



**Albuquerque Metropolitan
Arroyo Flood Control Authority
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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:02 a.m. Thursday, January 25, 2007. Roll was noted as follows:

Directors present: Chairman Tim Eichenberg
Director Danny Hernandez
Director Daniel Lyon
Director Ronald D. Brown
Director Janet Saiers (arrived at 10:06 a.m.)

Others present: John Kelly, Executive Engineer
Sam Bregman, Attorney
Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Hernandez made a motion to approve the agenda. Director Brown seconded the motion. Mr. Kelly stated that an informational item was added as item 20c. The motion passed (4-0).

3. Meetings Scheduled

- a. **February 22, 2007, 10:00 a.m. – Regular Meeting**
- b. **March 22, 2007, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule. Chairman Eichenberg stated he may be out of town on February 22, 2007.

4. Election of Officers

- a. **Chair**
- b. **Vice Chair**
- c. **Secretary-Treasurer**
- d. **Assistant Secretary-Treasurer**

Director Hernandez nominated himself for Chair, Director Saiers for Vice Chair, Chairman Eichenberg for Secretary-Treasurer, and Director Brown for Assistant Secretary-Treasurer.



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Director Brown stated his support of this slate of nominees. There being no other nominations, Chairman Eichenberg closed the nominations. The motion passed (4-0). Chairman Hernandez took office immediately, and presided over the remainder of the meeting.

The other officers also took office immediately.

Director Saiers was notified of her election as Vice Chair upon her arrival.

5. Approval of Resolution 2007-1: Open Meetings Standards

Irene Jeffries, AMAFCA Business Manager, stated that Resolution 2007-1, Open Meetings Standards, was the same as the resolution used in prior years, with the dates changed. She stated that legal counsel had reviewed and approved the resolution.

Director Brown made a motion to approve Resolution 2007-1: Open Meetings Standards. Director Lyon seconded the motion.

Attorney Sam Bregman commented that the AMAFCA Board of Directors adopts this set of standards by resolution every year.

The motion passed unanimously (5-0).

6. Approval of Minutes

a. December 14, 2006 Regular Board Meeting

Director Brown made a motion to approve the minutes of the December 14, 2006, Regular Board Meeting. Director Eichenberg seconded the motion, which passed unanimously (5-0).

b. January 5, 2007 Special Board Meeting

Director Brown made a motion to approve the minutes of the January 5, 2007, Special Board Meeting. Director Eichenberg seconded the motion, which passed unanimously (5-0).

7. Financial Matters

a. Approval of December, 2006 Expenditures

Ms. Jeffries presented the December, 2006 Expenditure Report, and answered a few questions about expenditures. She and Kurt Wagener, AMAFCA Field Engineer, stated that crew



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member Sal Hernandez was taking construction management classes at CNM. Jerry Lovato, AMAFCA Drainage Engineer, stated the Home Depot expenses, check 13236, were for project supplies for work done at Ladera Dam 14 and at the underground box culvert at UNM, and to replace a wheelbarrow broken at the Calabacillas Arroyo. Mr. Lovato added that the 10 duplicate keys were copies of the key for the Conservancy District's gate locks, for AMAFCA's use.

Chairman Hernandez stated his approval of AMAFCA's support of employees' educational goals.

Director Brown made a motion to approve the December, 2006 Expenditure Report. Director Lyon seconded the motion.

Director Eichenberg requested that Mr. Kelly and Mr. Bregman research when a company-paid meal is to be considered taxable income to the employee. He suggested input from an accountant as to what the IRS requires when a business lunch is one-on-one instead of in a group.

The motion passed unanimously (5-0).

b. Investment Report for December, 2006

For Information.

c. Financial Recap December 15, 2006 through January 15, 2007

For Information. Chairman Hernandez noted that more was collected in taxes than had been forecast.

d. Financial Forecast January 16, 2007 through February 15, 2007

Ms. Jeffries presented the Financial Forecast for the period January 16, 2007 through February 15, 2007. She pointed out that, in the debt service section, interest will be paid on AMAFCA's bonds on February 1, 2007. She added that the Financial Forecast included a transfer of \$100,000 from the operating fund to the contingency fund, as budgeted.

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



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e. Sandoval County Tax Disbursements Update

Mr. Kelly stated that, after a series of letters between AMAFCA, the Sandoval County Treasurer's Office, and the Department of Finance and Administration, AMAFCA has received concurrence from DFA to return the \$5,539.23 in operating fund property taxes collected in error from the portion of Corrales formerly in Bernalillo County, and now contained within Sandoval County, commonly referred to as "Baja Corrales". He proposed returning the money to Sandoval County with a very specific letter explaining the situation, documenting the dates and amounts of the payments made to AMAFCA in error, and explaining AMAFCA's actions. The letter would be drafted with Mr. Bregman's assistance and would cite the appropriate State law about boundary changes.

Mr. Kelly stated he did not see the need for a Memorandum of Understanding between AMAFCA and Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA).

