

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

A quorum was present.

**2. Approval of Agenda**

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

**3. Meetings Scheduled**

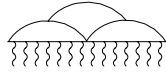
- a. December 16, 2004, 10:00 a.m. – Regular Meeting**
- b. January 3, 2005, 9:00 a.m. – Special Meeting to Swear in New Director**
- c. January 27, 2005, 9:00 a.m. – Regular Meeting**

Mr. Kelly stated that the December 16<sup>th</sup> meeting would be at 10:00 a.m. instead of 9:00 a.m. so it could be immediately followed by the traditional holiday luncheon. Director Stover made a motion to approve the schedule as presented. Director Brown seconded the motion, which passed unanimously (5-0).

**4. Approval of Minutes**

- a. October 21, 2004**

Director Hernandez made a motion to approve the minutes of the October 21, 2004 Regular Board Meeting. Director Brown seconded the motion, which passed unanimously (5-0).



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**5. Financial Matters**

**a. Approval of October 2004 Expenditures**

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

**b. Investment Report**

For Information.

Chairman Eichenberg suggested that AMAFCA look into trying to get a higher interest rate. Director Brown suggested "laddering" the monies invested so that some would be in the State short term fund, and some in longer-term investments of 60-day, 90-day, 6-month, and 12-month terms. Ms. Jeffries stated that she and the Financial Advisor would look into this.

**c. Financial Recap October 16, 2004 through November 15, 2004**

For Information.

**d. Financial Forecast November 16, 2004 through December 15, 2004**

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

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

**6. Legal**

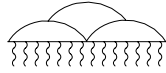
**a. Status Report**

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

**7. Executive Engineer Evaluation and Consideration of Increase in Compensation  
(Closed Session)**

Chairman Eichenberg stated that the next item of business was the Executive Engineer evaluation and consideration of an increase in compensation.

Director Hernandez made a motion to close the meeting in accordance with the Open Meetings Act, to discuss personnel matters. Director Brown seconded the motion, which passed unanimously (5-0).



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The meeting was closed at 9:20 a.m., and reopened at 9:45 a.m.

Chairman Eichenberg stated that during the closed session, the Executive Engineer's evaluation was conducted, and an increase in compensation was considered. The Board decided to adopt the recommendation of the Salary and Personnel Committee for a 6% salary increase.

Director Brown made a motion to give the Executive Engineer a 6% salary increase. Director Hernandez seconded the motion, which passed unanimously (5-0).

**8. Canvassing of 2004 AMAFCA Elections**

**a. Approval of Resolution 2004-10, 2004 Bond Question Canvass**

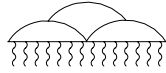
Mr. Kelly stated that the AMAFCA Bond Question passed on a vote of 139,510 for and 81,741 against. The Bernalillo County Commission, serving as the Board of Canvass, certified the election results Friday, November 12, 2004. Resolution 2004-10 accepts the certificate of canvass and declares the Bond Question approved.

Director Brown made a motion that the Board adopt Resolution 2004-10, Bond Question Canvass. Director Hernandez seconded the motion, which passed unanimously (5-0).

**b. Approval of Resolution 2004-11, 2004 Directors Election Canvass**

Mr. Kelly stated that Director-Elect Janet Saiers won the Board of Directors Election for District 5 with a majority of the votes, 16,628. John Doran had 8,275 votes and Gregory N. Raver had 3,855 votes. The Bernalillo County Commission, serving as the Board of Canvass, certified the election results Friday, November 12, 2004. Resolution 2004-11 declares Janet W. Saiers the winner of the election for District 5 Director.

Director Hernandez made a motion that the Board adopt Resolution 2004-11, 2004 Directors Election. Director Brown seconded the motion, which passed unanimously (5-0).



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**9. 2005 Bond Sale – Briefing by Kevin Powers, RBC Dain Rauscher**

Mr. Kelly introduced Kevin Powers and Lisa Fenner of RBC Dain Rauscher, who were in attendance at the meeting. Mr. Powers and Ms. Fenner presented their recommendations for the time schedule and finance plan for the AMAFCA bond sale to the Board.

Mr. Powers stated that they recommend a sale of \$9,750,000 in bonds on January 11, 2005, with bids due at 11:00 a.m., stating that funds from the sale would be transferred to AMAFCA by mid-February. With the bond sale amount under \$10 million, it would qualify for a federal tax exemption for banking institutions, making the bonds very attractive to a wide range of buyers at a lower interest cost to AMAFCA.

Discussion followed, and Mr. Powers and Ms. Fenner answered several questions from the Board regarding the details of their proposal.

Mr. Kelly suggested a special Board meeting to accept the bond sale at 11:30 a.m. on January 11, 2005. Directors could arrive early, just prior to 11:00, to watch the results come in online. The Board agreed.

