



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 17, 2009**

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1. Call to Order and Roll Call

Chairman Brown called the Regular Board Meeting to order at 10:06 a.m. Thursday, December 17, 2009. Chairman Brown stated that Director Lyon would be late due to a scheduling conflict. Roll was noted as follows:

| | |
|--------------------|--|
| Directors present: | Chairman Ronald D. Brown Director Janet Saiers Director Danny Hernandez Director Tim Eichenberg Director Daniel Lyon (arrived at approximately 10:25 a.m.) |
| 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

There were no changes to the agenda. Director Hernandez made a motion to approve the agenda. Director Saiers seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. Thursday, January 7, 2010, 8:00 a.m. – Special Meeting (proposed)**
- b. Thursday, January 28, 2010, 10:00 a.m. – Regular Meeting**
- c. Thursday, February 25, 2010, 10:00 a.m. – Regular Meeting**

There were no changes to the proposed meeting schedule. The Board agreed to schedule the proposed Special Meeting for January 7, 2010, at 8:00 a.m. This meeting will primarily be to approve the Selection Advisory Committee recommendation on the Hahn Arroyo Project Phase I RFP, so that the agreement can be approved at the January 28, 2010 meeting.

4. Items from the Floor / Public Comment

None.



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5. Approval of Minutes

a. November 19, 2009

Director Eichenberg made a motion to approve the minutes of the November 19, 2009 Regular Board Meeting. Director Hernandez seconded the motion, which passed (4-0).

6. Financial Matters

a. Approval of November 2009 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the November 2009 Expenditure Report. There were no questions. Director Hernandez made a motion to approve the November 2009 Expenditure Report. Director Saiers seconded the motion, which passed (4-0).

b. Local Government Investment Pool Reserve Primary Fund – Update

Ms. Jeffries stated that a court order had been entered ordering distribution of the funds in the LGIP Reserve. The distribution was anticipated to be approximately 98.77% of the balance in the Primary Reserve Fund as of September 15, 2008. AMAFCA's anticipated loss is approximately \$8,192.00.

Director Hernandez stated that he had talked to the Bernalillo County Clerk after reading a story in the *Journal* on tax lightning. In response to his comment, Mr. Kelly stated that Kevin Powers, AMAFCA's Financial Advisor, will be taking tax lightning into account when forecasting tax revenue for the 2011 Budget.

c. Investment Report for November 2009

For information. There were no questions.

d. Financial Recap November 16, 2009, through December 11, 2009

Ms. Jeffries presented the Financial Recap for November 16, 2009 through December 11, 2009. There were no questions.

e. Financial Forecast December 11, 2009, through January 15, 2010

Ms. Jeffries presented the Financial Forecast for the period December 11, 2009, through January 15, 2010. She noted that the Operating Fund will include payments to Janstar for the building expansion and AMEC for the GIS application, and to New Mexico Self-Insurer's Fund for the



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workers compensation payment. The Construction Fund will include payments on two construction projects and miscellaneous engineering services.

Director Eichenberg made a motion to approve the Financial Forecast. Director Saiers seconded the motion, which passed (4-0).

7. Legal

a. Status Report

Attorney Marcus Rael briefed the Board on the status of various legal matters, answering several questions from the Board. Mr. Kelly also answered several questions.

As some of his questions regarding one of the items on the report concerned possible litigation, 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 "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004. Director Hernandez seconded the motion.

Chairman Brown stated that the closed session would be for purposes of discussion only, regarding possible litigation. The motion passed (4-0), on a roll call vote.

Chairman Brown closed the meeting at 10:19 a.m. Loren Hines, AMAFCA Real Estate Manager, was asked to remain in the closed session. Director Lyon arrived shortly after the closed session began.

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 10:44 a.m. He stated that the Board had taken no action during the closed meeting, but had discussed possible litigation.

b. West I-40 Condemnation

The memo from Mr. Hines stated that the condemnation action had been settled, and the property transferred via Warranty Deed, which had been recorded. There were no questions.



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8. 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.

Consent Agenda (items 9-11):

9. Storm Water Quality Education Coordinator Services – Consideration of First Extension of Agreement with Cooney Watson and Associates, Inc.

