

**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 1**

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

Chairman Eichenberg called the Regular Board Meeting to order at 10:00 a.m. Thursday, December 18, 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 Brown made a motion to approve the agenda. Director Lyon seconded the motion and it passed unanimously (5-0).

**3. Meetings Scheduled**

- a. **January 22, 2004, 10:00 a.m. – Regular Meeting**
- b. **February 26, 2004, 10:00 a.m. – Regular Meeting**

**4. Approval of Minutes – November 20, 2003**

Director Lyon made a motion to approve the November 20, 2003 Minutes. Director Brown seconded the motion and it passed unanimously (5-0).

**5. Financial Matters**

**a. Approval of November 2003 Expenditures**

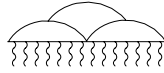
Director Brown made a motion to approve the November 2003 Expenditures. Director Lyon seconded the motion and it passed unanimously (5-0).

**b. Investment Report**

For Information

**c. Financial Recap November 16, 2003 thru December 15, 2003**

For Information



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 2**

**d. Financial Forecast December 16, 2003 thru January 15, 2004**

Director Brown made a motion to approve the Forecast December 16, 2003 thru January 15, 2004. Director Hernandez seconded the motion and it passed unanimously (5-0).

**e. County Treasurer Tax Distribution Status Report**

Ms. Jeffries stated that staff was in the process of drafting a letter to the County Treasurer for payment of taxes staff believed was still owed to AMAFCA.

**f. Approval of Resolution 2003-8, Increase in FY04 Revenues**

Ms. Jeffries stated that the resolution to increase the FY04 revenues was a requirement by the Department of Finance. Director Brown made a motion to approve Resolution 2003-8, Increase in FY04 Revenues. Director Hernandez seconded the motion and it passed unanimously (5-0).

**6. Legal**

**a. Status Report**

**7. Personnel Matters**

**a. Resignation of Lynn Mazur, Development Review Engineer**

Mr. Kelly reported that Lynn Mazur had taken a job with URS Corporation. He explained that Resolution 2000-4 Employee Compensation Policy established a base annual salary for the Development Review Engineer position of \$62,400. He further stated that the resolution provides that the Executive Engineer is authorized to offer starting salaries within 75% to 110% of the Base level (\$46,800 - \$68,640). He opined that that salary range will attract suitable candidates for the position.

Mr. Kelly stated that the job description had been modified to more accurately reflect the duties of the position, and to reflect the changes in the drug policy. He stated that legal counsel had reviewed the modified job description.

Mr. Kelly stated that the position is being advertised.

Director Hernandez made a motion to close the meeting to discuss a personnel issue. Director Brown seconded the meeting and it passed unanimously (5-0). The meeting closed at 10:10 a.m. and reopened at 10:15 a.m.

Chairman Eichenberg stated that a personnel matter had been discussed in closed session, but no action was taken.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 3**

**b. Resignation of Lori Webb, Executive Secretary**

Mr. Kelly reported that Lori Webb had resigned to continue her education on a full time basis.

**8. Authorization to Advertise Request for Proposals for Financial Advisor Services**

Ms. Jeffries stated that if authorization was approved, the Request for Proposal would be advertised December 28, 2003, with proposals due Wednesday, January 21, 2004. The consensus of the Board was to include pricing for a \$10M Bond issue in the price criteria.

Director Hernandez made a motion to approve authorization to advertise a request for proposals for Financial Advisor Services and to authorize the Chairman to select the Selection Advisory Committee. Director Brown seconded the motion and it passed unanimously (5-0). Chairman Eichenberg informed the Board that he would serve on the committee. Director Hernandez also requested to serve on the committee. Chairman Eichenberg agreed to his request.

**9. Authorization to Advertise Request for Proposals for Bond Counsel Services**

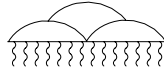
Ms. Jeffries stated that if authorization was approved, the Request for Proposal would be advertised December 28, 2003, with proposals due Wednesday, January 21, 2004.

Director Brown made a motion to approve the authorization to advertise for proposals for Bond Counsel Services. Director Stover seconded the motion and it passed unanimously (5-0). Chairman Eichenberg informed the Board that he would serve on the committee. Director Hernandez also requested to serve on the committee. Chairman Eichenberg agreed to his request.

