



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 1

1. Call to Order and Roll Call

Chair Saiers called the Regular Board Meeting to order at 10:05 a.m. Thursday, May 27, 2010. Roll was noted as follows:

Directors present: Chair Janet Saiers
 Director Ronald D. Brown
 Director Danny Hernandez (temporarily out of the room)
 Director Tim Eichenberg
 Director Daniel Lyon

Director excused: None

Others present: John Kelly, Executive Engineer
 Attorney Marcus Rael, Jr.
 Staff
 Other attendees on file at AMAFCA

A quorum was present. Chair Saiers acknowledged those present who had served in the military.

2. Approval of Agenda

Director Lyon made a motion to approve the agenda. Director Brown seconded the motion, which passed (4-0). Chair Saiers noted that a number of handouts were in the Board's handout folders, and several agenda items had late mailout memos.

Director Hernandez returned to the meeting at 10:07 a.m.

3. Meetings Scheduled

- a. T.B.D. – Special Meeting to Consider Applicants for Executive Engineer
- b. Thursday, June 24, 2010, 10:00 a.m. – Regular Meeting
- c. Thursday, July 22, 2010, 10:00 a.m. – Regular Meeting
- d. Thursday, August 27, 2010, 10:00 a.m. – Regular Meeting

No changes were made to the regular meeting schedule, except to correct the date of the August meeting, which is Thursday, August 26, 2010, not August 27. The date and time for the special meeting will be set as a part of agenda item 8.

The corrected list of upcoming meetings is:



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 2

- a. T.B.D. – Special Meeting to Consider Applicants for Executive Engineer**
- b. Thursday, June 24, 2010, 10:00 a.m. – Regular Meeting**
- c. Thursday, July 22, 2010, 10:00 a.m. – Regular Meeting**
- d. Thursday, August 26, 2010, 10:00 a.m. – Regular Meeting**

4. Items from the Floor / Public Comment

Chris Perea, of Wilson and Company, stated that the storm drain improvements at the Rio Grande High School had received an Engineering Excellence Award from the American Council of Engineering Companies (ACEC). He presented the plaque to Chair Saiers, who accepted on behalf of AMAFCA. This was a joint project with AMAFCA, Bernalillo County, Albuquerque Public Schools, and the Corps of Engineers. The partnership saved the taxpayers about \$1.5 million.

He also noted that the project had won an award from the American Public Works Association (APWA), but that he did not have the plaque.

5. Approval of Minutes

- a. April 22, 2010**

Director Hernandez made a motion to approve the minutes of the April 22, 2010 Regular Board Meeting. Director Brown seconded the motion, which passed unanimously (5-0).

6. Financial Matters

- a. Approval of April 2010 Expenditures**

Irene Jeffries, AMAFCA Business Manager, presented the April 2010 Expenditure Report.

Answering a question from Director Hernandez, Kevin Troutman, AMAFCA GIS Technician, stated that the check to AMEC Earth & Environmental was for the work done in February and March on the Interactive Web GIS application. Responding to a question from Director Eichenberg, Larry Trujillo, AMAFCA Maintenance Superintendent, stated that the loader had taken a rock through the window. The glass was sourced from one location and installation labor from another.

Responding to another question from Director Eichenberg, Mr. Kelly stated that the Executive Engineer position was advertised locally, regionally, and nationally. The regional ads were in Dallas, Denver, Salt Lake City, and Phoenix. In addition, the ad was run in one national



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 3

publication and on the websites of various professional associations. Ms. Jeffries noted that many of those charges were paid by credit card and appear on the credit card statement.

Answering another question from Director Eichenberg, Ms. Jeffries stated that \$500 was spent on a used conference table and chairs for the new east conference room. She had priced new furniture and it was well above \$2,000.

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

b. Local Government Investment Pool Reserve Primary Fund – Update

Ms. Jeffries stated there had been no further communication regarding the Local Government Investment Pool Reserve Primary Fund. She will keep the Board apprised of any communications received.

c. Investment Report for April 2010

For information. She noted that the funds in the Local Government Investment Pool include \$76,842 in the Reserve Contingency Fund. There were no questions.

d. Financial Recap April 16, 2010, through May 15, 2010

Ms. Jeffries presented the Financial Recap for April 16, 2010 through May 15, 2010. The Coal Avenue Storm Drain Project was forecast to be paid May 10, but the invoice had not been received in time. It will be paid June 10 instead. There were no questions.

e. Financial Forecast May 16, 2010, through June 15, 2010

Ms. Jeffries presented the Financial Forecast for the period May 16, 2010, through June 15, 2010. She stated that the Construction Fund forecast includes a payment to the City of Albuquerque for the Coal Avenue Storm Drain Project. In response to a question from Chair Saiers, Ms. Jeffries stated that the \$1.519 million tax distribution is from the April tax collection. Typically, the May and December tax distributions are the largest.

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



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 4

f. Consideration of Resolution 2010-5, *FY-10 Budget Adjustments*

Ms. Jeffries stated that Resolution 2010-5, *FY-10 Budget Adjustments*, will make the adjustments approved by the Board at the April 22, 2010 meeting.

Director Brown made a motion that the Board adopt Resolution 2010-5, *FY-10 Budget Adjustments*. Director Hernandez seconded the motion.