Discussion followed. In response to a question from Director Lyon, Mr. Bregman agreed that a Memorandum of Understanding was probably not necessary. He stated the detailed letter suggested by Mr. Kelly should be sufficient.

Director Lyon made a motion that the Board direct the Executive Engineer to draft the proposed letter, with the assistance of Attorney Bregman, to accompany the amount of \$5,539.23 being returned to the Sandoval County Treasurer's Office. Director Eichenberg seconded the motion.

In response to comments from Directors Eichenberg and Lyon and Chairman Hernandez, Mr. Kelly stated that it was his understanding that the AMAFCA mill levy was applied to the properties in the "Baja Corrales" area rather than the higher SSCAFCA levy. He stated that David Stoliker of SSCAFCA had orally agreed to accept the amount collected at the AMAFCA mill levy rate in this area.

Chairman Hernandez pointed out that item 4 in the letter from the Sandoval County Treasurer's Office acknowledges that the funds belong to the Southern Sandoval County Arroyo Flood Control Authority.

Mr. Kelly stated that his letter to the Sandoval County Treasurer's Office would summarize the points of agreement between DFA, the Sandoval County Treasurer's Office, and AMAFCA, including that the funds should be disbursed to SSCAFCA.

Responding to a question from Chairman Hernandez, Mr. Kelly stated that the funds distributed to AMAFCA by Sandoval County for Tax Year 2006 at the most recent property tax disbursement were correct, and included only the debt service mill levy. He will discuss



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with Bond Counsel the effect that the next bond sale will have on tax collections, in particular the split mill levy where taxpayers in the Baja Corrales area are only paying on bonds issued prior to the boundary change, not new bond issues.

The motion passed unanimously (5-0).

8. Legal – Status Report

Mr. Bregman briefed the Board on the status of various legal matters.

9. Embudo Arroyo Floor Replacement

a. On-call Engineering Services for Project Construction Management Services – Approval of Task Order #4 with Boyle Engineering

Mr. Wagener introduced Robert Hawthorne of Boyle Engineering.

Mr. Wagener stated that the Board approved the authorization to advertise the Embudo Arroyo Floor Replacement Project at the December 14, 2006 Board meeting. The floor of the Embudo Channel will be replaced from approximately Carlisle to Jefferson, a stretch of about 2800 feet (nearly 1/2 mile).

He added that staff proposes to use Boyle Engineering to do the Construction Management Services for the Embudo Arroyo Floor Replacement Project, under their On-Call Engineering Services contract. The proposed fee would be on a time and materials basis, with a cost not to exceed \$39,937.00 plus New Mexico Gross Receipts Tax, with the work done as Task Order No. 4.

Director Brown made a motion that the Board authorize the Executive Engineer to issue Task Order No. 4 to Boyle Engineering Corporation under their On-Call Engineering Services contract, for Construction Management Services for the Embudo Arroyo Floor Replacement Project, in the amount of \$39,937.00 plus NM Gross Receipts Tax. Director Saiers seconded the motion.

Discussion followed. Director Eichenberg stated that he would not support the motion because the design work for this project was also given to Boyle Engineering under their on-call contract. He stated he appreciated that Construction Management Services would only be 3% of the construction costs, but was concerned about how the decision to do this as an on-call task was made.



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In response to a question from Director Brown, Mr. Hawthorne stated the engineering design task order was approximately \$13,000. Director Brown commented that it may have been more appropriate to bid the design and construction management together as a package. He opined that it was prudent to have design and construction management done by the same firm, to increase accountability over any design issues that arose during construction.

In response to a query from Director Lyon, Mr. Wagener stated that, since the price of cement had doubled from its previous level, the cement shortage has eased, allowing this project to move forward.

The motion passed (4-1), with Director Eichenberg voting against.

b. On-call Geotechnical Testing Services – Approval of Task Order #1 with Kleinfelder, Inc.

Mr. Wagener introduced Philip German, of Kleinfelder, Inc.

Mr. Wagener stated that staff proposes to use Kleinfelder, Inc., through their On-Call Geotechnical/Environmental Contract with AMAFCA, for materials testing on the Embudo Arroyo Floor Replacement Project. Kleinfelder has proposed a materials testing fee on a time and materials basis not to exceed \$14,989.00 plus New Mexico Gross Receipts Tax. Staff feels this is reasonable, and recommends approval of Task Order No. 1 with Kleinfelder for materials testing on the Embudo Arroyo Floor Replacement Project. This is the first task assigned to Kleinfelder since the on-call contract was signed in 2003.

Director Brown made a motion that the Board authorize the Executive Engineer to issue Task Order No. 1 to Kleinfelder, Inc., under their On-Call Engineering Services contract, for construction management services for the Embudo Arroyo Floor Replacement Project, in the amount of \$14,989.00 plus NMGRT. Director Saiers seconded the motion.

Discussion followed. In response to a question from Director Saiers, Mr. Wagener stated that approval of the task order was being brought before the Board because the dollar amount was over the Executive Engineer's contracting authority limit of \$5,000.

