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1. Call to Order and Roll Call

Vice Chair Lyon called the Regular Board Meeting to order at 10:09 a.m. Tuesday, September 20, 2005. Roll was noted as follows:

Directors present: Chairman Ronald D. Brown (arrived at 10:12 a.m.)

Vice Chair Daniel Lyon Director Tim Eichenberg Director Janet Saiers

Director Danny Hernandez

Others present: John Kelly, Executive Engineer

Sam Bregman, Attorney

Staff

A quorum was present.

2. Approval of Agenda

Director Saiers made a motion to approve the agenda. Director Eichenberg seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. October 27, 2005, 10:00 a.m. Regular Meeting
- b. November 17, 2005, 10:00 a.m. Regular Meeting
- c. December 15, 2005, 10:00 a.m. Regular Meeting

Director Eichenberg made a motion to approve the meeting schedule. Director Saiers seconded the motion, which passed (4-0).

4. Approval of Minutes

a. August 11, 2005

Director Eichenberg made a motion to approve the minutes of the August 11, 2005, Regular Board Meeting. Director Saiers seconded the motion, which passed (4-0).



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b. August 19, 2005

Director Hernandez made a motion to approve the minutes of the August 19, 2005, Special Board Meeting. Director Saiers seconded the motion, which passed (3-0). Director Eichenberg abstained from voting, as he was not present at the meeting.

c. September 2, 2005

Director Saiers made a motion to approve the minutes of the September 2, 2005, Special Board Meeting. Director Lyon seconded the motion, which passed (3-0). Director Eichenberg abstained from voting, for although he participated via phone, he was not present at the meeting.

5. Financial Matters

a. Approval of August 2005 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the August 2005 Expenditure Report.

Director Eichenberg made a motion to approve the August 2005 Expenditure Report. Director Hernandez seconded the motion, which passed (4-0).

b. Investment Report

For Information.

c. Financial Recap August 11, 2005 through September 15, 2005

For Information.

d. Financial Forecast September 16, 2005 through October 15, 2005

Ms. Jeffries presented the Financial Forecast for the period September 16, 2005 through October 15, 2005. Chairman Brown arrived during the discussion of the financial forecast.

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



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6. Personnel Matters

Mr. Kelly stated that after Brad Bingham had made a verbal acceptance of AMAFCA's offer of employment to him, the City had matched the offer. Mr. Bingham elected to stay with the City. AMAFCA then made an offer to the second-ranked applicant, who declined.

After discussions with the engineering staff, Mr. Kelly posted the Drainage Engineer position internally until September 23, 2005. He will report at the next Board meeting.

Director Saiers asked who was handling the projects previously handled by Mr. Meinz. Mr. Kelly replied that the workload had been split among the remaining engineering staff, and AMAFCA had arranged the workload such that there would not be a problem covering his former projects.

Director Lyon asked if Mr. Meinz could be asked to come back on a contract basis, and if the Personnel and Salary Committee needed to be involved. Mr. Kelly stated that Mr. Meinz remained available by phone, but had been called upon only minimally.

Chairman Brown added that Mr. Kelly has been keeping the Personnel and Salary Committee informed.

Vice Chair Lyon turned the meeting over to Chairman Brown.

7. **FY-2005** Audit – Exit Conference

Chairman Brown introduced Chester Mattocks, CPA, AMAFCA's auditor.

He stated that the Audit Exit Conference would be closed to the public, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information as protected by the Audit Act, §12-6-5 NMSA 1978, and as further described in Attorney General Madrid's document, "Open Meeting Act, Compliance Guide for New Mexico Public and Citizens," fourth edition, August 1999.

The meeting went into closed session at 10:22 a.m., and reopened at 11:13 a.m.

Chairman Brown stated that the Board had taken no action during the closed session.

Director Hernandez made a motion that the Board release the Audit to the State Auditor for approval. The motion was seconded by Director Saiers, and passed unanimously (5-0).



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8. Legal – Status Report

Attorney Sam Bregman briefed the Board on the status of various legal matters.

