

**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 1**

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

Chairman Eichenberg called the Regular Board Meeting to order at 10:05 a.m. Thursday, June 26, 2003. Roll was noted as follows:

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

Directors absent: Director Linda Stover

Others present: John Kelly, Executive Engineer  
Sam Bregman, Attorney  
Staff

**2. Approval of Agenda**

Mr. Kelly requested to add under New Business, Item 24.b. Fire Recovery Assistance.

Director Hernandez made a motion to approve the agenda as modified. Director Lyon seconded the motion and it passed (3-0) with Director Brown not being present for the vote.

**3. Meetings Scheduled**

**a. July 24, 2003, 10:00 a.m. – Regular Meeting**

Director Hernandez made a motion to cancel the July 24, 2003 Regular Board Meeting, subject to the decision of the Chairman if an emergency meeting needs to be held. Director Lyon seconded the motion and it passed (3-0) with Director Brown not being present for the vote.

**b. August 28, 2003, 10:00 a.m. – Regular Meeting**

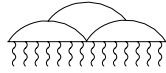
Director Hernandez made a motion to move the August 28 meeting to August 14, 2003. Director Lyon seconded the motion and it passed (3-0) with Director Brown not being present for the vote.

**4. Approval of Minutes**

**a. May 22, 2003**

(Director Brown arrived during discussion of this item)

Director Hernandez made a motion to approve the May 22, 2003 Minutes. Director Lyon seconded the motion and it passed (4-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 2**

**b. May 28, 2003**

Director Hernandez made a motion to approve the May 28, 2003 Minutes. Director Brown seconded the motion and it passed (4-0).

**5. Financial Matters**

**a. Approval of May 2003 Expenditures**

In response to a question asked by Chairman Eichenberg, Mrs. Jeffries stated that the new filing cabinets were purchased through the GSA contract.

Director Lyon made a motion to approve the May 2003 Expenditures. Director Brown seconded the motion and it passed (4-0).

**b. Investment Report**

For information.

**c. Financial Recap May 16, 2003 thru June 15, 2003**

For information.

**d. Financial Forecast June 16, 2003 thru July 15, 2003**

Director Brown made a motion to approve the Financial Forecast June 16, 2003 thru July 15, 2003. Director Hernandez seconded the motion and it passed (4-0).

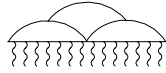
**e. County Treasurer Tax Distribution Update**

Mrs. Jeffries stated that AMAFCA received the 8<sup>th</sup> and final makeup payment from the Bernalillo County Treasurer's Office. She stated that all make up payments and interest payments have been analyzed and that the total interest received from the Treasurer's Office is \$19.08 over what was computed as due. AMAFCA's Auditor, Chester Mattocks CPA, is currently reviewing and confirming the supporting spreadsheets. After his review, a letter will be transmitted to the Bernalillo County Treasurer requesting their review of the situation.

**6. Legal**

**a. Status Report**

Attorney Bregman stated that the Chaves matter is going to trial July 24, 2003 and the defendants have not yet found an expert witness who will testify. He stated that Mr. Eckert will be a witness in addition to an expert witness that will testify for AMAFCA.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 3**

Mr. Kelly stated that AMAFCA has a 1996 aerial photograph of the property prior to Mr. Chaves installing the new wall.

**7. Personnel Matters –**

**a. Adoption of AMAFCA Substance Abuse Policy**

Attorney Bregman stated that with regard to false positive drug/alcohol tests, after careful review of the 49 CFR, the AMAFCA Substance Abuse Policy is in compliance.

Director Hernandez made a motion for the Board to adopt the revised Substance Abuse Policy for inclusion in the AMAFCA Employee Manual and authorize the Executive Engineer to modify the Employee Manual to include the revised Substance Abuse Policy. Director Brown seconded the motion and it passed (4-0).

**b. FY-04 COLA and Base Salary Level Adjustments**

Chairman Eichenberg stated that this revision will bring salary levels for maintenance workers as well as the base salary for engineers up to a normal level. He stated that the Personnel and Salary Committee recommended a 3% COLA for all AMAFCA employees and requested that the Board approve the PSC recommendations.

Director Hernandez made a motion for the Board to approve the recommended changes and authorize the Executive Engineer to revise Appendix A of Resolution 2003-4 Employee Compensation Policy to reflect these changes. Director Brown seconded the motion and it passed (4-0).