Mr. Kelly stated that the job contains about 2000 cy of concrete, with much materials testing required. Since the concrete will form the floor of one of AMAFCA's major facilities, it is important that the quality be there. Mr. Wagener added that about three-quarters of the project is the concrete work.

Responding to comments by Director Eichenberg, Director Lyon, and Chairman Hernandez, Mr. Wagener stated that, typically, approval of Construction Management Services, and a



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separate contract for testing if required, is done the month before the construction contract is awarded (as is the case this month with item 10 on the agenda). This project was on hold for awhile due to the concrete shortage, so it did not follow the typical pattern.

After further discussion of the Procurement Code and the dollar amount of items scheduled as tasks on On-Call agreements, Director Eichenberg suggested that Chairman Hernandez schedule a discussion of the issue at a later meeting, after discussion between the Executive Engineer, the Chairman, and AMAFCA's attorney, so that formal guidelines can be given to staff.

Mr. Bregman stated that AMAFCA was not in violation of the Procurement Code, however, the Board can make policy about the threshold dollar amount where a project should go to bid or a request for proposals be issued.

Mr. Kelly stated that AMAFCA had requested proposals for on-call engineering services as well as geotechnical engineering services, surveying, and various categories. These RFPs went out as required under the Procurement Code, with quality-based selections for engineers, surveyors, and landscape architects. With that selection, AMAFCA entered into contracts with certain companies to have them available for small projects. The geotechnical contracts included a schedule of testing fees for the various items, and the others establish hourly rates for each classification of employee.

Mr. Kelly stated that in 1993, when the On-Calls were first used, the Board's direction was that projects under \$30,000 could be issued as on-call tasks; larger assignments would be advertised as a Request for Proposals. Over time, that comfort level has increased to approximately \$40,000, but this issue has never been officially addressed by the Board as policy. Very few assignments have been over this amount, such as the surveying work for Pond 187, where further issues caused the amount to increase after initial assignment.

He added that the question is when a Request for Proposals is the preferred method. Firms have informed him the cost of putting together and submitting a proposal is about \$5,000. It also takes about three months longer than issuing a task order on an existing on-call contract. In retrospect, when design and construction management services were added together, it might have been better to send it out as an RFP, however, the need for extensive CM services was not anticipated when the project was initially conceived.

The motion passed (4-1), with Director Eichenberg voting against.



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c. Award of Construction Contract to RMCI, Inc.

Mr. Wagener stated that construction bids for the Embudo Arroyo Floor Replacement Project were opened on January 18, 2007. Six contractors submitted bids. The instructions to bidders were explicit that bid documents were not to be removed from the bound set of contract documents. One contractor, AJAC Enterprises, had removed the bid documents from the binding and did not submit the full set of contract documents, and was therefore found to be non-responsive. The low bidder was RMCI, Inc., with a base bid of \$1,104,094.20 plus New Mexico Gross Receipts Tax.

Boyle Engineering Corporation tabulated the bids and found no mathematical errors. Staff and Boyle Engineering recommend award of the construction contract to RMCI, Inc. Mr. Wagener answered a question from Director Saiers about the bid tabulation, stating that sometimes a bidder might bid part of a task in a different bid item, causing their bid to be lower than the other bidders in one category and higher in another. He confirmed that RMCI has done a number of projects for AMAFCA before and is well-qualified to do the job.

Mr. Kelly added that RMCI did the UNM box culvert conversion two years ago, and has done substantial projects for AMAFCA in the past.

Director Eichenberg made a motion that the Board accept RMCI, Inc., as the lowest responsible bidder and authorize the Chairman to execute a contract with RMCI, Inc., in the amount of \$1,104,094.20 plus NMGRT, for construction of the Embudo Arroyo Floor Replacement Project. Director Brown seconded the motion, which passed unanimously (5-0).

10. Calabacillas Arroyo Bank Stabilization

a. Approval of Project Funding Agreement between AMAFCA and Venture Corporation (dba LB/VCC Eagle Ranch, LLC)

Lynn Mazur, AMAFCA Development Review Engineer, introduced Mario Juarez-Infante of Wilson and Company, the design engineer on this project.

Ms. Mazur stated that Venture Corporation, dba LB/VCC Eagle Ranch, LLC, wished to develop a parcel on the southeast corner of Eagle Ranch Road and the Calabacillas Arroyo. AMAFCA had previously begun plans to put in bank stabilization along this stretch of the Calabacillas Arroyo, which had eroded significantly during last summer's storms. Venture Corporation will provide a lump sum payment to AMAFCA of \$295,000 to participate in the bank stabilization of the Calabacillas Arroyo alongside their property.



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She stated that staff believes this is a fair amount and recommends the Board approve the funding agreement, which has been reviewed by legal counsel for both parties.

Mr. Kelly pointed out that in section 3.2 of the agreement, AMAFCA agrees to request that the City add this project to the Component Capital Implementation Plan (CCIP) list. This project, along with a few other planned drainage improvements, were inadvertently left off the CCIP list when it was created.

