



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 1

1. Call to Order and Roll Call

Chairman Brown called the Regular Board Meeting to order at 10:01 a.m. Thursday, October 22, 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.

Chairman Brown noted that a new employee had been hired recently. Larry Trujillo, AMAFCA Maintenance Superintendent, introduced Ron Ralston. Mr. Kelly stated that Mr. Ralston had been hired with his CDL, and a month later had his HazMat certification. Chairman Brown and the Board welcomed Mr. Ralston to AMAFCA.

2. Approval of Agenda

Director Eichenberg made a motion to approve the supplemental agenda revised October 19, 2009. Director Lyon seconded the motion. Mr. Kelly noted that the only change was the addition of a new agenda item 22. The motion passed unanimously (5-0).

3. Meetings Scheduled

- a. **Thursday, November 19, 2009, 10:00 a.m. – Regular Meeting**
- b. **Thursday, December 17, 2009, 10:00 a.m. – Regular Meeting**
- c. **Thursday, January 28, 2010, 10:00 a.m. – Regular Meeting**

There were no changes to the meetings as scheduled.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 2

4. Items from the Floor/Public Comment

None.

5. Approval of Minutes

a. September 24, 2009

Director Hernandez made a motion to approve the minutes of the September 24, 2009 Regular Board Meeting. Director Eichenberg seconded the motion, which passed unanimously (5-0).

6. Financial Matters

a. Approval of September 2009 Expenditures

Ms. Jeffries presented the September 2009 Expenditure Report. Responding to a question from Director Saiers, she and Mr. Kelly listed the contributing members on the Storm Water Quality Team.

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

b. Local Government Investment Pool Contingency Reserve Update

Ms. Jeffries stated AMAFCA had received a partial distribution of the funds in the Local Government Investment Pool Contingency Reserve, as indicated in her memo. Next month's Investment Report will reflect the distribution to each affected fund.

c. Investment Report for September 2009

For information. There were no questions.

d. Financial Recap September 16, 2009, through October 15, 2009

For information. There were no questions.

e. Financial Forecast October 16, 2009, through November 15, 2009

Ms. Jeffries presented the Financial Forecast for the period October 16, 2009, through November 15, 2009. She noted that the forecast includes a \$1 million withdrawal from the Construction



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 3

Fund for a special account for the NMDOT Paseo del Norte/Coors Pond project, and several book entry transfers.

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

7. Legal

a. Status Report

Attorney Marcus Rael briefed the Board on the status of various legal matters. He answered several questions from the Board.

As one of the questions pertained to pending litigation, Director Eichenberg made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in Attorney General Madrid's document, "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004. Director Hernandez seconded the motion.

During the roll call vote, after Director Eichenberg had voted, Chairman Brown recommended deferring the closed session until later in the meeting. The final roll call vote to go into closed session was Director Eichenberg yes, the others no. The motion to go into closed session failed (1-4).

Chairman Brown remarked the pending litigation question could be addressed later, as it was simply an informational item.

8. Notification of On-Call Services Task Orders

Mr. Kelly noted that two on-call services task orders had been issued in the past month, along with one letter agreement, as described in his memo and agenda item 14. There were no questions.

Consent Agenda (items 9-13):

9. Consideration of Second Extension of Engineering On-Call Services Agreements

The memo from Mr. Kelly stated that the engineering on-call agreements were approved in November 2007, and currently expire in November 2009. The standard one-year agreements may be renewed up to three times at the mutual agreement of the parties. The agreements provide the



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 4

fee schedule remains unchanged over the life of the agreement. This would be the second one-year extension of the agreements.

The firms are:

- Category One: Bohannon Huston, URS Corporation, Smith Engineering, and Easterling Consultants
- Category Two: Bohannon Huston, AECOM (formerly Boyle Engineering), Wilson & Company, and Smith Engineering Company
- Category Three: Tetra Tech (formerly Mussetter Engineering), and Ayres and Associates

The memo requested the Board's authorization for the Executive Engineer to extend each agreement for a second time.

10. Consideration of Various On-Call Services Agreements

- a. Surveying Services – Surv-Tek, Inc., Wilson & Company, URS Corporation, and High Mesa Consulting Group**

The memo from Lynn Mazur, AMAFCA Development Review Engineer, stated that agreements had been negotiated with all the selected firms. All are standard one-year agreements, with up to three optional one-year extensions. The agreements provide the fee schedule remains unchanged over the life of the agreement. The memo requested the Board approve the agreements.

