

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

March 21, 2003

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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 11:00 a.m. on Friday, March 21, 2003. Roll was noted as follows:

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

Others present: John Kelly, Executive Engineer
Sam Bregman, Attorney
Staff
Maurice and Mary Hobson, New Mexico Outsourcing

2. Approval of Agenda

Director Brown made a motion to approve the agenda. Director Stover seconded the motion and it passed (4-0). Director Hernandez was not present for the vote.

3. Meetings Scheduled

- a. **April 24, 2003, 10:00 a.m. – Regular Meeting**
- b. **May 22, 2003, 10:00 a.m. – Regular Meeting**

Director Hernandez arrived during this discussion.

4. Approval of Minutes

- a. **February 24, 2003**

Following a minor change to the minutes, Director Lyon moved approval of the February 24, 2003 minutes. Director Brown seconded the motion and it passed unanimously (5-0).

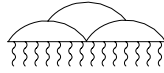
5. Financial Matters

- a. **Approval of February 2003 Expenditures**

Director Brown moved approval of the February 2003 Expenditures. Director Hernandez seconded the motion and it passed unanimously (5-0).

- b. **Investment Report**

For information.



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c. Financial Recap February 16, 2003 thru March 15, 2003

For information.

d. Financial Forecast March 16 thru April 15, 2003

Director Brown moved approval of the Financial Forecast March 16 thru April 15, 2003. Director Hernandez seconded the motion and it passed unanimously (5-0).

e. Results of Sale of Surplus Computer Equipment

For information.

In response to a question asked by Director Lyon, Mr. Kelly stated that AMAFCA was in strict compliance with the State Procurement Code and probably broke even on the surplus computer sale.

6. Legal

a. Status Report

Attorney Bregman stated that the on-going Tom Chaves suit is AMAFCA's only litigation case at this time.

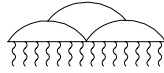
7. Extension of Legal Services Contracts

Mr. Kelly stated that AMAFCA is in the second year of these two agreements and with concurrence of the Board, these agreements can be extended for up to three additional years, for a total term of 4 years.

a. Bregman Law Firm – General Counsel Services

Mr. Kelly stated that Attorney Bregman's fees will stay at the current rate of \$150.00 per hour.

Director Stover made a motion to approve the extension with the Bregman Law Firm to provide general counsel services for an additional year. Director Hernandez seconded the motion and it passed unanimously (5-0).



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b. Modrall Law Firm – Specific Counsel Services

Director Hernandez made a motion to extend the agreement with the Modrall Law Firm for Specific Counsel Services for an additional year at \$165.00 per hour, ending May 23, 2004. Director Brown seconded the motion and it passed unanimously (5-0).

8. North Pino Storm Water Quality Facility

a. Award of Construction Contract

Bill Vreeke, representing Bohannan Huston, was present.

Mr. Mainz stated that Bohannan Huston reviewed all of the bids received and has certified that the low bidder followed the standards of the bidding procedures. Bohannan Huston has recommended the award of the contract to Moore & Cowart Contractors, Inc. In a conversation between Mr. Kelly and Jim Moore, Mr. Moore stated that he is comfortable with his bid.

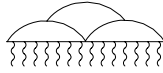
Director Stover made a motion to accept Moore & Cowart Contractors, Inc. as the lowest responsible bidder and authorize the Chairman to execute a contract with Moore & Cowart Contractors, Inc., in the amount of \$374,896.60 for the North Pino Storm Water Quality Enhancement Project. Director Hernandez seconded the motion and it passed unanimously (5-0).

b. Status Report on Discussions with New Mexico Office of State Engineer

Mr. Mainz stated that this project is designed to handle a permanent wet pool, but can be operated as a dry pond if required. He stated that the State Engineer's Office has asked for input on what language needs to be incorporated into the *Dam Safety Design and Operation Criteria* to allow permanent pools for water quality purposes. Mr. Mainz stated that AMAFCA will meet with the City of Albuquerque, Bernalillo County and SSCAFCA to draft preliminary language to respond to this request. He stated that staff is hopeful that appropriate design regulation changes will address the water rights issue and provide for storm water quality improvements. Further discussions with the State Engineer will be scheduled after the current legislative session.

