

**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**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 16, 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: Director-Elect Janet Saiers

A quorum was present.

**2. Approval of Agenda**

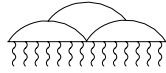
Director Hernandez made a motion to approve the agenda. Director Brown seconded the motion, which passed unanimously (5-0).

**3. Meetings Scheduled**

- a. January 3, 2005, 4:00 p.m. – Special Meeting to Swear in New Director**
- b. January 11, 2005, 11:30 a.m. – Special Meeting for Bond Sale**
- c. January 27, 2005, 9:00 a.m. – Regular Meeting**
- d. February 24, 2005, 9:00 a.m. – Regular Meeting**

Chairman Eichenberg stated that the January 3, 2005 special meeting to swear in Director-Elect Janet Saiers would be held at 4:00 p.m., instead of 9:00 a.m. as originally scheduled. Judge Theresa Baca will perform the swearing-in.

Mr. Kelly stated that the bond sale will be January 11, 2005 at 11:00 a.m. He invited the Board to arrive by that time if they wish to watch the bids come in online. The Board meeting to approve the sale will begin at 11:30 a.m.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 2**

Director Hernandez made a motion to approve the schedule as amended. Director Stover seconded the motion, which passed unanimously (5-0).

**4. Approval of Minutes**

**a. November 18, 2004**

Director Brown made a motion to approve the minutes of the November 18, 2004 Regular Board Meeting. Director Stover seconded the motion, which passed unanimously (5-0).

**5. Financial Matters**

**a. Approval of November 2004 Expenditures**

Irene Jeffries, AMAFCA Business Manager, presented the November 2004 Expenditure Report.

Director Hernandez made a motion to approve the November 2004 Expenditure Report. Director Stover seconded the motion, which passed unanimously (5-0).

**b. Investment Report**

For Information. Ms. Jeffries noted that interest rates are rising, and that the pooled funds in the State Short Term Fund receive a higher interest rate than the bank rates currently available.

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

For Information.

**d. Financial Forecast December 16, 2004 through January 15, 2005**

Ms. Jeffries presented the Board with the Financial Forecast for the period December 16, 2004 through January 15, 2005.

Director Stover made a motion to approve the Financial Forecast. Director Hernandez 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.

The Board also discussed a request from the contractor on the West I-40 project to suspend the contract time for 60 days. Mr. Bregman and Mr. Kelly recommended that AMAFCA set



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 3**

certain non-negotiable conditions that must be met before the suspension will be allowed. Mr. Kelly plans an initial 30-day suspension that could be extended another 30 days if certain conditions are met. The Board will hear updates on the status of this matter at their January meetings.

**7. 2005 Bond Sale – Approval of Resolution 2004-12, Notice of Bond Sale**

Mr. Kelly introduced Lisa Fenner and Kevin Powers, from RBC Dain Rauscher, and Art Melendres, AMAFCA Bond Counsel.

Ms. Fenner discussed the proposed bond maturity schedule, stating that extending the schedule slightly will not negatively affect AMAFCA's bond ratings. She pointed out that the proposed schedule defers some principal to later years, but it is still paid off very quickly.

She also stated that, at \$9.75M, the size of the bond issue is below \$10M, making it "bank qualified." AMAFCA could realize savings of up to \$25,000 in interest, due to competitive bidding among more parties.

Ms. Fenner stated that the sale would be at 11:00 a.m. on January 11, 2005. The Board will meet at 11:30, immediately following the tabulation of bids, to award the sale to the lowest bidder.

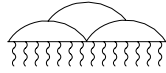
Mr. Melendres addressed the Board regarding the specifics of the Notice of Bond Sale Resolution.

Director Stover made a motion that the Board adopt Resolution 2004-12 – Notice of Bond Sale. Director Hernandez seconded the motion, which passed unanimously (5-0).

**8. Bear Canyon Storm Water Quality Facility – Award of Construction Bid**

Loren Mainz, AMAFCA Drainage Engineer, presented the results of the construction bid opening for the Bear Canyon Storm Water Quality Facility Project. Four contractors submitted bids by the deadline, 2:00 p.m. on December 7, 2004. Bid results were reviewed and tabulated by ASCG, Inc.