He added that similar language may appear in other AMAFCA agreements in the future when those projects do not appear on the CCIP list. Director Eichenberg expressed his support of AMAFCA's efforts to get these projects added to the list.

Director Saiers asked if there were any mechanism in place to request that the developers contribute to the cost of the work that AMAFCA had already completed, if similar projects on the Calabacillas Arroyo are finished before that stretch is developed.

Mr. Kelly stated that the area of this project is fully developed, with the exception of the Venture Commerce Center project. The area further upstream, alongside the Costco site, has no development. It also has no pipe penetrations to be protected, so only emergency work has been necessary to prevent safety problems.

Director Lyon made a motion that the Board approve the Agreement and authorize the Chairman to execute the Funding Agreement for Calabacillas Arroyo Improvements as related to Venture Commerce Center. Director Eichenberg seconded the motion, which passed unanimously (5-0).

Director Eichenberg suggested that AMAFCA contact the City regarding revision of the CCIP list to include all the AMAFCA projects that are not on the list, with Mr. Bregman's assistance.

b. On-call Engineering Services for Project Construction Management Services – Approval of Task Order #11 with Wilson and Company Engineering

Mr. Wagener introduced Mario Juarez-Infante of Wilson and Company.

Mr. Wagener stated that staff recommends approval of Task Order No. 11 under Wilson and Company's On-Call Engineering Services contract for Construction Management services on the Calabacillas Arroyo Bank Stabilization Project. He stated that Wilson and Company has designed and done Construction Management on a number of similar projects along the Calabacillas Arroyo. Wilson and Company also designed this project.



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He added that Wilson and Company proposed a fee of \$26,327.50 plus New Mexico Gross Receipts Tax. Staff recommends approval of Task Order No. 11.

Director Lyon made a motion that the Board authorize the Executive Engineer to issue Task Order No. 11 to Wilson and Company under their On-Call Engineering Services contract, for Construction Management of the Calabacillas Arroyo Bank Stabilization Project, in the amount of \$26,327.50 plus NMGRT. Director Brown seconded the motion.

Director Eichenberg asked what the fee for the design work on this project had been. Mr. Wagener stated the fee for the basic design was approximately \$22,000.

The Board briefly discussed the need to have a discussion in the future about when it is appropriate to assign work as a task order on an On-Call agreement, rather than putting out a Request for Proposals. Chairman Hernandez stated that such a discussion will be scheduled for a future meeting.

Director Brown pointed out that the task already approved and completed, and the new task proposed, both fall under the guidelines of what is permitted under the Procurement Code. He stated his support of a future discussion regarding the dollar amounts of tasks to be assigned under the on-call agreements.

Mr. Kelly stated that "Small Project Engineering (Category Two)" on-call assignments include design and construction management of small projects. Four firms have on-call agreements with AMAFCA for category two assignments. Wilson and Company was chosen for this task because they had designed this project, and they had designed several other Calabacillas Arroyo projects including work on the Eagle Ranch bridge that this project would tie into.

After further discussion, the motion passed (4-1), with Director Eichenberg voting against.

c. Authorization to Advertise for Construction Bids

Mr. Wagener stated the Calabacillas Arroyo Bank Stabilization Project, which will consist of installation of approximately 4600 cy of dumped rip rap, associated earthwork, and grout injection of RCP pipe, is ready to be advertised for bids. The engineer's estimate for the project is \$830,000 plus New Mexico Gross Receipts Tax.



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He added that this project is necessary to help stabilize a portion of the Calabacillas Arroyo which experienced significant erosion during last summer's rain storms. He requested Board authorization to advertise for construction bids for the project.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the Calabacillas Arroyo Bank Stabilization Project. Director Saiers seconded the motion, which passed unanimously (5-0).

11. McCoy Dam Diversion Channels Design and Specification Update – Consideration of Selection Advisory Committee Recommendation

Christy Burton, AMAFCA GIS Manager, introduced John Andrews of Larkin Group NM, Inc.

Ms. Burton stated the Selection Advisory Committee for the McCoy Dam Diversion Channels Design and Specification Update met on January 11, 2007, to evaluate and score proposals from three firms. The committee consisted of Roger Paul, of Bernalillo County Public Works, and John Kelly, Jerry Lovato, and Christy Burton of AMAFCA.

The committee recommends Larkin Group NM, Inc., for this project. Larkin Group was ranked number one by the SAC, and was ranked first by three of the four committee members.

Director Eichenberg made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations with Larkin Group NM, Inc., per the New Mexico Procurement Code, and consider approval of an Agreement for Engineering Services at the February 22, 2007 Board meeting. Director Brown seconded the motion, which passed unanimously (5-0).

12. Johniece Storm Drain Design, Right of Way Identification, and Construction Management Services – Consideration of Selection Advisory Committee Recommendation

Ms. Burton stated that the Selection Advisory Committee for the Johniece Storm Drain project, as authorized by the Board at the December 14, 2006 meeting, met on January 22, 2007 to evaluate and score proposals from seven firms. The committee consisted of Brad Catanach, of Bernalillo County Public Works, Bruce Beach, of the Corps of Engineers, and John Kelly, Jerry Lovato, and Christy Burton of AMAFCA.

