



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
October 26, 2006**

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

Chairman Eichenberg called the Regular Board Meeting to order at 10:01 a.m. Thursday, October 26, 2006. Roll was noted as follows:

Directors present: Chairman Tim Eichenberg  
Director Danny Hernandez  
Director Daniel Lyon  
Director Ronald D. Brown (arrived at 10:08 a.m.)  
Director Janet Saiers

Others present: John Kelly, Executive Engineer  
Sam Bregman, Attorney  
Staff  
Other attendees on file at AMAFCA

A quorum was present.

**2. Approval of Agenda**

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

**3. Meetings Scheduled**

- a. **November 16, 2006, 10:00 a.m. – Regular Meeting**
- b. **December 14, 2006, 10:00 a.m. – Regular Meeting**
- c. **January 2, 2007, 4:00 p.m. – Special Meeting (tentative time and date)**
- d. **January 25, 2007, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.

***Consent Agenda:***

**4. Approval of Minutes**

- a. **September 21, 2006 Regular Board Meeting**

Director Lyon made a motion to approve the minutes of the September 21, 2006 Regular Board Meeting. Director Hernandez seconded the motion, which passed (4-0).



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**5. Financial Matters**

**a. Approval of September 2006 Expenditures**

Irene Jeffries, AMAFCA Business Manager, had previously provided the Board with the September 2006 Expenditure Report.

Director Lyon made a motion to approve the September 2006 Expenditure Report. Director Saiers seconded the motion, which passed (4-0).

**b. Investment Report**

For information only.

**c. Financial Recap September 16, 2006 through October 15, 2006**

In response to a question from Chairman Eichenberg, Ms. Jeffries stated that the Amole Phase III special account is a checking/savings account at Wells Fargo Bank, and the Isleta Phase I special account is mostly held in the State Short Term Fund. Mr. Kelly added that both agreements required project funds be held in a separate account, with any interest generated applied to project costs first, before being refunded to the parties at the end of the project in proportion to their contributions.

**d. Financial Forecast October 16, 2006 through November 15, 2006**

Ms. Jeffries had provided the Board with the Financial Forecast for the period October 16, 2006 through November 15, 2006.

Director Saiers made a motion to approve the Financial Forecast. Director Lyon seconded the motion, which passed (4-0).

Director Brown arrived at 10:08 a.m.

**e. Disposal of Surplus 1996 Chevrolet Pickup Truck and 1984 Belshe Utility Trailer**

The memo from Ms. Jeffries stated that with the purchase of a new 2006 Ford F150 pickup and a new transport trailer, which were approved in the FY07 budget, AMAFCA has a surplus 1996 Chevrolet Pickup Truck and a surplus 1984 Belshe Utility Trailer. The State Auditor's Office was informed of AMAFCA's intention to dispose of the surplus equipment at public



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auction, pending Board approval. Mr. Kelly noted the truck and trailer were parked out front for the Board's inspection on their way into the meeting.

In response to a question from Director Lyon, Ms. Jeffries stated that the vehicles would be sold at auction by Steven Passy and Associates, located on Osuna in Albuquerque.

Director Lyon made a motion that the Board declare the 1996 Chevrolet pickup truck and 1984 Belshe utility trailer surplus, execute the Official Finding, and authorize their disposition at public auction. Director Brown seconded the motion, which passed unanimously (5-0).

All Directors signed the Official Finding declaring the two vehicles surplus.

**f. Change in Workers Compensation Modifier**

The memo from Ms. Jeffries stated that, as a result of AMAFCA's Annual Workers Compensation Audit, our workers compensation modifier has been reduced from 0.90 to 0.78. Ms. Jeffries confirmed that the previous modifier had been 0.90. At last month's meeting, she had misstated the modifier at 0.98.

**6. Legal – Status Report**

Attorney Sam Bregman had no additions to his memo reporting on the status of various legal matters. There were no questions from the Board.

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

The memo from Jerry Lovato, AMAFCA Drainage Engineer, stated that the first extension of the November 18, 2004 Professional Services Agreement with Cooney, Watson & Associates for Storm Water Pollution Public Outreach and Education Coordinator will soon expire. Cooney, Watson indicated they would extend their contract for an additional year at the same rates. Staff is satisfied with their services and recommended the contract be extended. The cost of the contract is shared among the coordinating agencies: AMAFCA, the City of Albuquerque, Bernalillo County, UNM, and NMDOT.