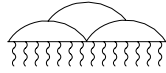
**8. West I-40 Utility Relocation Package – Award of Construction Contract**

Mr. Lovato stated that six contractors submitted bids and the lowest bid received was from New Mexico Underground for a total of \$385,435, which was approximately \$10,000 higher than the engineer's estimate. Of that total amount, the City of Albuquerque is obligated to contribute \$310,560.

Director Hernandez made a motion for the Board to accept New Mexico Underground, Inc. as the lowest responsible bidder and authorize the Chairman to execute a contract with New Mexico Underground, Inc. in the amount of \$385,435.00 for construction of the West I-40 Diversion Channel Utility Work at 64<sup>th</sup> Street Project. Director Brown seconded the motion and it passed (4-0).

**9. Purchase of New Cab and Chassis and Conversion of Water Truck – Consideration of Bids**

Mr. Lovato stated that two bids were received and that Sun Land International, Inc. was the low bidder with a bid of \$53,154.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 4**

Director Brown made a motion for the Board to accept Sun Land International, Inc. as the lowest responsible bidder and authorize purchase of the Cab and Chassis and Conversion of Water Truck from Sun Land International for the amount of \$53,154. Director Hernandez seconded the motion and it passed (4-0).

**10. Purchase of Two Maintenance Vehicles: Authorization to Purchase Under State Contract**

Mr. Lovato stated that the replacement of Units 102 and 105 are identified in the 2004 budget and that total cost for both replacement units is approximately \$72,430.

Director Lyon made a motion for the Board to authorize the Executive Engineer to purchase a 1-ton extended cab 4x4 pickup, and a 1-1/2 ton extended cab 4x4 pickup, under the State of New Mexico's General Service Department Purchasing Divisions Contract for a total amount of \$72,430.00. Director Hernandez seconded the motion and it passed (4-0).

**11. Resolution 1990-10, Disposal of Sediment and Excess Earth – Annual Establishment of Royalty**

Director Hernandez made a motion to maintain the price for sale of excess sediment at \$.50 per cubic yard for next fiscal year. Director Brown seconded the motion and it passed (4-0).

**12. Archaeological/Environmental On-Call Services – Approval of On Call Contracts**  
**a. Marron & Associates, Inc.**  
**b. Taschek Environmental Consulting**

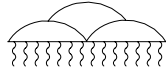
Director Hernandez made a motion for the Board to approve the contracts with Marron & Associates, Inc. and Taschek Environmental Consulting. Director Brown seconded the motion and it passed (4-0).

In response to a question asked by Director Hernandez, Mr. Kelly stated that Parsons Water & Infrastructure are willing to accept the AMAFCA contract as written.

**13. Boca Negra / Mariposa Watersheds Drainage Management Plan –**  
**a. Review of Draft Cost Sharing Agreement with City of Albuquerque**

Dan Hogan, City of Albuquerque Hydrology, was present.

Mr. Kelly stated that this draft cost sharing agreement has been reviewed by AMAFCA counsel and is currently being reviewed by City of Albuquerque counsel. Director Hernandez requested that Section 4.1 be revised to better describe AMAFCA's role in construction of improvements.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 5**

**b. Approval of Selection Advisory Committee Recommendation**

Elvidio Diniz and Gordon Mossburg, representing Resource Technology, Inc. were present.

Mr. Mainz stated that 8 proposals were submitted and reviewed by the Selection Advisory Committee, and Resource Technology, Inc. was selected as the number one submittal.

Director Hernandez made a motion for the Board to accept the recommendation of the Selection Advisory Committee, and authorize the Executive Engineer to commence negotiations per the New Mexico Procurement Code, for an engineering services agreement with Resource Technology, Inc. for the Board's consideration at a future meeting. Director Brown seconded the motion and it passed (4-0).

**14. Amole Arroyo, Snow Vista Confluence to West of Delgado Road Crossing – Approval of Selection Advisory Committee Recommendation**

Don Lopez, representing URS Corporation, was present.

Mr. Mainz stated that the Selection Advisory Committee met on June 24, 2003, reviewed the 6 proposals, and selected URS Corporation as the number one firm.

Mr. Kelly stated that the cost share agreement included construction engineering at 8% of construction which is \$104,000. He stated that he anticipates the actual figure being closer to 6%, for a fee of approximately \$80,000. Mr. Kelly stated that URS had an on-call surveying contract with AMAFCA from 1997 to 2001.

Director Hernandez made a motion for the Board to accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations per the New Mexico Procurement Code, and come back to the Board at a future meeting for approval of an agreement for Construction Engineering Services with URS Corporation. Director Lyon seconded the motion and it passed (4-0).