Mr. Mainz stated that the low bidder was Moore & Cowart Contractors, Inc., with a bid of \$469,706.45 (not including NMGRT), and that ASCG and staff recommend that the construction contract be awarded to Moore & Cowart. He stated the bids were higher than estimated because of the confined areas involved. Brief discussion followed.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 4**

Director Stover made a motion that the Board accept Moore & Cowart Contractors, Inc., as the lowest responsible bidder and authorize the Chairman to execute a contract with Moore & Cowart Contractors, Inc., in the amount of \$469,706.45 for the Bear Canyon Arroyo 2004 Storm Water Quality Retrofit Project.

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

**9. Isleta Phase I Tributary Storm Drains and La Familia Surge Pond Project – Selection Advisory Committee Recommendation**

Christy Burton, AMAFCA GIS Manager, presented the results of the Request for Proposals for the Isleta Phase I Tributary Storm Drains and La Familia Surge Pond Project. Proposals were due by 2:00 p.m. on December 9, 2004, and 5 firms submitted proposals by the deadline. Selection Advisory Committee members were Director Hernandez, John Kelly, Jerry Lovato, and Christy Burton of AMAFCA, and Roxanne Blatz of Bernalillo County Public Works.

She stated that the Selection Advisory Committee met on December 14, 2004 to evaluate the proposals. One proposal was rejected as non-responsive. The committee evaluated the remaining proposals and ranked Smith Engineering first. The staff recommendation is that the Board authorize negotiations with Smith Engineering for an Agreement for Engineering Design and Construction Management Services for this project.

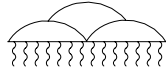
Director Hernandez made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations per the NM Procurement Code, and come back to the Board at a future meeting for approval of an agreement with Smith Engineering for Engineering Design and Construction Management Services for the Isleta Phase I Tributary Storm Drains and La Familia Surge Pond Project.

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

Director Hernandez noted his expectations of thorough public input into potential multiple uses for the surge pond area.

**10. Amole Arroyo, Amole Dam to Amole Bend – Authorization to Advertise for Construction Bids**

Mr. Mainz requested that the Board authorize staff to advertise for construction bids for the Amole Arroyo, Amole Dam to Amole Bend Project. He told the Board that Mark Goodwin & Associates is preparing the final plans and plan approval is anticipated in January, 2005. The Larkin Group has started design and specification review for the project.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 5**

He stated that the anticipated project schedule is to advertise and award the construction contract during January and February 2005, with construction complete by July 2005.

Director Lyon made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the Amole Arroyo, Amole Dam to Amole Bend. Director Stover seconded the motion, which passed unanimously (5-0).

**11. North Diversion Channel Debris Disposal Facility – Authorization to Advertise for Construction Bids**

Ms. Burton stated that Boyle Engineering had completed preliminary engineering for the North Diversion Channel Debris Disposal Facility, and expected to complete the final design within two to three weeks. She requested authorization from the Board to advertise the project for construction bids.

She stated that the proposed schedule for this project is to advertise and award the construction contract during January and February, with construction to be complete by June 2005. The anticipated cost of construction is \$95,000.00.

Director Hernandez made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the North Diversion Channel Debris Disposal Facility. Director Stover seconded the motion.

Chairman Eichenberg asked why this project was being funded under the general operating fund rather than the construction fund. Mr. Kelly stated that arroyo channel maintenance operations are traditionally funded through the operating fund. Since this facility would aid in and reduce costs of maintenance, an operating expense, it was included in the operating fund budget.

The motion passed unanimously (5-0).

**12. South Diversion Channel Sediment Removal – Authorization to Advertise for Bids**

Jerry Lovato, AMAFCA Field Engineer, stated that AMAFCA is required to maintain the hydraulic performance of the South Diversion Channel, which requires the removal of sediment material in the channel outfall. Approximately 25,000-30,000 cubic yards of sediment needs to be removed this winter.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 6**

He requested that the Board authorize staff to advertise for construction bids to remove the sediment from the South Diversion Channel Outfall, so that a contract can be awarded at the January 27, 2005 Board Meeting. In reply to questions from the Board, he stated that debris will be removed as well as sediment, and it is likely there will be very aggressive pricing on this contract.