- b. Oblique Aerial Site Photography Services – Eagle's Eye**

The memo from Loren Hines, AMAFCA Real Estate Manager, stated that an agreement had been negotiated with the selected firm. It is a standard one-year agreement, with up to three optional one-year extensions. The agreement provides the fee schedule remains unchanged over the life of the agreement. The memo requested the Board approve the agreement.

- c. Real Estate Appraisal Services – Timothy J. Holzhauer & Associates, and Shipman/Foley & Associates**

The memo from Mr. Hines stated that agreements had been negotiated with the selected firms. Both are standard one-year agreements, with up to three optional one-year extensions. The agreements provide the fee schedule remains unchanged over the life of the agreement. The memo requested the Board approve the agreements.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 5

d. Geotechnical/Environmental Engineering Services – Vinyard & Associates, Terracon, and Kleinfelder West, Inc.

The memo from Ms. Mazur stated that agreements had been negotiated with all the selected firms. All are standard one-year agreements, with up to three optional one-year extensions. The agreements provide the fee schedule remains unchanged over the life of the agreement. The memo requested the Board approve the agreements.

11. Agency and Area-Wide Flood Control Maintenance Contract – Consideration of Engineering Services Agreement with Smith Engineering Company

The memo from Kurt Wagener, AMAFCA Field Engineer, stated that an Engineering Services Agreement had been negotiated with Smith Engineering Company for Agency and Area-Wide Flood Control Maintenance Design and Construction Management Services. The cost will be on a time and materials basis, not to exceed \$132,100.00, not including New Mexico Gross Receipts Tax. The total design fee is 5.6% of the total construction estimate. The construction management fee is 9.5% of the total construction estimate, and includes full inspection of the project by Smith Engineering Company. The memo requested the Board approve the agreement.

12. Ditch Safety Coordinator – Consideration of Third and Final Extension of Professional Services Agreement with Griffin and Associates

The memo from Ms. Jeffries stated AMAFCA entered into a Professional Services Agreement with Griffin & Associates for Ditch Safety Coordination via an RFP dated October 2006. AMAFCA serves as the fiscal agent for the Ditch and Water Safety Task Force. The agreement provides for three one-year extensions, subject to mutual agreement by AMAFCA, Griffin & Associates, and the Ditch and Water Safety Task Force. The contract allows up to a 5% increase in fees each year. Griffin & Associates has requested a 3% increase for this, the third and final extension of the contract. The Task Force is set to meet October 21, 2009, and is expected to approve the extension with the rate increase. The memo requested the contract be extended for one year with a 3% fee increase.

13. Out of State Travel Request – World of Concrete Conference and Trade Show, February 1-5, 2010, Las Vegas, Nevada

The memo from Mr. Kelly stated that the World of Concrete Conference and Trade Show will be held in Las Vegas, Nevada, February 1-5, 2010. The memo stated he would like to send two maintenance crew members to the conference, attending the Concrete Fundamentals and Concrete Production tracks of the seminar. The conference has been of great benefit to AMAFCA in the past and will be this year. Costs for the two crew members are estimated at \$2,385.00. The memo requested Board authorization of the travel.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 6

There being no further items on the Consent Agenda, and there being no questions, Director Eichenberg made a motion that the Board take the following actions on agenda items 9-13:

- Authorize the Executive Engineer to extend each of the above listed on-call agreements for a one-year term as per the provisions of the agreements;
- Approve the On-Call Surveying Services Agreements and the respective fee schedules with Surv-Tek, Inc., Wilson & Company, URS Corporation, and High Mesa Consulting Group, substantially the same as attached to the memo;
- Approve the Agreement – Oblique Aerial/Ground “Site” Photography for on-call photography services with Eagle’s Eye Aerial Photo Solutions;
- Approve the Appraisal Agreements for on-call real estate appraisal services with Timothy J. Holzhauer & Associates and Shipman/Foley & Associates;
- Approve the On-Call Engineering Geotechnical/Environmental Engineering Services Agreements and the respective fee schedules with Vinyard & Associates, Inc., Terracon Consultants, Inc., and Kleinfelder West, Inc., substantially the same as attached to the memo;
- Approve the Agreement with Smith Engineering Company to provide Professional Engineering Services for the Agency and Area-Wide Flood Control Maintenance Project on a time and materials basis with cost not to exceed \$132,100,00, not including New Mexico Gross Receipts Tax;
- Authorize extension of the Professional Services Agreement with Griffin & Associates for Ditch Safety Coordination for a third and final extension, with a 3% increase in fees, per the provisions of the agreement; and
- Authorize out of state travel and expenses for two AMAFCA crew members to attend the World of Concrete Trade Show in Las Vegas, Nevada, not to exceed \$2,500.00, pursuant to Resolution 1998-16.