9. West I-40 Phase III Diversion Channel Project Status Report

a. Report from Surety

Jerry Lovato, AMAFCA Field Engineer, briefed the Board on the status of this project while Mr. Tom Finley, Claims Counsel, Fidelity and Deposit Company of Maryland, Zurich North America, was being contacted via speaker phone.

Mr. Lovato stated that Mr. Finley had hired Perini Management Services to quantify the amount of work that still needs to be done on the project and to contact local contractors and suppliers needed to complete the project. A Request for Bids has been sent to four Albuquerque contractors expressing an interest in the project. A walk-through is scheduled for September 21. Bids were to be due September 23, 2005, but the deadline may be extended seven days at the request of one of the bidders. The surety will evaluate the bids and bring a contractor before the Board for approval.

In response to a question from Director Hernandez, Mr. Lovato confirmed that the surety is not bound by AMAFCA's "lowest responsible bidder" requirement. The surety will choose the contractor based on their own criteria.

Mr. Finley joined the meeting via speakerphone. Chairman Brown summarized the information shared by Mr. Lovato.

Mr. Lovato added that the surety has asked that the Board extend the suspension of contract time for an additional thirty days. The contract will be assigned to a new contractor in about two to three weeks, but the work may not begin immediately thereafter. The contractor may not be available to begin work immediately, and there could be a delay in obtaining materials and supplies to finish the work.

Mr. Kelly suggested a Special Board Meeting on October 12, 2005, to review the contractor selected, adding that an extension could be made until that date.

Chairman Brown asked Mr. Finley if this date would give him enough time for bids to be received and reviewed, and a contractor chosen. Mr. Finley affirmed that it would, and that a decision will have been made by October 12th. He added that preparing and signing a contract would be the next step after AMAFCA consents to the contractor chosen.



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In reply to a question from Director Lyon, Mr. Finley stated that four contractors now held bid documents. If the bid deadline is extended a week, one or two additional contractors may also be interested in bidding on the project. Responding to Director Lyon's desire for Board involvement in the contractor selection, Mr. Finley stated that when the surety has determined which contractor they are interested in hiring, that selection will be brought to the AMAFCA Board for their consent.

After further discussion, Chairman Brown set a special meeting for this matter for 8:30 a.m. on October 12, 2005.

Director Hernandez made a motion that the Board extend the contract time suspension until the next meeting, October 12, 2005. Director Eichenberg seconded the motion, then amended the motion to state that the Board defer a decision on suspension of the contract time until the October 12, 2005 special meeting, at which time the Board will make a decision. Director Hernandez agreed to the amendment. The amended motion passed unanimously (5-0).

Chairman Brown summarized that the Board was deferring a decision on suspension of the contract time until the October 12, 2005 Special Meeting of the Board of Directors. The decision made at that time would be retroactive.

b. Consideration of Additional Construction Engineering Services with Wilson & Company

Mr. Lovato introduced Dan Aguirre, of Wilson & Company.

Mr. Lovato stated that, due to Albuquerque Excavators' lack of progress and their voluntary default on the construction contract, current funding for construction engineering services was not adequate to complete the contract. He requested Board authorization to amend Supplement Number Six of the contract with Wilson & Company to increase the amount of Construction Engineering Services by \$59,000 to cover the estimated cost of services for the next six weeks. Work is paid on a time and materials basis and will be billed to AMAFCA.

Director Eichenberg made a motion that the Board approve the amendment to Supplement Agreement Six with Wilson & Company for the West I-40 Channel Phase III Project to address additional Construction Engineering Services in the amount of \$59,000.

The motion was seconded by Director Hernandez.

Director Eichenberg asked if additional costs such as this would be paid by the surety. Mr. Bregman stated that AMAFCA is allowed to ask the surety to cover additional costs as well as



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damages. Mr. Lovato added that the surety is aware that AMAFCA will be asking them to reimburse these additional costs.

The motion passed unanimously (5-0).

As Commissioner Teresa Cordova, Bernalillo County Commission, had arrived, Chairman Brown elected to hear items 12 and 13 next.

