

**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
October 21, 2004**

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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 9:00 a.m. Thursday, October 21, 2004. Roll was noted as follows:

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

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

Also present: John Doran, District 5 Candidate
Janet W. Saiers, District 5 Candidate

A quorum was present.

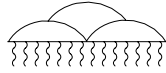
2. Approval of Agenda

Director Brown made a motion to approve the agenda. Director Stover seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. **November 18, 2004, 9:00 a.m. – Regular Meeting**
- b. **December 16, 2004, 9:00 a.m. – Regular Meeting**
- c. **January 3, 2005, 9:00 a.m. – Special Meeting**
- d. **January 27, 2005, 9:00 a.m. – Regular Meeting**

There were no changes or objections to the meeting schedule as set forth.



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4. Approval of Minutes

a. September 23, 2004

Director Hernandez made a motion to approve the minutes of the September 23, 2004 Regular Board Meeting. Director Stover seconded the motion. Chairman Eichenberg had two changes, removing the word "unanimously" from 3-0 votes on pages 6 and 10, where the fourth Director present had abstained from the vote each time. Director Hernandez also stated his preference that he be listed as "Director Danny Hernandez". The motion to approve the amended minutes passed (4-0). Director Brown abstained.

b. October 11, 2004

Director Hernandez made a motion to approve the minutes of the October 11, 2004 Special Board Meeting. Director Stover seconded the motion. Director Hernandez requested the same correction to his name. The motion to approve the amended minutes passed unanimously (5-0).

5. Financial Matters

a. Approval of September 2004 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the September 2004 Expenditure Report. After a few questions from the Board, Director Brown made a motion to approve the September 2004 Expenditure Report. Director Lyon seconded the motion, which passed unanimously (5-0).

b. Investment Report

For Information.

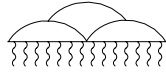
c. Financial Recap September 16, 2004 through October 15, 2004

For Information.

d. Financial Forecast October 16, 2004 through November 15, 2004

Ms. Jeffries presented the Board with the Financial Forecast for the period October 16, 2004 through November 15, 2004.

Director Hernandez made a motion to approve the Financial Forecast. Director Brown seconded the motion, which passed unanimously (5-0).



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e. Results of Sale of Surplus Equipment

Ms. Jeffries presented the results of the sale of the three AMAFCA vehicles that had been declared as surplus equipment, at an auction held by Ritchie Brothers on October 19, 2004. She reported that the three vehicles had been sold for a total of \$8,200.00, with the auction fee to be deducted from that amount.

Director Brown made a motion that the Board ratify the sale of surplus equipment. Director Lyon seconded the motion, which passed unanimously (5-0).

6. Legal

a. Status Report

Attorney Sam Bregman gave the Board a brief report on the status of various legal matters.

7. FY-04 Audit – Status Report

Mr. Kelly reported that the State Auditor's Office was nearly complete with their review of the FY04 Audit. Mr. Mattocks and AMAFCA staff had answered the State Auditor's Office's questions, and were expecting the auditor to release the audit soon.

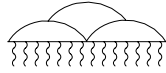
8. 2003 Legislative Session – Consideration of Legislative Liaison Services Agreement with New Mexico Outsourcing

Mr. Kelly presented the proposed agreement with New Mexico Outsourcing for Legislative Liaison Services for the upcoming 60-day State Legislative Session, and noted that Maurice and Mary Hobson were in attendance at the meeting.

Director Lyon expressed that he would prefer to refer to New Mexico Outsourcing as a "Liaison" or "Information Person" in the agreement, rather than as "Lobbyist".

Director Lyon made a motion that the Board approve the Agreement with New Mexico Outsourcing, Inc., for legislative liaison services for the 2005 Regular Legislative Session, subject to amendment, and authorize the chair to execute the same. Director Hernandez seconded the motion.

Discussion followed. Mr. Bregman stated that the statutes governing Mr. Hobson's dealings with the legislature on AMAFCA's behalf refer to those activities as "lobbying", and Mr. Hobson is required to register as a "Lobbyist".



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Chairman Eichenberg stated that on page two, paragraph two, regarding potential conflict of interest, he would like to have Mr. Bregman add a sentence in there to the effect that if the conflict of interest is detrimental to AMAFCA, we have the right to either terminate our contract with the lobbyist or have the lobbyist terminate his contract with the conflicting interest.

Directors Lyon and Hernandez agreed to have the motion amended to add such a sentence to the contract. The motion then passed unanimously (5-0).

Chairman Eichenberg and the Board expressed appreciation to the Hobsons for the fine work they have done with the Legislature on AMAFCA's behalf.