The memo from Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, stated the Professional Services Agreement with Cooney Watson and Associates for Storm Water Quality Education Coordinator Services was executed on January 8, 2009. The agreement provides for up to three one-year extensions at the same rates, provided the parties agree. AMAFCA and Cooney Watson would like to extend the agreement another year at the same rates. The Campaign Contribution Disclosure Form had been completed and a copy was provided to the Board.

The memo requested that the Board approve the first extension of the Agreement with Cooney Watson for an additional year at the same rates.

10. Extension of Cash Management and Banking Services – Consideration of First Extension of Agreement with Wells Fargo Bank

The memo from Ms. Jeffries stated that the Agreement for Cash Management and Banking Services with Wells Fargo Bank of New Mexico, N.A., was executed on February 28, 2008. The Agreement provides that it may be extended for an additional two years upon the mutual agreement of the parties. AMAFCA and Wells Fargo would like to extend the agreement for an additional two years with the same fee structure. The Campaign Contribution Disclosure Form had been completed and a copy was provided to the Board.

The memo requested that the Board approve the first extension of the Agreement with Wells Fargo Bank for an additional two year term at the same rates.

11. Out of State Travel – ESRI International User's Conference, July 12-16, 2010

The memo from Mr. Hines stated the ESRI International User's Conference would be held in San Diego, California on July 12-16, 2010. AMAFCA utilizes the ESRI GIS software for our GIS program. Kevin Troutman, AMAFCA GIS Technician, will be giving a presentation on the AMAFCA Enterprise GIS web application currently under development. The registration cost is included with AMAFCA's ESRI annual license fee. Early registration is important to ensure room



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availability and avoid hotel locations a considerable distance from the San Diego Convention Center.

The memo requested Board authorization for out of state travel and expenses for Kevin Troutman to attend the 2010 ESRI International User's Conference in San Diego, California, July 12-16, 2010, not to exceed \$2,500, pursuant to Resolution 1998-16.

There being no further items on the Consent Agenda, and there being no questions, Director Lyon made a motion that the Board take action on the consent agenda, as follows:

- Approve the first extension of the Agreement with Cooney Watson and Associates, Inc., to provide Storm Water Quality Education Coordination Services for an additional year at the same rates;
- Approve the first extension of the Cash Management and Banking Services Agreement with Wells Fargo Bank of New Mexico, N.A., for an additional two year term at the same rates; and
- Authorize out of state travel and expenses for Kevin Troutman, GIS Technician, to attend the 2010 ESRI International User's Conference in San Diego, California, July 12-16, 2010, not to exceed \$2,500.00, pursuant to Resolution 1998-16.

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

Regular Agenda:

12. Hahn Arroyo Rehab and Integrated Multi-Use Drainage Corridor Demonstration Project – Status Report on RFP

Mr. Daggett gave the Board an update on the Hahn Arroyo Rehab and Integrated Multi-Use Drainage Corridor Demonstration Project RFP. Due to deadline changes over the Thanksgiving holiday, the start date of the ad was delayed. As a result, the proposal due date was changed to 10:00 a.m. on December 18, 2009, to allow firms sufficient time to prepare their proposals.

He stated that the Selection Advisory Committee will meet on January 6, 2010, to select the best proposal. The SAC recommendation will be made to the Board at a Special Board Meeting at 8:00 a.m. on Thursday, January 7, 2010. A negotiated agreement is scheduled to be considered for approval by the Board at the Regular Board meeting on January 28, 2010.

Director Hernandez stated that he had discussed the Hahn Arroyo project with several bike organizations in Albuquerque, and would like to sit in on the SAC as an observer, to offer a summary of the feedback from the biking community.



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Mr. Daggett added that the project was presented to the Greater Albuquerque Recreational Trails Committee on November 17, 2009, where it was very well received.

The Board confirmed that the Special Board meeting will be held at 8:00 a.m. on Thursday, January 7, 2010, to consider the Selection Advisory Committee's recommendation.

13. Middle Rio Grande Levee Task Force Update

Jerry Lovato, AMAFCA Drainage Engineer, introduced Joseph Quintana, of the Mid-Region Council of Governments.