12. U.S. Army Corps of Engineers Southwest Valley Drainage Projects

a. Briefing on Public Meeting Schedule

Mr. Kelly stated that there would be a series of public meetings regarding the Southwest Valley Drainage Projects mid-October to mid-December, in various neighborhoods of the South Valley. There will be a dry run of the presentation next week, with observer input, before the first public meeting. The Board was informed of the time and location of each of the public meetings. A reminder and a map will be provided to each Board member before the meetings.

b. Consideration of On-Call Engineering Services Task Order #2 with Resource Technology, Inc. for Technical Assistance and Facilitation

Mr. Lovato requested the Board consider On-Call Engineering Services Task Order #2 with Resource Technology, Inc., for technical assistance and facilitation of the public meetings.

Director Hernandez made a motion that the Board authorize the Executive Engineer to approve the proposal from Resource Technology, Inc., for On-Call Engineering Services, Task Order 2, for technical assistance needed for public meetings being held as a part of the Corps of Engineers South Valley Drainage Projects; fees based on a time and materials basis not to exceed \$8,000.00, excluding NMGRT.

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

13. Hartline/Isleta Boulevard Tributary Storm Drains

a. Consideration of Cost Sharing Agreement with Bernalillo County

Mr. Kelly introduced Commissioner Teresa Cordova, of the Bernalillo County Commission; Roger Paul, of Bernalillo County Public Works; and Doug Andrews, of Smith Engineering Company, the design engineer.



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Christy Burton, AMAFCA GIS Manager, requested that the Board approve the cost sharing agreement with Bernalillo County for funding construction of the Hartline Road Storm Drain and Isleta Boulevard Tributary Storm Drains, which will be combined into one project. The agreement also covers operation and maintenance after construction.

Director Hernandez asked if Commissioner Cordova had anything to add. She replied that this was a fine example of cooperative projects in the area, benefiting a key site in the South Valley economic development center.

Director Hernandez made a motion that the Board approve the cost sharing agreement with Bernalillo County for funding construction of the Hartline Road Storm Drain and Isleta Boulevard Tributary Storm Drains. The motion was seconded by Director Lyon.

In response to a question from Director Saiers, Mr. Kelly stated that combining the projects will save AMAFCA money due to economy of scale. The AMAFCA portion is approximately \$1.2 million.

Director Hernandez commented he appreciated how AMAFCA money was focused on drainage issues in this project, and the County would handle the aesthetic portions of the project.

The motion passed unanimously (5-0).

Director Eichenberg left the meeting at 11:40 a.m., due to a prior engagement.

b. Consideration of Amendment to Agreement with Smith Engineering for Additional Design Work

Ms. Burton requested that the Board approve Amendment Number 4 to the Agreement with Smith Engineering for the Isleta Boulevard Storm Drain Project. This amendment allows Smith Engineering to proceed with the design of the Waldie Road Storm Drain, temporary La Familia Surge Pond, and connecting storm drains from La Familia to Isleta Boulevard, Bridge Boulevard, and La Vega Drive.

Director Hernandez made a motion that the Board approve and authorize the Chairman to sign Amendment No. 4, substantially the same as attached, to the Agreement with Smith Engineering for the Isleta Boulevard Tributary Storm Drain Project in the amount of \$29,800.00 excluding NMGRT. The motion was seconded by Director Saiers, and passed (4-0).



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10. On-Call Engineering Services – Extension of Agreements for Second Year

Mr. Kelly requested that the Board extend on-call engineering services contracts with Smith Engineering, URS Corporation, Larkin Group NM, Boyle Engineering, ASCG, Inc., Wilson & Company, HDR Engineering, Mussetter Engineering, Ayres and Associates, and Resource Technology, Inc., for a second one-year extension, per the terms of the contracts. The fee schedules would remain unchanged.

Director Hernandez made a motion that the Board authorize the Executive Engineer to extend each of the above listed on-call contracts for a one-year term as per the provisions of the contracts. The motion was seconded by Director Saiers, and passed (4-0).

11. Paradise Storm Drain – Consideration of On-Call Engineering Services Task Order #7 for Project Design with Wilson & Company

Lynn Mazur, AMAFCA Development Review Engineer, introduced Dan Aguirre of Wilson & Company. She requested the Board approve a proposal from Wilson & Company for design of the Paradise Boulevard Storm Drain and preparation of contract bid documents.