**10. Authorization to Advertise Request for Proposals for Banking and Cash Management Services**

Ms. Jeffries stated that the contract with Wells Fargo Bank expires February 28, 2004, and therefore staff is requesting authorization to request proposals for banking and cash management services. The request for proposals would be advertised December 28, 2003, with a recommendation to the Board at the January 22, 2004 meeting, and award of contract at the February 26, 2004 meeting.

Director Brown made a motion to approve the Authorization to Advertise Request for Proposals for Banking and Cash Management Services. Director Lyon seconded the motion and it passed unanimously (5-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 4**

**11. FY-03 Audit – Status Report**

Ms. Jeffries stated that she had spoken with the State Auditor's office, and AMAFCA's audit is currently in its first of three reviews.

**12. FY-04 Maintenance Work**

**a. North Diversion Channel Outfall Sediment Removal – Authorization to Advertise for Construction Bids**

Mr. Lovato stated that AMAFCA is required to maintain the hydraulic performance of the North Diversion Channel, which includes the Alameda Outfall Structure, under the provisions of paragraph 7, Part II of the Operations and Maintenance Manual Albuquerque Diversion Channels Project North Diversion Channel Phase I. He stated that he is working the Corps of Engineers to obtain a 404 Permit for the removal of sediment from the North Diversion Channel Outfall. He stated that the preliminary engineers estimate for the removal is \$80,000.

Mr. Lovato recommended the Board authorize the Executive Engineer to advertise for construction bids for removal of the sediment stockpile at the North Diversion Channel Alameda Outlet Structure.

**b. South Diversion Channel Outfall Sediment Removal – Authorization to Advertise for Construction Bids**

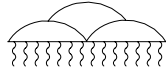
Director Lyon made a motion to approve the authorization to advertise for Construction Bids for removal of sediment at both the North Diversion Channel and the South Diversion Channel. Director Hernandez seconded the motion and it passed (4-0) with Director Brown absent from the vote.

**13. Amole Arroyo, Amole Dam to Snow Vista Confluence – Consideration of Cost Sharing Agreement with Curb Inc.**

Mr. Bo Johnson, from Curb, Inc. was present.

Mr. Mainz stated that at the October 23, 2003 Regular Meeting, AMAFCA staff and representatives of Curb Inc. presented to the Board a proposed cost-sharing plan for the Amole Arroyo, from the Snow Vista Channel south to the Amole Detention Basin, as contained in the Amole-Hubbell Drainage Management Plan.

The proposed agreement provides that Curb Inc. will design the full project length and provide two separate construction contract packages, and will construct the portion of the Amole Arroyo from Gibson Blvd. south to the Amole Bend. The agreement also provides that Curb's financial guarantees will be phased to correspond with approval of the subdivision phases, and includes provisions to address possible future credit for City impact fees.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 5**

Mr. Mainz stated that the proposed agreement provides that AMAFCA will be responsible for future construction of improvements from the Amole Bend east to the Amole Dam. Curb, Inc. will provide the FEMA LOMR floodplain map revision engineering data and fees, and will obtain final LOMR approval.

Mr. Mainz stated that the estimated cost of the required design and channel construction by Curb, Inc. is \$2,543,350. The agreement also provides for sale of approximately 3.0 acres of excess AMAFCA drainage right-of-way to Curb, Inc., subject to requirements of AMAFCA Resolution 2003-4, Disposal of Excess Lands.

Mr. Mainz stated that the agreement has been reviewed and approved by AMAFCA legal counsel and by Curb, Inc.'s attorney.

Director Hernandez made a motion to approve the cost sharing agreement between AMAFCA and Curb, Inc. for the Amole Arroyo, Amole Dam to Snow Vista Confluence, and to authorize the Chairman to sign the agreement. Director Brown seconded the motion. Chairman Eichenberg requested that a reference to AMAFCA's Resolution 2003-4, Disposal of Excess Lands be inserted to paragraph 4, page 5. Director Hernandez amended his motion to include the change. Director Brown seconded the amended motion, and it passed unanimously (5-0).

**14. West I-40 Phase III Diversion Channel – Consideration of Agreement with Westland Development for Participation Relating to Sundoro South Subdivision**

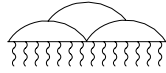
Ms. Kristine Susco from Wilson & Company was present.

