



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

Chairman Brown called the Regular Board Meeting to order at 10:00 a.m. Thursday, January 28, 2010. Roll was noted as follows:

Directors present:	Chairman Ronald D. Brown Director Janet Saiers Director Danny Hernandez Director Daniel Lyon
Director excused:	Director Tim Eichenberg
Others present:	John Kelly, Executive Engineer Christina Anaya, Attorney Staff Other attendees on file at AMAFCA

A quorum was present.

**2. Approval of Agenda**

Mr. Kelly noted that there were late mailout memos on agenda items 7h, 12, and 15, plus a handout on agenda item 15. Director Hernandez made a motion to approve the agenda. Director Lyon seconded the motion, which passed (4-0).

Larry Trujillo, AMAFCA Maintenance Superintendent, introduced a new Equipment Operator on the maintenance crew, Mark Herrera. Mr. Kelly gave some of Mr. Herrera's background, and stated AMAFCA is pleased he is on the crew. Chairman Brown welcomed Mr. Herrera on behalf of the Board.

Director Hernandez suggested that agenda item 15 be heard before agenda item 8. Chairman Brown and the Board concurred.

**3. Meetings Scheduled**

- a. **Thursday, February 4, 2010, 8:00 a.m. – Special Meeting (proposed)**
- b. **Thursday, January 28, 2010, 10:00 a.m. – Regular Meeting**
- c. **Thursday, February 25, 2010, 10:00 a.m. – Regular Meeting**

The Board agreed to schedule the proposed Special Meeting for February 4, 2010, at 8:00 a.m. This meeting will be to discuss the information in agenda item 7h. Chairman Brown suggested



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that the Board defer agenda item 7h, to be discussed at the Special Meeting instead. The Board concurred. There were no changes to the proposed meeting schedule.

**4. Election of Officers**

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

Director Hernandez made a motion that the Board elect the following slate of officers: Janet Saiers as Chair, Danny Hernandez as Vice Chair, Ronald D. Brown as Secretary/Treasurer, and Tim Eichenberg as Assistant Secretary/Treasurer. Director Lyon seconded the motion, which passed (4-0).

Chair Saiers presided over the remainder of the meeting. On behalf of the AMAFCA staff and the Board, Mr. Kelly thanked Director Brown for his service as Chairman, and congratulated Chair Saiers on her election. Chair Saiers thanked the Board for their confidence in electing her.

**5. Items from the Floor / Public Comment**

Roger Paul, of Bernalillo County Public Works, stated that he had been recently notified by the Federal Emergency Management Agency (FEMA) that they will allow the Albuquerque West Levee LOMR to move forward. Hopefully the first portion of the affected properties will move out of floodplain in the next few months. He will keep AMAFCA informed of their progress.

**6. Approval of Minutes**

**a. December 17, 2009**

Director Hernandez made a motion to approve the minutes of the December 17, 2009 Regular Board Meeting. Director Lyon seconded the motion, which passed (4-0).

**b. January 7, 2010**

Director Hernandez made a motion to approve the minutes of the January 7, 2010 Special Board Meeting. Director Brown seconded the motion, which passed (4-0).



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**7. Financial Matters**

**a. Approval of December 2009 Expenditures**

Irene Jeffries, AMAFCA Business Manager, presented the December 2009 Expenditure Report. Mr. Kelly answered a question from Director Hernandez, stating that the primary method of contacting the maintenance crew is via a mobile radio system, which is more reliable than cell service in emergency situations. One crew member also carries an AMAFCA-issued cell phone. Director Brown made a motion to approve the December 2009 Expenditure Report. Director Lyon seconded the motion, which passed (4-0).

**b. Local Government Investment Pool Reserve Primary Fund – Update**

Ms. Jeffries stated that no further information had been received regarding the Local Government Investment Pool Reserve Primary Fund. She provided a copy of a recent newspaper article from the *Albuquerque Journal* which confirmed the information given to the Board at the December 17, 2009 Board meeting.

**c. Investment Report for December 2009**

For information. There were no questions.

