly balance in the LGIP fund.

Director Hernandez made a motion that the Board approve the FY 2010 Debt Service Fund Budget for submittal to DFA by June 1, 2009. Director Eichenberg seconded the motion, which passed unanimously (5-0).

d. FY-2010 Contingency Fund Budget

Ms. Jeffries' memo stated the budget includes \$100,000 transferred from the General Operating Fund and interest on the monthly balance in the LGIP fund. Expenditures include a \$500,000 transfer to the Construction Fund for the previously reserved Parkway Channel. The normal



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estimate of \$400,000 for emergencies is included, as is \$40,000 for fuel cost spikes in excess of the Operating Budget. \$4,000,000 is reserved for channel repairs, modifications, and rehabs.

Director Eichenberg made a motion that the Board approve the FY 2010 Contingency Fund Budget for submittal to DFA by June 1, 2009. Director Lyon seconded the motion, which passed unanimously (5-0).

e. FY-2010 Saiers Building and Yard Improvement Fund Budget

Ms. Jeffries' memo stated the Saiers Building and Yard Improvement Fund Budget includes a \$125,000 transfer from the General Operating Fund and interest on the monthly balance in the LGIP fund. Expenditures include \$300,000 for the AMAFCA office improvements.

Director Hernandez made a motion that the Board approve the FY 2010 Saiers Building and Yard Improvement Fund Budget for submittal to DFA by June 1, 2009. Director Eichenberg seconded the motion, which passed unanimously (5-0).

f. Adoption of Resolution 2009-02, *Modifications to Reserve Amounts in the Contingency Fund*

Mr. Kelly stated Resolution 2009-2 makes changes to the fenced projects within the Contingency Fund as discussed at the April Board meeting.

Director Hernandez made a motion that the Board adopt Resolution 2009-2, *Modifications to Reserve Amounts in the Contingency Fund*, and authorize the Chair to execute same. Director Eichenberg seconded the motion, which passed unanimously (5-0) on a roll-call vote.

g. Adoption of Resolution 2009-03, *Approval of F-10 Budget*

Ms. Jeffries stated the budget resolution was the same format as had been used previously, and had been reviewed by legal counsel. The summary pages for each of the budgets will be attached to the resolution and submitted to the New Mexico Department of Finance and Administration for approval.

Director Eichenberg made a motion that the Board pass and adopt Resolution 2009-3, *Fiscal Year 2010 Budget*, and authorize the Chair and Secretary to sign. Director Hernandez seconded the motion, which passed unanimously (5-0) on a roll-call vote.

Chairman Brown noted there were still guests in the audience and stated that agenda items 6 and 16 would be heard after addressing those items with guests present.



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17. Southwest Valley Drainage Improvements Project: Accelerated Construction of Certain Project Elements by Albuquerque Public Schools – Consideration of Agreement with APS, County of Bernalillo, and AMAFCA

The memo from Jerry Lovato, AMAFCA Drainage Engineer, stated an agreement had been negotiated in accordance with the direction of the Board at the February 26, 2009 Board meeting. It has been reviewed by legal staff of all parties (AMAFCA, Albuquerque Public Schools, and Bernalillo County) and is due to be approved by the full APS Board on June 3, 2009.

Director Eichenberg made a motion that the Board approve the *Agreement for Construction and Construction Engineering Services for Drainage Improvements Required by the Southwest Valley Flood Reduction Project at Rio Grande High School* with APS and Bernalillo County and authorize the Chair to execute the same on behalf of AMAFCA. Director Hernandez seconded the motion, which passed unanimously (5-0).

18. Paseo del Norte/Coors Pond – Consideration of Cooperative Funding and Maintenance Agreement with New Mexico Department of Transportation

Ms. Mazur introduced Mark Fahey and Rudy Archuleta of the New Mexico Department of Transportation, District 3.

Ms. Mazur's memo requested approval of the cooperative funding agreement to build the detention pond on AMAFCA Tract 2-B and other drainage improvements west of Coors. She also requested authorization to negotiate for dedication or acquisition of the necessary easements.

Director Lyon made a motion that the Board approve the Agreement, substantially the same as attached to the memo, and authorize the Chairman to execute the *Cooperative Funding and Maintenance Agreement between NMDOT and AMAFCA for Coors Boulevard between Paseo del Norte and Irving Boulevard*, and authorize negotiations for dedication or acquisition of easements with the property owner, Price Reit, Inc. Director Hernandez seconded the motion, which passed unanimously (5-0).

19. Southeast Valley Drainage and Storm Water Quality Management Plan – Consideration of Selection Advisory Committee Recommendation

Mr. Lovato stated the Selection Advisory Committee had met, and recommended Wilson and Company be selected. He introduced Dan Aguirre, Chris Perea, and Tyler Ashton of Wilson and Company.

Director Hernandez made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations with Wilson



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and Company per the New Mexico Procurement Code, and consider approval of an Agreement for Engineering Services at the June 25, 2009 Board meeting. Director Lyon seconded the motion, which passed unanimously (5-0).

20. 2009 Bond Sale – Briefing on Bond Sale Structure and Timing, AMAFCA Financial Advisor, Kevin Powers of RBC Capital Markets

Mr. Kelly introduced Erik Harrigan, representing Kevin Powers of RBC Capital Markets, AMAFCA's Financial Advisor.