**15. UNM Hydraulic Modeling Agreement – Approval of FY-04 Agreement**

Director Lyon made a motion for the Board to approve the UNM Open Channel Modeling proposal for Year 15, not to exceed \$50,000, and that the Executive Engineer be authorized to execute the necessary proposal acceptance forms from UNM. Director Hernandez seconded the motion and it passed (3-0) with Director Brown not being present for the vote.

Later in the meeting, Dr. Julie Coonrod, representing UNM Dept. of Civil Engineering, was present. Dr. Coonrod stated that the models currently being studied center around storm water BMPs and ways to keep the debris out of the channels. She discussed the various hydraulic models consisting of a weir model, a baffle basin model, and a bottom grade drop with vertical sidewall and pipe model.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 6**

Mr. Mainz stated that the last model devised for the North Pino project resulted in a significant channel design change. He stated that the model proved feasible and is currently being incorporated into construction and will be operational in one week, along with the debris removal structure.

**16. United States Geologic Survey Cooperative Program – Approval of FY-04 Program**

Mr. Mainz stated that by reassigning some of the gauges and eliminating others, the cost of the program has been reduced by approximately \$20,000. He stated another cost saving measure is changing some gauges from "full record" to "seasonable data" and that this data is the same. He stated that coliform bacteria sampling program has been increased for the FY04 program and discussed the recording flow meter for the Calabacillas Arroyo.

Jack Veenhuis, Orlando Romero and Renee Garcia, representing the USGS Cooperative Program, were present.

Mr. Veenhuis stated that due to the changing water standards in the Rio Grande, this year E-coli will be analyzed along with continued fecal coliform bacteria sampling. He discussed collected bacterial densities in relation to water temperature. He stated that the USGS will be conducting water sampling below the wetland areas this year. He discussed a new, more cost efficient gauge to be installed in the Calabacillas Arroyo that will record the entire hydrograph.

Mr. Veenhuis passed out the USGS Preliminary Report for *Rainfall, Runoff, and Water-Quality Data for the Albuquerque, New Mexico, Metropolitan Area*.

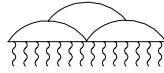
Mr. Mainz stated that the second annual summary report for *Rainfall, Runoff, and Water-Quality Data for the Albuquerque, New Mexico, Metropolitan Area* will soon be available for the AMAFCA library.

Director Hernandez made a motion for the Board to authorize the Executive Engineer to execute the Cooperative Agreement with the USGS and the City of Albuquerque. The AMAFCA participation share amount shall not exceed \$102,656. Director Lyon seconded the motion and it passed (4-0).

**17. Real Estate**

**a. Quitclaim / Release of Easement, Inlet to Mirehaven Channel**

Director Lyon made a motion to defer Item 17.a. to the August 14, 2003 Regular Board Meeting. Director Hernandez seconded the motion and it passed (4-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 7**

**b. Quitclaim / Release of Easement, Lot 14, Block 19, Tract 3, Unit 1, NAA**

Kim Kemper, owner of Lot 14, was present.

Ms. Mazur stated that with the revision of the drainage area to Mr. Kemper's property, the flow has been reduced to approximately 13 cfs.

Director Brown made a motion for the Board to authorize the Board Chairman to execute the Quitclaim Deed / Release of Easement for Lot 14, block 19, Tract 3, Unit 1, North Albuquerque Acres. Director Lyon seconded the motion and it passed (4-0).

**18. Approval of Resolution 2003-4, Disposal of Excess Lands**

Mr. Eckert stated that Senate Bill 690 passed and was signed by the Governor. He stated that this bill will be beneficial to AMAFCA and other public agencies. He stated that the proposed Resolution 2003-4 incorporates the major points that are in the current resolution and inserts methods for negotiated sales, listing of property, and exchange of real property in accordance with SB 690.

Director Hernandez made a motion for the Board to approve the proposed Resolution 2003-4. Director Brown seconded the motion and it passed (4-0).

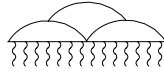
**19. Yorba Linda S.E. Floodplain Modification – Approval of Task Order # 6 with Smith Engineering**

Mr. Kelly stated that Dan Hogan, City of Albuquerque Hydrology, has requested that this LOMR be prepared by Smith Engineering using AMAFCA's On-call contract and that all fees will be reimbursed to AMAFCA by the City of Albuquerque.