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

Chairman Brown acknowledged those in attendance who were involved in agenda items 9-13. They introduced themselves and thanked the Board.

Regular Agenda:

14. Middle Rio Grande Levee Task Force
a. Update

Mr. Kelly introduced Joseph Quintana, the Mid-Region Council of Governments representative on the Middle Rio Grande Levee Task Force.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 7

Jerry Lovato, AMAFCA Drainage Engineer, gave the Board an update on the Middle Rio Grande Levee Task Force. The Levee Task Force met with Representative Harry Teague's Constituent Liaison on October 8th to discuss the importance of getting federal monies to construct the new levees. The next meeting of the Task Force is October 27th.

Mr. Kelly then described the Task Forces' probable recommendations. FEMA remapping and federal authorization for the Albuquerque Levees will be sought. Once authorized, local funding for the Montano Levee gap will be sought. A study will be done to determine what can be done to repair or maintain the levees to certify the levees to withstand a short-duration 100-year event. Full rehabilitation of the levees will take longer, as Federal priorities start at the southern end of the middle Rio Grande valley, and move north.

b. Discussion on Scope of UNM Bureau of Business and Economic Research FEMA Floodplain Economic Impacts Study

Mr. Kelly stated that Ms. Lee Reynis, Director of the UNM Bureau of Business and Economic Research, had the flu and was unable to attend the meeting.

Mr. Kelly briefed the Board regarding the draft scope of the Floodplain Economic Impacts Study. He introduced City Councilor Isaac Benton, stating that Councilor Benton had introduced a funding commitment resolution from the City Council. In addition, County Commissioner Art De La Cruz also supports the study. The cost of the study will be shared by AMAFCA, the City of Albuquerque, and Bernalillo County.

Mr. Kelly stated that once funding is in place, the full study will take about a year. Portions of the study will be completed within a month or two, so they can be included in the Task Force's report to the legislature. Better data is available for Bernalillo County, so this area will be studied and the results extrapolated to the rest of the Mid Rio Grande area.

Discussion followed. It was noted that the study should include future development, as the Montano Levee Gap exists because future development was not considered. It was suggested that other municipalities in the area, and the Middle Rio Grande Conservancy District, be contacted to see if they will also help with funding the study. The City of Albuquerque and Bernalillo County are both on record as being willing to participate. Seeking additional participants might delay the study, which needs to be started soon, but funding from others might be used to later expand the study.

Mr. Benton spoke in support of the study, which will provide valuable data for discussions seeking federal funding.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 8

After further discussion, Mr. Kelly summarized the consensus of the Board as follows: a letter will be sent to the Village of Los Ranchos and the MRGCD as overlapping jurisdictions, requesting their participation. He will also proceed with the cost-share agreement with the City and Bernalillo County. Chairman Brown confirmed this understanding, and thanked Councilor Benton for his assistance in obtaining City funding for the study.

Chairman Brown stated that agenda item 15 would be discussed later in the meeting, with agenda item 16 to be heard next.

16. AMAFCA Building Extension, North Side – Award of Construction Contract to Janstar Builders, Inc.

Mr. Kelly introduced Al Jansen, President of Janstar Builders, Inc. Kevin Troutman, AMAFCA GIS Technician, briefed the Board regarding the construction bid results for the AMAFCA Building Extension, North Side. RCC, LLC was the apparent low bidder, but was deemed non-responsive due to an expired license with the New Mexico Department of Workforce Solutions. The low responsible bidder was Janstar Builders, Inc., with a bid of \$250,030.00.