There were several questions about the changes made by the resolution. Mr. Kelly stated that the resolution moves \$301,093 from the Building and Yard Improvement Fund to the Operating Fund, as the invoices for construction of the office expansion were paid from the Operating Fund. The resolution also reduces "Other Revenue" by \$10,000 as the Board directed staff to retain the old dump truck as a backup rather than sell it. \$75,000 in unspent funds in the Salaries, Payroll & Misc. Expense line item is transferred to the Other Operating Expenses line item.

Chair Saiers noted that the net effect of the budget adjustment is a decrease of \$10,000 in the Operating Fund projected balance on June 30, 2010 and a decrease of \$1,093 in the Building and Yard Improvement fund projected balance on June 30, 2010.

The motion passed unanimously (5-0), on a roll-call vote.

7. Legal

a. Status Report

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

Director Eichenberg suggested a presentation from the Assistant Attorney General regarding the Open Meetings Act would be valuable. He stated that he learned a lot from her presentation at the Middle Rio Grande Conservancy District meeting, including the fact that the governing body can take action on any item on the agenda, even if the item says "for information only."

8. Personnel Matters

Mr. Kelly stated that the Board will need to set a date for a Special Meeting to decide which applicants for the Executive Engineer position they would like to interview.

Director Hernandez stated that the Personnel and Salary Committee (PSC) winnowed the applicants from thirty-one to eleven. He noted that eight of the applicants did not meet the minimum qualifications of ten years experience and a Professional Engineer registration, and one



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 5

wished to be hired on a contract through his LLC, which had not been the direction of the Board. The PSC further discussed the applicants to develop the "short list" of eleven applicants who were the most qualified.

Director Eichenberg requested a closed session to further discuss why those particular eleven applicants were short-listed. Director Brown noted that several of those on the list of eleven were borderline, as were several of those who did not make the list of eleven. The Board could choose to consider some of those who did not make the short list, or could remove some applicants from the short list. Director Eichenberg stated it would be useful to know why the PSC chose to put certain applicants on the list and left others off.

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 "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," sixth edition, 2008, to discuss a personnel matter. Director Lyon seconded the motion.

Chair Saiers stated that the closed session would be for purposes of discussion only, regarding a personnel matter. The motion passed unanimously (5-0), on a roll call vote.

Chair Saiers closed the meeting at 10:45 a.m.

Director Brown made a motion that the meeting be re-opened. He stated that the Board had made no decisions during the closed session, but had discussed a personnel matter and specific applicants for the Executive Engineer position. Director Hernandez seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chair Saiers reopened the meeting at 11:10 a.m.

After discussion, the Board set the Special Meeting to further consider the applicants at 8:30 a.m. on Thursday, June 10, 2010. Most of the meeting will be in closed session, as the Board will decide which candidates they would like to interview for the Executive Engineer position.

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.

Director Brown made a motion to hear agenda item 15 next. Director Hernandez seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 6

15. Sanchez Farm Tributary Storm Drains Project – Consideration of Selection Advisory Committee Recommendation for Engineering Design Services

Lynn Mazur, AMAFCA Development Review Engineer, noted that there was a late mailout with an expanded Exhibit A to the agreement. She also introduced Dave Thompson of Thompson Engineering Consultants and Chuck Easterling of Easterling and Associates.

Ms. Mazur stated that at the April 22, 2010 Board meeting, the Board accepted the recommendation of the Selection Advisory Committee and authorized the Executive Engineer to negotiate an agreement for engineering services with Thompson Engineering Consultants. The joint venture team of Thompson Engineering Consultants and Easterling and Associates was selected in part because of their extensive experience in drainage design.

She noted that as the fee estimate was put together, it became evident that the best approach was to phase the project, due to the multiple unknowns. Task 1 will be a conceptual design to identify utility conflicts and other design challenges, and will consider design alternatives. Task 2 will include preliminary and final design and submittal of a Conditional Letter of Map Revision to FEMA.

Ms. Mazur stated that this is not a straightforward gravity storm drain system. There is a "waffle effect" with streets and irrigation facilities acting as barriers to storm water runoff, so an analysis of how to convey the water from low-lying areas to the storm drain trunk system will need to be done.

She noted that this project will also serve as a prototype for drainage projects under Bureau of Reclamation (BOR) jurisdiction, with an emphasis on watershed management and storm water quality. Use of infiltration galleries, water quality treatment facilities, and controlled storm water outflow will demonstrate to the BOR and other permitting agencies that the local sponsors can design, construct, and maintain drainage systems that address their water quality concerns about the Southwest Valley Flood Damage Reduction Project. As a result, the estimate of construction costs has risen from \$1 million in the FY 2010 Project Schedule to more than \$5 million in the current estimate. One of the things Thompson Engineering will look at is how to phase construction to spread this cost out.

Ms. Mazur stated that in the draft agreement, the total fee for Phase 1 – Conceptual Design is \$225,000.00 plus Gross Receipts Tax, on a "time and materials, not to exceed" basis. Phase 2 – Preliminary and Final Design is included in the contract, with fees to be determined later. The agreement has been reviewed by AMAFCA legal counsel and staff recommends approval of the agreement.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 7

In response to a question from Director Eichenberg, Ms. Mazur and Mr. Thompson gave more information on the utility locating firm Cobb Fendley. Cobb Fendley is relatively new to the area. They use advanced locating techniques to define where potholing needs to be done, rather than relying on One-Call. They do a lot of work for the New Mexico Department of Transportation, and the City of Albuquerque has also begun using them on their projects.

Director Lyon made a motion that the Board approve the *Agreement for Design Engineering Services (for) Sanchez Farm Tributary Storm Drains* with Thompson Engineering Consultants, Inc., with the revised Exhibit A. Director Hernandez seconded the motion.