9. Bear Canyon Arroyo Storm Water Quality Facility, Phase 1

a. Approval of On-Call Task Order with ASCG for Limited Construction Phase Services

Christy Burton, AMAFCA GIS Manager, requested approval of an on-call task order with ASCG for Limited Construction Phase Services for the Bear Canyon Arroyo Storm Water Quality Facility, Phase I. She noted Clint Dodge of ASCG was in the audience to answer any questions.

She stated that under this task order, ASCG will review submittals for the specialty steel debris screen structure, provide part time construction observation, provide compliance testing through a subcontractor and prepare close-out documents for the project.

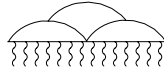
Ms. Burton stated that compensation would be on a time and materials basis and would not exceed \$30,000.00, plus NMGRT. Hourly rates follow the fee schedule stipulated in the On-Call Services Agreement dated October 23, 2003.

Director Brown made a motion that the Board authorize the Executive Engineer to approve the proposal from ASCG, Inc., for Limited Construction Phase Services, Task Order 2 of the On-Call Services Agreement, on a time and materials basis not to exceed \$30,000.00, not including NMGRT.

Director Stover seconded the motion, which passed unanimously (5-0).

b. Authorization to Advertise for Construction Bids

Ms. Burton next requested authorization to advertise for construction bids for the Bear Canyon Arroyo Storm Water Quality Facility. The Phase I design includes a debris collection



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structure at the opening of the Bear Canyon Inlet Basin to the North Diversion Channel, a low-flow water quality channel, and grading of the basin to prepare it for future joint uses including a kids' fishing pond and hunter safety trails.

She stated that the engineer's cost estimate for Phase I of the project is approximately \$400,000.00, not including NMGRT, and that the project is contingent on passage of the November Bond Election.

Director Brown made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the Bear Canyon Arroyo Storm Water Quality Facility, Phase I, subject to passage of the Bond Authorization.

Director Hernandez seconded the motion, which passed unanimously (5-0).

10. Selection Advisory Committee Recommendation, Construction Management Services for Amole Arroyo, Amole Dam to Amole Bend Project

Loren Meinz, AMAFCA Drainage Engineer, presented the Selection Advisory Committee recommendation for Construction Management Services for the Amole Arroyo - Amole Dam to Amole Bend Project to the Board. The SAC recommended an agreement be negotiated with the highest-ranking firm, The Larkin Group. Mr. John Andrews, of the Larkin Group, was at the meeting.

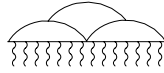
Director Lyon, who had served on the SAC, stated that all four members of the SAC had individually ranked the Larkin Group as #1.

Director Lyon made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations per the NM Procurement Code, and come back to the Board at a future meeting for approval of an agreement for Construction Engineering Services with the Larkin Group.

Director Brown seconded the motion, which passed unanimously (5-0).

11. Amole Arroyo, Amole Bend to Snow Vista – Approval of Preliminary Sale of Right of Way Agreement with Curb, Inc.

Martin Eckert, AMAFCA Real Estate Manager, introduced Rick Squires of Curb, Inc., who was in attendance. Mr. Eckert then presented a request for approval of a Preliminary Sale of Right of Way Agreement with Curb, Inc., for a portion of the surplus AMAFCA drainage right-of-way, as was stipulated in the December 18, 2003 Agreement with Curb, Inc.



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Mr. Kelly stated that with the Board's preliminary approval, the proposed negotiated sale would be advertised for four weeks. If no other interest was apparent, AMAFCA may continue with finalizing the sale.

Director Brown made a motion that the Board authorize the Executive Engineer to execute the Vacant-Land Sale Agreement for Preliminary Sale Approval, with the understanding that the preliminary sale approval is subject to the requirements of AMAFCA Resolution 2003-4, *Disposal of Excess Lands*, including all necessary notice requirements that must be met prior to this item being presented to the Board at a subsequent meeting for final sale approval.

Director Hernandez seconded the motion. Following brief discussion, the motion passed unanimously (5-0).

Chairman Eichenberg requested that the Notice of Proposed Land Sale also be posted on the subject property.

12. Selection Advisory Committee Recommendation, Storm Water Quality Education Coordinator

Mr. Mainz presented the recommendation of the Selection Advisory Committee for the Storm Water Quality Education Coordinator. The SAC scored Cooney, Watson & Associates the highest, and recommend negotiation of an agreement with them. He stated that Patti Watson and Jim Cooney, of Cooney, Watson & Associates, were at the meeting.

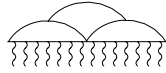
Ms. Watson and Mr. Cooney made a few brief statements.

Director Brown made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations per the NM Procurement Code, and return to the Board at a future meeting for approval of an agreement for consulting services for Storm Water Quality Education Coordinator with Cooney, Watson & Associates.

Director Stover seconded the motion, which passed unanimously (5-0).

