

**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
August 14, 2003  
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**1. Call to Order and Roll Call**

Chairman Eichenberg called the Regular Board Meeting to order at 10:05 a.m. Thursday, August 14, 2003. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Linda Stover Director Daniel Hernandez Director Daniel Lyon
Directors absent:	Director Ronald D. Brown
Others present:	John Kelly, Executive Engineer Sam Bregman, Attorney Staff

**2. Approval of Agenda**

Director Hernandez made a motion to approve the agenda. Director Stover seconded the motion and it passed (4-0).

**3. Meetings Scheduled**

**a. September 25, 2003, 10:00 a.m. – Regular Meeting**

Following discussion, the September 25, 2003 Regular Meeting was changed to 1:00 p.m. with AMAFCA's 40<sup>th</sup> Anniversary Celebration to follow.

**b. October 23, 2003, 10:00 a.m. – Regular Meeting**

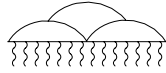
**4. Election of Vice-Chair**

Director Hernandez stated that he resigned from his position as Vice-Chairman of the Board and nominated Director Stover as the new Vice-Chair. The election nomination was passed (3-0), with Director Lyon not voting.

**5. Approval of Minutes**

**a. June 26, 2003**

Following a minor change to the minutes, Director Lyon made a motion to approve the June 26, 2003 Minutes. Director Stover seconded the motion and it passed (4-0).



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**6. Financial Matters**

**a. Approval of June 2003 Expenditures**

In response to a question asked by Director Hernandez in regard to an invoice from New Mexico Outsourcing, Mrs. Jeffries stated that this covered interim legislative work. Director Hernandez made a motion to approve the June 2003 Expenditures. Director Stover seconded the motion and it passed (4-0).

**b. Approval of July 2003 Expenditures**

Director Stover made a motion to approved the July 2003 Expenditures. Director Hernandez seconded the motion and it passed (4-0).

**c. Investment Report**

For information.

**d. Financial Recap June 16, 2003 thru August 15, 2003**

For information.

**e. Financial Forecast August 15, 2003 thru September 16, 2003**

Director made a motion to accept the Financial Forecast August 15, 2003 thru September 16, 2003. Director Stover seconded the motion and it passed (3-0) with Director Lyon not present for the vote.

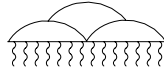
**f. Certification of Budget by DFA**

Mr. Kelly stated that the FY2004 Budget has been certified by the Department of Finance.

**g. County Treasurer Tax Distribution Update**

Mr. Kelly stated that AMAFCA's auditor, Chester Mattocks, CPA, is currently reviewing the documentation of makeup payments from Bernalillo County and has concurred with the methodology used for allocating the makeup payments between the Operating Fund and Debt Service Fund. According to Mr. Mattocks, Bernalillo County will need to submit to AMAFCA an accurate accounting of delinquent taxes paid, allocated to the year in which they are due and in addition, a listing of delinquent receivables that were paid.

Mr. Eckert reported to the Board that every commercial and residential property he investigated were taxed at the correct mill rates from 1997 through 2002.



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**7. Approval of Resolution 2003-5, Ad Valorem Tax Levy, Debt Service Fund**

Lisa Fenner and Kevin Powers representing RBC Dain Rauscher, were present.

Chairman Eichenberg stated that the staff and Financial Advisor's recommendation is that there is no increase or decrease in the mill levy rate and will remain the same as last year. Director Hernandez made a motion to approve Resolution 2003-5, Ad Valorem Tax Levy, Debt Service Fund setting the mill levy at \$0.675. Director Stover seconded the motion and it passed (4-0).

**8. Approval of Resolution 2003-6, Ad Valorem Tax Levy, General Operating Fund**

Director Hernandez made a motion to approve Resolution 2003-6, Ad Valorem Tax Levy, General Operating Fund setting the mill levy at \$0.186 residential and \$0.433 non-residential. Director Lyon seconded the motion and it passed (4-0).