Mr. Kelly stated that at the November 20, 2003 Board meeting, the Board had directed staff to draft an agreement with Westland for their participation in the West I-40 Phase III Diversion Channel, as related to the Sundoro South Subdivision.

Mr. Kelly stated that the agreement presented for the Board's consideration incorporates the elements of the agreement in concept as discussed at the November meeting. Westland will pay AMAFCA \$2,590 per gross acre for the 34.1294-acre Sundoro South Subdivision as its contribution to the West I-40 Phase III Diversion Channel, for a total of \$88,395.

Mr. Kelly stated that the Sundoro South Subdivision will be built in 4 phases, with 4 separate final plats. As such, the agreement provides that separate payments will be made at the time of final plat for each of the 4 phases.

Mr. Kelly explained that the agreement also provides that this area will be removed from the acreage being considered in further agreements for the Phase III Channel, as well as the extension of trunk drainage improvements west of Unser Blvd.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 6**

Mr. Kelly stated that the agreement has been reviewed and approved by legal counsel for both AMAFCA and Westland.

Director Stover made a motion to approve the agreement for Funding of West I-40 Phase III Diversion Channel, Estancia Road to Unser Boulevard as related to the Sundoro South Subdivision. Director Lyon seconded the motion and it passed unanimously (5-0).

**15. Mirehaven Arroyo, The Crossing, Unit 3 Subdivision**

**a. Consideration of Turnkey Agreement with Westland Development Co. for Construction and Maintenance of Arroyo Improvements**

Kristine Susco, from Wilson & Company was present.

Martin Eckert explained that the draft agreement was presented to the Board at its November 20, 2003 meeting. He stated that Westland Development Company is ready to proceed with approval for construction plans for The Crossing, Unit 3, and is requesting Board consideration of the Turnkey Agreement.

The Agreement is for construction of channel improvements that will consist of dumped riprap, a natural bottom, and concrete drop structures.

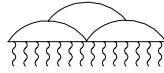
Chairman Eichenberg asked if reimbursement to AMAFCA for construction inspection as referred to in the agreement was adequate. Mr. Kelly responded that, in his opinion, it was a sufficient amount for the construction inspection.

Director Stover made a motion to approve the Turnkey Agreement with Westland Development Company for Construction and Maintenance of Arroyo Improvements, and to authorize the Executive Engineer to execute the agreement. Director Hernandez seconded the motion and it passed unanimously (5-0).

**b. Consideration of Quitclaim / Release of Certain Drainage Easements**

Mr. Eckert explained that AMAFCA has obtained easements on the property at Mirehaven Arroyo, The Crossing, Unit 3 Subdivision over the years. He stated that Westland will be building the channel, dedicating some property to AMAFCA for channel right-of-way, then submitting a LOMR to FEMA. He stated that once the LOMR had been approved, AMAFCA would issue quitclaim deeds to Westland.

Mr. Eckert stated that staff's intent for this item was for the Board to authorize the Chairman to execute quitclaim/release of easements at the appropriate time.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 7**

Director Brown made a motion to authorize the Chairman to execute quitclaim/release of easements after the completion improvements and upon approval of the LOMR. Director Stover seconded the motion and it passed unanimously (5-0).

**16. La Cueva Arroyo Avulsion Four**

**a. Approval of Resolution 2003-9, Acquisition of Right of Way for Control of La Cueva Arroyo Avulsion Number Four**

Mr. Eckert stated that staff has met with the additional two landowners, and they are interested in working with AMAFCA. Mr. Eckert stated that the resolution had been reviewed and approved by AMAFCA legal counsel. He recommended the Board adopt Resolution 2003-9, Acquisition of Right of Way for Control of La Cueva Arroyo Avulsion Number Four. He stated that this resolution would replace Resolution 2003-7.

Director Hernandez made a motion to approve Resolution 2003-9, Acquisition of Right of Way for Control of La Cueva Arroyo Avulsion Number Four. Director Lyon seconded the motion and it passed unanimously (5-0).