Director Brown proposed that, after the first two tasks, surveying and utility locating, a report be brought back to the Board so the Board can consider the direction to take.

Director Eichenberg made a motion that the original motion be amended to request that a report be brought back to the Board upon completion of the first two tasks of the agreement. Director Brown seconded the motion.

Mr. Kelly noted that this could be accomplished by giving notice to proceed on Tasks 1 and 2 of the project, and requesting a report to the Board before giving authorization to go ahead with the rest of the project. Mr. Thompson and Mr. Easterling stated that they would have a report for the Board about 60 days after being given notice to proceed.

The motion to amend the original motion passed unanimously (5-0).

The original motion, as amended, passed unanimously (5-0).

Chair Saiers called a recess of the Board meeting at 11:37 a.m. to conduct the AMAFCA FY 2010 Audit Selection Advisory Committee meeting. The Board meeting resumed at 12:07 p.m.

10. AMAFCA FY 2010 Audit – Consideration of Selection Advisory Committee Recommendation

Director Hernandez, as Selection Advisory Committee (SAC) Secretary, noted that the SAC had rejected two proposals for going over the page limit. The remaining proposals were scored by the SAC. Director Brown sat in on the SAC but did not score the proposals.

Director Hernandez stated that the SAC recommendation was the firm of Ricci & Company. They had scored the highest overall, and every member of the SAC had ranked Ricci & Company first.

Director Hernandez made a motion that the Board accept the selection of Ricci & Company for the AMAFCA FY 2010 Audit, subject to approval by the State Auditor's Office. Director



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 8

Eichenberg seconded the motion, which passed (4-0). Director Brown abstained from the vote as he had not scored the proposals, but stated he supported the selection of Ricci & Company.

Director Eichenberg requested that agenda item 11 be removed from the Consent Agenda and be considered separately. Chair Saiers concurred with this request.

Consent Agenda – agenda items 12-13:

- 12. Bidability/Constructability Reviews – Consideration of Agreements with:**
- a. AUI, Inc.**
 - b. Mountain States Constructors, Inc.**
 - c. New Mexico Underground, Inc.**
 - d. RMCI, Inc.**
 - e. Salls Brothers Construction, Inc.**
 - f. TLC Plumbing and Utility**

The memo from Kurt Wagener, AMAFCA Field Engineer, stated *Agreements for Engineering Services – Design, Bidability and Constructability Reviews* had been negotiated with each of the firms, and requested approval of the agreements.

- 13. Real Estate**
- a. Consideration of License Agreement with City of Albuquerque Regarding Balloon Fiesta Park**

The memo from Loren Hines, AMAFCA Real Estate Manager, stated the proposed License Agreement with the City of Albuquerque for the 2010 Balloon Fiesta is the same as last year with updated dates and signatures. Off-field landing zones during the event remain the same. It has been approved by the City legal department and has been executed by the City. He requested approval of the license agreement, authorizing the Chair to sign.

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

- Approve *Agreements for Engineering Services – Design, Bidability and Constructability Reviews* with AUI, Inc., Mountain States Constructors, Inc., New Mexico Underground, Inc., RMCI, Inc., Salls Brothers Construction, Inc., and TLC Plumbing and Utility and to authorize the Chair and Secretary to execute the Agreements; and
- Authorize the Chair to execute the 2010 Balloon Fiesta License.

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



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 9

Regular Agenda:

11. Consideration of *Third Amendment to "Martineztown Flood Relief – Agreement for the Construction of the A.Q. Pond,"* between AMAFCA and the City of Albuquerque

Mr. Kelly stated that the Third Amendment to *Martineztown Flood Relief – Agreement for the Construction of the A.Q. Pond*, between AMAFCA and the City of Albuquerque closes out the agreement when the final phase of construction is complete, expected to be in August, 2010. By clarifying the closeout of the agreement, approximately \$533,000 in AMAFCA funding will be freed up for other AMAFCA projects. He gave a brief history of the original agreement and first and second amendments, and requested approval of the third amendment.

Director Eichenberg made a motion that the Board approve the *Third Amendment to "Martineztown Flood Relief – Agreement for the Construction of the A.Q. Pond,"* between AMAFCA and the City of Albuquerque, and authorize the Chair to execute the same on behalf of AMAFCA. Director Hernandez seconded the motion, which passed unanimously (5-0).

14. East Amole Surge Pond Dam

a. Consideration of *Agreement for the Construction of the East Amole Surge Pond and Unser Extension,* between AMAFCA and the City of Albuquerque

Mr. Wagener introduced Ed Adams, Special Project Manager, Department of Municipal Development of the City of Albuquerque.

Mr. Wagener stated that at the April 22 meeting, the Board concurred with entering into a cost sharing agreement with the City of Albuquerque to haul excess earth fill from the East Amole Project to the Unser Boulevard Extension Project. A City Bid Lot was included in the AMAFCA East Amole Surge Pond Project to haul and place 142,500 cy of fill on the Unser Extension Project and stockpile 70,000 cy of fill on City right of way for future use on other phases of the Unser project.

He noted that the cost-share agreement calls for the City to pay for their bid lot for the earthwork, including construction management and testing, plus applicable New Mexico Gross Receipts Tax. The agreement will save the City time and money on the construction of the Unser Extension, and will also save AMAFCA money by exporting the earth to their project.