**9. Legal**

**a. Status Report**

For information.

**10. West I-40 Phase III Diversion Channel**

**a. Approval of Supplement to Engineering Services Contract for Construction Engineering Services with Wilson & Co.**

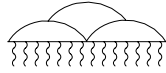
Dan Hogan, City of Albuquerque Public Works/Hydrology, was present.  
Dan Aguirre and Chris Perea, representing Wilson & Co. were present.

Director Hernandez made a motion to approve the Supplement Agreement Number Five with Wilson & Co. for the West I-40 Channel Phase III Project. Director Lyon seconded the motion and it passed (4-0).

**b. Authorization to Advertise for Construction Bids**

Mr. Kelly stated that the current cost of the project is approximately \$5.7 Million, and retains all the aesthetic consideration that the Board desired in addition to the noise considerations along I-40, the landscape and hardscape, and the water quality features, including provisions to hookup the West Mesa diversion flowing from the south.

Mr. Kelly stated that AMAFCA has requested that the City of Albuquerque consider participation in the project. The City's Hydrology Division Manager is supportive of \$500,000 and will present the proposal to the Director of the new Municipal Development Department.



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He stated that Mr. Lovato has a draft amendment to the agreement with the City of Albuquerque to provide that funding.

In consideration of the cost overage, Mr. Kelly reviewed the construction fund balance. He discussed other projects that could be deferred to accommodate the increase in the cost of this project.

Director Hernandez asked if there was any cost-share participation for the West I-40 DMP and stated that there must be some creative way to cost-share with those who benefit directly from this project.

Mr. Kelly stated that Westland Development Company is working on the Mirehaven Arroyo. AMAFCA has a turn-key agreement for the lower end of that arroyo and staff is in discussions with Westland for a turn-key agreement for the upper end of the arroyo. He stated that Westland has made a request for AMAFCA to cost-share that piece of the arroyo.

Mr. Kelly stated that the options are to reduce the scope of the project to bring it back down into the budgeted figure.

Mr. Kelly stated that the City of Albuquerque's participation will help with the overrun.

After further discussion, the consensus of the Board was to meet with the upstream owners to discuss their participation, to firm up the cost sharing agreement with the City, and to continue to value engineer the project.

Director Hernandez made a motion to defer this item to the September 25, 2003 Board Meeting and allow AMAFCA staff to present to the Board a creative solution to the overrun. Director Stover seconded the motion and it passed (4-0).

**11. Amole Arroyo, Snow Vista Channel to West of Delgado Road**  
**a. Approval of Agreement for Construction Engineering Services with URS Corp.**

Don Lopez, representing URS Corporation, was present.

Director Hernandez made a motion to approve the Agreement with URS Corporation to provide Construction Engineering Services for the construction of the Amole Arroyo, from Snow Vista to West of Delgado Road. Director Stover seconded the motion and it passed (4-0).



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**b. Authorization to Advertise for Construction Bids**

Director Hernandez made a motion to authorize the Executive Engineer to advertise for construction bids for the Amole Arroyo, Snow Vista to West of Delgado Road project. Director Stover seconded the motion and it passed (4-0).

**12. Manual Trash and Debris Removal – Award of Contract to Delgado Enterprises, LLC**

Director Stover made a motion that the Board accept Delgado Enterprises, LLC as the lowest responsible bidder and authorize the Board Chairman to execute a contract with Delgado Enterprises, LLC in the amount of \$49,100 for the Manual Debris and Trash Removal Contract. Director Hernandez seconded the motion and it passed (4-0).

**13. Mechanical Trash and Debris Removal – Award of Contract to Southwest Sewer Service**

Desi Schollander, representing Southwest Sewer Service, was present.

Director Lyon made a motion that the Board accept Southwest Sewer Service as the lowest responsible bidder and authorize the Chairman to execute a contract with Southwest Sewer Service in the amount of \$97,500 for the Mechanical Trash and Debris Removal Contract. Director Hernandez seconded the motion and it passed (4-0).