**10. FY-04 Audit – Acceptance of Audit**

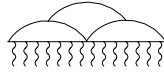
Mr. Kelly reported that the State Auditor's Office had examined AMAFCA's FY-04 Audit and issued the release letter. He introduced Chester Mattocks, AMAFCA's auditor, who was in the audience. Mr. Mattocks stated that the audit report had been made public.

Director Lyon made a motion that the Board accept the FY-04 Audit. Director Hernandez seconded the motion, which passed unanimously (5-0).

**11. Construction Management Services for Amole Arroyo, Amole Dam to Amole Bend Project – Consideration of Engineering Services Agreement with the Larkin Group**

Loren Meinz, AMAFCA Drainage Engineer, presented the proposed engineering services agreement with the Larkin Group for Construction Management Services for the Amole Arroyo, Amole Dam to Amole Bend Project. He noted that John Andrews and Kevin Banks of the Larkin Group were present to answer any questions. Brief discussion followed.

Director Brown made a motion that the Board approve the Agreement with the Larkin Group NM, Inc. to provide Design Review and Construction Engineering Services for the Amole



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Arroyo, Amole Dam to Amole Bend Project, and authorize the chair to execute the same. Director Hernandez seconded the motion, which passed unanimously (5-0).

**12. Storm Water Quality Education Coordinator – Consideration of Professional Services Agreement with Cooney, Watson & Associates**

Mr. Mainz presented the proposed professional services agreement with Cooney, Watson & Associates for Storm Water Quality Education Coordinator. He noted that Jim Cooney and Cassie Christian of Cooney, Watson and Associates were present to answer any questions.

Mr. Mainz stated that compensation would be on a time and materials basis and would not exceed \$25,000, plus NMGRT. Hourly rates follow the fee schedule stipulated in Attachment A of the agreement.

Director Lyon made a motion that the Board approve the Agreement and authorize the Executive Engineer to sign the Professional Services Agreement with Cooney, Watson and Associates in the amount of Time and Materials not to exceed \$25,000.00, not including NMGRT.

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

**13. Tijeras Arroyo Hidden Valley Bank Protection Project – Approval of On-Call Engineering Services Task Order #2 with HDR, Inc.**

Christy Burton, AMAFCA GIS Manager, presented the proposal from HDR Engineering to provide Engineering Design and Construction Management Services as Task No. 2 under their On-Call Category 2 Agreement dated October 23, 2003. The design and construction phase services would be for the Tijeras Arroyo Hidden Valley Bank Protection Project, as identified in the AMAFCA FY-05 Project Schedule.

She stated that compensation was to be on a Time and Materials basis, not to exceed \$28,041.22 for engineering design, excluding NM gross receipts tax. Hourly rates follow the fee schedule in the October 23, 2003 Agreement. She introduced Jesse Dickson and Brooke Garcia of HDR, who were present to answer any questions.

Director Brown made a motion that the Board authorize the Executive Engineer to approve the proposal from HDR Engineering, Inc. for Task Order 2 of the On-Call Engineering Services Agreement, on a time and materials basis not to exceed \$28,041.22, not including NMGRT.



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Director Hernandez seconded the motion, which passed (4-0). Director Lyon was not present at the time of the vote.

**14. Authorization to Advertise Rutherford Property for Lease**

Martin Eckert, AMAFCA Real Estate Manager, presented the request for authorization to advertise the "Rutherford Property" for lease. The Rutherford property is at the southwest corner of Isleta Boulevard and Malpais Road. He explained that the previous lease had expired in the middle of the growing season, so had been extended on a month-to-month basis from June 3, 2004 to December 3, 2004.

He stated that the terms of the original lease and the extensions were due to the uncertainty of the timing of a Corps of Engineers project that would use the Rutherford Property for flood control. The new lease would begin February 1 and run through December 31, 2005, with 12 month extensions possible until the Corps of Engineers needs the property for their project.

Mr. Kelly stated that the Corps may need the property as soon as the spring of 2006.

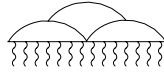
Director Hernandez made a motion that the Board authorize the Executive Engineer to advertise the Rutherford Property for Lease. Director Brown seconded the motion. Following brief discussion, the motion passed unanimously (5-0).

**15. Authorization to Advertise Request for Proposals for Isleta Phase I Tributary Storm Drains and La Familia Surge Pond Project**

Ms. Burton presented the request for authorization to advertise a Request for Proposals for Design and Construction Management Services for the Isleta Phase I Tributary Storm Drains and La Familia Surge Pond Project. This project was identified in the AMAFCA Project Schedule for design in FY-05 and construction in FY-06.