She stated that Bohannon Huston was ranked number one by the committee, and the committee recommended the selection of Bohannon Huston, Inc., for this project.



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Director Eichenberg made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations with Bohannon Huston, Inc., per the New Mexico Procurement Code, and consider approval of an Agreement for Engineering Services at the February 22, 2007 Board meeting. Director Lyon seconded the motion.

In response to a question from Director Saiers, Mr. Kelly stated that staff had not combined the McCoy project and the Johniece project, even though they are in close proximity, because of the very different nature of the two projects. In the case of the McCoy Dam Diversion Channels, the scope includes updating the design and specifications initially created years ago, but never built. No design work has previously been done on the Johniece Storm Drain Project, and a hydrology study will need to be done for Johniece.

The motion passed unanimously (5-0).

13. Osuna Storm Drain – Consideration of Funding Agreement between City of Albuquerque and AMAFCA

Mr. Kelly introduced Dan Hogan, of the City of Albuquerque Department of Municipal Development.

Director Brown stated that he would abstain from this item due to a potential conflict of interest involving a company he works with and a lawsuit over the flooding in this area in 2006 due to lack of drainage. He left the meeting at 11:14 a.m.

Mr. Kelly stated that AMAFCA's FY-05 Project Schedule included \$100,000 funding for the Osuna Storm Drain for initial project design. Given ongoing flooding in the area, and documented cases of flows on Osuna bypassing the North Diversion Channel on top of the Osuna Road bridge deck, the FY-07 budget includes \$1,600,000 as AMAFCA's participation in a City-led project to install a large-diameter storm drain in the median of Osuna Road from the North Diversion Channel to Jefferson. Dan Hogan briefed the Board on this project at the October 26, 2006 Board meeting. At that meeting, the Board consensus was to proceed with a cost sharing agreement as budgeted.

Mr. Kelly added that the proposed cost sharing agreement provides that AMAFCA will coordinate review and approval of the project with the Corps of Engineers, and will provide lump sum funding of \$1,600,000 to the City. AMAFCA will also allow the City's contractor to use adjacent AMAFCA rights of way during the project, subject to AMAFCA's approval of the conditions of use of the rights of way.



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He stated the agreement had been reviewed by Mr. Bregman and the City's legal department.

Director Eichenberg asked Mr. Hogan about the City funding for the project. Mr. Hogan replied that \$700,000 of City funding would be from the 2005 General Obligation bond, approved by the voters in October 2005. The City plans to do the project in a phased fashion, starting at the downstream inlet to AMAFCA facilities. The system would be extended upstream as funds became available to the City through future Bond issues. It could also be funded through Basic Services. \$3,000,000 is available for Basic Services every July.

Director Eichenberg made a motion that the Board approve the cost sharing agreement with the City of Albuquerque for the Osuna Storm Drain, and authorize the Chair to execute the same on behalf of AMAFCA. Director Saiers seconded the motion.

In response to a question from Director Saiers, Mr. Hogan stated it would be preferable to do the project all at once, but as the City is limited in its funding, a phased approach seemed most appropriate. Funds can be distributed over projects across the City if each is phased.

Director Lyon suggested AMAFCA funds be phased in, as the City's funds will be, as an incentive for faster phasing in of City funds. Director Eichenberg stated he supported offering AMAFCA funds up front.

Mr. Kelly pointed out that increasing the downstream inlet to ensure 100% capture of storm flows into the Channel will protect AMAFCA facilities and will keep 300-400 cfs of water from bypassing the channel, flowing over the bridge, and causing problems in the valley. The inlet is Phase I of the project. AMAFCA funding will insure Phase I is built. As further City funding becomes available, the City will extend the storm drain upstream to capture storm water before it overflows the street.

Director Saiers suggested that further funding could become available to the City from the 2007 Legislative Session. Mr. Hogan stated that the City has focused its efforts on asking the legislature for funding for the next agenda item instead. Director Saiers suggested that AMAFCA's lobbyists mention the Osuna project to the legislators.

The motion passed (4-0).

Director Brown returned to the meeting at 11:26 a.m.



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14. Barelas Flood Relief Project – Briefing by Dan Hogan, City of Albuquerque Department of Municipal Development, on Scope, Extent, and Cost of Project under Design

Mr. Kelly stated that Mr. Hogan had briefed the Board about flooding problems in the Barelas neighborhood at the October Board meeting. Since then, Wilson and Company has progressed to approximately 50% design of gravity-feed systems to ease flooding in the Barelas neighborhood. Molzen-Corbin is designing improvements to the pump stations.

Mr. Hogan briefed the Board on the scope, extent, and cost of the Barelas Flood Relief Project, currently under design. He stated that an on-call contract for construction was bid earlier this month, and New Mexico Underground was the low bidder. The contract is currently being approved by the City, concurrent with completion of the project design.