She added that this proposal was in response to direction from the Board at the August 11, 2005 Board Meeting, to bid the Paradise Storm Drain as a separate project rather than include it as a change order to the current Lyon Boulevard Storm Drain Project. Construction management services will be included in a later proposal.

Director Lyon made a motion that the Board approve the proposal from Wilson & Company and authorize the Executive Engineer to execute a Notice to Proceed for engineering services for the Paradise Boulevard Storm Drain Project in the amount of \$20,494.00, excluding NMGRT.

The motion was seconded by Director Saiers, and passed (3-0). Director Hernandez was not present.

14. Amole Arroyo Phase III & 98th Boulevard Crossing – Selection Advisory Committee Recommendation for Construction Engineering Services

Ms. Burton presented the recommendation of the Selection Advisory Committee, which ranked HDR Construction Control Corporation highest for Construction Engineering Services for the Amole Arroyo Phase III & 98th Boulevard Crossing Project.

Mr. Kelly introduced Tim Archibeque, Monica Whitaker, and Jennifer Martinek, all of HDR. In response to a question from the Board, they verified that HDR Construction Control



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Corporation was a part of the same parent company as HDR Engineering. HDR has a local office in Albuquerque.

After brief discussion, Director Saiers 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 HDR Construction Control Corporation.

The motion was seconded by Director Lyon, and passed (3-0). Director Hernandez was not present.

15. On-Call Geotechnical/Environmental Engineering, Survey, Appraisal, Title, and Site Photography Services – Selection Advisory Committee Recommendation for On-Call Services

Martin Eckert, Jr., AMAFCA Real Estate Manager, presented recommendations of the Selection Advisory Committees for On-Call Geotechnical/Environmental Engineering, Survey, Appraisal, Title, and Site Photography Services.

a. Review of Proposals by Selection Advisory Committee for On-Call Surveying Services

Mr. Eckert stated that, based on proposal scores, the SAC recommended the top four firms for on-call surveying contracts: Jeff Mortensen and Associates, Bohannan Huston, Inc., Albuquerque Surveying Company, and Wilson & Company.

In response to a question from Chairman Brown, Mr. Kelly stated that there are currently four firms with on-call contracts for surveying services, and the SAC scoring indicated it was reasonable to recommend four firms.

Director Lyon made a motion that the Board select the top four firms for on-call Surveying Services contracts, and authorize the Executive Engineer to negotiate a contract with each firm for Board approval at the October 27, 2005 meeting.

Director Saiers seconded the motion, which passed (3-0). Director Hernandez returned to the meeting immediately after the vote.



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b. Review of Proposals by Selection Advisory Committee for On-Call Site Photography Services

Mr. Eckert presented the SAC recommended selection of Eagle's Eye Photo Imaging for a contract for on-call site photography services.

Director Saiers made a motion that the Board select Eagle's Eye Photo Imaging for an On-Call Site Photography Services contract, and authorize the Executive Engineer to negotiate a contract with them for Board approval at the October 27, 2005 meeting. Director Hernandez seconded the motion, which passed (4-0).

c. Review of Proposals by Selection Advisory Committee for On-Call Title Services

Mr. Eckert presented the SAC recommended selection of LandAmerica/Albuquerque Title for a contract for on-call title services.

Director Hernandez made a motion that the Board select LandAmerica/Albuquerque Title for an On-Call Title Services contract, and authorize the Executive Engineer to negotiate a contract with them for Board approval at the October 27, 2005 meeting. Director Saiers seconded the motion, which passed (4-0).

d. Review of Proposals by Selection Advisory Committee for On-Call Appraisal Services

Mr. Eckert presented the SAC recommended selection of Shipman/Foley & Associates, American Property Consultants, and Commercial Appraisal Professionals for contracts for on-call appraisal services.

