



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
December 16, 2010**

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1. Call to Order and Roll Call

Chair Saiers called the Regular Board Meeting to order at 10:01 a.m. Thursday, December 16, 2010. Roll was noted as follows:

Directors present:	Chair Janet Saiers Director Danny Hernandez Director Ronald D. Brown Director Tim Eichenberg Director Daniel Lyon
Director excused:	None
Others present:	Jerry M. Lovato, P.E., Executive Engineer Attorney Marcus Rael, Jr. Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

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

Mr. Lovato noted that there was a late mailout and a handout on agenda item 11, and a late mailout on agenda item 6e. Chair Saiers stated that she would like to pull agenda item 11 off the consent agenda, as it was an important project that deserved to be considered separately. Mr. Lovato noted that Michael Riordan from the City of Albuquerque was present for agenda item 11, but had a tight schedule today.

Director Eichenberg made a motion to reconsider approval of the agenda. Director Brown seconded the motion, which passed unanimously (5-0).

Chair Saiers suggested that agenda item 11 be heard just after agenda item 4, so that Mr. Riordan could be present.

Director Hernandez made a motion to approve the agenda, with agenda item 11 moved to just after agenda item 4. Director Lyon seconded the agenda, which passed unanimously (5-0).



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3. Meetings Scheduled

- a. **Monday, January 3, 2011, 4:00 p.m. – Special Meeting to Swear in Director**
- b. **Thursday, January 27, 2011, 10:00 a.m. – Regular Meeting**
- c. **Thursday, February 24, 2011, 10:00 a.m. – Regular Meeting**
- d. **Thursday, March 24, 2011, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.

4. Items from the Floor / Public Comment

Brad Bingham, City Hydrologist with the City of Albuquerque, addressed the Board regarding the FEMA Levee situation, referencing a Wall Street Journal article which had been included in the Board's mailout.

He stated that the City Attorney had recently attended a mayors conference, and had told him that many mayors believe that FEMA is doing the remapping and requiring flood insurance from more properties in order to shore up the flood insurance program, which was devastated after Hurricane Katrina. The article mentions a lawsuit filed against FEMA stating there was insufficient justification for FEMA's new levee regulations, and there are several other pending lawsuits as well. Albuquerque's Mayor Richard Berry is watching the lawsuits with interest.

11. Hahn Arroyo Project – Phase I – Consideration of Award of Contract to RMCI, Inc.

Mr. Lovato introduced Michael Riordan, Acting Director of Municipal Development for the City of Albuquerque. Mr. Lovato stated that the City had signed the funding agreement for this project that morning, committing to \$800,000 towards this project. Mr. Lovato thanked him for his efforts getting this accomplished.

Mr. Riordan addressed the Board, stating that the City appreciates the partnership of AMAFCA in a number of projects over the past year, and appreciates AMAFCA taking the lead in this project.

Kevin Daggett, AMAFCA Storm Water Quality Engineer, stated that five bids had been received on the Hahn Arroyo Project – Phase I, and all were responsive. The low bidder was RMCI, Inc., with a bid of \$2,986,820.76 plus New Mexico Gross Receipts Tax. Smith Engineering and staff recommended award of the construction contract to RMCI. The required AMAFCA Campaign Contribution Disclosure Form was completed.



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Responding to a question from Director Hernandez, Mr. Lovato noted that Armour Pavement's bid was considerably higher than the other bids due to the fact that this is not their normal type of work and they were making sure they had enough money available in all the bid items. Their bid items were consistently high throughout the bid.

Director Eichenberg noted that the supplement that RMCI attached to the Campaign Contribution Disclosure Form did not list any contributions to AMAFCA Directors, but listed every political contribution made since 2005, to a number of other campaigns. This was not the information asked for on the AMAFCA form, especially since the form allows for a signature in a second spot to indicate that no contributions to AMAFCA Directors had been made in the previous two years. He requested that, in the future, staff make it clear to contractors that only contributions to AMAFCA Directors within the last two years should be disclosed on the form. Responses listing non-AMAFCA contributions could be considered non-responsive in the future.

Director Brown noted that the Engineer's Estimate was between the second and third lowest bids. He complimented Smith Engineering Company for the excellent estimate.

Director Eichenberg made a motion that the Board accept RMCI, Inc. as the lowest responsible bidder and authorize the Chair to execute the contract with them for the construction of the Hahn Arroyo Project – Phase I in the amount of \$2,986,820.76 plus New Mexico Gross Receipts Tax. Director Brown seconded the motion, which passed unanimously (5-0).

