



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003**

**Page 1**

**1. Call to Order and Roll Call**

Chairman Brown called the Regular Board Meeting to order at 10:00 a.m. on Tuesday January 21, 2003. Roll was noted as follows:

Directors present: Chairman Ronald D. Brown  
Director Tim Eichenberg  
Director Daniel Hernandez  
Director Daniel Lyon  
Director Linda Stover

Others present: John Kelly, Executive Engineer  
Sam Bregman, Attorney  
Staff  
List of guests on file

**2. Approval of Agenda**

Director Hernandez made a motion to approve the agenda. Director Stover seconded the motion and it passed unanimously (5-0).

**3. Meetings Scheduled**

- a. **January 23, 2003 – Special Meeting**
- b. **February 27, 2003 – Regular Meeting**
- c. **March 27, 2003 – Regular Meeting**
- d. **April 24, 2003 – Regular Meeting**

The Board agreed to change the date of the February 27, 2003 Regular Board Meeting to 11:00 a.m. Monday, February 24, 2003.

The Board agreed to change the date of the March 27, 2003 Regular Board Meeting to 11:00 a.m. Friday, March 21, 2003.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003  
Page 2**

**4. Election of Officers**

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

Director Stover made a motion that Director Eichenberg become the Chairman and that Director Brown become the Secretary / Treasurer, and for the other board officers to remain the same. Director Hernandez seconded the motion and it passed (4-0). Director Lyon abstained from the vote.

Director Lyon questioned the duties of the board assignments and requested clarification.

Chairman Brown answered that functionally at AMAFCA, the Vice-Chairman has been the person that runs the affairs of the meeting in the absence of the Chairman. He stated that in the absence of the Secretary / Treasurer, the Assistant Secretary / Treasurer is the alternate member to execute documents and serve in the role of Secretary / Treasurer.

**5. Approval of Resolution 2003-1: Open Meetings Resolution**

Director Hernandez made a motion to approve Resolution 2003-1 Open Meetings Resolution. Director Brown seconded the motion and it passed unanimously (5-0).

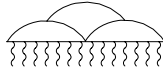
**6. Approval of Minutes**

**a. December 10, 2002**

Director Hernandez made a motion to approve the December 10, 2002 minutes. Director Brown seconded the motion and it passed (4-0). Director Lyon abstained from the vote citing that it was before his swearing in as a Board member.

**b. December 20, 2002**

Director Brown made a motion to approve the December 20, 2002 minutes. Director Hernandez seconded the motion and it passed (4-0). Director Lyon again abstained from the vote.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003  
Page 3**

**c. January 2, 2003**

Director Brown made a motion to approve the January 2, 2003 minutes. Director Lyon seconded the motion and it passed (4-0). Director Stover abstained from the vote, citing her absence from the meeting.

**d. January 10, 2003**

Director Brown made a motion to approve the January 10, 2003 minutes. Director Hernandez seconded the motion and it passed unanimously (5-0).

In response to a question asked by Chairman Eichenberg, Mr. Kelly stated that both of AMAFCA's bond ratings were upheld, with an Aaa rating from Moody's and an AA+ rating from Standard & Poors.

**7. Financial Matters**

**a. Approval of December 2002 Expenditures**

In response to a question regarding the check payable to the Bernalillo County Treasurer for the North Pino Water Quality Project, Mr. Eckert answered that AMAFCA took title to that land last year and in accordance with a provision in the agreement, AMAFCA paid the taxes when they became due.

Director Lyon moved approval of the December 2002 Expenditures. Director Stover seconded the motion and it passed unanimously (5-0).

**b. Investment Report**

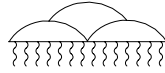
For information.

**c. Financial Recap December 16, 2003 thru January 15, 2003**

For information.

**d. Financial Forecast January 16 thru February 15, 2003**

Director Brown made a motion to approve the Financial Forecast January 16 thru February 15, 2003. Director Stover seconded the motion and it passed unanimously (5-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003**

**Page 4**

**e. Bernalillo County Tax Receipts – Status Report**

Mr. Kelly stated his preliminary review shows that Bernalillo County is overstating the interest by approximately \$935 on what they paid to AMAFCA. They are paying the State Short-Term Fund Rates for each monthly period back to November 1999. The recent payment sent to AMAFCA covered November 2001 thru June 2003 and approximately \$1,900 of that cannot be reconciled. He stated that staff is double-checking Bernalillo County's estimated payments versus the make up payments and that Chester Mattocks, AMAFCA's Auditor, will review these figures.