Mr. Kelly stated the agreement has been reviewed by legal counsel for AMAFCA and the City. Staff recommended approval of the agreement.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 10

Responding to a question from Chair Saiers, Mr. Wagener stated that the balance of the dirt will be taken to the County landfill and placed there. He also discussed the Storm Water Pollution Prevention Plan (SWPPP) and the responsibilities of each party.

Director Lyon made a motion that the Board approve the *Agreement for the Construction of East Amole Surge Pond and Unser Boulevard Extension*, between AMAFCA and the City of Albuquerque, and authorize the Chair to execute the same on behalf of AMAFCA. Director Brown seconded the motion.

In response to a question from Director Eichenberg about Gross Receipts Tax (GRT), Mr. Adams stated that the GRT collected on this and other projects goes to the state, where a portion of it is re-distributed to local governments. It would be up to the state legislature to change this to exempt some projects from GRT. He gave the example of Isotopes Park, which the legislature exempted from GRT. Director Eichenberg suggested asking AMAFCA's legislative liaison if AMAFCA could get similar exemptions for our projects.

The motion passed unanimously (5-0).

b. Consideration of Award of Bid of Construction Contract to Salls Brothers Construction, Inc.

Mr. Wagener introduced Craig Hoover of Bohannon Huston, and Dan Aguirre and Chris Perea of Wilson & Company, the engineering consultants on this project.

Mr. Wagener stated that five contractors submitted bids for the construction of the East Amole Surge Pond Project. The bid from Kirkland Construction, RLLP was deemed non-responsive and was not read because the bid was detached from the bound set of Contract Documents. Section 6 of the Information for Bidders specifically states "the Bid Proposal shall not be detached from the bound set of Contract Documents."

He stated that Salls Brothers Construction was the low bidder with a bid of \$2,687,679.83 plus New Mexico Gross Receipts Tax. Bohannon Huston, Inc. had tabulated the bids and found no mathematical errors. They recommended award of the contract to Salls Brothers Construction in the amount of \$2,687,679.83 plus New Mexico Gross Receipts Tax. Staff concurred with the recommendation. The AMAFCA Campaign Contribution Disclosure Form had been completed and a copy was attached to the memo.

Responding to several questions, Mr. Wagener stated that the bid was significantly lower than estimated due to older numbers and a recent bid where the haul averaged about \$8/cy being used in the estimate. Also, the sale of excess dirt was not taken into consideration, which can also reduce the contractor's cost. Because of the specifics of this project, it is safe to construct it during



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 11

storm season. The East Amole Surge Pond Dam is being built for future conditions, not current conditions.

Jerry Lovato, AMAFCA Drainage Engineer, introduced Roger Paul of Bernalillo County, and stated another reason the price was low was because of the cooperation of Bernalillo County. Having the landfill available for disposal of the remaining excess dirt is a savings for the project.

Responding to a question from Director Eichenberg, Mr. Lovato stated that Salls Brothers has stockpiled some rock between the Unser Extension Project and the East Amole Surge Pond Dam Project. They will be able to take truckloads of dirt to the Unser site, and load the trucks with boulders for the East Amole Project on the return trip. Other firms needed to obtain their rock elsewhere. Also, Salls Brothers plans to run a pipe from a City reservoir near Central Avenue to meet watering needs, rather than using water trucks. This also reduces their costs.

Director Brown made a motion that the Board accept Salls Brothers Construction as the lowest responsible bidder and authorize the Chair to execute the contract with them for the construction of the East Amole Surge Pond Dam Project in the amount of \$2,687,679.83 plus New Mexico Gross Receipts Tax. Director Hernandez seconded the motion, which passed unanimously (5-0).

16. Black Mesa Phase 1a Pipe Extension Project – Consideration of Selection Advisory Committee Recommendation for Engineering Design Services

Ms. Mazur stated that seven proposals were received by the deadline. Each had completed the AMAFCA Campaign Contribution Disclosure Form. The Selection Advisory Committee met on May 25, 2010, and recommended that Wilson & Company, Inc., be selected by the Board. She introduced Dan Aguirre and Chris Perea of Wilson & Company. She reminded the Board that this is called the "Three Dam Outlet" project in the FY 2010 Project Schedule.

Director Eichenberg briefly left the meeting at 12:30 p.m., returning shortly thereafter.

Director Hernandez made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations with Wilson & Company, Inc., per the New Mexico Procurement Code, and consider approval of an Agreement for Engineering Services at the regular June 2010 Board meeting. Director Brown seconded the motion, which passed (4-0), Director Eichenberg being absent at the time of the vote.

Chair Saiers stated that agenda item 18 would be heard next.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 12

18. Piedras Marcadas Dam Park and Ride – Briefing by Bruce Rizzieri, Director, ABQ Ride, City Transit Department

Chair Saiers noted that the site for this proposed facility is just south of the City's new Piedras Marcadas Park, where one of the new AMAFCA multi-use informational signs is located.

Loren Hines, AMAFCA Real Estate Manager, introduced Bruce Rizzieri, Director of ABQ Ride, City Transit Department. Mr. Hines noted that in 1987 and 1997, the Board had been briefed on the possibility of using AMAFCA-owned land below the Piedras Marcadas Dam for a transit park and ride facility. A 1987 study by Wilson and Company identified several possible locations. The Piedras Marcadas Park was recently built to the north of the emergency spillway and a parking lot was placed in the spillway. The proposed facility would be to the south of the existing parking lot and south of the spillway embankment.

