

**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 23, 2003
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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:00 a.m. Thursday, October 23, 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

2. Approval of Agenda

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

3. Meetings Scheduled

- a. **November 20, 2003, 10:00 a.m. – Regular Meeting**
- b. **December 18, 2003, 10:00 a.m. – Regular Meeting**

4. Approval of Minutes

- a. **September 25, 2003**

Director Stover made a motion to approve the September 25, 2003 Minutes. Director Lyon seconded the motion and it passed unanimously (5-0).

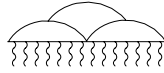
- b. **October 9, 2003**

Following a minor change to the minutes, Director Stover made a motion to approve the October 9, 2003 Minutes. Director Hernandez seconded the motion and it passed unanimously (5-0).

5. Financial Matters

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

Director Brown made a motion to approve the September 2003 Expenditures. Director Stover seconded the motion and it passed unanimously (5-0).



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b. Investment Report

In regard to the Investment Report, Mr. Kelly stated that he would verify the interest rate and report back to the Board at the November 20, 2003 Board Meeting.

c. Financial Recap September 16, 2003 thru October 15, 2003

For information.

d. Financial Forecast October 16, 2003 thru November 15, 2003

Director Hernandez made a motion to approve the Financial Forecast October 16, 2003 thru November 15, 2003. Director Lyon seconded the motion and it passed unanimously (5-0).

e. County Treasurer Tax Distribution Update

Mr. Kelly stated that staff is awaiting the tax distribution information from Bernalillo County regarding the delinquent payments that have been made and tracked back to the year in which they were due.

6. Legal

a. Status Report

Attorney Bregman stated that two litigation matters are progressing forward, with the Chaves expert witness deposition to be scheduled within the next few days.

In response to a question asked by Director Lyon, Attorney Bregman stated that the only way the National Park Service can grant AMAFCA an easement would be through an act of Congress. This is the reason that AMAFCA is pursuing a "friendly" lawsuit.

7. On-Call Engineering Services - Approval of On-Call Contracts for Three Categories of Work

a. Category One, Small Drainage Management Plans and FEMA Map Revisions

- 1. URS Corporation**
- 2. Larkin Group NM, Inc.**
- 3. Smith Engineering Company**

b. Category Two, Small Projects, Design, Review and Inspection

- 1. ASCG, Inc.**
- 2. Boyle Engineering Corporation**
- 3. HDR Engineering, Inc.**
- 4. Wilson & Company**



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- c. Category Three, Sediment and Erosion Design and Analysis**
 - 1. Ayres Associates**
 - 2. Mussetter Engineering, Inc.**
 - 3. Resource Technology, Inc.**

Director Stover made a motion to approve all of the On-Call Engineering Services contracts and the respective fee schedules. Director Hernandez seconded the motion and it passed (5-0).

8. Legislative Liaison Services – Approval of Agreement with New Mexico Outsourcing, Inc. for Special Session

Maurice Hobson, representing New Mexico Outsourcing, Inc. was present.

Mr. Kelly stated that since AMAFCA is an agency that is funded solely from property taxes, it is prudent to monitor the special legislative session. He stated that New Mexico Outsourcing has proposed a lump sum fee of \$15,000 to cover the 30-day special session, with provisions for interim work and a pre-session scan for the 30-day session that would be billed at \$40 per hour, not to exceed \$4,000.

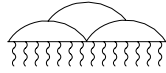
In response to a question asked by Chairman Eichenberg, Mr. Kelly stated that the RFP did make a distinction between the 30 and 60-day sessions and stipulates the fee would need to be negotiated for each session prior to that session.

Director Lyon made a motion to approve the 30-day special session and the regular 30-day session in January 2004. Director Stover seconded the motion.

Attorney Bregman stated that approving both upcoming sessions was not noticed on the agenda, that only the special session was noticed on the agenda, and that both sessions cannot be approved at the same time.

The motion failed (0-5).

Director Stover then made a motion to approve the Agreement with New Mexico OutSourcing, Inc. for legislative liaison services for the 2003 Special Legislative session and authorize the Chair to execute the Agreement. Director Hernandez seconded the motion and it passed unanimously (5-0).



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9. La Cueva Arroyo Avulsion 4
a. Status Report on Property Acquisition and Consideration of Easement Agreement

Director Hernandez made a motion to close the meeting at 10:25 a.m. per Section 10-15-1-H (8) of the Open Meetings Act to discuss potential acquisition of real estate. Director Lyon seconded the motion and it passed unanimously (5-0).

(Closed Session)

Chairman Eichenberg re-opened the meeting at 11:00 a.m. per Section 10-15-1-H (8) of the Open Meetings Act and stated that the Board did not take any action during closed session.

b. Approval of On-Call Engineering Services with RTI

Director Hernandez made a motion to approve the proposal from Resource Technology, Inc. for On-Call Engineering Services, Task 11, Amendment 1, for Final Design and Grading Plans for the Modesto Road Improvements, and Final Design for the Glendale Road Improvements, for a total proposed Amendment 1 Lump Sum fee of \$22,510. Director Brown seconded the motion and it passed unanimously (5-0).