Mr. Lovato stated that Mr. Quintana prepared the draft of the Middle Rio Grande Levee Task Force Report to the State Legislature. The draft report was discussed at the Task Force's meeting on November 17, 2009, and revisions made. The final report was presented to the New Mexico State Legislature's Interim Committee for Water and Natural Resources on November 30, 2009, by Chairman Janet Jarratt and Chief Engineer Subhas Shah of the Middle Rio Grande Conservancy District. The presentation by the MRGCD gave a brief history and identified action items that the Levee Task Force would like the Legislature to address. The report was sent to all Task Force members by email on December 4, 2009, and will be presented to the full legislature in January.

Mr. Lovato stated that the next Levee Task Force meeting will be sometime in January.

14. Agency and Area-Wide Flood Control Maintenance Construction Contract

a. Briefing on Scope of AMAFCA Work Elements

As AMAFCA Field Engineer Kurt Wagener was on vacation, Mr. Kelly reviewed the information in Mr. Wagener's memo to the Board regarding the work elements AMAFCA would like to include in the next Agency and Area-Wide Flood Control Maintenance Construction contract. Recently, as a part of last year's Agency and Area-Wide Flood Control Maintenance contract, AMAFCA overlaid approximately 1100 LF of the North Diversion Channel (NDC) downstream of Indian School Road. This section of channel was showing signs of deterioration due to Alkali-Silica Reactivity and freeze/thaw of water in many spalled areas.

Mr. Kelly stated that he, Mr. Wagener, and Mr. Lovato had discussed the condition of the NDC and the current construction market. They propose to overlay the next 4000 LF section of the NDC, from the previous overlay location to the confluence of the NDC and the Embudo Channel. This repair is estimated to cost \$1,300,000. Staff would also like to overlay the NDC from the chute section from just upstream of Osuna heading downstream. The flow regime changes from



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subcritical to supercritical there, resulting in higher velocities. The floor in this area has lifted, resulting in a 2" void underneath the floor which may require filling by low pressure grouting. The Engineer's Estimate for this repair is \$330,000, for a total of \$1,630,000 for both repairs.

Mr. Kelly stated that the FY 2010 Construction Fund Budget identifies \$500,000 for concrete channel rehabilitation, and the FY 2010 Contingency Fund Budget identifies \$1,500,000 reserved for NDC lining. Staff proposes using the full \$500,000 from the Construction Fund, with the balance of the project funds coming from the Contingency Fund. The amount from the Contingency Fund will be transferred in FY 2011 upon completion and acceptance of the work.

Mr. Kelly confirmed AMAFCA will restore the Contingency Fund after these funds are paid out.

Responding to questions from the Board, Mr. Kelly stated that the Hahn Arroyo rehabilitation and the North Diversion Channel lining are the two highest construction priorities for AMAFCA in the Contingency Fund. He stated it is important to repair these sections of the NDC before it turns into an emergency repair, as the void under the channel floor creates a potential channel failure point.

After discussion, the consensus of the Board was concurrence with the acceleration of the rehabilitation of the North Diversion Channel overlay as discussed, and programming the transfer of funds from the Contingency Fund into the Construction Fund in the FY 2011 Budgets, as the work needs to be done and good construction prices can be obtained now.

b. Authorization to Advertise for Construction Bids

Mr. Kelly introduced Pat Conley, of Smith Engineering Company, who is preparing final plans and specifications for the Agency and Area-Wide Flood Control Maintenance Contract 2010-2011. A Construction Management contract with Smith Engineering Company had previously been approved by the Board. Mr. Kelly stated that the project is ready to be advertised for bids, as the AMAFCA work components had just been approved, and the City of Albuquerque and New Mexico Department of Transportation components had already been set.

Director Hernandez made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the Agency and Area-Wide Flood Control Maintenance Contract 2010-2011. Director Lyon seconded the motion, which passed unanimously (5-0).

13. Middle Rio Grande Levee Task Force Update (continued)

Director Saiers asked for clarification regarding the Levee Task Force Report. Mr. Quintana stated that the public outreach program mentioned in recommendation 5 of the Report will be pursued beginning in 2010. The Levee Task Force identified the need for a public outreach



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program to answer the numerous questions the public has about the levees and floodplains. Director Saiers suggested some "GOV TV" (local cable Channel 16) shows might help inexpensively educate the public, and further information could be posted on local government websites.