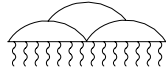
**b. Consideration of Easement Agreements with Glowackis, Lot 14, Block 1, Tract 3, Unit 1, NAA, and Allmans, Lot 15, Block 1, Tract 3, Unit 1, NAA**

Mr. Eckert stated that agreements with the Glowackis and Allmans were drafted in accordance with the agreements the Board had approved at the November meeting for Lots twelve and thirteen. Mr. Eckert stated that the agreements had been reviewed and approved by AMAFCA's legal counsel.

Director Lyon made a motion to approve the easement agreements with the Glowackis, Lot 14, Block 1, Tract 3, Unit 1, NAA and the Allmans, Lot 15, Block 1, Tract 3, Unit 1, NAA. Director Hernandez seconded the motion and it passed unanimously (5-0).

**17. Southwest Valley Flood Control Project – Consideration of Cost Sharing Agreement with Bernalillo County and U.S. Army Corps of Engineers for Planning, Engineering and Design of Project**

Mr. Kelly stated that at the November 20, 2003 meeting, the Board reviewed the subject agreement. He stated that staff has worked with the Corps of Engineers to complete and refine the design the scope for the project. He stated that the estimated cost for the design of the project is \$820,000 or 6.2 percent of the estimated cost of construction of \$13,000,000. He opined that the cost is reasonable due to the complexity of the project, which includes a new outlet to the Rio Grande, improvement to approximately 8 miles of drain, environmental assessments, and archeological surveys that are required due to federal funding, as well as obtaining new 404 and 401 permits.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 8**

Mr. Kelly stated that Bernalillo County and AMAFCA, being the local sponsors of the project would contribute \$205,000 in cash and or in-kind services. The total project costs for FY04 are estimated to be \$530,000. He indicated that the FY04 payment schedule shows AMAFCA's share would be to provide \$59,000 cash and \$7,000 in in-kind services. Bernalillo County would provide \$53,000 in in-kind services and \$13,000 cash, for a total of \$132,000 for local sponsor contributions.

Director Hernandez made a motion that the Board approve the Planning, Engineering, and Design Agreement between the US Army Corps of Engineers, AMAFCA, and Bernalillo County for the Southwest Valley Project, and authorize the Chairman to sign a memo informing the Corps of the Board's action, and further authorize the Chairman to execute the final agreement upon final approval from the Corp of Engineers. Director Stover seconded the motion, and the motion passed unanimously (5-0).

**18. Bear Canyon Arroyo Storm Water Quality Facility**  
**a. Briefing on Conceptual Design Report**

Ms. Christy Jones briefed the Board on the Bear Canyon Arroyo Storm Water Quality Facility, stating that the design of this facility has two phases: design of a floatable removal structure, and conceptual design of a multiple use area. She stated that the multi-use area will include a low-flow wetland channel and a kid's fishing pond, for use by the New Mexico Game & Fish Department.

Ms. Jones explained that various debris removal structures have been investigated as part of this project, and two structures were chosen for final design; a debris screen structure, and a baffle chute bypass.

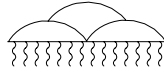
**b. Final Design and Contract Documents - Approval of Amendment One to Task Order Six**

Ms. Christy Jones stated that at the July 20, 2003 Regular Board Meeting, the Board authorized the Chairman to execute an Agreement with ASCG, Inc. of New Mexico for the Bear Canyon Arroyo Inlet Water Quality Facility. She stated that the original agreement included design of one debris removal facility and conceptual design only of the multiple use area.

Ms. Jones stated that the proposal from ASCG, Inc. for Amendment No. 1 to add design of a second floatable removal facility and final design of water quality and multiple use facilities in the inlet basin. The Amendment adds \$20,000 to the original contract amount of \$24,400.

Director Hernandez asked if there was a concern of increasing fecal coliform counts. Mr. Kelly responded that the USGS had explained that fecal coliform is a transient pollutant, gone in 4 days, and opined that this was not a concern. Following further discussion, Director





**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 9**

Hernandez made a motion to authorize the Executive Engineer to approve the proposal from ASCG, Inc. for On-Call Engineering Services, Category Two, Amendment No. 1 to Task No. 6 for additional floatable removal facility design, and design of water quality and multiple use facilities in the Bear Canyon Arroyo Inlet basin, for a lump sum of \$20,000 plus NMGRT. Director Brown seconded the motion and it passed unanimously (5-0).