Director Stover made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the removal of the sediment stockpiled at the South Diversion Channel Outfall. Director Hernandez seconded the motion, which passed unanimously (5-0).

**13. Lyon Boulevard Storm Drain**

**a. Consideration of Cooperative Funding, Construction and Maintenance Agreement for the Lyon Boulevard Storm Drain Extension Project**

Mr. Kelly introduced guests Harry Silverman, Ron Bohannon, Mike Marra, Chris Perea, and Vince Carrica, who were in attendance. They represent some of the parties involved in the Cooperative Funding, Construction, and Maintenance Agreement for the Lyon Boulevard Storm Drain Extension Project.

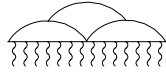
Lynn Mazur, AMAFCA Development Review Engineer, stated that this agreement among the respective developers, the City, the County, Albuquerque Public Schools and AMAFCA outlines the funding, construction, and maintenance responsibilities for the Lyon Boulevard Storm Drain Extension Project.

She stated that the agreement will benefit all parties and the public by providing a drainage solution to an area that has not had a drainage master plan. It will also eliminate piecemeal construction of drainage improvements as the area is developed. She added that staff recommends approval of the Agreement, which has already received verbal approval from all parties involved.

In response to a question, Mr. Kelly stated that staff hopes to be able to request authorization to advertise this project for construction bids in January, and that the private funding would be received within seven days after authorization to advertise. The project would be awarded in February.

Director Stover made a motion that the Board approve the Cooperative Funding, Construction and Maintenance Agreement for the Lyon Boulevard Storm Drain Extension Project.

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



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 7**

**b. Consideration of Agreement with New Mexico Utilities, Inc. for Waterline Work Appurtenant to Project**

Ms. Mazur stated that during the design phase of the Lyon Boulevard Storm Drain Extension project, engineers determined that the existing 12-inch asbestos cement water line in the Lyon Boulevard right-of-way would be damaged during installation of the 90-inch storm drain. Not only would a break disrupt water service, but AC pipe is brittle and must be disposed of properly if broken.

Ms. Mazur stated that Mr. Kelly met with Bob Gay, Vice President and General Manager of NMUI, to discuss replacing the water line during construction of the Lyon Boulevard Storm Drain improvements.

She stated that as a result of discussions between Mr. Gay and Mr. Kelly, an agreement was drafted to allow for replacement of this water line, at NMUI's expense, including design, construction, and construction management, during storm drain construction. The same design firm and construction firm will be utilized, resulting in cost savings for NMUI, time savings for AMAFCA, and less inconvenience to the public.

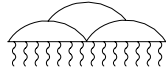
Director Hernandez made a motion that the Board approve the Agreement for New NMUI Waterline Construction with the Lyon Boulevard Storm Drain Extension Project. Director Stover seconded the motion, which passed unanimously (5-0).

**14. Approval of Resolution 2004-13 – Final Approval of Sale of Surplus Property, Amole Arroyo**

Martin Eckert, AMAFCA Real Estate Manager, asked the Board to provide final approval of the sale of surplus property on the Amole Arroyo by adopting resolution 2004-13, which includes authorization for the Chairman to execute a Quitclaim Deed for this transaction. The Notice of Sale was published four times in the paper, and posted on the property with a "Property for Sale" sign, as requested by the Board. No other inquiries were received.

He stated that the southerly sale parcel was reduced in size from 3.0418<sup>+/-</sup> acres to 2.4272<sup>+/-</sup> acres, resulting in a total sale of 2.9196<sup>+/-</sup> acres. As a result, the total sale price of the parcels has been reduced to \$117,000.00 (2.9196 acres times a value of \$40,074 per acre).

Director Stover made a motion that the Board adopt Resolution 2004-13 – Final Approval of Sale of Surplus Property, Amole Arroyo. Director Hernandez seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 8**

**15. La Cueva Arroyo – Preliminary Approval of Sale of Property**

Mr. Eckert introduced Esmail Haidari, Adil Rizvi, and Shakeel Rizvi, who were in attendance in the meeting. He reminded the Board that this item had been deferred from the June 23, 2004 agenda. At that time, the Board directed staff to bring this back before the Board after the survey and appraisal were complete.