Mr. Rizzieri further briefed the Board on the proposal, answering several questions from the Board. He stated that the original site study in 1987 was done before Eagle Ranch Road was built, and included 200 parking spaces at the Park and Ride. A similar study was done in 1997. If the Board approves, he plans to put the project out for a conceptual engineering design which would further develop the site plan now that the area has developed. AMAFCA staff will be involved in planning the project, and the Board will have final approval over any site plans. No funding will be requested from AMAFCA. All funding for the study and eventual construction will be from the City of Albuquerque and other funding partners.

Responding to a question from Chair Saiers, he stated that zoning for a special use zone will be required.

Responding to further questions from the Board, he stated that public meetings will be held during the various phases of planning for the project. Connections with area bike trails along with bike racks are planned, and will conform to the Bike Master Plan for the Albuquerque Metropolitan Area. The park and ride facility will have approximately 250 parking spaces, and will connect with bus routes along Eagle Ranch and along Coors. Access is planned from both the north and south of the facility.

Director Hernandez noted this is the first time AMAFCA property would be used for any sort of transportation use, as the multi-use is usually recreational. He commented that this is also a good public use of the land.

Director Eichenberg suggested exploring a possible land swap of a parcel with the neighbor just to the southeast of the proposed park and ride. The neighbor owns the lot just to the east of the site (north of his residence), and AMAFCA owns the lot just to the south of him. The larger



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 13

contiguous AMAFCA parcel could allow for a larger park and ride facility. Mr. Rizzieri stated that he would look into that possibility.

Responding to a question from Chair Saiers, Mr. Hines stated that the land for the Piedras Marcadas Dam was obtained sometime in the 1980s. He stated he could obtain that information for the Board. The property to be used for the Park and Ride is adjacent to and below the embankment of the spillway of the dam, and is not surplus property.

Director Eichenberg requested that Mr. Rizzieri keep AMAFCA's Real Estate Manager apprised as the facility planning process continues. He also requested an agreement for City use of the land be negotiated. He noted that the City will maintain the facility, but AMAFCA will have ultimate responsibility to deal with the neighbors if they are unhappy.

Chair Saiers summarized that the consensus of the Board was to proceed with the proposed plan of action, and keep AMAFCA posted as to progress.

17. Southwest Valley Flood Damage Reduction Project

a. Los Padillas Spillway Diversion Crossing of Isleta Boulevard – Update on Advertisement for Construction Bids

Mr. Wagener stated there was a meeting between AMAFCA, the Corps of Engineers, the Bureau of Reclamation, Middle Rio Grande Conservancy District, and Bernalillo County regarding the Southwest Valley Flood Damage Reduction Project on May 21, 2010. Licensing, operations and maintenance, plan review, and other issues were discussed. As a result of that meeting, he recommended continuing to hold off on bidding this project until the amendment to the Project Cooperation Agreement (PCA) is in place. That way, AMAFCA and Bernalillo County can get credit towards the Southwest Valley Flood Damage Reduction Project for the work. He hoped to have the PCA amendment ready to execute at the June regular Board meeting.

b. Discussion of Permitting Issues for Southwest Valley Flood Damage Reduction Project

Jerry Lovato, AMAFCA Drainage Engineer, stated that, as a result of the meeting between AMAFCA, the Corps of Engineers, the Bureau of Reclamation, Middle Rio Grande Conservancy District, and Bernalillo County, an additional meeting to address operations and maintenance concerns was held between AMAFCA, the Bureau of Reclamation, and Bernalillo County on May 26, 2010. The local sponsors have addressed nearly every issue, and are waiting to hear back from U.S. Fish & Wildlife.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 14

c. Navajo Elementary / Amole Dam Gravity Outlet Pipe – Accelerated Construction of Certain SWVFDRP Project Elements by Albuquerque Public Schools – Briefing by Karen Alarid, AIA, Albuquerque Public Schools

Mr. Lovato introduced Karen Alarid and Roldan Pasion, of Albuquerque Public Schools.

Mr. Lovato stated that, as a result of the success of the project at Rio Grande High School, another opportunity to accelerate a portion of the Southwest Valley Flood Damage Reduction Project (SWVFDRP) has arisen. The proposed project will benefit AMAFCA, Albuquerque Public Schools (APS), and residents near Navajo Elementary School. He then gave a quick overview of the proposal.

He stated that the proposal will reduce the cost to AMAFCA of the Amole Dam Gravity Outlet Project by reducing the amount of storm drain needed to provide an outlet for the Amole Dam, and moving the regional detention pond to a better location as well as enlarging it. A new fire lane will be built by APS and will allow onsite drainage to the regional detention pond, minimizing construction costs for APS. The regional detention pond will provide multi-use alternatives, enhance water quality, and remove Navajo Elementary School from the 100 year FEMA floodplain.

Mr. Lovato noted that the initial feasibility study for the SWVFDRP was the basis of the final design that was the subject of a Project Cooperation Agreement (PCA) between the Corps of Engineers and the project co-sponsors, AMAFCA and Bernalillo County, which became effective on May 5, 2004. As a part of the study, the Amole Dam outlet was assumed to be an individual outfall to the river. Therefore, in the FY 2010 Project Schedule, AMAFCA identified a feasibility study to provide a gravity outfall for the Amole Dam, to commence this fiscal year.

He added that the proposed design modification to the SWVFDRP by APS will allow the discharge of the Amole Dam into the SWVFDRP by increasing the size of the regional detention pond. The modification will also allow APS to drain the remainder of the school site to the regional pond.

