



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Special Meeting Minutes  
October 9, 2003**

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

Chairman Eichenberg called the Special Board Meeting to order at 8:00 a.m. Thursday, October 9, 2003. Roll was noted as follows:

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

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

The non-action items were discussed first. Director Hernandez arrived during this discussion.

Mr. Kelly discussed the recently approved Borrega Dam and Channel Letter of Map Revision that was in the mailout for information. He stated that Bohannon Huston prepared the LOMR and provided to AMAFCA a list of the 35 property owners affected and that staff notified all of the owners.

**2. Approval of Agenda**

Director Hernandez made a motion to approve the agenda. Director Brown seconded the motion and it passed (3-0).

**3. Amole Arroyo, Snow Vista Channel to West of Delgado Road - Award of Construction Contract**

Director Stover arrived during this discussion.

Bo Johnson, representing Curb, Inc., was present.  
Don Lopez, representing URS Corporation, was present.  
Dirk Holtman, representing A. S. Horner, was present.

Mr. Mainz stated that six contractors submitted bids and the low bid was submitted by A. S. Horner. He stated that final engineer's estimate was \$1,602,017.08, and A. S. Horner's bid was \$1,709,698.95. He stated that URS reviewed the bids and determined that they were balanced.

Mr. Bo Johnson stated that Curb, Inc. accepts the bids and felt that it was a fair bidding process. He stated that Curb, Inc. would like to start work as soon as possible and they supported the award to A. S. Horner.

Mr. Kelly stated that A. S. Horner assisted AMAFCA with the 1999 emergency repair on the North Diversion Channel where 300' of the channel was lost. He stated that A. S. Horner also completed the Corrales Main Canal Upgrade on the Calabacillas Outlet Project which is a similar shotcrete channel to the Amole Arroyo Project.

Mr. Holtman stated that if the Board awards the project, A. S. Horner anticipates starting this project around October 20<sup>th</sup>.

Mr. Kelly stated that funding is in place and that per the agreement, the construction cost increase of approximately \$400,000 will be paid approximately 70% by AMAFCA and 30% by Curb, Inc.

Director Hernandez made a motion to accept A. S. Horner, Inc. as the lowest responsible bidder and authorize the Chairman to execute a contract with A. S. Horner, Inc. in the amount of \$1,709,698.95 for the Amole Arroyo, Snow Vista to Delgado Road Project. Director Brown seconded the motion and it passed (4-0).

#### **4. West I-40 Phase III Diversion Channel - Potential Cost Sharing from Upstream Owners**

Director Lyon arrived during this discussion.

Leroy Chavez and Fred Ambrogi, representing Westland Development, were present.

Mr. Kelly stated that Wilson & Co. is finishing the final value engineering. He stated that he anticipates receiving final approval from the City of Albuquerque by next week, then advertising for the bid with a November bid opening.

Mr. Kelly stated that at the previous board meeting, the Board directed staff to continue discussions with the upstream landowners that will benefit from the project and provide a description of acreage owned. Mr. Kelly stated that after map and record review, it was determined that there are approximately 538 private undeveloped acres that drain directly to the West I-40 Channel.

He stated that the project is designed for 1560 cfs, with 940 cfs for existing flows, and that the 620 cfs or approximately 39.7% difference is reserved for upstream development. Allocating the 39.7% of the project cost of \$5.3M (not including bike trail) results in an allocation of \$3,985 per undeveloped acre.

Mr. Kelly stated that development downstream of I-40 already had to design for existing conditions and to accommodate future flows. As such, he did not allocate any project costs to the property downstream of I-40.

As part of AMAFCA's agreement with Westland for the Painted Sky Subdivision, a large detention pond was put in upstream of I-40 that serves as a retention pond for the Painted Sky Subdivision in addition to cutting off the flows to the floodplain for the Albuquerque SunTran Transit Center south of I-40.