Mr. Kelly stated that total collections for tax years 1999 and 2000 have been compared against the warrant issued by the Bernalillo County Assessor. He stated that the delinquent payments are not being assigned to their respective tax year.

Mr. Kelly stated that staff is working to reconcile the delinquent payments as well as the delinquent receivables and at that point, staff will be able compare against the assessed valuation and determine exactly what Bernalillo County owes AMAFCA. He stated that he will report back to the Board when Bernalillo County has provided information on the delinquent payments.

Mr. Kelly stated that the cost would be approximately \$2,000 for Chester Mattocks to perform this additional work.

**8. Legal**

**a. Status Report**

Attorney Bregman stated that a final judgment has been entered and that AMAFCA now owns the "orphan lot" in North Albuquerque Acres in fee simple.

Attorney Bregman stated that the Tom Chaves Encroachment case will go forward to trial.

**b. Consideration of Counter Offer on Isleta Surge Pond Property (closed session)**

Director Hernandez made a motion to close the meeting at 10:40 a.m. per Section 10-15-1-H (7) of the Open Meetings Act to discuss potential acquisition of real estate. Director Brown seconded the motion and it passed unanimously (5-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003  
Page 5**

**(Closed Session)**

Director Lyon made a motion to open the meeting at 10:50 a.m. per Section 10-15-1-H (7) of the Open Meetings Act. Director Brown seconded the motion and it passed unanimously (5-0). Chairman Eichenberg stated that the Board did not take any action during closed session and directed Attorney Bregman to proceed.

**c. Reinstatement of Garcia vs. AMAFCA**

Mr. Kelly stated that there was a mediation on this case Friday, January 17, 2003, and Attorney Bregman will review the provisions in the agreement reached in mediation prior to making a full report to the Board at the February 24, 2003 Board Meeting.

Director Stover made a motion to defer this issue until the February 24, 2003 Board Meeting. Director Brown seconded the motion and it passed unanimously (5-0).

**9. North Pino Storm Water Quality Facility - Authorization to Advertise for Construction Bids**

Craig Hoover, representing Bohannon Huston, was present.

Mr. Mainz stated that Bohannon Huston has basically completed the design specifications and requested authorization from the Board to advertise for bids. He described the State Engineer's request for water rights for the permanent pond. He stated that there are a couple of different approaches to have this project approved by the State Engineer's office, one is a dry detention basin, and the other is to satisfy the issue of water rights.

Mr. Mainz stated that he spoke with the State Environmental Department and that they would probably endorse this with the State Engineer's Office as far the benefits of water quality versus the loss of permanent pool water rights. He stated that he believes that there are no water rights needed for this because the "fugitive" water is coming from pump wells or return irrigation from the Journal Center.

Mr. Mainz stated that according to the New Mexico State Engineer's office, this project contains a permanent wet pool and requires documented and approved water rights or the pond must drain within 96 hours. Mr. Mainz confirmed that the pond can be drained by opening a valve and emptied within the 96-hour requirement. This would meet the current requirement of drainage with no design change and that this project can be done as a dry detention basin.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003**

**Page 6**

With regard to this individual project, Mr. Kelly stated that this issue should be resolved within the next few weeks with the New Mexico State Engineer's office. He stated that there are deadlines with the Corps of Engineers for the lower end of the work where the project ties back into the North Pino Inlet.

Director Hernandez made a motion for the Board to authorize the Executive Engineer to advertise for construction bids for the North Pino Arroyo Storm Water Quality Facility. Director Brown seconded the motion and it passed unanimously (5-0).

**10. Five Points Roadway and Drainage Improvements, Phase I – Briefing by Roger Paul, Technical Services Director, Bernalillo County**

Roger Paul, representing Bernalillo County Public Works, was present.

Mr. Paul stated that this project was delayed several years ago and is a two-phase project. It is at 75% of completion of design. He stated that the final design drawings will be completed by February 10, 2003 with anticipated construction commencing in May 2003.

Mr. Paul stated that the original 1999 Agreement will need to be amended for additional construction funding from AMAFCA.

In response to a question asked by Director Hernandez, Mr. Paul answered that the Five Points Roadway floodplain will not be eliminated with this project and that water will be taken south of Sanchez Farm, but the majority of the nuisance flows will be eliminated with this project.

Mr. Kelly stated that the AMAFCA project schedule included construction funding in the amount of \$100,000 and that a draft amendment would be presented to the Board at the February 24, 2003 Board Meeting, to be followed for approval at the March 21, 2003 Board Meeting. The Board concurred in proceeding with the amendment.