Mr. Lovato stated that the original design included a small regional pond and circuitous box culvert. The proposed modifications by APS will allow a more direct route to the Isleta Drain, therefore allowing reinforced concrete pipe to be used instead of a cast in place concrete box culvert. This modification alone will save the project approximately \$600,000. In addition, the use of APS property to increase the size of the regional detention pond allows AMAFCA to drain the Amole Dam into the Isleta Drain, eliminating the need to place a new gravity outlet along Barcelona Drive to the Rio Grande, saving another \$2,000,000. There will also be reduced maintenance costs to AMAFCA, due to the elimination of approximately two miles of pipe.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 15

Mr. Lovato stated that the use of APS property to increase the size of the regional pond also creates the possibility of expanded multi-use activities. Responding to questions from Director Brown and Director Hernandez, he stated the pond will be shallow but large (about 3 acre-feet), and will act as a surge pond. The school already has a series of cisterns under the parking lot which can store the 25-year event.

Ms. Alarid stated that APS is looking forward to working with AMAFCA on this project.

Director Brown left at 1:00 p.m., during discussion of this item, due to a prior commitment.

Mr. Lovato noted that the Corps of Engineers could fund this work, but is hesitant to commit until Phase One of the Corps' SWVFDRP is awarded later this summer. At that point, they will know if there is any funding remaining. The construction and construction management of the project is eligible for federal funding if the Corps administers the contract. Reimbursement to the local sponsors is not an option at this time without a modification to the PCA.

He added that if an agreement can be reached with APS to allow them to construct the outlet pipe this summer as a part of the planned capital improvements at the school this summer, then the cost of relocating three temporary buildings (\$150,000) will be borne by APS as a part of their work, rather than AMAFCA.

He proposed that AMAFCA fund the portion of the project that will install the 42-inch storm drain along the northern property line of the school, to include construction, construction management and testing to certify the work to AMAFCA, Bernalillo County, and the Corps of Engineers for possible reimbursement. The estimated cost for this work is \$180,000. The project will save AMAFCA approximately \$3 million.

He noted that AMAFCA will need to enter into an agreement with APS to allow for monthly reimbursement of construction costs for certified completed work. APS will agree to provide AMAFCA a drainage easement for the new storm drain and the regional pond. The County will be the lead in maintenance of the expanded drain system and the tributary storm drains from the adjacent neighborhoods. APS is currently doing construction work at Navajo Elementary School and will change order this work into the existing contract.

Roger Paul stated that Bernalillo County supports the project, as it appears to be beneficial and will not adversely affect the SVWFDRP. He looks forward to working with APS and AMAFCA on this project.

After discussion, Chair Saiers summarized that the consensus of the Board was to proceed with the proposed plan of action.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 16

Agenda item 20 was heard next.

20. Hahn Arroyo Project – Briefing on Project Design to Date, Discussions with the City, and Public Meeting Held April 29, 2010

Kevin Daggett, AMAFCA Storm Water Quality Engineer, introduced Ed Adams, Special Project Manager, Department of Municipal Development of the City of Albuquerque, Pat Conley, of Smith Engineering, and Allison Wait, of Sites Southwest.

Mr. Daggett stated that the Hahn Arroyo Project public meeting was very successful, with a good turnout. There were a number of good questions, which have been answered and are posted on the project website, www.hahnarroyoproject.com. Questions involved police presence, scheduling, safety, trail icing, and the water quality features. An agreement regarding maintenance is being negotiated with the City.

He described the planned water harvesting which will be used to irrigate project landscaping. The water will be stored in underground cisterns. Some of the excess water could be used to irrigate Montgomery Park.

Mr. Daggett noted that the Hahn Arroyo is not on dedicated right-of-way. In 1957-1958 it was set aside as a drainage easement. The City will need to bring suit for a quiet title action to clear up the ownership issue. The City will then deed or dedicate the right-of-way back to AMAFCA. AMAFCA will maintain the hard structures. The City will maintain the landscaping and irrigation, and will maintain the water quality manholes.

He noted that some of the parking of City Church encroaches slightly onto the drainage easement. City Church also owns a triangular portion of land adjacent to the Hahn Arroyo and San Pedro, which would make a nice pocket park. He stated that a land swap, along with landscaping to prevent further encroachment, might be a good solution. This could be accomplished through a re-plat. The City will take the lead on this as well. The Church is amenable to the swap. Trees or other landscaping will be used to prevent further encroachment onto the trail.

Mr. Daggett stated the plans are currently 65% complete. He noted that the preliminary cost estimate of the project at this time is \$3.5 million. \$440,000 of that is for the landscaping. The balance is for the channel rehab and drainage elements. He asked if the project could be phased.

Director Hernandez stated that perhaps some of the money saved in the south valley could be used to supplement the budgeted funds for this project. Mr. Lovato noted that approximately \$250,000 of the project is for bike trail and pedestrian components. Perhaps the City could assist with those costs. He also noted that a lot of money was saved on the East Amole Surge Pond Project.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 17

Mr. Daggett stated that, if other funding is unavailable, the project could be phased. Director Eichenberg opined that, as a pilot project, it needs to be done right the first time. He would prefer not to phase the project. He noted that construction bids have been coming in low. He stated he would like to find the funds to do the entire project at once.

Chair Saiers noted that the consensus of the Board was to continue moving forward with the project without phasing it, and to keep the Board apprised.