Director Eichenberg made a motion that the Board award the bid to Janstar Builders, Inc., and authorize the Chair to execute the contract for the construction of the AMAFCA Building Extension, North Side, in the amount of \$250,030.00. Director Saiers seconded the motion.

In response to a question from the Board, Mr. Jansen stated that Janstar has 16 years experience constructing commercial and residential projects. The motion passed unanimously (5-0).

Mr. Jansen stated the project should be complete four months after the mid-November start date.

17. Real Property Acquisition – Approval of Resolution 2009-8, Acquisition of Right of Way for North Valley DMP Ponding Area

Mr. Hines briefed the Board regarding the proposed real property acquisition of right of way for the North Valley Drainage Management Plan Ponding Area. He asked that the Board adopt the resolution authorizing the acquisition of the land.

Discussion followed. This strip of land is not very developable due to the zoning, and the long and narrow shape of the piece of land, and limited access. However, if added to the parcel already obtained for the North Valley DMP Ponding Area, the intended multipurpose pond will function as intended. To hold the needed amount of water, the existing property would need to be excavated to a greater extent, making the intended multipurpose use difficult. There was some feeling that the Village of Los Ranchos should provide some of the cost to acquire the land.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 9

After further discussion, Director Hernandez made a motion that the Board defer a decision on this acquisition, requesting participation from the Village of Los Ranchos. Director Eichenberg seconded the motion, and amended it to an indefinite deferral at least to January 2010. Director Hernandez concurred with the amendment. The amended motion passed unanimously (5-0).

Chairman Brown called a brief recess at 11:29 a.m. The meeting resumed at 11:36 a.m.

15. Hahn Arroyo Rehab and Integrated Multi-Use Drainage Corridor Demonstration Project – Briefing on Project Cost Estimates and Public Outreach Program by George Radnovich, ASLA, Sites Southwest LLC

Mr. Kelly introduced George Radnovich and Jill Brown of Sites Southwest LLC.

Kevin Daggett, AMAFCA Storm Water Quality Engineer, described the project and asked for input and guidance to proceed. Since the briefing last month, the project has been expanded to cover the Hahn Arroyo from Comanche to east of San Pedro at California, for greater hydraulic efficiency for the storm water quality and water harvesting components of the project.

He stated that the preliminary cost estimate for the project is \$2.7 million, which is under the budgeted \$3 million. Staff anticipates this cost can be reduced substantially through value engineering and effective construction management. A public meeting is scheduled for November 3 at the Erna Ferguson Library. The Storm Team and Project boards are on display at the senior center.

Ms. Brown stated notification will be through an ad in the Sunday paper, notices to all neighboring neighborhood associations, and flyers at the library, senior center, and other locations. Flyers will also be handed out to homes along the arroyo in the project area. Signs will be posted along the existing bike trail. A press release was also planned.

Discussion followed, during which Director Eichenberg and Mr. Daggett volunteered to deliver the flyers to the homes along the arroyo. Suggestions were also made to notify local bike associations, invite the new City Councilor for this area to the public meeting, and prepare a press release for a potential feature article in the paper about the plans. The Board also discussed plans to present the idea to the new Mayor-elect, and his new Chief Administrative Officer.

Mr. Kelly stated that a scope of services and RFP will be brought to the Board for their approval.

Director Eichenberg left the meeting at 11:49 a.m. due to a prior commitment.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 10

18. AMAFCA North Diversion Channel vic. El Pueblo Road – Briefing on Proposed Lease of AMAFCA Right of Way by Adjacent Owners

Mr. Hines briefed the Board regarding an ongoing encroachment along the North Diversion Channel in the vicinity of El Pueblo Road. Staff proposes a lease of AMAFCA Right of Way by the adjacent property owners. The alternative would be to fence off the right of way. With a lease in place, maintenance of the road, including dust control, would become their responsibility. It is proposed that all of the property owners have to agree to the lease in order for the lease to be valid. There will be a clause that AMAFCA can terminate the lease at any time for any reason.

Director Hernandez made a motion that the Board authorize the Executive Engineer to negotiate and advertise the leases for the property adjacent to the North Diversion Channel south of El Pueblo. Director Lyon seconded the motion. After further discussion, the motion passed (4-0).