Director Brown noted that the work involved in controlling Avulsion 4 benefited a multitude of downstream owners.

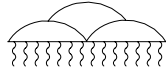
10. Corps of Engineers Black Mesa Detention Pond and Storm Water Pump Station Project
a. Briefing by Pete Doles, Project Manager, Corps of Engineers

Pete Doles and Phil Boawn, representing the Corps of Engineers, were present.

Mr. Doles discussed the Federal 593 Program and stated that it is a program for environmental infrastructure projects within Bernalillo, Sandoval, and Valencia counties. He stated that this is a cost-share program and local sponsors are required to contribute 25% and the federal government will contribute the remaining 75%.

Mr. Doles stated that the Corps received a letter from AMAFCA and Bernalillo County to initiate a project for Black Mesa. He stated that the Black Mesa portion of the South Valley Program came out of the Master Plan and DMP and was an area that did not meet the qualifications for the Corps of Engineers flood control requirements.

Mr. Doles stated that a Project Cooperation Agreement is required before the Corps can start the design phase. He stated that this project is complementary to the South Valley Project, and that they are two separate Corps of Engineers projects, and funded by two different programs.



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The requirements of the programs are slightly different, with the South Valley Project needing to comply with the Corps standard flood control process and be authorized by Congress. Mr. Doles stated that the 593 Program's only approval requirement at Army Headquarters is for a Project Cooperation Agreement and the financial ability for local sponsors.

b. Review of Draft Project Cost Sharing Agreement with Bernalillo County and Corps of Engineers

Mr. Kelly stated that the design of this project is scheduled for 2004, with construction beginning in spring 2005. He stated that Bernalillo County and AMAFCA are responsible for 25% of the project. He stated that Bernalillo County has current funding of \$333,000 for contribution for design, but does not have the money for construction. He stated that the agreement stated that AMAFCA will allocate approximately \$2M out of the 2004 Bond Issue for the project. He stated that the Corps is able to sign an agreement with contingent funding.

Mr. Kelly stated that in 1996, AMAFCA purchased 27 acres for the Isleta/Malpais site which will be turned into a combination detention pond and constructed wetland area and retain some terraces for agricultural production. He stated that AMAFCA will get credit for the value of the property as of the date of the agreement.

Mr. Kelly stated that he will have Bernalillo County's approval on November 12th and would like to present this agreement to the Board at the November 20, 2003 Board Meeting for Board approval.

The Board had no comments on the Agreement.

c. Approval of Additional Funds to complete Feasibility Report

Mr. Lovato stated that during the past four years, the COE has been working on the flood reduction study within the entire south valley and is very close to finishing the report. He stated that an additional \$40,000 is needed to complete the study, which would be split between Bernalillo County and AMAFCA for \$10,000 each and \$20,000 from the federal government. He stated that Bernalillo County already submitted their check for \$10,000.

Director Brown made a motion to approve the \$10,000 in additional funds to the Feasibility Cost Agreement with the US Army Corps of Engineers Albuquerque District, South Valley Feasibility Study. Director Hernandez seconded the motion and it passed unanimously (5-0).

11. Amole Arroyo, Sacate Blanco Confluence to Snow Vista Channel – Briefing by Curb, Inc.

Bo Johnson, representing Curb, Inc., was present.

Scott Steffen and Craig Hoover, representing Bohannon Huston, were present.



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Mr. Johnson stated that this is the second project that Curb, Inc. is starting on the Amole Arroyo. He stated that Curb, Inc. is the primary owner of property upstream from the Amole Arroyo and proposes to make improvements from Gibson to El Rancho Grande #9A. He stated that there will be two bridge crossings and the improvements will solve the drainage problems in the area.

Mr. Johnson stated that Curb, Inc. has spent \$50,000 cleaning up the trash in the area.

Mr. Kelly stated that AMAFCA has an agreement with Curb, Inc. for the lower portion of the project and the proposed agreement would replace the previous agreement. He stated that he allocated the individual project reaches on various percentages, with 30% for AMAFCA and 70% for Curb, Inc. for El Rancho Grande Unit 9.

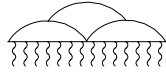
Mr. Kelly stated that there is a 250' wide right-of-way available for the project, 150' drainage easement, and 100' power line easement and that the Amole Arroyo Corridor Plan calls for a naturalistic channel. One method to accomplish this is with large radius meanders, which would add 4 to 5% to the length of that channel, so 4% was pushed back onto AMAFCA. Reach 3 and 4 would be split 64/34. The two bridges would be funded 100% by Curb, Inc., with the proviso that AMAFCA picks up the equivalent channel costs under the bridges, which is reflected as an 80/20 split.

Mr. Kelly stated that Reach 5 is an existing AMAFCA rip/rap lined channel and per the DMP, needs to be upgraded to a lined channel. He stated that 98th Street is planned to cross the channel and that 500' of channel reach would go into a box culvert.