He stated that the first phase of the project is to modify Tingley Park to act as a surge pond during heavy storms. There will be no flow to the park with smaller storms. Tingley Park will be lowered 4 feet in elevation, as measured at the intersection of 8th and Stover. The park will be rebuilt with two tournament-sized baseball fields, with practice-sized football fields installed in the outfields, and may include a small softball field. The park will also include a play area, built above the flood level. The park will be sodded except in the infields.

Mr. Hogan stated that the money the City is requesting from AMAFCA would not go towards any park improvements, but would pay for the surge pond and drainage improvements only. After the pond is completed, the park improvements will be bid separately. In the second and third phases, piping will be added near Iron and 14th, to divert more water to the Alcalde Pump Station, and improvements will be made to the inverted siphon.

He added that a new bar screen for the Barelas Pump has already been ordered and will be installed soon.

Responding to a question from Chairman Hernandez, Mr. Hogan stated that the Barelas Flood Relief Project design is approximately 40-50% complete at this time. He added that the City is asking the State Legislature for funding for this project, and for flood relief in Martineztown. The 2007 Bond issue has been realigned so that more than half of it goes to storm drainage. \$10 million of that will go to improvements in the Barelas/Martineztown areas. He asked AMAFCA to consider contributing \$1,000,000 towards the project.

Discussion followed. Director Saiers pointed out that Barelas residents have been paying mill levy taxes for years, and they deserve some flood control also. She expressed support of a \$1,000,000 contribution from AMAFCA towards this project.



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Mr. Kelly asked if the Board was leaning towards supporting an agreement with the City for \$1,000,000 in funding towards this project. Chairman Hernandez and Director Saiers expressed agreement with this statement.

Director Lyon expressed support for the project, but suggested holding off on committing a dollar amount until the amount of legislative funding is known. Director Eichenberg thought that \$500,000 was a more appropriate figure for the AMAFCA contribution.

Chairman Hernandez asked what the cost of the drainage portion of the project would be. Mr. Hogan stated that the cost of the park improvements would only be \$1.2 million of the project costs; the rest are drainage improvements. Current estimates, at approximately 40-50% design completion, put the cost at approximately \$48 million for the entire project. The first phase of the project, at \$3.9 million, consists entirely of drainage improvements. The cost of future phases of the project will be determined as the design work progresses.

In response to a question from Director Saiers, Mr. Hogan replied that the \$1 million from AMAFCA would help fund not only the cost of the drainage improvements at Tingley Park, including lowering the park and adding drainage, but also other drainage improvements in the area. \$800,000 has already been spent on the Barelbas Pump Station improvements. The Alcalde Pump Station improvements will cost approximately \$500,000. He estimated the total cost of drainage improvements to the entire area at \$5 to 9 million.

Director Saiers opined that, in light of these figures, \$1,000,000 from AMAFCA seemed reasonable, regardless of what the legislature does.

Consensus of the Board was to support the project, but not commit to a dollar figure until after the legislature acts, and the design is more complete.

15. El Pueblo Road / North Diversion Channel Drainage Study

a. Briefing by Pat Stovall, Smith Engineering Company

Director Brown stated that he would abstain from this item due to a potential conflict of interest involving a company he works with and the excess runoff in this area in 2006. He excused himself from the meeting at 11:50 a.m.

Ms. Mazur introduced Pat Stovall, of Smith Engineering Company. She then briefed the Board on the El Pueblo Road / North Diversion Channel Drainage Study. This project was also in response to unanticipated flooding as a result of last summer's storms. Flows from the east came down El Pueblo Road, bypassing the North Diversion Channel. Flows went over the channel on the bridge deck.



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Ms. Mazur stated that improvements along El Pueblo Road, from Jefferson to the North Diversion Channel (NDC), are needed. The study by Smith Engineering Company shows the need for a 72"-84" outfall to the NDC; however, the existing outfall is 30". Phase I, a proposed AMAFCA project, would take care of only the outfall and the section right next to the outfall.

In response to questions from Director Eichenberg, Ms. Mazur stated that the study had cost approximately \$30,000. AMAFCA is not waiting for development in the area, as that development is contingent upon the future project being planned by the NMDOT for Paseo del Norte and the I-25 interchange.

Mr. Kelly added that there was water flowing over the bridge here, like at Osuna, during last summer's storms. He emphasized that Phase I of the proposed project would correct the size of the outfall pipe. He expressed the hope that the design and construction of Phase I could be complete before this summer's storms.

b. El Pueblo Road / North Diversion Channel – Approval of On-Call Engineering Services Task Order #4 with Smith Engineering Company for Phase 1 Design Services

Ms. Mazur requested approval of an on-call task order for design of Phase I of the El Pueblo Road Drainage Project. She stated this did not include construction management services. Smith Engineering was chosen for design of this project because the El Pueblo Road/North Diversion Channel Drainage Study resulted in a partial design for the project.