She stated that the project includes storm drains along several streets that will connect to the new storm drain in Isleta Boulevard, and a surge pond that will be built at the La Familia site. Floodplain will be removed by the storm drains, and the surge pond at La Familia will provide water quality treatment and be multi-use. She stated that Bernalillo County will maintain the entire project when complete.

Discussion followed. Mr. Kelly stated that the final design of the surge pond may not be completed until later, given the current lack of an end user for the property.



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Director Brown made a motion that the Board approve the issuance of the RFP for design and construction management services for the Isleta Phase I Tributary Storm Drains and La Familia Surge Pond Project.

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

**16. Calabacillas Arroyo Bank Protection at Golf Course Road – Consideration of Turnkey Agreement with Star Trust, Inc.**

Mr. Kelly introduced Felix Rabadi of Star Trust, and representing his engineer, Steve Metro of Wilson & Co.

Ms. Mazur presented the proposed turnkey agreement with Star Trust, Inc. for Calabacillas Arroyo Bank Protection at Golf Course Road. She stated that Star Trust would build 950 feet of bank protection that will connect with the existing riprap installed with the condominium project to the west. AMAFCA will maintain constructed improvements once accepted.

She stated that AMAFCA requested that Star Trust contribute \$100,000 towards the future construction of a grade control structure adjacent to their development, and that this contribution may be in the form of delivered large riprap valued at \$50 per cubic yard, equaling 2000 cubic yards, delivered to a site designated by AMAFCA.

Ms. Mazur added that Mr. Rabadi wants to remove 30,000 cubic yards of sediment from Swinburne Dam, and since this is material that would normally need to be removed by AMAFCA's maintenance crew as a part of their regular maintenance, he requested that AMAFCA waive the normal \$0.50 per cubic yard royalty payment.

Mr. Kelly stated that a royalty waiver is allowed under Resolution 1991-10, "Disposal of Sediment and Excess Earth", Section 2.d.

Mr. Metro briefly spoke, then Mr. Rabadi addressed the Board. Mr. Rabadi stated that he wants to contribute only 1000 cubic yards of riprap because the developer of the adjacent apartment development, further from the arroyo, had not been required to contribute to arroyo stabilization.

Mr. Kelly gave a history of the area, detailing the drainage control and arroyo stabilization efforts and contributions of other developers in the area over the last decade. He stated that the apartment complex had been quite far from the prudent line and so no arroyo bank stabilization had been necessary to protect it. Mr. Rabadi's development will be along the arroyo bank, so bank stabilization is necessary, and eventually a drop control structure will be required to further stabilize this reach of the arroyo.



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Discussion followed. The Board determined that 2000 cubic yards of delivered large riprap, valued at \$100,000, would be an appropriate amount in lieu of a cash contribution for future Drop Structure 3c.

Director Brown made a motion that the Board authorize the Executive Engineer to execute the Agreement to Provide Maintenance for Channel Improvements on the Calabacillas Arroyo at Golf Course Road, substantially the same as attached, with 2000 cubic yards of delivered large riprap to be considered in lieu of a cash contribution from Star Trust, Inc.

Director Lyon seconded the motion. After further discussion, the motion passed unanimously (5-0).

**17. Ditch Safety Coordination**

**a. Briefing by Griffin & Associates**

Joan Griffin of Griffin & Associates, the Ditch Safety Coordinator, briefed the Board on activities of the Ditch and Water Safety Task Force during the past year. She stated that this had been a good season, with lots of rain and no drownings. She stated the media coverage had been the best in twelve years.

Ms. Griffin also reported that the new interactive website, "ditchesaredeadly.com", had recently launched. The Ditch and Water Safety Task Force had exceeded their media and presentation goals, gave hundreds of ditch safety presentations, and had also revised and updated the ditch safety video.

She stated that the skateboard stickers, a new item handed out this year, were very popular. The carabiners and small bouncy balls were also popular.

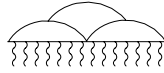
She stated that the Ditch and Water Safety Task force is talking to the local pueblos to encourage them to join the other agencies in funding the ditch safety program.

**b. Approval of Extension of Ditch Safety Coordination Services Contract with Griffin & Associates**

Director Brown made a motion that the Board authorize the Executive Engineer to extend the agreement with Griffin & Associates with the proposed 5% fee increase, as the second extension of the agreement originally approved by the Board at the November 2002 meeting.

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





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Chairman Eichenberg introduced Geneiva Meeker, former AMAFCA Board Member, who was present at the meeting.

**18. Bond Committee Final Report**

Mr. Kelly gave the Board a final report on the Bond Committee. He introduced Kurt Browning, Bond Committee Chair, who was at the meeting.