**19. UNM Hospital / AMAFCA Box Culvert – Review of Draft Agreement with UNM for Construction of Box Culvert Extension**

Mr. Roger Lujan, from UNM, was present.

Mr. Kelly stated that at the November 20, 2003 Board meeting, the Board was briefed by UNM on their proposal to replace a portion of the existing North Diversion Channel with a buried concrete box culvert. The design would allow the construction of a new roadway over the proposed box culverts. The reach of channel described by UNM's request extends approximately 1,100 feet from the existing double 12' x 12' box culverts, near the northwest corner of the UNM Hospital parking garage, to a point just west of the existing Yale Boulevard bridge.

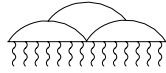
Mr. Kelly stated that during discussion of the project last month, it was the consensus of the Board to proceed with an agreement with UNM, provided that UNM fund all of the improvements. He stated that staff has worked with UNM and drafted the proposed agreement. He reviewed the agreement with the Board and requested that the Board review and comment on the draft agreement.

It was the consensus of the Board for staff to proceed with the agreement.

**20. NPDES Floatables Collection System Program Evaluation - Approval of Selection Advisory Committee Recommendation**

Mr. Mainz stated that four firms submitted proposals. One proposal was determined non responsive and was rejected. Three proposals were reviewed by the Selection Committee, consisting of John Kelly, Loren Mainz, and Jerry Lovato, from AMAFCA and Dan Hogan and Chuck Caruso, from the City of Albuquerque.

Mr. Mainz stated that the SAC had discussed the proposals at length and found a lack of consistency in the information contained in the individual proposals. Because of the recognized diversity in the proposals submitted, the SAC felt that the Scope of Services needed to be modified to better define the intent of the study and the needs of the agencies to study the floatable control problems. Therefore, the SAC felt that it was best to reject the three proposals, and make appropriate modification to the Scope of Services, and re-advertise the project.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 10**

Mr. Meinz, asked the Board to accept the recommendation of the SAC to reject all three proposals received and reviewed by the SAC. He further requested that the Board review the revised Scope of Work, and review and comment on the evaluation criteria and weights.

Mr. Meinz requested the Board authorize the Executive Engineer to re-advertise the request for proposals for the NPDES Floatable Collection System Program Evaluation Study. Director Lyon made a motion to reject the three proposals received, that the Scope of the work be amended, and direct staff to re-advertise the project. Director Hernandez seconded the motion and it passed unanimously (5-0).

**21. 2004 Legislative Session**

**a. Legislative Liaison Services - Approval Agreement with New Mexico Outsourcing for 2004 Legislative Session**

Maurice and May Hobson were present.

Mr. Kelly stated New Mexico Outsourcing was selected via a request for proposals in May 2002. The request for proposals and initial agreement provided for three one-year renewal options. This would be that the first renewal to the initial agreement. He stated that the agreement is for \$15,000 lump sum and includes full day-to-day coverage of the 2004 legislative session, and two briefings at the regular Board meetings of January and February 2004. The agreement further provides interim and post session work to be paid on a time and materials basis at \$40.00 per hour, not to exceed \$4,000.

Director Stover made a motion to approve the agreement with New Mexico Outsourcing, Inc. for legislative liaison services for the 2004 Regular Legislative session and authorize the Chair to execute the agreement. Director Brown seconded the motion and it passed (4-0) with Direct Hernandez being absent from the vote.

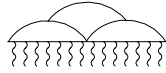
**b. Discussion on Legislative Agenda**

Maurice and Mary Hobson gave a brief summary the Blue Ribbon Tax Committee. Mr. Hobson stated that they committee is still trying to balance the New Mexico State tax system. He stated that the committee is also working to increase revenues in a way that would be fair to all. Mr. Hobson briefed the Board on some of the discussions held to change the property tax, which could impact AMAFCA's revenues.

**22. Field Highlights**

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

Mr. Lovato presented a slide show depicting current projects.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 18, 2003**

**Page 11**

**23. Unfinished Business**

None.

**24. New Business**

None.

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

None.

**26. Adjourn**

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

---

Ronald D. Brown, Secretary-Treasurer 01/22/04

Recorded by Lori Webb  
Secretary to the Executive Engineer  
Transcribed by Irene Jeffries, Business Manager