**11. Unification Charter Committee – Status Report**

Mr. Kelly stated that to date, there have been no discussions regarding AMAFCA and he was assured that if AMAFCA is brought up in future discussions, he will be notified. He stated that a representative from AMAFCA will continue to attend the meetings.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003  
Page 7**

**12. West I-40 Diversion Channel, Phase III – Status Report**  
**a. West I-40 Diversion Channel Phase III Project – NMSHTD Right of Way Status Report**

Mr. Lovato stated that AMAFCA has received a 33-acre easement from the NMSHTD and transfer of the right-of-way to AMAFCA will not occur until after the project is in construction.

**b. West I-40 Diversion Channel Phase III Project - Status Report Atrisco Node Park Right of Way**

Mr. Lovato stated that a proposed maintenance schedule was agreed to by the City of Albuquerque Public Works and Parks and Recreation Departments. He stated that the Parks and Recreation Department agreed to maintain the bike trail and a portion of the right-of-way north of the drainage facilities. The Public Works Department agreed to maintain the drainage facilities as long as it was designed and constructed per the City of Albuquerque DPM.

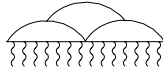
**c. West I-40 Diversion Channel Phase III Project - Status Report City Utility Issues and Proposed Cost Sharing Arrangement with COA**

Dan Hogan, City of Albuquerque Public Works, was present.

Mr. Lovato stated that the City of Albuquerque desires to have only one agreement between them and AMAFCA, so they would like to piggyback the cost sharing agreement to the larger agreement that transferred funds and the project to AMAFCA in 1996.

Mr. Lovato stated that it would be preferred to have a specialty contractor bid on the relocation of the sanitary sewer since it involves bypassing around the 6 M.G.D. of sanitary sewer per day. This work will cost approximately \$300,000 and will entail an additional design cost of \$7,000 for Wilson & Co. to prepare.

Director Hernandez made a motion to direct Wilson & Co. to modify the current design of the West I-40 Diversion Project to allow the utility work at 64<sup>th</sup> Street to be removed and repackaged into a stand alone Project. Director Lyon seconded the motion and it passed unanimously (5-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003**

**Page 8**

**d. West I-40 Diversion Channel Phase III Project - Maintenance of Completed Project**

Mr. Lovato stated that City of Albuquerque Parks & Recreation Department will take care of the maintenance of the northern portion of the project including the bike trail. The City of Albuquerque will take care of the channel itself plus the underground pipe to the new NMSHTD right-of-way and AMAFCA will maintain the water quality pond at Estancia. He stated that AMAFCA's cost of maintenance will be approximately \$2,000 to \$3,000 per year.

Director Lyon made a motion to approve the maintenance proposal, and to direct staff to finalize the Cost Share Agreement and the Maintenance Agreement as discussed and complete the Amendment to the West I-40 Cost Share Agreement. Director Hernandez seconded the motion and it passed unanimously (5-0).

The meeting was recessed at 11:40 a.m. and reconvened at 11:45 a.m.

**e. Schedule Update**

For information.

**13. University of New Mexico BCMC Hospital Expansion – Briefing by James Topmiller, Bohannan Huston**

Roger Lujan, representing The University of New Mexico, Janice Davis, representing University Hospital, Fritz Wiebelhaus, representing DCSW, James Topmiller and Craig Hoover, representing Bohannan Huston, were present.

Mr. Eckert stated that UNM is interested in covering the open channel portion between Yale Blvd. and the existing box culvert and putting in a new box culvert. The easement allows UNM to use the air space over the channel, but reserves AMAFCA the right to gain access for maintenance purposes.

Mr. Topmiller stated that the patient and visitor entrance will be totally reoriented to the north. He stated that the proposed changes with the channel alignment and its treatment will make Yale and Lomas a better functioning intersection.

Mr. Kelly stated that the existing box culvert is 30 years old and the ends of it are starting to show signs of alkali silica reactivity and stated that core samples will be taken. He stated that AMAFCA has requested Bohannan Huston to prepare a study to determine the amount of water reaching the box culvert and to evaluate rebuilding the box from the inside.





**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003**

**Page 9**

He stated that the channel has a separate easement agreement and it provides a 100 ft. opening every 300 ft. on the channel for maintenance access.