In response to a request from Chair Saiers, Mr. Lovato stated that an appropriate groundbreaking ceremony for the project would be scheduled soon, involving local schools if possible, even if the project had already begun before the ceremony could be scheduled.

5. Approval of Minutes

a. November 18, 2010

Director Lyon made a motion to approve the minutes of the November 18, 2010 Regular Board Meeting. Director Hernandez seconded the motion, which passed unanimously (5-0).

6. Financial Matters

a. Approval of November 2010 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the November 2010 Expenditure Report, answering several questions from the Board.



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Responding to Director Lyon's question, she stated that Mr. Lovato and Lynn Mazur, AMAFCA Development Review Engineer, have credit cards but did not use them during the month.

In response to a question from Chair Saiers about mileage reimbursements and the possibility of obtaining or leasing another staff vehicle for transport to and from meetings (not field work), Mr. Lovato stated he would research the possibilities and come up with a cost comparison to see if it made sense financially, and would report back to the Board during the budget process.

Director Brown made a motion to approve the November 2010 Expenditure Report. Director Hernandez seconded the motion, which passed unanimously (5-0).

b. Investment Report for November 2010

Ms. Jeffries presented the investment report for November 2010. She stated that the ending balance of the Construction Fund included the bond sale proceeds. There were no questions, and no Board action was required.

c. Financial Recap November 16, 2010, through December 10, 2010

Ms. Jeffries presented the Financial Recap for November 16, 2010 through December 10, 2010. She stated that \$270,000 had been received from the City of Albuquerque towards their portion of the Agency and Area-Wide Flood Control Facilities Maintenance contract after the December 10 deadline for the report.

d. Financial Forecast December 11, 2010, through January 15, 2011

Ms. Jeffries presented the Financial Forecast for the period December 11, 2010, through January 15, 2011. She noted that the Operating Fund forecast includes three pay period payments to the City, the Construction Fund forecast includes payments on several projects, and the Agency and Area-Wide forecast includes payments to the contractor and engineer. The funds received from the City for the Agency and Area-Wide account were invested in the State Short-Term Fund.

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

e. Update on Wells Fargo Financial Services – Copier Lease

Chair Saiers noted that the letter from Attorney Rael to the copier lease representatives had been included in the Board mailout.



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Mr. Rael stated there had been no response to the letter yet. Responding to a question from Director Eichenberg, he stated that he had not reviewed the lease before it was signed.

Director Brown commented that a non-profit he is involved with has had a similar problem with the same company.

7. Legal

a. Status Report

Attorney Marcus Rael, Jr., briefed the Board on the status of various legal matters. There were no questions from the Board.

8. Notification of On-Call Services Task Orders

Mr. Lovato stated that one on-call task order had been issued to Wilson & Company, as detailed in his memo. There were no questions.

Consent Agenda (items 9-10):

9. Out of State Travel – ESRI International User's Conference, July 11-15, 2011

The memo from Loren Hines, AMAFA Real Estate Manager, stated the ESRI International User's Conference would be held in San Diego, California on July 11-15, 2011. AMAFCA utilizes the ESRI GIS software for our GIS program. The registration cost is included with AMAFCA's ESRI annual license fee. Early registration is important to ensure room 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 2011 ESRI International User's Conference in San Diego, California, July 11-15, 2011, not to exceed \$2,500, pursuant to Resolution 1998-16.

10. Candelaria- Grantline Water Quality Structures Project – Consideration of Award of Contract to Salls Brothers Construction, Inc.

The memo from Mr. Daggett stated that seven bids had been received on the Candelaria-Grantline Water Quality Structures Project. One was non-responsive because the binder of the contract documents had been removed. The low bidder was Salls Brothers Construction, Inc., with a bid of \$396,196.93. Bohannon Huston, Inc., and staff recommended award of the construction contract to Salls Brothers. The required AMAFCA Campaign Contribution Disclosure Form was completed.



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There being no further items on the Consent Agenda, Director Lyon made a motion that the Board take action on consent agenda items 9 and 10, as follows:

- Authorize out of state travel and expenses for Kevin Troutman, GIS Technician, to attend the 2011 ESRI International User's Conference in San Diego, California, July 11-15, 2011, not to exceed \$2,500.00, pursuant to Resolution 1998-16; and
- Accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chair to execute the contract with them for the construction of the Candelaria-Grantline Water Quality Structures Project in the amount of \$396,196.93 plus New Mexico Gross Receipts Tax.

Director Brown seconded the motion. Chair Saiers noted she had a question on agenda item 9, so Director Lyon stated that he would take back his motion. Director Brown concurred, and Chair Saiers removed agenda item 9 from the consent agenda.