**d. Financial Recap December 12, 2009, through January 15, 2010**

Ms. Jeffries presented the Financial Recap for December 12, 2009 through January 15, 2010. She stated that December tax collections were slightly higher than anticipated, and the Construction Fund pay estimates were lower than anticipated. There were no questions.

**e. Financial Forecast January 16, 2010, through February 15, 2010**

Ms. Jeffries presented the Financial Forecast for the period January 16, 2010, through February 15, 2010. The Operating Fund includes a \$100,000 transfer to the Contingency Fund and a \$125,000 transfer to the Saiers Building and Yard Improvement Fund, per the budget.

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

**f. Mid-Year Operating Budget Review**

Ms. Jeffries gave the Board a mid-year Operating Budget review. She stated that tax revenues are projected to be at budget. If interest rates stay the same as they are right now, projected interest



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revenue will be \$8,619 less than budgeted, due to the rate being lower than budgeted. Sediment sales and the sale of equipment are projected to be at budget. Lease revenues and miscellaneous revenues are projected to be over budget, for a net shortfall in Operating Fund revenues of \$5,872.

She stated that, on the expense side, the Salaries line item is under budget due to a four month vacancy on the maintenance crew. Including the budgeted dump truck purchase, other Operating Fund expenses are projected to be at 98% of budget. Overall, expenses are projected to be at 99% of budget, resulting in a change in the beginning balance of \$41,914.

In response to a question from Chair Saiers, Mr. Kelly noted that the December tax receipts were good, and AMAFCA can afford to go ahead with the purchase of the dump truck.

The consensus of the Board was that staff should proceed with purchasing the dump truck this spring, as budgeted.

**g. Consideration of Resolution 2010-2, *FY 2010 Debt Service Fund Budget Adjustments***

Ms. Jeffries stated that Resolution 2010-2, *FY 2010 Debt Service Fund Budget Adjustments*, amends the Debt Service budget to include the September 2009 bond sale interest premium and interest payments.

Director Hernandez made a motion that the Board adopt Resolution 2010-2, *FY 2010 Debt Service Fund Budget Adjustments*, and authorize the Chair and Secretary/Treasurer to sign the Resolution. Director Brown seconded the motion, which passed (4-0) on a roll-call vote.

**h. IRS Audit – Briefing on Preliminary Results of Audit**

Director Hernandez made a motion that the Board defer this item to the February 4, 2010 Special Board meeting. Director Brown seconded the motion, which passed (4-0).

**15. 2010 Legislative Session – Briefing by New Mexico Outsourcing**

Mr. Kelly introduced Maurice and Mary Hobson of New Mexico Outsourcing, AMAFCA's lobbyists.

Mr. Hobson briefed the Board regarding the first 9 days of the 30-day Legislative Session. He stated that passing the budget is the number one priority of the session. The state's revenues are significantly down. He opined that reserves are very low and expenses are being cut in all areas of



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the budget. AMAFCA's decision to hold off on the bill addressing the Operating Fund mill levy cap was a wise decision.

Mr. Hobson also discussed some of the new bills that had been introduced. He and Mr. Kelly explained how the bills may impact AMAFCA. The Board discussed the potential implications of several of the bills. A draft amendment will be prepared in case HB 27 makes it out of committee, as it may have unintended consequences as drafted. The Hobsons will continue to watch all the bills discussed.

**8. Legal**

**a. Status Report**

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

**b. *Agreement for Calabacillas Arroyo Main Branch Drop Structures Associated with McMahon Boulevard Bridge and Related Improvements Upstream of Swinburne Dam***

Chair Saiers stated that discussion of the above agreement would be in closed session, and that Richard Dourte, City Engineer for the City of Albuquerque, and Brad Bingham, Hydrology Section Head for the City of Albuquerque, would be brought in midway through the closed session.

Director Hernandez made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *"The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,"* fifth edition, January 2004, to discuss potential litigation. Director Brown seconded the motion.

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

Chair Saiers closed the meeting at 10:48 a.m.