**14. Archaeological/Environmental On-Call Services – Approval of On-Call Contract with Parsons Water and Infrastructure Group**

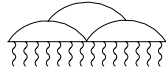
Director Lyon made a motion that the Board approve the contract with Parsons Water and Infrastructure, Inc. Director Hernandez seconded the motion and it passed (2-1) with Chairman Eichenberg voting no and Director Hernandez not present for the vote.

**15. Boca Negra / Mariposa Watersheds Drainage Management Plan  
a. Approval of Cost Share Agreement with City of Albuquerque**

Director Hernandez made a motion that the Board approve the proposed cost share agreement with the City of Albuquerque for the Boca Negra / Mariposa Drainage Management Plan Study. Director Stover seconded the motion and it passed (4-0).

**b. Approval of Engineering Services Agreement with Resource Technology, Inc.**

Director Stover made a motion that the Board approve the Agreement with Resource Technology, Inc. to provide Professional Engineering Services for the Boca Negra / Mariposa Drainage Management Plan Study. Director Lyon seconded the motion and it passed (4-0).



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**16. Authorization to Advertise RFP for On Call Engineering Services in Three Categories of Work**

Director Stover made a motion that the Board authorize advertisement of an RFP for On-Call Engineering Services in three categories. Director Hernandez seconded the motion and it passed (4-0).

**17. Bear Canyon Inlet Arroyo Water Quality Facility – Approval of On-Call Engineering Services Task Order # 6 with ASCG, Inc. for Conceptual Design of Facility**

Dale Hall, representing New Mexico Department of Game & Fish, and Clint Dodge, representing ASCG, Inc. were present.

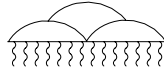
Christy Jones explained the project and the potential joint use facility behind the New Mexico Department of Game & Fish office.

In response to a question asked by Chairman Eichenberg, Mr. Hall stated that at this point in time, the Department of Game & Fish does not have any monies dedicated to this project and will try to seek donations from volunteers and also try to allocate money in the budget. He stated that they are currently looking for water rights to fill the kids fishing pond. Mr. Kelly stated that AMAFCA has made a request to the City of Albuquerque to tap into their raw water conveyance line. He also stated that this project will make use of the money identified for the La Cueva Inlet by the Balloon Fiesta Park. Considerations for the Bear Canyon Inlet Arroyo project are debris removal with a secondary constructed wetland.

Director Hernandez made a motion for Board approval of On-Call Engineering Services Task Order # 6 with ASCG, Inc. for Conceptual Design of Facility of the Bear Canyon Inlet Arroyo Water Quality Facility. Director Stover seconded the motion.

During discussion, Director Lyon pointed out that there were two parts to Ms. Jones' recommendation. He offered to state the recommendation for the purpose of the meeting minutes. Chairman Eichenberg then asked Director Hernandez if Director Lyon moved this item. Director Hernandez concurred. Director Lyon then recommended that:

- That the Board instruct the Executive Engineer to continue negotiations with the New Mexico Department of Game and Fish for participative funding in the development project of the youth educational facility as described and to draft an agreement with the New Mexico Department of Game and Fish for minor debris cleanup maintenance of the youth educational facility area of the Bear Canyon Arroyo Inlet to the North Diversion Channel.



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- That the Board authorize the Executive Engineer to approve On-Call Engineering Services, Category Two, Task Order No. 6, with ASCG, Inc. for Part A and Part B of the project as discussed, for a total combined time and materials fee for Part A and Part B not to exceed \$28,800, excluding New Mexico Gross Receipts Tax.

Director Stover seconded the motion and it passed (4-0).

**18. Yorba Linda S.E. Floodplain Modification – Consideration of Cost Reimbursement Agreement with City of Albuquerque**

Director Stover made a motion for the Board to authorize the Executive Engineer to execute the Cost Reimbursement Agreement with the City of Albuquerque for the Yorba Linda S.E. Floodplain Modification. Director Hernandez seconded the motion and it passed (4-0).