Director Eichenberg noted that, with agenda item 9 taken off the consent agenda, only agenda item 10 remained on the Consent Agenda.

Director Eichenberg made a motion that the Board accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chair to execute the contract with them for the construction of the Candelaria-Grantline Water Quality Structures Project in the amount of \$396,196.93 plus New Mexico Gross Receipts Tax. Director Lyon seconded the motion, which passed unanimously (5-0).

Regular Agenda:

9. Out of State Travel – ESRI International User's Conference, July 11-15, 2011 (cont.)

Chair Saiers asked if \$250/day was a typical hotel rate for San Diego. Kevin Troutman, AMAFCA GIS Technician, stated that \$250 was the special convention rate for a hotel downtown. He noted that the regular rate is significantly higher.

Director Lyon made a motion that the Board authorize out of state travel and expenses for Kevin Troutman, GIS Technician, to attend the 2011 ESRI International User's Conference in San Diego, California, July 11-15, 2011, not to exceed \$2,500.00, pursuant to Resolution 1998-16. Director Brown seconded the motion, which passed 3-1. Director Hernandez was not present at the time of the vote, and Director Eichenberg voted against the motion, stating that he would prefer to save money in a time of budget constraints.



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Director Brown stated that it would be prudent to limit out of state travel for the next couple of years.

12. FY-10 Audit – Acceptance of Audit

Chair Saiers introduced Herman Chavez and Sandy Ricci of Ricci and Company, LLC, AMAFCA's auditors. Ms. Jeffries congratulated Mr. Chavez on the birth of his daughter earlier this month.

Mr. Chavez thanked staff for their assistance with the audit, and stated that there were no findings in AMAFCA's FY10 Audit.

Director Eichenberg complimented staff on their diligence and attention to detail to avoid issues which led to findings in previous years.

Ms. Jeffries' memo stated that, upon the Board's acceptance of the audit, it will be sent to each of the bond rating agencies as well as to each Nationally Recognized Municipal Securities Information Repository (NRMSIR) as required under the Continuing Disclosure Undertaking related to AMAFCA's bonds.

Director Brown made a motion that the Board accept the FY-2010 Audit. Director Hernandez seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chair Saiers briefly left the room. Vice Chair Hernandez chaired the meeting in her absence.

13. Canvassing of 2010 AMAFCA Elections

a. Approval of Resolution 2010-14, 2010 Bond Question Canvass

Ms. Jeffries stated that the AMAFCA Bond Question passed on a vote of 106,159 for and 62,475 against. The Bernalillo County Commission, serving as the Board of Canvass, certified the election results on November 12, 2010. Official election results were signed by the State Canvassing Board on November 23, 2010. She requested that the Board adopt Resolution 2010-14, *2010 Bond Question Canvass Resolution*. The resolution had been reviewed by Attorney Rael.

Director Eichenberg made a motion that the Board adopt Resolution 2010-14, *2010 Bond Question Canvass Resolution*. Director Lyon seconded the motion, which passed 4-0, on a roll-call vote, Chair Saiers being absent at the time of the vote.



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b. Approval of Resolution 2010-15, 2010 Director Election Canvass

The memo from Ms. Jeffries stated that the election results for the Director Election in District 5 were Bruce M. Thomson, 11,945 votes, and John Doran, 7,240 votes. The Bernalillo County Commission, serving as the Board of Canvass, certified the election results on November 12, 2010. Official election results were signed by the State Canvassing Board on November 23, 2010. She requested that the Board adopt Resolution 2010-15, *2010 Board of Directors Election*. The resolution had been reviewed by Attorney Rael.

Director Eichenberg made a motion that the Board adopt Resolution 2010-15, *2010 Board of Directors Election*. Director Lyon seconded the motion, which passed 4-0, on a roll-call vote, Chair Saiers being absent at the time of the vote. She returned shortly thereafter.

14. Legislative Liaison/Lobbyist Services – Consideration of Agreement with Alarid Consulting

Vice Chair Hernandez introduced Vanessa Alarid of Alarid Consulting, who was present.

Mr. Lovato stated that Alarid Consulting had been selected for Legislative Liaison/Lobbyist Services via a Request for Proposals. The RFP and initial agreement provide for the normal three one-year renewal options. The agreement has been reviewed by Attorney Rael. The AMAFCA Campaign Contribution Disclosure Form was provided to the Board.