Mr. Lovato stated he wanted to make sure the Board is comfortable with AMAFCA taking over structural maintenance of the channel and the structural portion of the landscaping (retaining walls and so forth), with the City responsible for the trails, landscaping and irrigation system, and cleaning the water quality features. He also wanted to confirm the Board is comfortable with the proposed cistern system and the in-line water quality debris structure. Many of these are elements that have not been used in AMAFCA projects before.

There were no objections from the Board.

Responding to a question from Director Eichenberg, Mr. Wagener stated that the City owns vactor trucks and has the ability to maintain this sort of water quality feature, unlike AMAFCA, who has to contract out vactor maintenance.

Mr. Daggett showed movie clips of the channel in its current condition, and of the Hahn Arroyo Improvements model at UNM. The rehabilitation will take care of ongoing maintenance issues and will reduce the amount of trash in the arroyo. Several types of prototypes were tested. He described how the design of the debris structure limits attractiveness as a play structure, and even provides a self-rescue point for anyone caught in the arroyo during a storm.

Ms. Wait described the planned landscaping and irrigation elements of the project. The amenities will provide a buffer for local residents, increase the comfort of the trail by providing shade, and utilize the harvested water. A walking path will be along the north side of the channel, with a multi-use trail on the south side. Pedestrian refuges will be provided in the medians of Comanche and San Pedro, to make crossing the streets safer. Seating areas, a water fountain, a bike tire air station, and wayfaring signs are proposed, along with retaining walls in some areas. A variety of vegetation, from native grasses to trees, is planned.

Mr. Daggett stated the final design will be brought back to the Board for approval. The current plan is for construction on the project to begin in September.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 18

19. 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

Chair Saiers stated that the field report would be deferred until the June 24, 2010 Regular Board meeting.

21. AMAFCA FY 2011 Budget

a. FY-2011 Operating Fund Budget

Ms. Jeffries introduced Loretta Brush and Kevin Powers of RBC Capital Markets, AMAFCA's Financial Advisor, who were available to answer any questions. Ms. Jeffries noted there was a handout with the revised final budget. This revised budget includes the final benefits rate from the City, which increased 2.17% over the FY 2010 budget. This reduced the projected ending balance by approximately \$29,000.

She then presented the FY-2011 Operating Fund Budget to the Board. Based on input from the Board and advice from Mr. Powers, the budget is based on a tax collection rate of 95% instead of the previous 96% collection rate. Proposed expenses have not changed since the April draft, but a sub-line item for Building & Yard Improvement Expenses was added to reflect expenses to date for office improvements. She requested Board approval of the FY-2011 Operating Fund Budget, so that it could be submitted to the State of New Mexico Department of Finance and Administration (DFA) by June 1, 2010.

Mr. Lovato noted that the FY-2010 Operating Fund budget totaled \$3.7 million, and the FY-2011 Operating Fund budget totals \$3.5 million, a 5.4% decrease.

After brief discussion, Director Hernandez made a motion that the Board approve the FY-2011 General Operating Fund Budget for submittal to DFA by June 1, 2010. Director Eichenberg seconded the motion, which passed (4-0).

b. FY-2011 Contingency Fund Budget

Ms. Jeffries presented the FY-2011 Contingency Fund Budget. She stated that no changes had been made since the draft budget in April. She requested Board approval of the FY-2011



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 19

Contingency Fund Budget for submittal to DFA by June 1, 2010. Mr. Lovato briefly described the fenced funds in the Contingency Fund.

Mr. Kelly noted that the Contingency Fund was established by a transfer from the Operating Fund into the Contingency Fund, for emergencies and channel rehabilitation.

After brief discussion, Director Hernandez made a motion that the Board approve the FY-2011 Contingency Fund Budget for submittal to DFA by June 1, 2010. Director Eichenberg seconded the motion, which passed (4-0).

c. FY-2011 Building and Yard Improvement Fund Budget

Ms. Jeffries presented the FY-2011 Building and Yard Improvement Fund Budget. Her memo stated that no changes had been made since the April draft budget. She requested Board approval of the FY-2011 Building and Yard Improvement Fund Budget for submittal to DFA by June 1, 2010.

Director Eichenberg made a motion that the Board approve the FY-2011 Building and Yard Improvement Fund Budget for submittal to DFA by June 1, 2010. Director Hernandez seconded the motion, which passed (4-0).

d. FY-2011 Debt Service Fund Budget

Ms. Jeffries presented the FY-2011 Debt Service Fund Budget. She stated that no changes had been made since the April draft budget, except a reduction of the tax collection rate from 96% to 95%. She requested Board approval of the FY-2011 Debt Service Fund Budget for submittal to DFA by June 1, 2010, noting that a Budget Adjustment will need to be made after the 2010 Bond sale, once the interest payments and the interest premium on the new bond issue are known.

After brief discussion, Director Eichenberg made a motion that the Board approve the FY-2011 Debt Service Fund Budget for submittal to DFA by June 1, 2010. Director Hernandez seconded the motion, which passed (4-0).

e. FY-2011 Construction Fund Budget

Mr. Lovato presented the FY-2011 Construction Fund Budget, noting that it had been provided in a late mailout.

He stated that the only changes made from the April draft were updating balances or inputting as-bid costs where available. Funds saved in the East Amole Surge Pond bid were distributed to other projects in the "bond fails" scenario. Projects new to last year's FY-2010 Construction Fund



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 20

Budget are shown in bold, and projects new to the FY-2011 Budget are shown in bold italics. Only the summary page is submitted to DFA for approval. The budget is ambitious, listing every project that might be done. He noted that some will move slower than budgeted.