13. Black Arroyo Dam Storm Water Quality Facility – Consideration of Agreement for Construction and Maintenance of Facility among Curb Inc., SSCAFCA and AMAFCA

Mr. Mainz presented the proposed agreement with Curb, Inc. and SSCAFCA for the construction and eventual maintenance of a water quality facility in the upper part of the Black Arroyo Dam area. The area is not currently a part of the dam pool, but will become a



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part of the pool after the water quality facility is constructed. Curb, Inc. will construct the facility at no cost to AMAFCA or SSCAFCA, and ongoing maintenance will be shared by SSCAFCA and AMAFCA.

Director Stover made a motion that the Board approve the proposed Agreement with Curb North, Inc. and SSCAFCA, and authorize the Chairman to sign the Agreement. Director Brown seconded the motion.

Discussion followed. Mr. Kelly pointed out that as upstream development occurs in conjunction with the construction of this facility, the sediment load of runoff will diminish. He stated that the area where the facility will be constructed is currently used for sediment storage.

The motion passed unanimously (5-0).

14. Amole Arroyo West of Delgado – Proposal from Curb, Inc. to Provide Alternate Access to Westgate Dam, and Purchase AMAFCA Right of Way

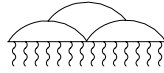
Mr. Eckert introduced Rick Squires of Curb, Inc., and Genny Donart of Isaacson & Arfman, Inc., who were in the audience.

Mr. Eckert stated that Curb, Inc. is interested in purchasing a small piece of land that AMAFCA acquired in March 1993 for access to the Westgate Dam. Curb's proposal is to provide AMAFCA substitute legal access via a newly-platted public street right-of-way. The current AMAFCA access parcel could then be declared surplus and sold.

Mr. Kelly provided additional history about the area and stated that if AMAFCA were to retain this parcel, it would probably become a neighborhood eyesore.

Chairman Eichenberg requested that the Right-of-Way Committee take a look at this property and bring back a recommendation to the Board about whether it could be declared surplus. He also stated his general support of the idea, as did others on the Board.

Director Brown requested that staff notify adjacent property owners of the potential sale.



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15. Calabacillas Arroyo Upstream of Swinburne Dam – Consideration of Cost Sharing Agreement among AMAFCA, City of Albuquerque and Vista Arroyo LLC for Calabacillas Arroyo Main Branch Drop Structures Associated with McMahan Blvd. Bridge and Related Improvements Upstream of Swinburne Detention Dam

Chairman Eichenberg excused himself from consideration of this item, turning the meeting over to Vice Chair Stover. Chairman Eichenberg was not present during the discussion and vote.

Mr. Kelly presented the proposed Cost Sharing Agreement among AMAFCA, the City of Albuquerque, and Vista Arroyo LLC for Calabacillas Arroyo Main Branch Drop Structures, as had been discussed at the previous meeting. He introduced John Castillo of the City of Albuquerque, and stated that Mr. Lupton, the private party, was expected shortly.

Mr. Kelly briefly reviewed the project, which had been discussed in depth at previous Board meetings. He stated that the proposed agreement would formalize funding for the various necessary improvements. It also covers maintenance of the resulting facilities.

Brief discussion followed.

Director Hernandez made a motion that the Board approve the Agreement for Calabacillas Arroyo Main Branch Drop Structures Associated with McMahan Boulevard Bridge and Related Improvements Upstream of Swinburne Detention Dam, and authorize the Vice Chair to execute the same on behalf of AMAFCA.

Director Brown seconded the motion, which passed (4-0).

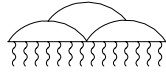
Vice Chair Stover called a brief recess at 10:00 a.m.

Chairman Eichenberg reconvened the meeting at 10:10 a.m. Chairman Eichenberg stated that he would like to hear item 20a next, moving it ahead of several items so that Chuck Atwood of the Albuquerque Public Schools could leave afterwards.

20. Real Estate

a. Quitclaim/Release of Easement – Paakweree Subdivision

Director Brown stated that this had been reviewed by the Board several times, and he was comfortable with the recommendation of the Right-of-Way Committee.



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Director Brown made a motion that the Board authorize the Board Chairman to execute a quitclaim deed/partial release of easement, for a portion of the existing AMAFCA 50' wide drainage easement within the northern 13 +/- acres of Paakweree, subject to the Condition Precedent that APS takes title to the entire 65 +/- acres for a future school site and that the entire 65 +/- acres is replatted into one tract of land.

Director Stover seconded the motion. Brief discussion followed, with comments by Chuck Atwood of APS and several Board members.

In response to a question from Director Lyon, Mr. Atwood stated that APS was comfortable with the solution.

The motion passed unanimously (5-0).