He stated that the total compensation in the agreement for twelve months is \$44,000 which includes all mileage, postage expenses, and costs for the 2011 60-day session, interim committee work, and expenses and costs for local jurisdictional meetings including City of Albuquerque City Council meetings or Bernalillo County Commission meetings. He requested that the Board approve the Agreement and authorize the Chair to sign.

Director Lyon noted that an "s" was missing in the last word on page 2.

Director Eichenberg asked it if was appropriate to request that AMAFCA be informed of any additional clients that are taken on during the term of the agreement, as AMAFCA may be aware of a conflict of interest that Ms. Alarid was unaware of. Attorney Rael stated that language to request ongoing notification of other clients, and to specify that AMAFCA will determine any conflict of interest, could be added to paragraph 15 on page 5 of the agreement.

Ms. Alarid stated that she was amenable to those changes to the contract.



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Director Hernandez made a motion that the Board approve the Agreement with Alarid Consulting for legislative liaison services for the 2011 calendar year, with the added "s" and the added client notification language as discussed, and authorize the Chair to execute the Agreement. Director Lyon seconded the motion, which passed unanimously (5-0).

15. Ditch and Water Safety Task Force – Annual Report by Coordinator

Chair Saiers introduced Joan Griffin of Griffin and Associates, the Ditch Safety Coordinator.

Ms. Griffin briefed the Board on the activities of the Ditch and Water Safety Task Force in the past year.

Ms. Griffin stated 67 Ditch Safety presentations had been given this year, reaching almost 27,000 children. 100,000 swim passes had been handed out. She reviewed the media coverage arranged by the Task Force, and stated that the figures did not include additional coverage of the storm incidents this past summer. A Public Service Announcement with Tom Joles played 186 times on media partner KOB-TV, and 1,284 times on WX 4-2. Free web coverage was also received, totaling almost \$65,000 in free media received this year. The Ditch and Water Safety Task Force reached 1.6 million people with media impressions.

She noted that the new "Ditch Ranger" program will deputize kids to stay out of ditches and arroyos and help keep their friends out of ditches and arroyos. Social media are increasingly being used to reach kids and teens. The website "DitchesAreDeadly.com" will be updated this coming year.

Ms. Griffin stated that she will make similar presentations to the Boards of other the other agencies involved in the Ditch and Water Safety Task Force.

In response to a question from Chair Saiers, Ms. Griffin stated that the Task Force attempts to reach everyone within the Middle Rio Grande Conservancy District boundaries with their message.

16. Levee Determination on the North and South Diversion Channels – Briefing by Tetra Tech

Mr. Daggett introduced Walt Kuhn, of Tetra Tech. Mr. Daggett stated that Tetra Tech had briefed the Board at the September 30, 2010 Board meeting. He stated that there are many areas of the North Diversion Channel (NDC) and South Diversion Channel (SDC) that might be considered levees, and an additional task order to the current contract was proposed to do further work to identify those areas. At the September 2010 meeting, the Board asked for additional detail regarding the scope of the proposed task order before approving it.



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In response to a question from Director Hernandez, Mr. Daggett stated that, according to FEMA, a levee exists where the water surface of the 100 year storm is higher than the ground around it. There are portions of the NDC and SDC where the toe of the landside slope is low enough that a levee condition may exist under this definition. The task order will identify those locations by determining where the toe of slope is, and where the 100 year storm water surface is. Existing modeling will be used where available, but some of it is old and needs to be updated.

Responding to a question from Director Eichenberg, Mr. Lovato stated that, even if FEMA's levee definition changed next year, this will not be a lost effort. The hydraulics of the channel will still need to be updated in any case. In response to a question from Director Lyon, Mr. Lovato stated that this information will eventually be requested by FEMA, so it is prudent to begin the work now, before we are required to do it on a short FEMA schedule.

After discussion, Director Eichenberg made a motion that the Board concur with the Executive Engineer assigning another task order to Tetra Tech to develop 100-year current conditions surface profiles in both channels to determine which reaches could be considered levees under FEMA criteria, for a fee of \$22,507.00 plus New Mexico Gross Receipts Tax. Director Hernandez seconded the motion, which passed unanimously (5-0).

17. Field Highlights

a. Construction Report

Kurt Wagener, AMAFCA Field Engineer, had provided a memo regarding current construction projects. There were no questions.

b. Field Report

Mr. Wagener stated that, with the Chair's concurrence, the Field Highlights would be shown during the holiday luncheon. He stated that he would be available to answer any questions that happened to come up regarding the year's projects.

Chair Saiers commented on the excellent tumbleweed snowman this year. Mr. Wagener stated that the crew found great tumbleweeds this fall. They painted and assembled the snowman in the yard this year, then moved the completed snowman into place. This was easier, safer, and more efficient than building and painting it alongside the freeway.