Mr. Lujan stated that UNM is awaiting the final funding for this project, and is approximately 1-1/2 to 2 years from beginning to make the changes to the channel alignment. He stated UNM and AMAFCA will work closely together on any engineering or drainage/hydrology issues that would affect UNM from proceeding and also affect AMAFCA's schedule for improvements to sections of the channel. The Board concurred with the approach to be taken and expressed its commitment to work with UNM and the UNM Hospital in redevelopment of the area.

**14. North Edith Drainage – Status Report**

Mr. Mainz stated that the North Edith neighborhood is interested in long-term drainage solutions that might be available through Bernalillo County, the Sandia Pueblo or other possible project development. He stated that the area does receive a significant amount of flooding and that the current project is for a smaller storm solution and will not solve the floodplain problem.

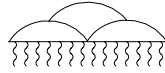
Mr. Mainz stated that in past years, the Bernalillo County Assessor had mistakenly assessed AMAFCA taxes to some properties. In 1988, all of those properties were offered a rebate on any taxes they paid since they were not in the AMAFCA District. He stated that one property owner, Mr. Montoya, sent the check back and indicated that rather than receive the money back, he would want the service for flood protection. Assuming 12% simple interest, his current refund amount is \$211.69. Mr. Montoya has since stated that he will accept the refund as may be approved by the Board.

Mr. Mainz stated that the Corps of Engineers is looking into this area for possible future project consideration.

Director Lyon asked what AMAFCA has done to get that Joint Powers Agreement initiated and he questioned why AMAFCA might be willing to pay a 12% interest rate to Mr. Montoya.

Mr. Kelly stated that the previous Executive Engineer drafted a JPA, sent it to Sandia Pueblo and Bernalillo County and nothing materialized. He stated that he would like to see what the Corps of Engineers does with regard to a possible Federal interest.

Mr. Lovato stated that the feasibility study has already been completed by the Corps.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003  
Page 10**

After discussion, the Board directed staff to issue a check to Mr. Montoya with 7% simple interest added.

The meeting was recessed at 12:30 p.m. and reconvened at 12:35 p.m.

**15. Field Highlights**  
**a. Construction Report**

For information.

**b. Field Report**

Mr. Lovato presented a slide show depicting current projects.

**16. Real Estate**  
**a. Approval of Temporary Recreation License to City of Albuquerque, Disc Golf Course at Kinney Dam**

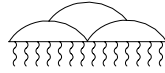
Chris Green, representing Consensus Planning, Deborah Hilyard, representing City of Albuquerque Parks, and Larry Caudill, representing the Wildflower Neighborhood Association were present.

Mr. Eckert and Mr. Green stated that the existing disc golf course near at Wildflower Park potentially will need to be relocated. He stated that the City's Master Development Plan for the park included provisions for recreational facilities at the AMAFCA Kinney Dam. He stated that the City of Albuquerque has acquired certain private properties along Carmel, between Louisiana and Wyoming, which necessitates changing the zoning and updating the Master Plan.

Mr. Kelly stated that there are some concerns with the proposed course layout and with heavy pedestrian activity on top of Kinney Dam. He stated that the dam was built with the intention that it would be used for recreational purposes.

Mr. Caudill stated that the disc course at Wildflower Park is too close to residential property.

Ms. Hilyard stated that the temporary recreation license for the disc course was not renewed in December due to the protests from the Wildflower Home Owner's Association.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting**

**January 21, 2003  
Page 11**

Director Lyon made a motion to grant the temporary license at this time, direct staff to work with the City of Albuquerque and with the Disc Golf Associates to redesign the disc golf course, with the temporary license expiring in 6 months subject to Board action for renewal. Director Stover seconded the motion and it passed unanimously (5-0).

**17. Unfinished Business**

None.

**18. New Business**

**a. Out of State Travel Request, World of Concrete Trade Show, Las Vegas, Nevada**

Director Lyon made a motion for authorization for out of state travel and expenses for 2 members of the maintenance crew to attend the American Concrete Institute World of Concrete conference, not to exceed \$3,600.00, pursuant to Resolution 1998-16. Director Hernandez seconded the motion and it passed unanimously (5-0).

Chairman Eichenberg suggested a brief celebration be prepared by staff in commemoration of AMAFCA's 40<sup>th</sup> anniversary. Mr. Kelly replied that perhaps the celebration could take place in August.

**9. New Business**

None.

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

None.

**20. Adjourn**

There being no further business to come before the Board, Director Stover moved to adjourn the meeting at 1:25 p.m. Director Lyon seconded the motion and it passed unanimously (5-0).

---

Ronald D. Brown, Secretary Treasurer  
2/24/03

Recorded by Lori Webb  
Secretary to the Executive Engineer