Ms. Jeffries stated staff recommends a bond sale around July 23, 2009.

Responding to questions from the Board, Mr. Kelly stated that the Bond sale needed to be held this summer to provide funds for the September 10th construction fund payments. Mr. Harrigan stated that short-term municipal rates are currently attractive, averaging around 2.00%, and are estimated to be around 2.25% by the end of July. Bond ratings are staying the same on highly-rated entities in New Mexico.

After discussion, consensus of the Board was support of a July 23, 2009, Bond Sale. Mr. Kelly stated he would bring the first resolution to the Board at the June meeting.

6. Financial Matters

a. Approval of April 2009 Expenditures

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

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

b. Local Government Investment Pool Contingency Reserve Update

Ms. Jeffries stated the April distribution of the Local Government Investment Pool Contingency Reserve was allocated proportionately. There were no questions regarding the LGIP Contingency Reserve.

c. Investment Report for April 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.



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

For information. There were no questions.

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

Ms. Jeffries presented the Financial Forecast for the period May 16, 2009, through June 15, 2009. She noted payments will be made from the Operating Fund for two quarters on the USGS contract and for three payroll periods.

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

f. Disposal of Obsolete Equipment

Ms. Jeffries supplied a list of outdated and obsolete equipment and requested the Board execute an Official Finding, authorize the equipment's removal from the inventory list, and authorize disposal of the equipment. She stated that she would give the State Auditor's Office the required 30-day notification, and will make every effort to donate the monitors to an appropriate entity. The hard drives of the computers will be erased and destroyed, and the computers taken to an appropriate e-disposal site.

Director Lyon made a motion that the Board execute the Official Finding for submission to the State Auditor, approve removal of the excess equipment from AMAFCA's inventory, and authorize its disposal. Director Hernandez seconded the motion, which passed unanimously (5-0). Each Director signed the Official Finding.

g. Sandoval County Debt Service Taxes Due AMAFCA – Update

Ms. Jeffries briefed the Board regarding the results of a series of meetings. Sandoval County will continue to collect debt service funds due AMAFCA as well as those due SSCAFCA in the Baja Corrales area. Brief discussion followed. Staff will keep the Board informed.

16. AMAFCA Policy Revisions – Acceptance of AMAFCA Records Retention Policy

Ms. Jeffries stated that she and Mr. Kelly, along with Attorney Anaya, had developed a draft Records Retention Policy. Ms. Anaya briefed the Board on the policy. The Board had several questions regarding the policy relating to real estate property acquisition. Director Saiers suggested a transaction summary be prepared before those records are destroyed.



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After discussion, the consensus of the Board was to have staff and Ms. Anaya make some minor changes to the policy and bring it back before the Board in June.

Chairman Brown called a brief recess at 12:21 p.m. The meeting resumed at 12:30 p.m.

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 presented a slide show of current projects and recent events, including the 2009 Decision Makers Conference. He also showed a video of that morning's news coverage supporting AMAFCA's storm water quality efforts.

c. GIS Application Demonstration

Kevin Troutman, AMAFCA GIS Technician, gave a demonstration of the GIS Application being developed by AMEC.

Due to a prior commitment, Director Eichenberg left the meeting at 12:46 p.m.

22. AMAFCA Office Expansion Project – Status Report on Project Scope and Budget Requirements

Mr. Lovato briefed the Board on the status of the AMAFCA Office Expansion Project, answering several questions. He anticipated bringing the project before the Board for construction approval at the June meeting, after permits have been obtained from the City of Albuquerque.

As her presence was not required for the remainder of the meeting, Ms. Anaya left the meeting at 12:55 p.m.

24. Drainage Facility Planning Review – Review of Projects on the Southwest Mesa, South of I-40 and West of the Arenal Canal / Gun Club Lateral

Beginning near I-40 and 98th Street, Mr. Lovato worked his way south, by watershed, covering the area on the southwest mesa south of I-40 and west of the Arenal Canal and Gun Club Lateral.



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He briefly described each project on the map and whether its class or priority had changed since the FY-08 Project Schedule was created.

25. Unfinished Business

a. FEMA Communications Regarding Albuquerque West Levee LOMR

Mr. Lovato stated that FEMA had agreed to the use of the FLO 2D computer modeling, which reduces the number of properties within floodplain in the valley. However, they also cannot make the floodplain change as a Letter of Map Revision (LOMR). They must do a Physical Map Revision (PMR) instead. FEMA does not have funds to do a PMR at this time.

Roger Paul, of Bernalillo County Public Works, stated that his office is trying to accelerate the PMR process rather than waiting for the next regular mapping period. Neither AMAFCA nor any other local entity can fund the PMR for FEMA, so he is exploring the option of the Corps of Engineers funding the PMR. The Albuquerque West Levee construction will be certified in late August.

Mr. Kelly noted that it is very good news that the FLO 2D modeling has been recognized by FEMA. This methodology ensures that floodplain in the valley will be reduced by about half, even if the levee rebuilding project is not complete by the time FEMA does the next mapping project.

26. New Business

None.

27. Adjourn

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 1:25 p.m.

Danny Hernandez, Secretary-Treasurer 6/25/09

Recorded by Pam Woodruff, Secretary to the Executive Engineer