She added that the design faced several unique challenges: (1) Phase I has a number of constructability issues; (2) the project will need Corps of Engineers approval; (3) extensive geotechnical analysis of the private railroad spur alongside El Pueblo Road will be required; and (4) a proposed bike lane project along the south side of El Pueblo will confine the area even more for large diameter pipe construction. The estimated \$200,000 construction cost may rise as these challenges are dealt with.

In response to a question from Director Eichenberg, Ms. Mazur stated that the initial study was approximately \$33,000.

Director Eichenberg opined that the Board needs to develop standards for task orders, in order to give staff direction on when a task order should be issued and when a project should be put out for proposals.



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Director Eichenberg made a motion that the Board approve the fee proposal from Smith Engineering Company for design of the El Pueblo Road / North Diversion Channel Drainage Project in the amount of \$22,560, plus NMGRT. Director Saiers seconded the motion.

Ms. Mazur confirmed for Director Lyon that Smith Engineering had already done some preliminary design work on the project as a part of the drainage study.

In response to a query from Director Eichenberg, Mr. Kelly stated that cost shares would be sought from NMDOT and adjacent landowners/developers when Phases 2 and 3 are built. He added that he plans to provide the Smith Engineering study to NMDOT, and request that the drainage issues be addressed as a part of their Paseo del Norte improvements.

Director Eichenberg noted that the Board was voting on approval of design of Phase I of the project only, at this point.

The motion passed (4-0).

Chairman Hernandez called a brief recess at 12:07 p.m. Director Eichenberg left the meeting at this point, due to a prior commitment. Director Brown had returned to the meeting when it resumed at 12:10 p.m.

16. Field Highlights

- a. Construction Report**
- b. Field Report**

Staff presented a slide show of current AMAFCA projects.

Mr. Lovato showed a picture of holiday decorations (red ribbons) added to some of the sculptures at the West I-40 Diversion Channel Phase III Project.

Mr. Wagener discussed photos of the La Cueva and Amole Phase III Projects. The latter project is nearing completion.

Ms. Burton discussed photos of the Isleta/Hartline Storm Drain Project. Work is continuing to progress satisfactorily, in spite of recent snow.

Mr. Wagener described pictures of the Albuquerque Bernalillo County Water Utility Authority water line project, including installation of a bridge across the North Pino inlet to the North Diversion Channel, which will carry the water line. The water line project will affect the El Pueblo project discussed earlier.



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Mr. Wagener then showed pictures of the AMAFCA crew thinning brush at the Pond 187a site, which was greatly appreciated by administration and security at Rio Grande High School.

Other pictures depicted a new bridge at the Journal Center which crosses the North Pino, the Jefferson bikeway at the Bear Canyon Arroyo, and the newly-completed McMahon bridge and the drop structures on the Calabacillas Arroyo.

Mr. Wagener, Mr. Lovato, and a representative from the State Engineer's Office conducted dam inspections of eighteen AMAFCA dams.

Mr. Wagener also had pictures of RP Construction picking up trash at the Piedras Marcadas on their Manual Trash Removal contract. The AMAFCA crew constructed access control structures at the Little Window Dam area in Paradise Hills. The access control at Ladera Dam 14 was built using pipe furnished by the City.

He added that AMAFCA had used the rental dozer to fix the inlet channel to the Raymac Dam, which had been severely eroded during the summer 2006 storms. Minor repairs to the adjacent dirt road were included. Further improvements (rip rap and a drop structure) are planned to protect the inlet and road.

Final photos showed a contractor removing some of the excess sediment in the Calabacillas Arroyo south of Coors. Approximately 20,000 cy of dirt has been removed and hauled away to date.

The crew also repaired the access control on the Amole Arroyo where a car ran through the fencing during the area's recent snow storms.

Mr. Wagener concluded with a picture of the AMAFCA snowman, stating that staff had received a nice letter from a commuter stating how much she enjoyed seeing AMAFCA's snowman every year.

c. Consideration of License Agreement for Access Across AMAFCA Powerline Channel Right of Way, north of Central Avenue

Mr. Wagener stated that Chava Trucking had offered to trade 2250 cy of rip rap for access across AMAFCA's Powerline Channel. This material would be used for the Calabacillas Arroyo Bank Stabilization Project, and could save AMAFCA up to \$90,000 on that project.

He stated that Chava has already entered into an agreement with AMAFCA to purchase dirt at the Powerline Channel for \$1/cy royalty. Chava improved the access/maintenance road with



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asphalt millings and a cattleguard, as discussed in similar offers received approximately a year ago, as a part of that sediment sale. Chava would use the same road to access up to 900,000 cy of dirt purchased from Westland.

Mr. Wagener indicated that the difference between this offer and earlier offers was that Chava already had a signed agreement with Westland for the dirt purchase, and was offering a trade of 2250 cy of rip rap rather than a cash payment for the license. Staff recommended the Board approve the offer and authorize the Executive Engineer to execute a Temporary Access License Agreement with Chava Trucking.

Replying to a question from Director Lyon, Mr. Wagener stated the end date on the license was based on the end date of the agreement Chava Trucking has with Westland, August 9, 2007.