Mr. Kelly stated that with other projects that were needed to upgrade existing AMAFCA facilities, there has been a 50/50 split with the developer. He stated that with the box culvert and the uncertainty of this reach, we would want to defer construction on that reach. He stated that with the other uncertainties, he proposes an allocation of 60% AMAFCA, 40% Curb on that reach given that it is an existing AMAFCA channel.

Mr. Kelly then explained the proposal that Curb, Inc. will provide design of the entire project in two bid packages and build Reaches 3, 4, the Blake Road crossing and Gibson crossing as their contribution. AMAFCA would then build Reaches 1, 2 and 5. Curb's portion would exceed their proposed amount by \$89,266, and Curb would then acquire 2.5 acres of AMAFCA property made surplus by the project, valued at \$40,000/acre or \$100,000. The difference, \$10,734 would be cash paid by Curb to AMAFCA.

Director Brown made a motion to direct staff to prepare a cost sharing agreement with the structure and allocation substantially the same as presented, for the Board's consideration at a future meeting. Director Lyon seconded the motion and it passed unanimously (5-0).



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12. FY-2004 Ortho Mapping – Briefing by MRCOG

Chris Blewett, representing MRCOG, was present.

Christy Jones stated that the MRCOG is preparing a RFP for the 2004 Digital Orthoimagery Project. She stated that the object is to contract with a firm for new digital orthophotography for Bernalillo County east of the Rio Puerco which will update the current 1999 photos.

Mr. Blewett stated that a number of agencies have been assembled to assist in funding this effort. He stated that due to AMAFCA's large contribution to the 1999 orthoimagery project, MRCOG is not planning to ask the AMAFCA Board for any financial support for the 2004 project.

13. Lyon Boulevard Storm Drain – Review of Final Report and Briefing

Scott Steffen and Craig Hoover, representing Bohannon Huston, were present.

Ms. Mazur stated that this is the final report for the Lyon Blvd. Storm Drain Study. The original Piedras Marcadas Watershed study was completed in 1993, was in draft form and never finalized. She stated that AMAFCA has design of the Lyon storm drain extension on its project schedule for this winter, with construction after the November 2004 bond election.

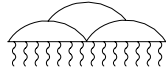
Ms. Mazur stated that the Piedras Marcadas Dam was also included in the study. It has a capacity of 280 acre-feet, and this limited capacity means that runoff from a minimum of 113 acres must be diverted to the Calabacillas Arroyo through the Lyon Storm Drain to meet the dam capacity.

Ms. Mazur stated that there has since been a report prepared by a group of developers and land owners in the Paseo del Norte and Unser Blvd. Corridor. She stated that they propose to divert 250 acres north, which will help with the situation in the dam.

Mr. Kelly stated that by accepting this report, we are acknowledging that we will have to take an additional runoff from 113 acres to the north to protect the capacity at the dam, which causes upsizing the proposed Lyon Storm Drain.

In response to a question asked by Director Brown, Mr. Kelly stated that the cost of the Lyon Storm Drain is estimated at \$3.2 M. He stated that there still are costs to extend the drain up into the development.

Mr. Kelly stated that staff could summarize the Lyon Blvd. Storm Drain report into a memorandum and present it to the Board at the November 20th Board Meeting.



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Director Hernandez made a motion to defer discussion of the Lyon Blvd. Storm Drain Final Report to the November 20, 2003 Board Meeting. Director Brown seconded the motion and it passed unanimously (5-0).

14. Real Estate

a. NDC Recreation License, Comanche Detention Ponds

Colleen Frenz, City of Albuquerque, Dept. of Municipal Development, was present.
Doug Andrews, representing Smith Engineering, was present.

Director Stover made a motion to approve the issuance of a Recreation License to the City of Albuquerque for a portion of Parcel 5-B-1, North Diversion Channel Phase 5, substantially the same as attached, subject to final review and approval by Attorney Bregman. Director Brown seconded the motion and it passed unanimously (5-0).

b. Quitclaim/Release of Easement - Lot 21, Block 11, Tract 3, Unit 3, NAA

Director Lyon made a motion to authorize the Board Chairman to execute the Quitclaim Deed / Release of Easement for Lot 21, Block 11, Tract 3, Unit 3, North Albuquerque Acres. Director Brown seconded the motion and it passed unanimously (5-0).

15. Field Highlights

a. Construction Report

b. Field Report

Mr. Lovato presented a slide show depicting current projects.

Chairman Eichenberg recessed the meeting at 12:15 p.m. for a tour of recent and upcoming projects and reconvened the meeting at 2:15 p.m.

16. Unfinished Business

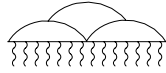
None.

17. New Business

None.

18. Items from the Floor / Public Comment

None.



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19. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 2:16 p.m.

Ronald D. Brown, Secretary-Treasurer 11/20/03

Recorded by Lori Webb
Secretary to the Executive Engineer