In response to a question from Director Lyon, Mr. Kelly stated that the Storm Water Quality Education Coordinator handled the "Scoop the Poop" campaign, as well as providing Public Service Announcements and written education materials mandated by the EPA Storm Water permit.



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Motions on most of the remainder of the consent agenda were held until the end of the consent agenda.

**8. La Cueva Inlet to North Diversion Channel Storm Water Quality Project – Consideration of Agreement with the Larkin Group for Study, Design and Construction Management Services**

The memo from Christy Burton, AMAFCA GIS Manager, stated that at the September 2006 Board meeting, the Board had approved the selection of Larkin Group NM, Inc., for the La Cueva Inlet to North Diversion Channel Storm Water Quality Project. Staff had negotiated an agreement with Larkin Group for this project, and recommended approval of the agreement for the project on a lump sum basis of \$57,144.00 plus New Mexico Gross Receipts Tax.

Mr. Kelly introduced Dave Owsley of Larkin Group NM, and answered several questions from Chairman Eichenberg. Mr. Kelly stated that the contract specifies that landscape and architectural design are considered "special services" to be negotiated at the time the service is needed. Mr. Kelly added that he did not anticipate needing any architectural services, but that there will be a limited archeological and cultural resources survey required. These services are not included in the lump sum of the contract and will be negotiated separately.

In response to another question from Chairman Eichenberg, Mr. Kelly stated that the lump sum covers limited study and full design services. Construction management services will be negotiated at a later date under a separate Board authorization, as was detailed in the RFP.

**9. Award of Bid for West I-40 Project Landscape Maintenance**

The memo from Mr. Lovato stated that competitive bids for Maintenance of the West I-40 Channel Project Landscaping were received on October 18, 2006, and three contractors submitted bids. The bid from one contractor, Lee Landscaping, was deemed non-responsive due to incomplete bid documents. The low bidder was Black Forest Tree Service with a bid of \$16,988.75. The bid documents were checked for accuracy and completeness by staff and Liz Reardon of Morrow Reardon Wilkinson Miller, Landscape Architects.

The memo recommended the Board accept Black Forest Tree Service as the lowest responsive bidder and authorize the Chairman to execute a contract with them in the amount of \$16,988.75 plus New Mexico Gross Receipts Tax.

In response to questions from Director Saiers, Mr. Lovato introduced Ed Powell of Black Forest Tree Service. Mr. Powell stated he had 17 years of landscape maintenance experience,



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including a current contract with NMDOT to maintain 500 plants and trees on NM 14 and a number of private sector contracts. He was pleased to be chosen to do this job for AMAFCA.

Mr. Kelly added that Mr. Powell was related to Richard Powell of R.P. Construction, who holds AMAFCA's Manual Trash and Debris Removal contract.

**10. AMAFCA Tenant Improvements Project – Award of Construction Bid**

Mr. Kelly stated that bids were received for the AMAFCA Tenant Improvements Project on October 24, 2006. Two contractors submitted bids, Ayala Construction and Southwest CM, LLC. Bid documents were checked for completeness and accuracy by staff, and fatal errors were found in both. Mr. Kelly added that, if there had been no errors in the bids, both would have exceeded the budgeted amount for the job.

Mr. Kelly recommended that the Board reject both bids. Mr. Kelly stated that, while both bids were higher than budgeted, there were sufficient funds available in the budget if the tenant improvements line item were to be combined with the general AMAFCA building and maintenance yard improvements line item, which has been deferred. He stated that staff would contact the contractors for suggestions on how to revise the project to reduce costs.

Director Brown suggested also contacting the contractors who had attended the mandatory walk-through but had not bid on the project.

Director Brown made a motion that the Board reject bids received on October 24, 2006, and authorize the Executive Engineer to re-advertise a Request for Bids for AMAFCA Tenant Improvements. Director Hernandez seconded the motion, which passed unanimously (5-0).

**11. Ditch Safety Coordination – Selection Advisory Committee Recommendation for Ditch Safety Coordination Services**

The memo from Leonard Utter, Ditch and Water Safety Task Force Chairman, and Ms. Jeffries, stated proposals were received at AMAFCA on October 17, 2006 for Ditch Safety Coordinator services. One proposal, from Griffin & Associates, was received. The Selection Advisory Committee met on October 18, 2006 and found the proposal to be responsive. The Ditch and Water Safety Task Force agreed with the SAC's recommendation to award the contract to Griffin & Associates.