Director Lyon made a motion that the Board authorize the Executive Engineer to execute the Temporary Access License Agreement with Chava Trucking. Director Brown seconded the motion.

In response to a question from Director Saiers about access, Mr. Wagener stated the road is gated and locked. He added that, as the large dirt hill on Westland property is removed, the area will become less attractive to off-road vehicles. Chairman Hernandez pointed out that the dust issues AMAFCA faces at this site will also be reduced as the excess dirt is removed.

The motion passed (4-0).

17. AMAFCA Project Right of Way

a. Consideration and Authorization of Purchase Offer for West I-40 Diversion Channel Extension (closed session)

Chairman Hernandez stated that discussion of real estate matters relating to acquisition of AMAFCA project right of way would be in closed session.

Director Brown 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. Director Saiers seconded the motion, which passed (4-0).

Chairman Hernandez closed the meeting at 12:32 p.m., and reopened it at 12:40 p.m. He stated that the Board had taken no action during the closed meeting, but had discussed the



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acquisition of real estate, and had given direction to staff regarding an offer on the purchase of real estate.

18. AMAFCA FY-2006 Audit – Review and Acceptance of Audit

Ms. Jeffries stated the Audit had been released by the State Auditor, and the State Auditor had granted AMAFCA's request for the ten-day waiver to make the document public. As the representative from Chester Mattocks' office had not yet arrived, she began a brief review of the audit for the Board.

Mr. Kelly noted that, with the Board's prior approval, AMAFCA had changed its infrastructure reporting to the depreciation method instead of the modified approach used on prior audits. The valuation of AMAFCA's infrastructure dropped by an amount equal to accumulated depreciation to 2006. Previously, facilities were valued at their construction cost. New projects will be added to the schedule as they are completed.

Ms. Jeffries then introduced Richard Torrence, of Chester Mattocks' office, who continued the review of the audit. Referring to the GAO report of internal controls of financial reporting, he stated there were no matters of material weakness. Compliance with laws, contracts, and regulations was also good.

Mr. Torrence pointed out one finding in the audit where the Authority did not report the theft of the laptop computer to the State Auditor's Office.

Mr. Kelly noted that staff had intended to notify the State Auditor immediately following the meeting where the Board had been notified of the loss of the laptop computer, but inadvertently failed to do so. When this oversight was pointed out by Mr. Mattocks' office, staff had immediately notified the State Auditor's Office that the laptop computer had been stolen.

He added that the State Auditor's Office will also be notified of the loss of the SLR camera, and of the theft and recovery of the AMAFCA dump truck, both of which occurred during FY-07 so are not a part of this audit.

Mr. Torrence opined that, overall, the accounting at AMAFCA was done very well.

Director Saiers made a motion that the Board accept the FY-2006 Audit. Director Brown seconded the motion, which passed (4-0).



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19. Unfinished Business

Director Saiers asked about the status of the planned improvements to the AMAFCA offices and, specifically, to the Board room. Mr. Kelly responded that the bids had come in significantly higher than the amount budgeted. He is in the process of reducing the scope to bring the project within the amount budgeted. The project will then be re-bid.

20. New Business

a. Theft and Recovery of AMAFCA Dump Truck, Unit 206

Mr. Kelly stated that, while AMAFCA Unit 206 was at MCT for servicing, there was a break-in at the MCT lot. Unit 206 was one of the vehicles taken. It was recovered a few days later with only minor damage, which MCT will repair at their expense. He added that the State Auditor's Office will be informed of the theft and recovery.

b. EPA Audit of Albuquerque NS-4 Storm Water Permit

Mr. Kelly stated that representatives of the EPA would be in Albuquerque for an EPA audit of the NS-4 Storm Water Permit. Mr. Hogan added that they currently planned to be in Albuquerque the third week of February, but due to his unavailability two days that week, the holiday on Monday, and the AMAFCA Board meeting also scheduled for that week, he was trying to reschedule the audit. Mr. Kelly stated he would show them AMAFCA's storm water quality facilities.

c. AMAFCA Legislation

Mr. Kelly stated that Representative Daniel P. Silva had introduced House Bill 251 at the State Legislature, requesting that AMAFCA's limit on outstanding indebtedness be raised from \$40,000,000 to \$80,000,000. The bill is currently in committee. Mr. Hobson would like to set up a meeting with some local legislators and staff to discuss the bill. The Hobsons will be at the February meeting to update the Board on the session.

Chairman Hernandez stated that he and Mr. Kelly had attended a meeting on Eminent Domain on January 24, 2007. Because of all the backlash on the Kelo case at the Supreme Court, there may be more restrictions and stipulations put on takings, such as adding a premium above market value. He suggested AMAFCA monitor legislation that would affect eminent domain takings.



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21. Items from the Floor/Public Comment

None.

22. Adjourn

With no further business to discuss, Chairman Hernandez adjourned the meeting at 1:07 p.m.

Ronald D. Brown, Asst. Secretary-Treasurer 2/22/07

Recorded by Pam Woodruff, Secretary to the Executive Engineer