Director Hernandez made a motion that the Board select Shipman/Foley & Associates, American Property Consultants, and Commercial Appraisal Professionals for contracts for On-Call Appraisal Services, and authorize the Executive Engineer to negotiate contracts with each firm for Board approval at the October 27, 2005 meeting. Director Saiers seconded the motion, which passed (4-0).

e. Review of Proposals by Selection Advisory Committee for On-Call Geotechnical/Environmental Services

Mr. Eckert presented the SAC recommended selection of Kleinfelder, AMEC Earth & Environmental, and Vinyard & Associates for contracts for on-call Geotechnical /Environmental services.



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Director Hernandez made a motion that the Board select Kleinfelder, AMEC Earth & Environmental, and Vinyard & Associates for contracts for On-Call Geotechnical/Environmental Services, and authorize the Executive Engineer to negotiate contracts with each firm for Board approval at the October 27, 2005 meeting. Director Saiers seconded the motion, which passed (4-0).

16. North Domingo Baca Dam – Approval of License with Bernalillo County for Recreational Use of AMAFCA Right of Way

Mr. Kelly introduced Adrienne Candelaria and Clay Campbell, of Bernalillo County Public Works. Mr. Eckert stated that Ms. Candelaria and Mr. Campbell would update the Board on the final site plan for the North Domingo Baca Dam.

Ms. Candelaria explained that there were two changes in the site plan from the version previously shown the Board. As recommended by the AMAFCA Board, a proposed practice field was moved, and an underutilized practice field was now designated as a parking area.

Mr. Campbell added that the various elements of the improvements would be prioritized with input from the Little League.

In response to a question from Director Lyon, Mr. Campbell stated they were bringing the revised site plan back before the Board because the use of those two areas had changed. Ms. Candelaria added that, since the exhibit will be attached to the license agreement, it needed to be approved so there would be no question as to the intended use.

In response to further questions, Ms. Candelaria stated that, in the master plan, designated parking areas would eventually be improved with fencing, gravel paving, parking bumpers, and directional signs. Unimproved parking is currently in some of these areas.

Ms. Candelaria added that the highest priority areas would be constructed/improved first, and other improvements would follow as funding permitted. Construction would not be done during the Little League season. An AMAFCA joint use sign would be erected on the site after AMAFCA has finalized the sign design.

Director Hernandez made a motion that the Board approve the License Agreement and authorize the Chairman to execute the License Agreement, substantially the same as attached, subject to final legal review by AMAFCA Attorney Bregman. Director Lyon seconded the motion, which passed (4-0).

Chairman Brown called a recess for lunch at 12:02 p.m. The meeting resumed at 12:37 p.m.



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17. Floodplain Development in North Albuquerque Acres Review and Discussion on Draft Engineering and Development Guidelines

Ms. Mazur presented a draft Resolution, *Residential Building Construction In and Over Arroyos*, for Board review, discussion, and comment. The proposed Resolution would provide engineering and development guidelines for areas encumbered by floodplain, such as many lots in North Albuquerque Acres. The guidelines would apply to any lot in AMAFCA's jurisdiction that is encumbered by floodplain.

She stated that some key points of the Resolution are:

- At least twenty percent of the structure must be outside the floodplain.
- The piers cannot cause an increase in water surface elevation of more than 0.1 feet in the open condition or 0.5 feet in the plugged condition.
- There must be at least four feet of clearance beneath all areas of the elevated structure above natural ground.
- The property owner will be responsible for keeping the watercourse area under the structure free of debris.

Mr. Kelly stated that the requirement for occupant ingress/egress points outside of the floodplain is covered in Section 4.C.

Discussion followed. Consensus was that since many current driveways and roadways go through arroyos in North Albuquerque Acres, requiring vehicular ingress/egress outside of the floodplain was not practical. The Resolution could be amended to include further criteria in the future. The Resolution is necessary to establish some criteria for development in these areas, and is consistent with AMAFCA's mission.

Questions arose as to the requirement for twenty percent of the structure to be outside of the floodplain or computed water surface elevation. Mr. Kelly stated that staff felt this was a reasonable amount, considering the ingress/egress requirements and the need for utility connections. His opinion was that, in a practical sense, most home designs would require an even greater amount of the structure outside of the floodplain in order to meet the rest of the requirements.