Mr. Kelly noted that FEMA (the Federal Emergency Management Agency) is heading towards a risk-assessment program. Flood insurance may be required in residual risk areas. Education about "residual risk" is a part of the public outreach program mentioned in the report.

15. Sunset Gardens / 5 Points Storm Drainage Project – Consideration of Cost Sharing Agreement with Bernalillo County

Mr. Lovato stated that the proposed cost share agreement with Bernalillo County provides for a lump sum payment of \$850,000 from AMAFCA to Bernalillo County for storm drainage work associated with the County's roadway projects. Bernalillo County will fund the remainder of the project costs which include the cost of material placement, dust control, traffic control, construction inspection and testing and contract administration associated with the two projects. The agreement had been reviewed by AMAFCA and Bernalillo County legal staff.

Director Eichenberg made a motion that the Board approve the *Agreement to Provide Design, Construction and Maintenance for Regional Storm Drainage Facilities Associated with the Sunset Gardens and Five Points Roadway Projects* with Bernalillo County and authorize the Chair to execute the agreement on behalf of AMAFCA. Director Hernandez seconded the motion, which passed unanimously (5-0).

16. Mid Valley Drainage and Storm Water Quality Management Plan – Consideration of Cost Sharing Agreement with City of Albuquerque

Mr. Lovato stated that the cost share agreement with the City of Albuquerque for the Mid Valley Drainage and Storm Water Quality Management Plan has been reviewed by AMAFCA and City of Albuquerque legal staff. The agreement provides for AMAFCA funding up to one half of the cost of the drainage and storm water quality management plan for the mid valley. It specifically states that the City of Albuquerque is responsible for funding in its entirety the cost of verifying as-built information for the existing storm drain system, which is estimated to cost \$100,000. The City will also provide contract administration for the project.

In response to a question from Director Eichenberg, Mr. Lovato stated that the 50-50 split for the remainder of the DMP was set in the agreement for the Interim Post Office Pond two years ago.

Director Hernandez made a motion that the Board approve the *Cost Share Agreement for the Mid Valley Drainage and Storm Water Quality Management Plan* with the City of Albuquerque and



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authorize the Chair to execute the agreement on behalf of AMAFCA. Director Lyon seconded the motion, which passed (4-1). Director Eichenberg voted against the motion.

17. Unser Detention Dam Project – Authorization to Advertise Request for Proposals for Design and Construction Engineering Services

Mr. Lovato stated that the Unser Detention Dam Project is a part of the flood control facilities identified in the West I-40 Drainage Management Plan along the I-40 corridor. He briefly explained the location and purpose of the Unser Detention Dam, and asked for authorization to advertise the Request for Proposals for Design and Construction Engineering Services.

In response to questions from Director Saiers, Mr. Lovato stated that there is an existing channel through the area where the dam will be built. The New Mexico Department of Transportation currently owns most of the land where the dam will be built, but it will be transferred to AMAFCA. The neighborhood will be kept apprised of the plans for the dam, which will fix up the area, result in less trash, and should be an amenity to the neighborhood.

Mr. Kelly added that the dam will tie into the downstream trails and landscaping that are a part of the West I-40 Diversion Channel Phase III. Chairman Brown noted that the dam had been planned, and privately owned land was dedicated to AMAFCA for the remaining portion of it, when the nearby subdivision was platted.

Director Lyon made a motion that the Board authorize the Executive Engineer to advertise the request for proposals for the final design and construction engineering services for the Unser Detention Dam. Director Hernandez seconded the motion, which passed unanimously (5-0).

18. EPA Low Impact Development Conference – Consideration of Request for AMAFCA Co-Sponsorship of Conference

Mr. Daggett introduced Steve Glass, of Bernalillo County, then briefed the Board regarding the upcoming New Mexico Green Infrastructure/Low Impact Development (GI/LID) Conference, tentatively scheduled for March 23-24, 2010, at the UNM Rotunda. AMAFCA has been asked by the City and County to contribute \$5,000 as a fiscal sponsor for the conference, and act as fiscal agent for the conference. The \$5,000 amount is covered in the FY-10 Operating Fund budget as part of the "Special Projects" line item (\$26,000 total line item).