Director Hernandez made a motion for the Board to authorize the Executive Engineer to approve an On-Call contract, Category One, Task Order #6, with Smith Engineering for preparation of engineering documentation for a FEMA LOMR for the Tomlinson Outfall to Tijeras Arroyo, Time and Materials amount not to exceed \$10,000 plus required FEMA submittal fees, and that the Executive Engineer be authorized to execute the reimbursement agreement with the City of Albuquerque, subject to review of the agreement by AMAFCA legal. Director Lyon seconded the motion and it passed (4-0).

Chairman Eichenberg recessed the meeting at 11:25 a.m. and reconvened at 11:35 a.m.

Due to the meeting progressing ahead of schedule, Items 21 and 22 were discussed next.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 8**

**21. Authorization to Advertise Contract for Manual Trash and Debris Removal**

Mr. Mainz stated that this manual trash and debris removal work will be conducted during the storm season and after significant storm events as well as through the winter. This contract would be on an on-call basis with a response time identified in the contract. The contract will be in effect through March, 2004.

Director Hernandez made a motion for the Board to authorize the Executive Engineer to advertise for maintenance contract bids for Manual Trash and Debris Removal from Flood Control Facilities. Director Brown seconded the motion and it passed (4-0).

**22. Authorization to Advertise Contract for Mechanical Trash and Debris Removal**

Director Hernandez made a motion for the Board to authorize the Executive Engineer to advertise for maintenance contract bids for Mechanical Trash and Debris Removal from Flood Control Facilities. Director Brown seconded the motion and it passed (4-0).

Chairman Eichenberg recessed the meeting at 11:55 a.m. and reconvened at 12:05 p.m.

**20. Field Highlights**

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

Mr. Lovato and Ms. Mazur presented a slide show depicting current projects.

**23. Unfinished Business**

In regard to the Phil Pickard matter, Mr. Kelly stated that Mr. Pickard made a request to AMAFCA to sell him the 30' of the vacated right-of-way for Anaheim, which is approximately 5,000 sq.ft. AMAFCA made no response to the offer.

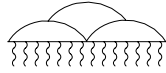
After direction from legal counsel, AMAFCA will proceed with instructing Mr. Pickard to remove the constructed facilities within AMAFCA's right-of-way beyond the landscaping,

Per the request of Chairman Eichenberg, Item 24.a. was discussed next under Unfinished Business.

**a. Discussion on AMAFCA's 40<sup>th</sup> Anniversary Event**

Mr. Kelly discussed various places and dates to hold the event, with the most practical location being the AMAFCA office on August 27<sup>th</sup> and that a late afternoon time would be desirable.





**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 9**

Director Lyon agreed to be on a planning committee along with Director Stover and Mr. Kelly to finalize the details of the event. The planning committee will determine the date, time and location of the event.

**24. New Business**  
**b. Fire Recovery Assistance**

Mr. Kelly requested that Mr. Trujillo call the City of Albuquerque Fire Chief and offer assistance from AMAFCA to help in recovery work on the Bosque fire. Mr. Kelly stated that he anticipates a larger effort led by the City of Albuquerque Open Space Division to rehabilitate the area and requests direction from the Board on offering AMAFCA labor for an extended period of time. He stated that this fire area is within AMAFCA's district and one of the largest flood control conveyances in Albuquerque. He stated that FEMA could possibly reimburse AMAFCA for expenses incurred.

The Board concurred with limited assistance, if requested.

Mr. Kelly discussed the 4<sup>th</sup> of July fireworks display that will be held this year at the Balloon Fiesta Park.

Chairman Eichenberg recessed the meeting at 12:20 p.m. and due to a prior engagement, he excused himself from the rest of the meeting.

Vice-Chairman Hernandez reconvened the meeting at 1:05 p.m.

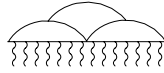
**25. Items from the Floor / Public Comment**

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

Richard Rivas, representing the Vecinos Del Bosque Neighborhood Association, requested that AMAFCA adjust its FY04 budget and direct the deferred funding back to the Five Points Roadway Project.

New Mexico State Representative Miguel Garcia discussed the need for infrastructure improvements in the South Valley, especially the storm drain system and road improvements. He passed around various photos depicting flooding in the area. He mentioned roads with high pedestrian traffic such as Five Points Road, Mae Avenue, Atrisco Drive, Gatewood Road, and Hartline Road.