He requested Board approval of the FY-2011 Construction Fund Budget for submittal to DFA by June 1, 2010.

Director Eichenberg made a motion that the Board approve the FY-2011 Construction Fund Budget for submittal to DFA by June 1, 2010. Director Lyon seconded the motion, which passed (4-0).

f. Adoption of Resolution 2010-6, Designation of Reserve Amounts in the Contingency Fund

The memo from Mr. Kelly noted that, during development of the FY-2011 Budget, the Board discussed reducing the reserve for the North Diversion Channel Lining Rehab by \$500,000 for a new reserve amount of \$1,000,000, as the Agency and Area-Wide Flood Control Maintenance Contract 2010-2011 has been awarded.

He also noted that the various fenced projects and reserve amounts in the Fund are set by six different Resolutions spanning twenty years. He proposed that all current fenced amounts be set by one resolution, replacing the prior resolutions and making it easier to track the fenced amounts. The proposed fenced projects and reserve amounts will be:

Modification of Alameda Outlet, NDC	\$1,000,000
Ladera Dam Safety Modifications	\$ 500,000
North Diversion Channel Lining Rehab	\$1,000,000
Hahn Arroyo Channel Lining Rehab	\$ 500,000
North Diversion Channel Upper UNM CBC	\$ 250,000
Calabacillas Arroyo Caliche Bend Bank Protection	<u>\$ 250,000</u>
Total	\$3,500,000

The memo requested that the Board approve Resolution 2010-6, which makes the proposed change to the North Diversion Channel Lining Rehab reserve amount, and re-authorizes the other fenced projects and reserved amounts.

In response to a question from Director Eichenberg about whether or not all six items could be put under one resolution, Mr. Kelly and Mr. Rael noted that multiple actions had been taken in prior resolutions regarding the Contingency Fund. Mr. Rael also noted that the previous resolutions fencing the funds had been properly referenced in Resolution 2010-6, and the record is complete. He opined that this action was proper.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 21

Director Eichenberg made a motion that the Board adopt Resolution 2010-6, *Designation of Reserve Amounts in the Contingency Fund*, and authorize the Chair to execute the Resolution. Director Lyon seconded the motion, which passed (4-0) on a roll-call vote, Director Brown being absent.

g. Adoption of Resolution 2010-7, *Fiscal Year 2011 Budget*

The memo from Ms. Jeffries stated that Resolution 2010-7, *Fiscal Year 2011 Budget*, was the same format as has been used in previous years. It had been reviewed by AMAFCA's attorney. The summary pages for each of the budgets will be attached to this resolution and submitted to the New Mexico Department of Finance and Administration for approval by the June 1, 2010 deadline. She requested the Board adopt the resolution.

Director Hernandez made a motion that the Board pass and adopt Resolution 2010-7, *Fiscal Year 2011 Budget*, and authorize the Chair and Secretary to sign. Director Eichenberg seconded the motion, which passed (4-0) on a roll-call vote, Director Brown being absent.

22. Real Property Acquisition/Disposal (closed session)

Chair Saiers stated that the discussion of acquisition and disposal of real property would be in closed session.

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 "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," sixth edition, 2008, to discuss acquisition and disposal of real property. Director Hernandez seconded the motion.

Chair Saiers stated that the closed session would be for purposes of discussion only, regarding acquisition and disposal of real property. The motion passed (4-0) on a roll call vote, Director Brown being absent.

Chair Saiers closed the meeting at 2:16 p.m. Mr. Kelly and AMAFCA Real Estate Manager Loren Hines were asked to remain in the closed session.

During the closed session, Chair Saiers had to leave for another commitment. Vice Chair Hernandez chaired the remainder of the meeting.

Director Eichenberg made a motion that the meeting be re-opened. He stated that the Board had taken no action during the closed meeting, but had discussed acquisition and disposal of real



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 22

property. Director Lyon seconded the motion, which passed (3-0) on a roll call vote, Chair Saiers and Director Brown being absent.

Vice Chair Hernandez reopened the meeting at 3:07 p.m.

Director Eichenberg made a motion that the Board defer a decision on the acquisition item until next month, and direct staff to obtain further information as directed in the closed session. Director Lyon seconded the motion, which passed (3-0).

Director Eichenberg made a motion that the Board direct Mr. Rael to follow the direction given to him in closed session regarding the disposal item. Director Lyon seconded the motion, which passed (3-0).

23. Unfinished Business

None.

24. New Business

a. Notice of Issuance of Two Recreational Licenses

Mr. Hines stated that two short-term recreational licenses had been issued as outlined in his memo to the Board.

b. Other Issues

Director Eichenberg requested that meeting recordings not begin until the meeting is brought to order.

Director Lyon requested that Ms. Jeffries check with AMAFCA's Legislative Liaison regarding Gross Receipts Tax distribution. Director Eichenberg noted that, due to AMAFCA's enabling legislation and property tax funding, it might be better to seek exemption from Gross Receipts Tax on our construction projects, because our projects are in the public welfare. Director Lyon directed staff to find out if the Middle Rio Grande Conservancy District pays or receives New Mexico Gross Receipts Tax.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2010**

Page 23

25. Adjourn

There being no further business to come before the Board, Vice Chair Hernandez adjourned the meeting at 3:14 p.m.

Ronald D. Brown, Secretary-Treasurer 6/24/10

Recorded by Pam Woodruff, Secretary to the Executive Engineer