



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
June 25, 2009**

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1. Call to Order and Roll Call

Chairman Brown called the Regular Board Meeting to order at 10:03 a.m. Thursday, June 25, 2009. Roll was noted as follows:

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

A quorum was present.

2. Approval of Agenda

Mr. Kelly noted that there were several handouts: a revised Financial Forecast for agenda item 6e, a real estate acquisition summary form in support of agenda item 16, a new informational item as agenda item 22b, Notice of In-House Promotion, and a copy of a newspaper article about the June 23, 2009 arroyo rescues. Director Saiers made a motion to approve the agenda as revised. Director Hernandez seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. Thursday, July 23, 2009, 10:00 a.m. – Regular Meeting
- b. Thursday, August 27, 2009, 10:00 a.m. – Regular Meeting
- c. Thursday, September 24, 2009, 10:00 a.m. – Regular Meeting

Chairman Brown suggested the July meeting be moved, so that all may attend the Bond Sale. After discussion the meeting schedule was revised as follows:

- a. **Thursday, July 30, 2009, 10:00 a.m. – Regular Meeting**
- b. **Thursday, August 27, 2009, 10:00 a.m. – Regular Meeting**
- c. **Thursday, September 24, 2009, 10:00 a.m. – Regular Meeting**



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4. Items from the Floor/Public Comment

None.

5. Approval of Minutes

a. May 28, 2009

Director Saiers made a motion to approve the minutes of the May 28, 2009 Regular Board Meeting. Director Eichenberg seconded the motion, which passed unanimously (5-0).

6. Financial Matters

a. Approval of May 2009 Expenditures

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

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

b. Local Government Investment Pool Contingency Reserve Update

Ms. Jeffries stated no disbursements had been made from the LGIP Contingency Reserve since her last report. She had provided copies of the announcement of a civil lawsuit filed in state district court, along with the complaint and other documents.

Attorney Marcus Rael, Jr., answered several questions about the lawsuit. Discussion regarding the LGIP fund investments and the lawsuit followed. The Board directed the AMAFCA attorney to draft a letter of concern to the Attorney General, with a copy to the State Treasurer's Office, on their behalf. The letter will state that AMAFCA supports the recovery effort, and will ask the AG to keep Mr. Rael informed of the progress of the lawsuit. Mr. Rael stated he will continue to monitor the lawsuit.

c. Investment Report for May 2009

Ms. Jeffries noted the balances in each fund and the reserve contingency fund for each fund. There were no questions regarding the Investment Report.



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

For information. There were no questions.

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

Ms. Jeffries presented the revised Financial Forecast for the period June 16, 2009, through July 15, 2009, reflecting the anticipated tax collections and investments.

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

f. Acceptance of Inventories

Ms. Jeffries had certified the Office Inventory, and Larry Trujillo, AMAFCA Maintenance Superintendent, had certified the Maintenance Inventory.

Director Lyon made a motion that the Board accept the Inventory Lists as presented. Director Saiers seconded the motion, which passed unanimously (5-0).

7. Legal

a. Status Report

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

Consent Agenda (items 9-12):

9. South Diversion Channel Storm Water Quality Facilities Phase I – Slick's Inlet Storm Water Quality Pond – Authorization to Advertise for Construction Bids

The memo from Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, requested authorization to advertise for construction bids for the Slick's Inlet Storm Water Quality Pond. The project construction cost is estimated at \$259,980.00 plus tax.



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10. North Coors Drainage Calabacillas Outlet Project – Approval of Execution of Quitclaim Deed, with Retained Drainage Easement, to MRGCD

The memo from Loren Hines, AMAFCA Real Estate Manager, recommended the Board approve the form of the Quitclaim Deed to Middle Rio Grande Conservancy District and authorize the Chairman to execute the Quitclaim Deed.

11. AMAFCA Office Expansion Project – Authorization to Advertise for Construction Bids

The memo from Mr. Kelly requested authorization to advertise for construction bids for the AMAFCA Office Expansion Project. The project construction cost is estimated at 241,666.00 plus tax. There are two additive alternates. The first is re-stuccoing the complete building, estimated at \$39,043.00, and the second is re-roofing the entire building, estimated at \$52,633.00.

12. Consideration of Revised "Exhibit A," Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*

The memo from Ms. Jeffries summarized miscellaneous income for AMAFCA Goods and Services for FY-2009, and recommended the Board approve Exhibit A of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*. All fees remain the same as those set last year. Director Lyon compared income from several of the fee categories to previous years' income.