19. AMAFCA GIS System Development and Implementation

a. Demo of Web-based AMAFCA GIS Application

Mr. Troutman demonstrated the new Web-based GIS Application that is being developed for AMAFCA by AMEC. It is the fastest GIS application in the state. It will be hosted at AMEC's national server dedicated to hosting public websites. Much of the information will be available to the public, but some will be password protected, such as the linked project plans, for homeland security reasons.

b. Consideration of First Amendment to Agreement with AMEC, Inc., for FY-10 Work Products

The memo from Mr. Hines requested the Board approve the First Amendment to the Professional Services Agreement with AMEC for the Year Two phase of the GIS project on a time and materials basis.

Director Hernandez made a motion that the Board approve the First Amendment to the Professional Services Contract with AMEC Earth & Environmental, Inc., for the Year Two phase of the GIS project, on a time and materials basis, not to exceed \$99,720.00, plus New Mexico Gross Receipts Tax. Director Saiers seconded the motion, which passed (4-0).

Chairman Brown called a recess at 12:11 p.m. The meeting resumed at 12:20 p.m.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 11

20. 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, answering several questions from the Board.

21. AMAFCA FY-10 Project Schedule – Review of Final Draft of Project Schedule

Mr. Lovato stated that the final draft of the FY-10 Project Schedule added an introduction containing a brief history of AMAFCA, past bond elections, mill levies and the change in the bond authorization. The schedule lists nearly \$72 million in AMAFCA funding for projects, categorized as 6% for drainage deficiencies in existing neighborhoods, 24% for rehabilitation of existing flood control facilities, 50% for master planned drainage facilities, and 20% for storm water quality projects (retrofits and new projects).

He acknowledged Roger Paul at the County and Roland Penttila at the City, who were on the technical team that helped put the project list together, as well as AMAFCA staff who assisted in the project. He also answered several questions from the Board.

After discussion, consensus of the Board was that the Project Schedule be finalized for adoption at the next Board meeting. They supported brief presentations being given to the City Council and County Commission, rather than simply mailing the Project Schedules.

**22 (new). New Mexico State University Urban Agricultural Entrepreneur Incubator Project
– Co-location at AMAFCA Los Padillas Gravity Outlet Project**

Mr. Kelly introduced Dr. Joel Diemer and Mr. Ron Gurley, of New Mexico State University (NMSU), and interested observers Leo Gomez, Rip Anderson, Marcia Fernandez, Pat McCraw, Susan White, and Sara Newton Juarez, all from the South Valley.

Mr. Lovato briefed the Board on the Los Padillas Gravity Outlet property. The outlet project has changed so that the outlet is now going to be routed along the northern boundary of the Durand Open Space, instead of along the powerline, from Isleta Boulevard to the Atrisco Riverside Drain.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 22, 2009**

Page 12

Mr. Gurley briefed the Board regarding the NMSU property adjacent to the Los Padillas Gravity Outlet property. Dr. Diemer briefed the Board on the university's plan to use their property and the Los Padillas Gravity Outlet property for agricultural education and production purposes. Mr. Lovato added that instead of a pipe, the outlet will be a small open channel, like an irrigation channel. Director Hernandez recalled that the community's strong preference was that the secondary use of flood control property in the South Valley be agricultural.

Chairman Brown invited the interested parties present to speak. Rip Anderson and Susan White both spoke in support of the proposal.

After discussion, the Board's consensus was support of an encroachment license agreement, with five years to get the program underway. Any monies collected by NMSU for their program will go to NMSU to help defray the cost of the program and maintain the AMAFCA property.

Director Hernandez then made a motion expressing AMAFCA's commitment to cooperate and coordinate with NMSU in the planning, development and operation of the New Mexico State University Urban Agricultural Entrepreneur Incubator Project, with the terms and conditions of the use of adjacent AMAFCA property to be detailed in an encroachment license agreement for consideration at a future Board meeting. Director Saiers seconded the motion, which passed (4-0).

22 (old)/23a (new). Unfinished Business

a. Trip Report, StormCon Conference and Trade Show, August 14-16, 2009, San Diego, California

Mr. Daggett's memo provided his trip report on the 2009 StormCon conference. There were no questions.

23. New Business

None

24. Adjourn

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 1:20 p.m.

Danny Hernandez, Secretary-Treasurer 11/19/09

Recorded by Pam Woodruff, Secretary to the Executive Engineer