Director Brown made a motion that the meeting be re-opened. Director Hernandez seconded the motion, which passed (4-0), on a roll call vote.

Chair Saiers reopened the meeting at 11:08 a.m. She stated that the Board had taken no action during the closed meeting, but had discussed potential litigation.



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**9. Notification of On-Call Services Task Orders**

Mr. Kelly noted that two on-call services task orders had been issued in the past month, as described in his memo. There were no questions.

**10. Agency and Area-Wide Flood Control Maintenance Construction Contract 2010-2011 – Award of Construction Contract to Salls Brothers Construction**

Kurt Wagener, AMAFCA Field Engineer, introduced Charles Alcorta, of Salls Brothers Construction, and Pat Conley, of Smith Engineering Company. He stated that five bids were received, and that Salls Brothers Construction, Inc. was the low responsible bidder with a bid of \$1,224,753.30. The required AMAFCA Campaign Contribution Disclosure Form was attached. Smith Engineering had checked the bids, and recommended awarding the contract to Salls Brothers Construction, Inc.

Mr. Wagener recommended award of the construction contract to Salls Brothers Construction, Inc., in the amount of \$1,224,753.30 plus NMGRT.

Director Lyon made a motion that the Board accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chairman to execute the contract with Salls Brothers Construction, Inc., for the construction of the Agency and Area-Wide Flood Control Maintenance Construction Contract 2010-2011 in the amount of \$1,224,753.30, plus New Mexico Gross Receipts Tax. Director Brown seconded the motion, which passed (4-0).

**11. Hahn Arroyo Project Phase I – Consideration of Engineering Services Agreement with Smith Engineering Company**

Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, introduced George Radnovich of Sites Southwest, and Pat Conley, of Smith Engineering Company. Mr. Daggett stated that the City of Albuquerque has agreed to cost-share portions of the project, such as the bike/pedestrian trail and the road crossings, and may cost-share further portions of the project.

He recommended the Board approve the negotiated Engineering Services Agreement with Smith Engineering Company for design and bidding services, in the amount of \$230,591.00. The agreement had been reviewed by Attorney Marcus Rael.

Director Hernandez made a motion that the Board approve the Agreement with Smith Engineering Company, Inc., to provide Professional Engineering Services for the engineering, landscaping, and multi-use design and meeting facilitation of the Hahn Arroyo Project Phase I in the amount of \$230,591.00, plus New Mexico Gross Receipts Tax. Director Brown seconded the motion, which passed (4-0).



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**12. Unser Detention Dam Project – Consideration of Selection Advisory Committee Recommendation**

Jerry Lovato, AMAFCA Drainage Engineer, stated that the Selection Advisory Committee had met to score and rank the seven proposals received, and recommended the Board accept the Selection Advisory Committee's recommendation of Wilson and Company for the project.

Director Lyon made a motion that the Board accept the recommendation of the Selection Advisory Committee, and authorize the Executive Engineer to commence negotiations with Wilson & Company, per the New Mexico Procurement Code. Director Hernandez seconded the motion, which passed (4-0).

Mr. Kelly introduced Dan Aguirre, Chris Perea, and Mario Juarez-Infante, of Wilson and Company. Mr. Lovato noted that Wilson and Company will be working with Easterling Consultants and Dekker/Perich/Sabatini on this project.

**13. Real Property Acquisition – Approval of Resolution 2010-3, *Acquisition of Right of Way for North Valley DMP Ponding Area***

Mr. Kelly introduced Linda Seebach, Director of Planning and Zoning for the Village of Los Ranchos, and Farshad Omidvaran and Jim Buckman, of Parsons Brinkerhoff.

Loren Hines, AMAFCA Real Estate Manager, stated that, in order to obtain the necessary ultimate storage volume and desired secondary uses, the property for the North Valley DMP Ponding Area needs to be expanded through the purchase of a narrow strip of land just to the north of the already-acquired property. He explained that in order to acquire property, an appraisal and resolution authorizing the acquisition is required.