9. Isleta Blvd. Phase 1-A Drainage Improvements – Sanchez Farm Detention Basin and Pump Station Authorization to Advertise for Construction Bids

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



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Mr. Kelly stated that the AMAFCA crew removed all of the archaeological artifacts from the Sanchez Farm House, removed the remaining surface rubble, and placed two feet of fill on top of the foundation to protect it. He stated that AMAFCA is awaiting a signed license from the MRGCD, and plans to advertise for bids on April 5th, and anticipates that construction will begin in early May 2003.

Mr. Kelly stated that the engineer's estimate for this project is \$1,918,000.

Director Hernandez made a motion to authorize the Executive Engineer to advertise for construction bids for the project. Director Stover seconded the motion and it passed unanimously (5-0).

10. Archaeological/Environmental On-Call Services – Authorization to Advertise Request for Proposals for Professional Services

Mr. Kelly stated that with every construction project, the State Historic Preservation Office requires an archaeological and cultural resources survey.

Mr. Kelly stated that the Selection Advisory Committee (SAC) will make a recommendation to the Board of the top ranked firms and then the Board will take action on the SAC's recommendation.

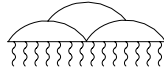
Director Lyon made a motion to change the wording on page two in the Evaluation Criteria Environmental / Archaeological Services from "... appointed by the AMAFCA Executive Engineer" to "... appointed by the AMAFCA Chairman or his designee" and to advertise the RFP. Director Hernandez seconded the motion and it passed unanimously (5-0).

Chairman Eichenberg requested that Attorney Bregman address the issue of "AMAFCA's President" and clarify AMAFCA's corporate structure at the April 24, 2003 Board Meeting.

11. West I-40 Diversion Channel, Phase III – Status Report

Mr. Lovato stated that maintenance responsibilities for the completed project will be divided between the City of Albuquerque Parks and Recreation, Public Works Department, and AMAFCA. He stated that Parks and Recreation is awaiting legal comments before execution of the agreement.

Mr. Lovato stated that review of the DRC on the utility part of the project has just been completed and is ready to be signed. He stated that he anticipates receiving the signed agreement from the City of Albuquerque in two weeks and hopes to present the agreement to the Board at the April 24, 2003 meeting.



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12. 2003 Legislative Session - Briefing by New Mexico Outsourcing

Maurice and Mary Hobson, representing New Mexico Outsourcing, were present.

Mrs. Hobson stated that both House Bill 368 and 369 have passed. She stated that House Bill 220, which covers an increase in per diem and mileage, has passed.

Mr. Hobson stated that Senate Bill 690 and House Bill 424 were well received and have passed.

The Board reviewed and Chairman Eichenberg signed a letter urging Governor Richardson to sign both House Bill 426 and Senate Bill 690. The Board thanked the Hobson's for their work during the session.

13. Real Estate

a. Quitclaim/Release of Floodplain Easement, Vicinity of Irving and Golf Course Rd. (Tracts T-1A-1 and T-1A-2, Town of Alameda Grant)

Director Brown made a motion to declare the AMAFCA Drainage Easement that encumbers Tracts T-1A-1 and T-1A-2, Town of Alameda Grant, as originally granted by plat C23-19 on January 20, 1984, as unnecessary for flood control and drainage by AMAFCA. His motion also authorized the Chairman to execute Quitclaim Deed(s) / Release(s) of Easement to the current owners of Tracts T-1A-1 and T-1A-2. Director Hernandez seconded the motion and it passed (4-0). Director Lyon was not present for the vote.

Chairman Eichenberg recessed the meeting at 12:05 p.m. and reconvened the meeting at 12:15 p.m.

14. Field Highlights

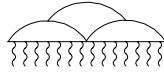
- a. Construction Report**
- b. Field Report**

Mr. Lovato presented a slide show depicting current projects.

Mr. Mainz presented a slide show depicting debris removal structures.