Mr. Kelly discussed his meeting with Westland with regard to their proposed Sundoro Subdivision and how the interior crossing on Parkway Drive needs to be upsized to serve that subdivision.

Mr. Kelly stated that Westland maintains that a 70/30 split may be appropriate for a project that removes floodplain for development, but since this is a diversion channel and no floodplain is involved, that some consideration of downstream protection must be included. Mr. Kelly stated that the downstream protection is cited in the Drainage Management Plan as one of the reasons to extend this project and this project will have impact all the way into the valley.

Director Hernandez stated that if AMAFCA is going to be fair, then Westland should not be treated any different than Curb, Inc. He stated that Curb, Inc. is paying 70% of the cost, and if Curb, Inc. can make a profit at 70%, then Westland should be able to make a profit.

Director Hernandez stated that approximately 90% of the upstream acreage belongs to Westland Development, and feels that the people residing downstream should not be paying for flooding that was created by Westland's subdivisions.

Mr. Kelly stated that he told Westland that there would be no action on the plat for Sundoro South until there is an agreement for the Master Plan facilities. He stated that this request is similar to the agreement for the Painted Sky Subdivision.

Mr. Kelly stated that staff has spoke with four of the other private owners and they have all advised that they do not have the money at this time to participate, they are not in the development mode, and did not see any reason to enter into an agreement with AMAFCA for a contribution at the time of platting. He stated that Westland has made the only offer for participation in the amount of \$250,000, contingent on participation on the Mirehaven Arroyo upstream of Dam 12.

In response to a question asked by Director Stover, Mr. Kelly stated that Sundoro South will drain to the future channel and that AMAFCA has right-of-way purchased up to 98<sup>th</sup> Street, but improvements are programmed just past Unser Blvd. He stated that there is a long stretch of channel that is not yet built that is needed to serve Sundoro South.

Director Stover stated that even though Westland is a corporation, they still represent small land owners. Mr. Kelly stated that AMAFCA is applying AMAFCA Drainage Resolution 1980-15 in as fair of a manner as possible and feels that this subdivision is similar to the Painted Sky Subdivision where there is a Master Plan for infrastructure.

With regard to the problems with Dam 12, Mr. Leroy Chavez stated that Westland upgraded the pipe under Ladera and had given two acres of land to AMAFCA.

Mr. Kelly stated that the DMP called for upsizing Dam12 and that Westland's engineer discovered that either Dams 10 or 11 can be upsized and have the same effect by metering the flows there instead of at Dam 12. He stated that a capacity increase is needed and ultimately, the DMP recommended diverting 100 cfs out of Dam 12 over to the Parkway Channel to take the frequent flows out of a rip/rap and gabion stabilized channel between Dams 12 and 13. He stated that the recommendation was for the operation and maintenance of the system as much as it was for Dam 12 spilling over.

In regard to Sundoro South, Director Brown stated that AMAFCA needs to have a fair dollar deal with Westland and they need to devise an interim solution so they can begin construction on Sundoro South. He stated that AMAFCA needs to use the same methodology of upsizing that accommodates development. He stated that the trunk system along I-40 is only part of the cost because developers have to run receiving facilities upstream to the north which are costly.

Director Brown stated that development interests should have the upsizing costs, and he recommended that the development interests pay their share of the incremental cost over and above the cost that the public sector should pay for the trunk facility to accommodate existing flows.

Chairman Eichenberg directed staff to resolve this matter with Westland, considering the input from the Board, and then present a solution to the Board at a future meeting.

## **5. Unfinished Business**

Discussed at the beginning of the Board Meeting.

## **6. New Business**

None.

## **7. Items from the Floor / Public Comment**

None.

## **8. Adjourn**

Director Hernandez made a motion to adjourn the meeting at 9:05 a.m. Director Brown seconded the motion and it passed unanimously (5-0).

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Ronald D. Brown, Secretary-Treasurer 10/23/03

Recorded by Lori Webb  
Secretary to the Executive Engineer