Mr. Hines stated that, due to the zoning of this parcel and the required minimum lot size, to develop this parcel would result in 50 x 400 ft. lots after the required access road is put in. Linda Seebach confirmed that the required setbacks are 20 feet front and back. Director Brown noted this leaves a building envelope only 10 feet deep, severely limiting development of the property.

Mr. Hines stated that the property would be appraised with those constraints in mind.

Mr. Kelly noted that the written agreement between AMAFCA, Bernalillo County and the Village of Los Ranchos, dated August 29, 2008, specifies what each party will do. AMAFCA has money identified for the land acquisition. The Village of Los Ranchos is providing the project management. The North Valley DMP identifies this whole area as necessary for the ponding area.



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Director Hernandez made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* fifth edition, January 2004, to discuss property acquisition. Director Brown seconded the motion.

Chair Saiers stated that the closed session would be for purposes of discussion only, regarding property acquisition. The motion passed (3-1), on a roll call vote, with Director Lyon voting against.

Chair Saiers closed the meeting at 11:32 a.m.

Director Hernandez made a motion that the meeting be re-opened. Director Brown seconded the motion, which passed (4-0), on a roll call vote.

Chair Saiers reopened the meeting at 11:53 a.m. She stated that the Board had taken no action during the closed meeting, but had discussed property acquisition.

Director Hernandez stated the Board needed more information before making a decision. He made a motion directing staff to procure an appraisal of the parcel in accordance with Resolution 1997-7, paragraph 2C, and obtain other relevant information for the Board. Director Brown seconded the motion, which passed (4-0).

**14. Southwest Valley Flood Reduction Project – Proposal to Accelerate Construction of Los Padillas Gravity Outlet Crossing of Isleta Boulevard**

Jerry Lovato, AMAFCA Drainage Engineer, stated that Bernalillo County and AMAFCA are the local sponsors for the US Army Corps of Engineers' (COE) Black Mesa Three Dam Outlet Project and the Southwest Valley Flood Reduction Project. Both projects have multiple phases and are currently in construction.

He stated that the first construction project associated with the Southwest Valley Flood Reduction Project was the construction of a large storm drain pipeline through the Rio Grande High School campus and the construction of a temporary pond. The work was contracted through Albuquerque Public Schools by the COE to minimize conflicts between school activities and construction through the campus. The construction and construction management was completely reimbursed by the COE as described in the Project Cooperation Agreement (PCA) between the COE and the local sponsors. This work was completed on schedule.

Mr. Lovato stated that the first phase of the Black Mesa Project, known as the Three Dam Outlet, included the construction of the pipe outfall into the Bosque and the installation of a pipeline





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from the river to Coors Boulevard. This work is ongoing and is being contracted and managed by the COE. It has impacted travel on Raymac Road.

He stated that the COE is anticipating bidding Phase One of the Southwest Valley Flood Reduction Project in August. The local sponsors would like to accelerate a portion of Phase One, the Los Padillas Gravity Outlet Crossing of Isleta Boulevard, roughly a \$1.2 million project. He proposed that AMAFCA design and complete the Los Padillas Gravity Outlet Crossing, with the cost to apply to the local sponsor split with the Corps of Engineers on the Southwest Valley Flood Reduction Project.

He noted that construction of the Los Padillas Gravity Outlet Crossing will affect twice as many vehicles per day as the construction at Raymac Road. Use of AMAFCA's specifications and contract language will guarantee prompt responses to complaints received by AMAFCA or Bernalillo County during construction. Once the crossing is complete, the COE project can use the completed work to access the COE work site through newly completed driveways. This will minimize disruption to local traffic and local residents as the Corps project continues.

Mr. Lovato proposed using the AMAFCA On-Call contract with Wilson and Company to finish the design and manage the construction of the project. This includes coordinating the relocation of a number of utility lines. The design work completed to date by the COE will be used as a basis for the final design of the box culvert crossing Isleta. In addition, the work on the County's Duran Open Space property will be designed.