15. 4th Street Drainage Improvements – Hydrology Study and Conceptual Design, Review of Draft Funding Agreement with Village of Los Ranchos

Director Lyon made a motion to approve the Funding Agreement with the Village of Los Ranchos. Director Hernandez seconded the motion and it passed (4-0). Director Brown was not present for the vote.



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16. Amole Arroyo/Sacate Blanco Confluence, Consideration of Agreement with Curb Inc for Contribution to AMAFCA for Deferred Construction of Amole Arroyo Channel Improvements

Mr. Mainz stated that cost estimates were updated and prepared and that Curb, Inc. has agreed to participate one-half of the 70% private funding share of the estimated construction cost. The total cost is estimated at \$847,900, with Curb's share at \$296,765. He stated that AMAFCA currently owns the right-of-way in that section of the channel.

Mr. Mainz stated that the agreement between Curb, Inc. and AMAFCA states that Curb, Inc. will provide cash in lieu of improvements at this time. The money will be held in a construction account for the ultimate improvement of the channel. Mr. Mainz stated that the rest of the private share will be addressed as additional development occurs and eventually the channel will need to be improved.

Director Hernandez made a motion for the Board to approve the agreement and authorize the Chairman to sign the final agreement. Director Lyon seconded the motion and it passed unanimously (5-0).

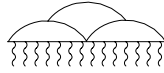
17. FY 2004 Budget

a. AMAFCA Equipment and Fleet Evaluation

Mr. Lovato stated that Unit 105 has logged over 90,000 miles, is in poor condition, and is being used as an all purpose vehicle. He stated that the best replacement would be a 1-ton 4x4 flatbed diesel truck, at an estimated cost of \$34,000. He stated that Unit 102 is worn out and has been used to the full extent of its life, and that it would not be cost efficient to continue repairing it. He stated that the best replacement would be a 2-ton 4x4 diesel powered service truck at an estimated cost of \$38,000. He stated the draft budget included both vehicles.

b. Surplus Property Report

Mr. Eckert discussed 8 potential future surplus properties that AMAFCA owns as identified in the mail-out. Mr. Kelly stated that if a surplus property was sold, it would end up as revenue in the construction fund and at this point, staff recommends programming zero revenues from the sale of surplus property.



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c. Draft Operating Budget - Proposal to Add Additional Maintenance Worker

Mr. Lovato stated that the 8-member maintenance crew has been the same size since 1984. He stated that AMAFCA's infrastructure has grown dramatically, and now has been tasked to clean up the water with the debris removal projects. He stated that an increase of the crew size would keep the AMAFCA facilities maintained in the same manner as in the past.

Mr. Kelly stated that AMAFCA does utilize private contracted assistance, but there are numerous key jobs that the AMAFCA crew performs that demand immediate response for safety hazards and flood emergencies. He stated that the proposed new employee would be hired as a maintenance person, have a high school education, and the ability to obtain a CDL within one year of employment.

It was the concurrence of the Board to add an additional maintenance worker, subject to approval of the FY 2004 General Operating Budget.

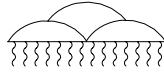
Mr. Kelly stated that he proposes a decrease in the budget for GASB34 channel structural index preparation since the work with AMEC will be complete June 2003. He stated that the Ditch Safety budget will remain the same, and that the legislative budget amount will decrease due to the 30-day session for 2004.

Mr. Kelly stated that the USGS budget amount will remain the same and that it is important to continue to confirm the model being used.

In regard to the storm water quality facilities, Mr. Kelly stated that maintenance needs to be done on a regular basis before flood season and after every storm. He discussed a proposal in the budget of \$100,000 for vacuum truck services to maintain the enclosed spaces and that the most efficient method would be to pump out the manholes, storm basins, and drop inlets. A contract would be put out for bid for these services and require that contractor clean every water quality facility during the months of May and June, and clean the facilities affected after a large rainstorm.

In response to a question asked by Director Brown, Mr. Kelly stated that a new vacuum truck costs approximately \$280,000 plus specialized maintenance.

Mr. Lovato discussed the need for contract labor in the amount of \$25,000 to remove floatable debris from outfalls to the river after each storm event. There has been no success in obtaining community service or prison workers to remove the debris.