The Board requested that other agencies have an opportunity to review and comment on the proposed guidelines. Mr. Kelly stated that the policy would be reviewed by other neighbor agencies, and go through legal review, before it would be put out before the public for their comments.



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Director Hernandez cautioned that public reaction may be significant.

Director Lyon asked how this review and comment process might affect the landowner currently awaiting approval of his plans. Mr. Kelly stated that he had been in contact with the engineer for that project, who understands the policy needs to be in place before a decision can be made regarding that site plan. Mr. Bregman added that the review and comment period could take several months, but this was a reasonable and necessary time period.

Chairman Brown directed Mr. Kelly to incorporate the Board's comments and send the guidelines to other agencies for their review and comments.

18. Real Estate

a. Quitclaim/Release of Easement and Encroachment Permit for Lot 20, Block 15, Tract 3, Unit 2, North Albuquerque Acres

Ms. Mazur stated that landowners on Lot 19, just west of the subject lot, wished to construct a channel to relocate the natural arroyo and increase the area available for a building pad on their lot by shifting the arroyo to the northern part of the lot. The owners of Lot 20 agreed to realign the constructed arroyo on their lot to match the proposed arroyo location on Lot 19.

She added that since the owners of Lot 20 had previously granted a Drainage Easement with their original plan, it was necessary to quitclaim/release the old easement and permit. They had granted a new Drainage Easement to match the realigned arroyo and have signed a new Encroachment Permit.

Director Hernandez made a motion that the Board authorize the Board Chairman to execute the Quitclaim Deed / Release of Easement and Encroachment Permit for Lot 20, Block 15, Tract 3, Unit 2, North Albuquerque Acres. The motion was seconded by Director Lyon, and passed (3-0). Director Saiers was absent from the vote.

b. Four Short Term Receational Licenses

Mr. Eckert informed the Board of the issuance of four short term recreational licenses for Cross Country track meets at the Powerline Channel and the John Robert Dam/Bear Canyon Arroyo, for events hosted by West Mesa High, Eldorado High, and the Albuquerque Athletic Track Club.



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19. Field Highlights

- a. Construction Report
- b. Field Report

Mr. Lovato presented a slide show depicting current projects, including the West I-40 Diversion Channel Phase III Project. The contractor did some channel work before declaring himself in voluntary default on September 1, 2005. After the default, the AMAFCA crew pumped out Laurelwood Pond, removed an earth berm, did some cleanup work and installed a privacy fence. The surety had given permission for trash removal, and is cooperating with Twin Mountain for installation of pedestrian bridge footings on the site. Recent rainfall caused some erosion damage that will need to be repaired.

Mr. Lovato reported that the Bear Canyon Water Quality Project had been completed, and the trash debris structure is removing trash and debris from stormwater as designed. The Amole Arroyo – Amole Dam to Amole Bend Project is complete and will be closed out this month.

Two signs identifying the Lyon Boulevard Storm Drain Project as an AMAFCA project were recently erected. He showed slides of a trench box used on the project, and a 10" water pipe at Alder that will need to be moved.

Another slide showed AMAFCA accepting the Regional Excellence Public Partnership Award, awarded to AMAFCA and Bernalillo County by the Mid-Region Council of Governments for the design and construction of the Sanchez Farm Project.

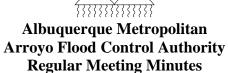
Since the last Board meeting, the AMAFCA crew built a USGS sampling station on the Tijeras Arroyo, and cleaned up elm trees on the North Diversion Channel.

20. Unfinished Business

None.

21. New Business

Director Saiers handed out information on the Albuquerque Tricentennial Science and Technology Month events.



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22. Items from the Floor/Public Comment

Roger Paul, Bernalillo County Public Works, expressed appreciation to the Board for their approval of the Hartline agreement.

23. Adjourn

With no further business to discuss, Chairman Brown adjourned the meeting at 1:18 p.m.

The Eighanham County Transport 10/27/06

Tim Eichenberg, Secretary-Treasurer 10/27/05

Recorded by Pam Woodruff, Secretary to the Executive Engineer