Mr. Kelly reported that the committee raised \$29,200, and spent all of it except \$809. By motion at their first meeting, the committee had agreed to donate the excess funds to the Ditch and Water Safety Task Force. The final winning margin on the bond election was 1.71:1, better than nearly all the city and county bond issues.

Thank you letters to all committee members were circulated for Board members' signatures. The Board expressed appreciation to the committee for all of their hard work and a successful campaign. Mr. Browning thanked the members of the committee for serving.

**19. Real Estate**

**a. Redefinition of Rights of Way for Amole Arroyo, Amole Bend to Gibson Boulevard**

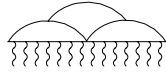
Mr. Eckert introduced Bo Johnson, of Curb, Inc., then addressed the Board concerning some right of way revisions necessary in the final design of the Amole Arroyo Project.

He stated that this will clear up an oversight in the Amole Arroyo Agreement. Drainage improvements by Curb, Inc. will allow a LOMR to be prepared removing these areas from floodplain.

Mr. Eckert stated it will also release an existing 150 foot wide drainage easement that Curb granted to AMAFCA in 2002 and will replace it with AMAFCA in fee simple right-of-way actually needed for the project.

He further stated that existing AMAFCA right-of-way will be quitclaimed to the City of Albuquerque for Gibson Boulevard and the planned Blake Road, subject to AMAFCA reserved drainage easements.

Mr. Eckert stated that the actions will put the entire channel with all storm water quality features in AMAFCA fee simple right-of-way, with AMAFCA drainage easements reserved for the portions of the Project under the Gibson Boulevard and Blake Road crossings.



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Brief discussion followed. Mr. Johnson stated that this would clean up the easements to match the final design.

Director Hernandez made a motion that the Board approve the staff recommendation, which was to approve the following actions:

1. Subject to Receipt of LOMR, Quitclaim Deed/Release of Floodplain Easement Granted By Salazar-Davis Tracts Plat C30-91 filed May 6, 1986, the southerly portion of which was shown on subsequent El Rancho Grande Plats 2002C-184 and 2003C-73;
2. Encroachment Agreement For Improvements In Floodplain until LOMR obtained;
3. Quitclaim Deed/Partial Release of 150' Drainage Easement Granted with El Rancho Grande 1 Tracts 9-A and 9-B Plat 2002C-184 filed May 21, 2002 (entire easement except South ½ of Blake Rd.);
4. Quitclaim Deed of North ½ of Blake Rd. to City of Albuquerque, reserving AMAFCA drainage easement; and
5. Quitclaim Deed of entire width of Gibson Blvd. to City of Albuquerque, reserving AMAFCA drainage easement.

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

**20. Field Highlights**

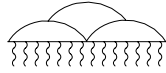
- a. Construction Report**
- b. Field Report**

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 pictures of a completed project, the La Cueva Arroyo - Avulsion Four Project, with comments by Mr. Meinz.

Mr. Lovato then showed some pictures taken by Director Hernandez during his trip to Tucson, with commentary by Director Hernandez.

**21. Unfinished Business**

None.



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**22. New Business**

**a. AMAFCA Holiday Schedule**

Mr. Kelly reported that AMAFCA will observe the following holidays:

Thursday, November 25, 2004 – Office Closed  
Friday, November 26, 2004 – Office Closed  
Friday, December 24, 2004 – Office Closed  
Friday, December 31, 2004 – Office Closed

The AMAFCA Maintenance Crew will be on vacation from December 27, 2004 through December 30, 2004, returning to work on January 3, 2005. The office will be open on those days, but many of the staff will be on vacation.

**b. Notice of Upcoming Retirement by Loren Meinz, Drainage Engineer**

Mr. Kelly reported that he had received advance notification from Loren Meinz that he plans to retire effective September 1, 2005. He stated that as a valuable member of the staff, Mr. Meinz will be difficult to replace. The Board agreed.

**c. Middle Rio Grande Flood Control Association Annual Meeting**

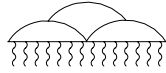
Mr. Kelly stated that any Board member who wishes to may attend the annual breakfast meeting of the Middle Rio Grande Flood Control Association, December 7, 2004 at 7:00 a.m. Directors Hernandez, Brown and Lyon stated an interest in attending.

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

Director Lyon asked how the City's proposed Developer Impact fees would directly or indirectly affect AMAFCA. Mr. Kelly replied that amounts paid to AMAFCA for flood control would be a credit against the City's Developer Impact Fees.

Chairman Eichenberg requested that the Bond Committee members be invited to the Holiday Luncheon to be held immediately following the December 16, 2004 Board Meeting.

There were no public comments.



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**24. Adjourn**

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

*/s/* \_\_\_\_\_  
Ronald D. Brown, Secretary-Treasurer 12/16/04

Recorded by Pam Woodruff, Secretary to the Executive Engineer