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Mr. Lovato discussed the proposed budget figure of \$150,000 for sediment removal contracts. He stated that the sediment at the North Diversion Channel is full of trash and is not suitable to sell.

Mr. Lovato described two building modification options to increase storage space, with one option utilizing the basement and requiring an elevator to be in ADA compliance. The other option would be to extend the upper floor library area to the north. He stated that the temporary perimeter fence needs to be replaced with a permanent security fence for approximately \$30,000.

Mr. Kelly stated that the budget increases in the project operation and maintenance is approximately \$300,000 over last year's amount. To offset this, staff proposes reducing the transfer to Contingency Fund from \$300,000 down to \$100,000 and the net effect would be to reduce the Operating Fund balance by approximately \$100,000 from July 1, 2003 to July 1, 2004. He stated that when the bond rating agencies review AMAFCA's operating balance, they look individually at the Operating Fund as well as at the Contingency Fund and the audit reports the General Fund balance as the sum of both of those funds.

Mr. Kelly stated that he spoke with Lisa Driesner of RBC Dain Rauscher regarding her thoughts on how the bond rating agencies would react to a reduction in the balance. She replied that they would look at both funds, and if there is no change in the total, then the bond rating would probably not be affected.

Chairman Eichenberg stated that he is not in favor of reducing the amount of money in the Contingency Fund transfer.

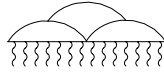
Chairman Eichenberg stated that with the City of Albuquerque in the process of layoffs and reductions, it is not in AMAFCA's best interest to expand to the level suggested in the budget, but that an additional maintenance crew member is needed.

Director Brown stated that he is in concurrence that AMAFCA keep a low profile on additional expenditures.

Chairman Eichenberg stated that he would like to wait until the assessed values are reported by Bernalillo County and see if there is an increase.

d. Construction Fund

Mr. Kelly stated that the Construction Fund budget reflects a continuation of current projects. He stated that he is proposing a few new planning projects, one of which would be moving the Boca Negra / Mariposa into a complete Drainage Management Plan. There is a lot of development interest in the area especially if Unser Blvd. is extended up the escarpment.



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He stated that he has budgeted \$100,000 for this project and anticipates that the City of Albuquerque would share the cost.

Mr. Kelly stated that the second new planning project is a condition of the draft EPA Storm Water Permit that requires the co-permittees to study and evaluate the best method to remove floatables from storm water. He stated that Mr. Mainz has had discussions with the EPA and believes that AMAFCA will obtain a final permit this spring.

In regard to the Lyon Storm Drain Project, Mr. Kelly stated that it would need to be finished before or in conjunction when Unser Blvd. pushes through that reach. He stated that he proposes including the design in the budget, but not the construction cost since construction funding would be subject to the next bond issue.

Mr. Kelly stated that as the La Cueva Inlet Storm Water Quality Facility Project progresses and changes, AMAFCA will be above its budget with current monies. He stated that AMAFCA is studying replacement water quality projects that can be designed this summer and constructed next winter. The La Cueva Project would be funded out of the 2004 Bond issue.

Mr. Kelly stated that he will incorporate the Board's input in the budget and present the second draft budget to the Board at the April 24, 2003 meeting.

18. Unfinished Business

None.

19. New Business

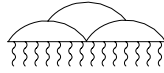
In regard to inspection of the storm water channels, Director Brown suggested that AMAFCA staff observe other higher volume channels owned by the City, County, or State which are critical to AMAFCA. AMAFCA would then inform the respective entities that their channels might require inspection and or maintenance.

In regard to the North Diversion Channel sediment removal, Director Brown suggested that AMAFCA issue a contract to sift the stockpile so that the sediment and trash can be properly disposed of.

Mr. Lovato stated that there is approximately 400,000 yards of stockpiled sediment.

20. Items from the Floor / Public Comment

None.



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21. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 2:00 p.m.

Ronald D. Brown, Secretary-Treasurer

4/24/03

Recorded by Lori Webb
Secretary to the Executive Engineer