He stated a survey of the parcels has indicated a total size of 17,434.60<sup>+/-</sup> square feet, and the parties had agreed on a price of \$4.42 per square foot, based upon the recent appraisal and the recent purchase of the adjacent lots by Mr. Haidari and his wife.

A Notice of Proposed Land Sale will be published in the paper to meet the notice requirements of Resolution 2003-4, *Disposal of Excess Lands*.

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

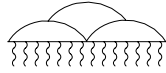
**16. Real Estate**

**a. Quitclaim/Release of Easements on Lots 27 and 28, Block A, Tract 2, Unit 1, North Albuquerque Acres, to Bernalillo County for La Cueva Arroyo Avulsion 2 - Modesto Diversion Drainage Project**

Mr. Eckert introduced Roger Paul and Ray Orona of the Bernalillo County Public Works Department, who were in attendance at the meeting. Mr. Eckert stated that Bernalillo County had recently requested that AMAFCA quitclaim some easements to them for their La Cueva Arroyo Avulsion 2 Project.

Director Hernandez made a motion that the Board authorize the Board Chairman to execute Quitclaim Deeds for the Grant of Easements on Lots 27 and 28 of Block "A", Tract 2, Unit 1 of North Albuquerque Acres to Bernalillo County. Director Stover seconded the motion, which passed unanimously (5-0).





**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 9**

As the meeting was running ahead of schedule, Chairman Eichenberg called a brief recess at 11:08 a.m. At 11:18 a.m., he called the meeting back in session.

**17. 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. Recent rains resulted in water in the channel, and some washout which had to be repaired before construction could continue.

He also showed slides of the AMAFCA crew regrading the channel at Parkway, landscaping the AMAFCA parking lot, the AMAFCA "snowman", and cranes at the Sanchez Farm project, which was completed this past summer. He stated that AMAFCA had hoped cranes would return to the site (after a twenty-year absence), but had not expected their return this soon after construction.

Chairman Eichenberg called a recess at 11:25 a.m. At 11:52 a.m., he called the meeting back in session.

**18. Unfinished Business**

None.

**19. New Business**

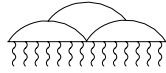
None.

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

None.

**21. Ceremony Honoring Departing Director Linda Stover**

The Board, staff, and audience thanked Director Stover for her years of public service. Mr. Kelly presented Director Stover with a framed invitation to the ceremony and reception honoring her 8 years of public service, which featured a rooster motif. Director Stover explained that she collects roosters, and has a collection of over 500 rooster items in her home.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
December 16, 2004**

**Page 10**

Chairman Eichenberg, Director Lyon, Director Brown, and Director Hernandez each expressed their appreciation to Director Stover for her years of service on the Board. Each remembered her service on the Board with anecdotes and kind comments.

Others expressing their admiration of Director Stover and her years of service included Cliff Anderson, Janet Saiers, Bob Stover (Director Stover's husband), Bobbie Cloud (her mother), Geneiva Meeker, and Sam Bregman.

Chairman Eichenberg then presented Director Stover a plaque of appreciation featuring a rooster.

Director Stover thanked everyone for coming and for their comments, and introduced other friends and family members who were able to attend the ceremony.

Mayor Martin Chavez arrived, and was introduced by Chairman Eichenberg.

Mayor Chavez presented to Director Stover a hand-lettered and wax-sealed certificate proclaiming her "Duquesa de Albuquerque" for her "dedicated public service to the people of this historic 'Duke City'". He stated that this was a special recognition for public service to be given out sparingly during Albuquerque's Tri-Centennial. He added that this was the first such certificate to be awarded.

Final comments were made by Drew Olmstead, Director Stover's son.

**22. Adjourn**

With no further business to discuss, Chairman Eichenberg turned the meeting over to Vice Chair Stover to adjourn the meeting. As her final official act, Vice Chair Stover adjourned the meeting at 12:07 p.m.

/s/  
\_\_\_\_\_  
Tim Eichenberg, Secretary-Treasurer 1/27/05

Recorded by Pam Woodruff, Secretary to the Executive Engineer