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

- Authorize the Executive Engineer to advertise for construction bids for the Slick's Inlet Storm Water Quality Pond;
- Approve the form of the Quitclaim Deed to Middle Rio Grande Conservancy District and authorize the Chairman to execute the Quitclaim Deed;
- Authorize the Executive Engineer to advertise for construction bids for the AMAFCA Office Expansion Project; and
- Approve the revised "Exhibit A" of Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*.

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

Chairman Brown thanked Subhas Shah and Ray Gomez of the MRGCD for their presence, and noted that the Quitclaim Deed had been approved.



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Mr. Kelly stated that the North Coors Drainage Calabacillas Outlet is one of the more successful joint projects between AMAFCA and the MRGCD.

He also noted that Clint Dodge of WHPacific was in the audience in support of item 9.

Regular Agenda:

13. 2009 Bond Sale – Consideration of Resolution 2009-4, *Notice of Bond Sale*

Mr. Kelly introduced Kevin Powers of RBC Capital Markets, AMAFCA's Financial Advisor, and Duane Brown of the Modrall Law Firm, AMAFCA's Bond Counsel. Mr. Brown guided the Board through adoption of the Notice of Bond Sale Resolution. He noted that he will adjust the date of the sale one week to July 30, 2009, and will similarly move the bond delivery date one week later.

Director Saiers made a motion that the Board adopt Resolution 2009-4, *Notice of Bond Sale*. Director Lyon seconded the motion, which passed unanimously (5-0) on a roll-call vote.

14. UNM Hydraulic Modeling Agreement

a. Briefing on New Hydraulic Laboratory by Dr. Julie Coonrod, UNM Department of Civil Engineering

Mr. Kelly introduced Dr. Julie Coonrod, of the University of New Mexico Civil Engineering Department. Dr. Coonrod briefed the Board on activities in the new Hydraulic Laboratory during FY-2009. She also answered several questions from the Board.

b. Consideration of FY-10 Hydraulic Modeling Agreement

The memo from Mr. Kelly recommended the Board approve the UNM Open Channel Modeling Proposal for Year 21, on a time and materials basis not to exceed \$50,000.

Director Hernandez made a motion that the Board approve the UNM Open Channel Modeling Proposal for Year 21, on a time and materials basis not to exceed \$50,000, and that the Executive Engineer be authorized to execute the necessary proposal acceptance forms from UNM. Director Eichenberg seconded the motion, which passed unanimously (5-0).



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15. United States Geologic Survey Cooperative Program

a. Briefing on Program by Orlando Romero, Hydrologist, USGS

Mr. Kelly introduced Orlando Romero, Hydrologist with the United States Geological Survey, who briefed the Board on the USGS Cooperative Program in FY-2009. He described dissolved oxygen monitoring efforts in the Rio Grande and at the North Diversion Channel Outfall, and answered several questions from the Board.

Mr. Kelly added that he and Kevin Daggett will be briefing Secretary Curry of the NM Environment Department, along with staff biologists and water quality experts, regarding AMAFCA's storm water quality facilities. The Environment Department and the Fish and Wildlife Service are primary commenters on the MS-4 EPA Permit.

b. Consideration of FY-10 Cooperative Agreement

Mr. Kelly reviewed the FY-2010 Cooperative Agreement with the USGS and the City of Albuquerque, and recommended that the Board approve the Cooperative Agreement. He noted he had received a verbal agreement from SSCAFCA to reimburse AMAFCA \$30,000 related to the expenses of the additional Rio Grande gauge in Bernalillo. Funding for the FY-10 Cooperative Agreement is included in the FY 2010 budget.

Director Hernandez made a motion that the Board authorize the Executive Engineer to execute the Cooperative Agreement with the USGS and the City of Albuquerque, with the AMAFCA share not to exceed \$200,412.00. Director Saiers seconded the motion, which passed unanimously (5-0).

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

Mr. Kelly stated that the proposed AMAFCA Records Retention Policy had been revised based on Board input at the May 28, 2009 Board meeting, particularly clarifying the retention period for real estate documents. A sample property acquisition summary form had been provided to the Board. The form will be filled out before any property acquisition files are destroyed.

Mr. Kelly noted that a number of documents are currently retained on microfiche. Those recorded at the Clerk's Office are also considered to be "permanently" retained. As technology advances, other documents will likely be retained in electronic form rather than as paper documents.

After discussion, Director Eichenberg made a motion that the Board accept the Records Retention Policy. Director Hernandez seconded the motion, which passed unanimously (5-0).



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17. Southeast Valley Drainage and Storm Water Quality Management Plan – Consideration of Engineering Services Agreement with Wilson and Company

Mr. Kelly noted that the agreement would need to be approved substantially the same as attached as the document attached to the Board memos did not include some changes to the indemnity clause which had been made by Attorney Rael. Mr. Rael stated that he intends to have the same standard indemnification clause in all AMAFCA agreements.