He stated that the idea for the conference originated last June at the 2009 EPA MS4 Conference in Houston. The EPA Region 6 Permit Writer, Susanna Perea, expressed a great interest in seeing more GI/LID practices implemented in Albuquerque, and suggested a conference as a good way to start the process. The GI/LID conference is also a good lead-in to the 2010 EPA MS4 Conference scheduled for June in Santa Fe.



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Mr. Daggett stated that in addition to financial sponsorship from Bernalillo County, USEPA Region 6, the City of Albuquerque (\$7,500 each), and SSCAFCA (\$3,000), in-kind sponsorships from three local planning and engineering firms are providing conference planning, website creation, logo creation, online registration, advertising, preparation of banners and backdrops, program and brochure preparation, and name tags. The conference will also be videotaped.

He added that, at EPA's request, a reduced fee of \$35 is planned for the conference. This could bring in another \$4,200 in conference funding if the conference sells out.

Discussion followed. Mr. Kelly stated that AMAFCA's financial staff is amenable to AMAFCA being the fiscal agent for the conference.

Director Hernandez noted that most green infrastructure conferences talk about east and west coast rainfall, and lower slopes than are in the mountainous high desert regions. He opined that developing guidelines for this area, and educating the community on those guidelines, are important for the mountainous high desert.

Director Lyon stated that AMAFCA serves as the fiscal agent for the Ditch and Water Safety Task Force, the Storm Water Quality Team, and was the fiscal agent for the EPA MS4 Water Conference. He opined another agency should come forward to be the fiscal agent for this conference.

Director Hernandez made a motion that AMAFCA support the New Mexico Green Infrastructure/Low Impact Development (GI/LID) Conference with a \$5,000 fiscal sponsorship and by becoming the fiscal agent for the conference. Director Eichenberg seconded the motion, which passed unanimously (5-0).

19. Field Highlights

a. Construction Report

Mr. Kelly stated that the memo from Kurt Wagener, AMAFCA Field Engineer, contained a summary of current construction projects. There were no questions.

b. AMAFCA GIS Web Application Demo

Kevin Troutman, AMAFCA GIS Technician, held a "virtual ribbon-cutting" for the new AMAFCA Interactive GIS Application, which can be accessed via the AMAFCA website at amafca.org. He then demonstrated the application for the Board. The interactive application has a



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"locate by address" feature, which makes it much more useful than the former maintenance map, which was a static PDF document. The Board had several positive comments on the map.

c. Field Report

Mr. Kelly stated that the Field Report, displaying projects throughout the year, will be shown during the Holiday Luncheon.

20. Real Estate – Notification of Issuance of One-time Recreational Event License

Loren Hines, AMAFCA Real Estate Manager, stated that one short-term recreational license had been issued for a charity fun run on a portion of the North Diversion Channel from North Pino Inlet to El Pueblo Road. In response to a comment from Director Saiers, Mr. Hines stated that the registration materials for the fun run thanked AMAFCA for licensing the location to them for the event.

21. Unfinished Business

a. Don Felipe Dam and Raymac Dam Watershed DMP Public Meeting

Lynn Mazur, AMAFCA Development Review Engineer, stated that staff is still waiting to hear back from Bernalillo County Commissioner Art De La Cruz regarding a date for the Don Felipe Dam and Raymac Dam Watershed DMP public meeting. A date the week of January 11-15, 2010, has been proposed.

22. New Business

Director Saiers stated that there will be a kickoff on January 6, 2010, of centennial activities for New Mexico's Centennial in January 2012. The website is NMCentennial.org.

On behalf of the Board, Director Saiers also offered their sympathy and condolences to Mr. Kelly for the recent loss of his father. Mr. Kelly thanked Director Saiers and the Board and confirmed that the service will be in January.



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23. Adjourn

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 11:40 a.m., inviting those in attendance to remain for the Board's Holiday Luncheon.

Ronald D. Brown, Secretary-Treasurer 1/28/10

Recorded by Pam Woodruff, Secretary to the Executive Engineer