**19. Pino Arroyo LOMR at Wyoming**

**a. Approval of Amendment to Agreement with City of Albuquerque**

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

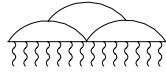
Director Lyon made a motion for the Board to approve the First Amendment to the "Agreement for Funding for Preparation of Construction Documents for Improvements on the Pino Arroyo and Documentation for a CLOMR for the Pino Arroyo at Wyoming Boulevard", substantially the same as attached. Director Hernandez seconded the motion and it passed (4-0).

In response to a question asked by Chairman Eichenberg, Mr. Kelly stated that \$29,000 was originally projected for the LOMR and due to numerous FEMA comments and the City of Albuquerque splitting the project into two bid packages that required setting up two sets of contract documents, the original contract was exceeded by \$8,400. Mr. Kelly stated that this project is being 100% reimbursed by the City of Albuquerque. The City is utilizing AMAFCA's on-call contract with Bohannon Huston, Inc.

**b. Approval of Amendment to On-Call Engineering Services Task Order # 5 with Bohannon Huston, Inc.**

Brad Dixon, representing Bohannon Huston, was present.

Director Hernandez made a motion for the Board to approve amendment for Task #5 to Bohannon Huston, Inc. On-Call Engineering Services Agreement in the amount of \$8,268.75, excluding NMGRT. Director Stover seconded the motion and it passed (4-0).



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**20. Corps of Engineers SW Valley Drainage Improvements Project – Review and Comment on Draft MOU between MRGCD, Bernalillo County and AMAFCA regarding Design, Inspection and Maintenance of Project**

Mr. Lovato stated that the Corps of Engineers will have a draft report at the end of August and possibly a formal review by Corps of Engineers Headquarters in mid-September.

Mr. Kelly stated that the flow rate requested by the Isleta Pueblo is substantially less than what the MRGCD would like to see. That drain is operated as a conveyance channel. He stated that there is a lawsuit between the Isleta Pueblo and the Federal Government regarding mis-operation of the system.

Mr. Kelly stated that Senator Domenici has approximately \$1 Million programmed in the water program for the Black Mesa Pump Station, and has since passed the budgets for the House and Senate. This money will be used for initial design of the Black Mesa Pump Station upgrade and utilize AMAFCA's property at Isleta and Malpais as a detention pond. He stated that AMAFCA is on MRGCD board meeting agenda scheduled for August 25, 2003 for their first review of the MOU.

**21. Extension of On-Call Services**

- a. Surveying Services**
- b. Site Photography Services**
- c. Title Services**
- d. Real Estate Appraisal Services**
- e. Geotechnical / Environmental**

Mr. Eckert stated that AMAFCA staff is satisfied with the services of all the on-call contractors and all contractors would like to extend their contracts for an additional year. He stated that all fee schedules will remain unchanged.

Director Hernandez made a motion that the Board authorize the Executive Engineer to extend each of the above listed on-call contracts for an additional one (1) year term per the provisions of the contracts. Director Lyon seconded the motion and it passed (4-0).

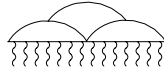
Chairman Eichenberg recessed the meeting at 11:25 a.m. and reconvened at 11:40 a.m.

**22. Field Highlights**

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

Mr. Lovato presented a slide show depicting current projects.





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**23. Amole Arroyo, Amole Dam to Snow Vista Channel – Status Report**

Mr. Kelly reported that staff is continuing negotiations with Curb, Inc. for improving the Amole Arroyo from the dam upstream to the Snow Vista Channel.

Chairman Eichenberg suggested that this project area would be a good site visit for Board members.

**24. La Cueva Arroyo Avulsion Number Four – Briefing by Resource Technology, Inc.**

Michael Smith and Gordon Mossberg, representing Resource Technology, Inc. were present.