Jerry Lovato, AMAFCA Drainage Engineer, recommended the Board approve the engineering services agreement with Wilson and Company for the Southeast Valley Drainage and Storm Water Quality Management Plan. He noted that the fees negotiated had been lower than those in their blind cost estimate, in part to a better understanding of the scope of the project coming about during negotiation. Director Eichenberg had several questions about the blind cost estimate and negotiation process, which were answered by Mr. Kelly and Mr. Lovato.

After discussion, Director Lyon made a motion that the Board approve the agreement with Wilson and Company, with the changes to the indemnity paragraph made by Attorney Rael, and authorize the Chair to execute the same on behalf of AMAFCA. Director Hernandez seconded the motion, which passed (4-1). Director Eichenberg voted against the motion.

18. Mid Valley Drainage Management Plan – Plan of Action

Mr. Lovato briefed the Board on the Mid Valley Drainage Management Plan and the proposed plan of action. As the existing "as-built" drawings do not accurately show the true field conditions of the City's storm drainage system, he recommended that "Phase I" of the study be a field survey to accurately define the existing drainage system and its condition. The City has funding for \$100,000 of the cost of this survey, and AMAFCA could pay the other \$60,000. In Phase II (engineering), the contributions would be adjusted to have an overall 50-50 funding split.

John Curtin, of the City of Albuquerque Department of Municipal Development, stated that the City could begin Phase I sooner if AMAFCA assisted with the funding.

After discussion, consensus of the Board was that the City should be responsible for development of accurate as-built drawings, with funding from the City, possibly with the help of some legislative or other funding. The City should be the lead agency on the project. AMAFCA may assist in funding Phase II of the study. The Board also questioned how big of a priority this project was with the City administration.

Chairman Brown stated that the Board needed more information regarding the City's priorities before it could make a decision, and stated the issue will be re-visited at a future meeting when that information becomes available.



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Chairman Brown called a brief recess at 11:59 a.m. The meeting resumed at 12:08 p.m.

19. Field Highlights

a. Construction Report

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

b. Field Report

Mr. Wagener presented a slide show of current projects and recent events, including media coverage of the June 23, 2009 storm in the Northeast Heights and the resulting arroyo rescues in the Embudo Channel and North Diversion Channel. All were safe, and the "Ditch Safety" message was reiterated by the local media.

20. Drainage Facility Planning Review – Review of Projects in North Valley and Mid Valley Areas

Mr. Lovato covered the North Valley and Mid Valley areas, briefly describing each proposed project on the map and whether its class or priority had changed since the FY-08 Project Schedule was created.

Brad Bingham, City of Albuquerque Floodplain Manager, and Roger Paul, of the Bernalillo County Public Works Division, commented on several of the projects.

Mr. Lovato stated that, due to changes in regulations at FEMA, they now require FEMA-funded Physical Map Revisions (PMRs) instead of a Letter of Map Revision (LOMR). A PMR takes longer to accomplish.

21. Unfinished Business

a. FEMA – Albuquerque West Levee

Chairman Brown noted that the first meeting of the Joint Task Force for the Albuquerque Levee system will be June 30, 2009. Director Hernandez agreed to represent the AMAFCA Board at the meeting.

Mr. Lovato updated the Board regarding FEMA and the Albuquerque West Levee situation. After July 1, 2009, funding will become available to begin physical map revisions of the South Valley



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(PMR). Many properties will be removed from floodplain in about eighteen months, when the PMR is complete. Other parties are seeking funding to physically remap the Campus Wash area.

22. New Business

a. Association of State Flood Plain Managers (ASFPM) Levee Conference – Briefing by Attendees

Mr. Lovato and Director Hernandez briefed the Board regarding the ASFPM Levee Conference.

Mr. Lovato noted that FEMA has changed from a "map modification" model to a "risk map" model, remapping entire areas and identifying potential risk. The Corps of Engineers will no longer certify levees unless they own and operate them – and even then, certification will only be good for five years. The states will have to administer and certify levees. "Public education" and "flood insurance" were the big key issues.

Director Hernandez stated that there is a move away from federal government responsibility, and toward local responsibility for drainage and levee issues.

b. Notice of In-House Promotion

Mr. Kelly stated that, after interviews, Mr. Wagener and Mr. Trujillo had promoted a Maintenance Worker to Maintenance Worker/Oiler. The promotion will become effective five days after notice to the Board.

23. Adjourn

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 12:56 p.m.

Danny Hernandez, Secretary-Treasurer 7/30/09

Recorded by Pam Woodruff, Secretary to the Executive Engineer