Representative Garcia requested the Board to reconsider their position with regard to deferring the AMAFCA contribution to the Five Points Road Storm Drain Project. He stated that the NM State Legislature has been very attentive to this community in terms of allocating money for a total upgrade of Five Points Road, sidewalks, curb, new asphalt, and speed humps.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 10**

Representative Garcia stated his concerns with AMAFCA's inattention to the South Valley regarding capital projects. He stated that when Frank Martinez became a director of AMAFCA, he put 5 to 6 projects as a priority that AMAFCA would fund, some of which are Five Points Road, Mae Avenue, Isleta Project, and Hartline Road.

Deacon Santo Abeyta, representing Holy Family Church, stated that Five Points Road is heavily traveled and asked if the Board would be willing to work with the community to get the funding for that project. Vice-Chairman Hernandez answered that the Board would be willing to meet with the community.

Mr. Kelly stated that during the FY04 budget delegations, the AMAFCA Board looked carefully at the remaining money left from the 2000 Bond Authorization. He stated that from the remaining balance, in-progress projects were subtracted and decisions had to be made for AMAFCA to stay in the black. He stated that AMAFCA cannot overspend the money left from the 2000 election and expects to ask the voters in 2004 for more capital money. He stated that other projects had come in based on cost share initiatives from the City of Albuquerque and Bernalillo County. He stated that other projects have come in above budget and as a result, numerous projects were put into deferred status and but not eliminated from the project schedule. Eight different projects throughout AMAFCA's district were deferred. He stated that AMAFCA has two major projects coming to bid in September that total approximately \$6.5 Million.

Mr. Kelly stated that AMAFCA will work with Bernalillo County and the 5 Points Road neighborhood on what needs to be done, but cannot commit at this time due to the projects coming up to bid.

Director Brown stated that the entire valley area there does not have a gravity flow to the Rio Grande and that the pump stations are the primary facility that must be installed before the network can be expanded with storm sewers to drain the area. He stated AMAFCA is not able to drain the storm water runoff from AMAFCA facilities into the Middle Rio Grande Conservancy District's ditches in the south valley and that the Isleta Pueblo does not want storm water runoff ultimately going to the Pueblo.

Mr. Kelly stated that the Sanchez Farm Pump Station is the low end of all of the storm drain systems in this area and is the one pump station and outfall to the Rio Grande that will serve Isleta, Bridge, Hartline, Five Points, Gatewood, and basically the entire area. With regard to the two projects that are coming up for bid, they have been on AMAFCA's project schedule much longer than Five Points, with planning going back 6 or 8 years, and have been in design for 3-1/2 years. He stated that one of the two is a major project that diverts flows out of the valley along I-40. If water is not diverted in the upland area, it will end up down in the valley. He stated that this is definitely a priority project because it intersects water ultimately from the top of 9 Mile Hill along I-40 and takes it into the Rio Grande before it gets into the valley.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 26, 2003  
Page 11**

Vice-Chairman Hernandez stated that 50% of AMAFCA's construction budget has been going to projects that possibly affect the south valley.

Mr. Paul stated that the Five Points Road Project, as currently designed, ties into the Bridge system that is in place today. It was redesigned and slightly expanded in conjunction with the Corps of Engineers study that had been ongoing for several years. There is a future project that will carry water down the Golf/Sunset corridor that will eventually pick up the Five Points system that Bernalillo had designed at the connection to the Bridge system that will be done with this project. The current project, as designed will tie-in and not yet drain to the Sanchez Farm. Ultimately this water will be diverted down to the Sanchez Farm System when that next leg is constructed.

Deacon Santo Abeyta asked that if AMAFCA does not have the funding now, when is the soonest that funding will be received from property taxes?

Mr. Kelly stated that November 2004 is AMAFCA's next bond election.

In response to a question asked by Director Lyon, Mr. Paul stated that Bernalillo County Public Works has the construction plans ready to go for the first phase and have done some preliminary work on the second phase but it not designed yet.

Mr. Rivas requested consideration from the AMAFCA Board that if two upcoming bid proposals for AMAFCA come in lower than expected, that \$100,000 be allocated to the Five Points Road Project. In response to this request, Vice-Chair Hernandez stated that due to constraints of the Open Meetings Act, Five Points Road is not listed as an action item and no discussion or action can be taken during today's meeting. Vice-Chairman Hernandez stated that he will discuss with Chairman Eichenberg adding the Five Points Roadway Project to the August 14, 2003 agenda for discussion.

**26. Adjourn**

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

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Ronald D. Brown, Secretary-Treasurer  
8/14/03

Recorded by Lori Webb  
Secretary to the Executive Engineer