Mr. Mainz discussed the proposed solution of a slight grade change to the roadway to prevent the avulsion from occurring on Modesto and Glendale roads as well as berms and bank protection along the outside limits of the La Cueva Arroyo Floodplain. He stated that this solution would require acquisitions of property and easements in the area.

Mr. Kelly stated that from a drainage management point of view, if the avulsions are not controlled, then the entire La Cueva flow has the potential to travel down the Camino Arroyo. He stated that facilities have not been constructed on the Camino Arroyo to handle the La Cueva flows, but problem areas near the source of the avulsion have been addressed. He stated that private development has solved part of the avulsion problem.

Mr. Kelly stated that minimal work would be done on the two lots acquired plus a third lot that would likely be acquired and potentially sold after improvements are done.

He stated that RTI was able to work within the right-of-way on Glendale Road and only impact three lots nearby.

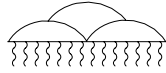
In response to a land acquisition cost question asked by Chairman Eichenberg, Mr. Eckert stated that based on two floodplain lots and one developable lot, he estimated the acquisition cost would likely be approximately \$150,000 to \$200,000.

Mr. Kelly stated that a formal report will be prepared for the Board's review and followed up with a resolution for property acquisition if decided upon.

**25. Real Estate**

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

Mr. Eckert stated that Attorney Bregman researched this issue and has provided a recommendation to staff that it is appropriate to issue a Quitclaim Deed / Release of Easement to Unser 98<sup>th</sup> Street Partnership.



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Director Stover made a motion that the Board declare Parcel LD-3-1F, Parcel LD-3-1G and Parcel LD-3-1H, obtained by court judgment recorded September 28, 1976, abandoned and unnecessary for flood control and drainage by AMAFCA and that the Board authorize the Chairman to execute a Quitclaim Deed / Release of Easement for Parcel LD-3-1F, Parcel LD-3-1G and parcel LD-3-1H. Director Hernandez seconded the motion and it passed (3-1) with Director Lyon voting no.

**b. Quitclaim / Release of Easement, Drainage Management Areas within Tract 2A, Portions of Paradise Heights Units 1, 2,3,4, within the Black Arroyo Watershed**

Director Hernandez made a motion that the Board declare the 2 Drainage Management Area easements within Tract 2A that were dedicated to AMAFCA by Plat filed March 28, 1985 in Vol. C26, Folio 167 as unnecessary for flood control and drainage by AMAFCA and that the Board authorize the Chairman to execute a Quitclaim Deed / Release of Easement for the 2 Drainage Management Area easements within Tract 2A. Director Lyon seconded the motion and it passed (4-0).

**26. Unfinished Business**

**a. Status Report Regarding AMAFCA's 40<sup>th</sup> Anniversary Celebration**

Mr. Kelly stated that Griffin & Associates will prepare the 40<sup>th</sup> Anniversary Celebration invitation to be held on Thursday, September 25, 2003. After discussion, the Board's consensus was that light refreshments and cake will be served, with the celebration to take place at 4:30 p.m. after the Board Meeting.

**b. Other**

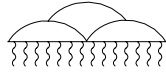
Mr. Kelly stated that the Borega LOMR was approved, effective October 2003. He stated that written notification will be sent from AMAFCA to the property owners in the area.

**27. New Business**

Mr. Lovato gave a brief overview of the StormCon 2003 held in San Antonio, TX in July.

Director Hernandez stated that he attended the Department of Interior 2025 Water Conference.

In response to a question asked by Director Lyon regarding Five Points Road Project, Mr. Kelly stated that money was listed for Five Points Road on AMAFCA's project schedule, and when it was time to prepare an agreement to commit that money to the project, the Board elected to defer action on it.



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

Roger Paul, Bernalillo County Public Works, announced that a ribbon cutting ceremony for their Isleta Blvd. Project is scheduled for the end of August and invitations will be sent out to the Board members.

**29. Adjourn**

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 12:35 p.m.

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Ronald D. Brown, Secretary-Treasurer 9/25/03

Recorded by Lori Webb  
Secretary to the Executive Engineer