16. La Cueva Arroyo East of Barstow – Proposal from Llave Construction to Design and Construct Channel, Purchase AMAFCA Right-of-Way, and Enter into Turnkey Agreement with AMAFCA and the City for Improvements

Lynn Mazur, AMAFCA Development Review Engineer, introduced David Soule, of Rio Grande Engineering, and Robert Keeran, of Llave Construction, Inc. She briefly described the project for the Board.

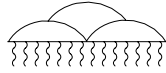
She stated that the first element of their proposal was consideration of a Turnkey Agreement for a portion of the La Cueva Channel. The Turnkey Agreement would involve design and construction of the channel, with 100% funding by Llave Construction, and maintenance by AMAFCA. The channel right-of-way would be dedicated to AMAFCA.

She stated the second element involved the negotiated sale of potential excess property that will be outside the channel right-of-way.

Ms. Mazur stated they also had requested a quitclaim deed / release of easement on an adjacent lot, to be filed after receipt of a LOMR from FEMA. Construction of the channel will remove floodplain from the property.

Mr. Soule addressed the Board, further describing the proposal.

Discussion followed, with the Board providing input and direction to staff. The Right-of-Way Committee will take a look at the potential excess property and bring back a recommendation to the Board about whether it could be declared surplus.



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17. NPDES Floatable Study – Briefing by ASCG on Results of Study

Mr. Mainz introduced Clint Dodge and Karen Jacobsen of ASCG to the Board.

Mr. Dodge gave the Board an update on the results of the NPDES Floatable Study. He stated a key component is an education plan and an anti-litter campaign that coordinates between all entities along the middle Rio Grande. Another element is to coordinate regulations and policies such as "low impact development" - trapping the debris at construction sites and minimizing impervious surfaces.

He stated that Operations and Maintenance is another component, which will be a long-term concern. Source control/containment is also important, and will be covered in the education program.

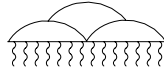
Mr. Dodge stated that up to 80% of stormwater gross pollutants do not float on the surface, but are submerged in the storm flow. Facilities to remove gross pollutants must address both surface floating and submerged litter and debris. Combinations of flow-through and solid baffles alone do not remove submerged litter and debris.

Mr. Mainz stated that actual storm debris was collected after storm events, and a cubic yard of it was carefully sorted as to size and type for the study. Mr. Dodge stated that the study found that about half the materials (by volume) were larger than 1 inch in diameter. A third was man-made litter, and half of that was various plastic items.

Mr. Dodge stated that an AMAFCA-wide Water Quality Plan similar to a Drainage Management Plan would be needed. Some of the water quality facilities would catch debris before it entered the river, and other facilities would be built upstream as those areas developed. Commercial and industrial gross pollutants would also be addressed in the Water Quality Plan.

Mr. Kelly stated that the Bear Canyon project authorized earlier in the meeting would provide a lot of good information about the types of pollutants in the Albuquerque area, and the effectiveness of various types of screening devices.

Discussion followed.



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18. Election Update

Mr. Kelly gave the Board a brief update on the Election. Early voting and absentee voting began October 5 and runs through October 30. The Election Notices for the Board of Directors Election and the Bond Election are being published in the Journal, Tribune, and El Hispano.

19. Bond Committee Update

Mr. Kelly gave the Board a brief update on the Bond Committee. Since the Board mailout figure of \$26,400, another \$2,100 has come in bringing the total raised to date to \$28,500. The marketing campaign has begun with 30-second television and radio spots. The Rowlands billboard near the AMAFCA office will have a "support the AMAFCA bond issue" snipe across the upper corner.

21. Field Highlights

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

Jerry Lovato, Field Engineer, presented a slide show depicting progress on the West I-40 Diversion Channel Project. Mr. Lovato commented on the slides. He also showed slides of a completed project, the La Cueva Arroyo - Avulsion Four Project.

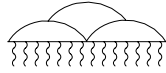
Mr. Kelly stated that AMAFCA had begun preparing a letter to the surety company for the contractor on the West I-40 Project, requesting their consent to begin withholding additional funds to cover anticipated liquidated damages for the project being behind schedule.

22. Unfinished Business

- a. Trip Report, Dam Safety Conference**

Mr. Lovato gave the Board a trip report on the Dam Safety Conference he attended in Phoenix at the end of September.

Director Hernandez asked about a tour of the Tucson flood control facilities while he and other Board members are in Tucson for the endangered species act conference in early November. Mr. Lovato stated he was working out final details of the tour.



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23. New Business

None.

24. Items from the Floor / Public Comment

None.

25. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 11:00 a.m.

/s/

Ronald D. Brown, Secretary-Treasurer 11/18/04

Recorded by Irene Jeffries/Transcribed by Pam Woodruff, Secretary to the Executive Engineer