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18. Real Estate

a. Notice of Issuance of a Recreational License

Mr. Hines stated that one short-term recreational license had been issued, for a cyclocross race at the North Domingo Baca Dam on November 20, 2010. This is a low-impact event at the dam, and a post-event inspection showed no trash or damage to the area.

Directors Hernandez and Brown commented on the event.

19. Unfinished Business

**a. Southeast Valley Drainage and Storm Water Quality Management Plan –
Date of Proposed Public Meeting**

Lynn Mazur, AMAFCA Development Review Engineer, stated that the public meeting for the Southeast Valley Drainage and Storm Water Quality Management Plan had been set for 6:00 to 7:30 p.m. on Tuesday, January 18, 2011 at the Mountain View Community Center at 201 Prosperity Avenue SE.

Director Hernandez noted that this is the first day of the legislative session in Santa Fe, so a second public meeting which other elected officials would be able to attend would be prudent after the legislative session ends. Chair Saiers agreed.

20. New Business

David Mitchell, Operations and Maintenance Director for Bernalillo County, and Roland Penttila, Stormwater Management Section Manager for the City of Albuquerque, praised AMAFCA Field Engineer Kurt Wagener for his speedy efforts to repair a long-standing drainage problem in the Sage Road area, at the City/County boundary. His efforts began by planning the project over lunch, and the repairs took three weeks to accomplish. They presented him with a plaque which read, "Kurt Wagener – Sage Road Drains Over Lunch! C.O.A. BERNCO Thank You."

Mr. Wagener thanked them, and noted that one of the strengths of the Agency and Area-Wide Flood Control Facilities Maintenance contract was that it allows for small but important projects like this one to be taken care of quickly and economically.

Due to the meeting being ahead of schedule and Mr. Kelly's family still en route, the Board went on to agenda item 22 before agenda item 21.



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22. Recognition of Chair Janet Saiers, Retiring Board Member

Director Hernandez recognized Janet Saiers, who has been on the AMAFCA Board for six years. He presented her with a plaque from the Board, which stated, "In recognition of service on the AMAFCA Board of Directors. Assistant Secretary/Treasurer 2005 through 2006, Vice Chair 2007, Chair 2010. Term: 2005 to 2010. Presented by the AMAFCA Board of Directors, December 16, 2010."

Director Hernandez and the other Directors told anecdotes regarding how they had met Chair Saiers, and her term on the Board.

Chair Saiers thanked the Board, recognizing the strengths of each of the other Directors and the knowledge they bring to the Board. She thanked the AMAFCA staff for their assistance over the years, and former AMAFCA staff who were present.

She also reminded everyone present of the State Centennial celebration coming up in 2012, as a wonderful opportunity to remember the rich cultural heritage of the State of New Mexico.

21. Recognition of John P. Kelly, Retiring AMAFCA Employee

Chair Saiers introduced John Kelly, retiring from AMAFCA after 22 years with AMAFCA, and a total of 27 years in public service with the City of Albuquerque and AMAFCA. She also introduced the family members present: his mother, Mary Kelly; his mother-in-law, Helen McKee; his wife, Susan Kelly; and his daughters, Molly and Emma Kelly.

Chair Saiers spoke regarding Mr. Kelly's career with the City of Albuquerque and AMAFCA, and presented him with an engraved Nambe plate which read, "Presented to John P. Kelly, P.E. in recognition of twenty-seven years of dedicated public service in providing flood control and protection of life and property to the citizens of Albuquerque and Bernalillo County. Presented this 16th day of December, 2010 by the AMAFCA Board of Directors." She thanked him for his commitment to the community and AMAFCA.

The other Directors each said a few words about his career and community involvement. Mary and Susan Kelly also spoke. Those in the audience who had worked with Mr. Kelly, including Don Lopez, Dave Mitchell, Dan Aguirre, John Castillo, Brad Bingham, Craig Hoover, and Richard Dourte, then addressed the group.

Mr. Kelly thanked the Board and former Board members for their guidance, direction, leadership, and mentorship; those in the engineering and construction community and the City, County, and Conservancy District for working together to build a number of wonderful projects; the AMAFCA staff for all their hard work; and his family for their support over the years.



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26. Adjourn

There being no further business to come before the Board, Chair Saiers adjourned the meeting at 11:43 a.m.

Bruce M. Thomson, Secretary-Treasurer 1/27/11

Recorded by Pamela Woodruff, Executive Secretary