He noted that all design work associated with the project is reimbursable by the COE. However, construction is not reimbursable unless the PCA is modified. The PCA modification is expected to be reviewed and approved by the COE no later than April 2010. If the construction contract is approved during the April Board meeting, construction can be completed by August 2010, before the start of the next school year.

He stated that, if the Board concurs, Wilson will be given an on call task to complete the design of the project, estimated to be about \$45,000. A memorandum of understanding (MOU) will be created, outlining the daily construction observation and material testing to be provided by Bernalillo County, estimated to be about \$50,000. The MOU will include how all costs associated with the project will apply to the local 50/50 sponsor split. When the final design has been reviewed and approved by all parties, staff will amend the Wilson task order to address limited construction management of the project, estimated to be about \$25,000. AMAFCA will advertise and bid the project, estimated to be about \$1,100,000.

Mr. Lovato noted that the proposal was brought before the Board because the current estimated cost of \$70,000 would run close to the \$75,000 limit for on-call services. In addition, because of



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the complexity of the design and construction, any needed amendments might bring the total over \$75,000.

Discussion followed. Director Brown made a motion that the Board concur with the use of Wilson and Company through their on-call engineering services contract, to design and compete the Los Padillas Gravity Outlet Crossing of Isleta Boulevard. Director Lyon seconded the motion, which passed (4-0).

Director Brown then made a motion that the Board concur with the course of action for AMAFCA to be the contracting agency, to split the construction management services with Bernalillo County, who will provide resident inspection and geotechnical testing, approve pursuing the potential license agreement with MRGCD for assignment, and to accelerate this portion of the project. Director Lyon seconded the motion, which passed (4-0).

**16. Field Highlights**

**a. Construction Report**

The memo from Kurt Wagener, AMAFCA Field Engineer, 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.

**17. Real Estate**

**a. Consideration of Quitclaim/Release of Drainage Easement for North La Cueva Arroyo as Related to North I-25 Corporate Center (Old Philips/Signetics Site)**

Lynn Mazur, AMAFCA Development Review Engineer, introduced Kurt Browning, of Argus-Titan Development. Ms. Mazur stated a drainage easement for the North La Cueva Arroyo was granted by plat when the former Signetics facility was planned. This easement was based on the 1983 FEMA floodplain before the construction of the North La Cueva Arroyo in 1985, and covers a larger area than the existing channel configuration.

She stated that the current owner is requesting quitclaim/release of the existing easement in exchange for a fee simple dedication by plat to AMAFCA of the right-of-way, which will cover the current channel configuration plus additional width for a maintenance access road on the



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north side. A multi-use trail will be constructed on the south side in a 15-foot easement adjacent to the property that will be granted to AMAFCA. She recommended approval of the request.

Mr. Browning addressed the Board, using site maps to explain current development plans for the site, which include office buildings and two hotels. The former Philips plant is currently being used as a sound stage for filming of a television show.

Director Hernandez made a motion that the Board authorize the Chair to execute the Quitclaim Deed/Release of Easement for the North La Cueva Arroyo. Director Brown seconded the motion, which passed (4-0).

**18. Unfinished Business**

None.

**19. New Business**

- a. Ladera/Ouray Roadway Improvements Ribbon Cutting, February 19, 2:30 p.m.**

Mr. Kelly noted that the Ladera/Ouray Roadway Improvements Ribbon Cutting will be Friday, February 19, 2010, at 2:30 p.m. The site is between Ladera Dams 14 and 15.

- b. Calabacillas Arroyo Interpretive Signage – Date for Unveiling**

Mr. Kelly stated that a date has not been set for the Calabacillas Arroyo Interpretive Signage Unveiling, but it will likely be held in early March, possibly on March 5 or March 12, at 11:30 a.m. Both are Fridays. The Board will be notified as soon as a date is set.

**20. Adjourn**

There being no further business to come before the Board, Chair Saiers adjourned the meeting at 12:32 p.m.

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Ronald D. Brown, Secretary-Treasurer 2/25/10

Recorded by Pam Woodruff, Secretary to the Executive Engineer