Mr. Kelly answered a question from Chairman Eichenberg, stating the contract has been structured in the past as a professional services contract with a negotiated fee. Griffin's proposed fee schedule is a nominal increase over the amount of their previous contract.



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**12. Mirehaven Arroyo Phase III – Consideration of Turnkey Agreement with Westland Development, Inc.**

The memo from Lynn Mazur, AMAFCA Development Review Engineer, stated that Westland Development wished to construct improvements to Mirehaven Arroyo for the Stormcloud Subdivision, Units 4 & 5, with AMAFCA to provide maintenance. She requested Board approval of the Turnkey Agreement, and authorization for the Executive Engineer to execute the agreement.

There were no questions from the Board.

**13. Real Estate**

**a. Consideration of Extension of Agricultural Leases – Abeita and Maestas**

The memo from Martin Eckert, AMAFCA Real Estate Manager, stated that AMAFCA's existing leases with Marvin Abeita and Ron and Patsy Maestas would expire soon. Both leases include options for extension upon the same terms for two additional one-year periods, upon the written agreement to do so by both parties. This would be the final extension of each lease. Both lessees have complied with the terms of their leases and have indicated they would like to extend their leases another year. Staff recommended that the leases be extended an additional year.

In response to a question from Chairman Eichenberg, Mr. Eckert stated that at one time, one other party had expressed some interest in the property leased by Marvin Abeita. This third party had been informed that AMAFCA would soon need the property for flood control purposes. Mr. Maestas had expressed an interest in a longer lease so that he could reseed, but had also been informed the property would soon be needed for flood control purposes.

This being the last item on the consent agenda, Director Lyon then made a motion that the Board:

- Approve the extension of the Professional Services Agreement for Storm Water Pollution Public Outreach and Education Coordinator with Cooney, Watson & Associates for an additional year at the same rates;
- Approve the Agreement with Larkin Group NM, Inc., to provide Professional Engineering Services for the La Cueva Inlet Storm Water Quality Facility Project on a lump sum basis of \$57,144.00, plus New Mexico Gross Receipts Tax;



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- Accept Black Forest Tree Service as the lowest responsive bidder and authorize the Chairman to execute a contract with Black Forest Tree Service in the amount of \$16,988.75, plus New Mexico Gross Receipts Tax, for maintenance of the West I-40 Diversion Channel Project Landscaping for one year, with three optional one-year extensions;
- Approve the Selection Advisory Committee's recommendation to award the contract to Griffin & Associates, and authorize AMAFCA's Executive Engineer to negotiate an agreement for Ditch Safety Coordinator Services with Griffin & Associates, with the negotiated agreement to be presented for Board approval at the November 16, 2006, Board meeting;
- Authorize the Executive Engineer to execute the Agreement to Provide Maintenance for Channel Improvements on the Mirehaven Arroyo through Stormcloud Subdivision, Units 4 & 5, substantially the same as attached; and
- Authorize the Executive Engineer to execute Lease Option Extension Agreements with Marvin Abeita and Ron and Patsy Maestas.

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

***Regular Agenda:***

**14. Executive Engineer Evaluation and Consideration of Increase in Compensation (closed session)**

Director Brown made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in Attorney General Madrid's document, "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004, for the purposes of discussing limited personnel matters only. Director Hernandez seconded the motion, which passed unanimously (5-0).

Chairman Eichenberg closed the meeting at 10:25 a.m. The meeting reopened at 11:20 a.m. He stated that the Board had taken no action during the closed meeting, but had discussed the Executive Engineer's evaluation.

Director Hernandez made a motion that the Board defer action on the contract. Director Brown seconded the motion, which passed unanimously (5-0).



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**15. Southwest Valley Dam Outlet Right of Way Issues – Discussion on Terms of Easement Agreements (closed session)**

Mr. Kelly stated that right of way issues had arisen regarding the preferred alternative for the Southwest Valley Dam Outlet.

Director Hernandez made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in Attorney General Madrid's document, "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004, to discuss real estate matters. Director Brown seconded the motion, which passed unanimously (5-0).

Chairman Eichenberg closed the meeting at 11:21 a.m. The meeting reopened at 11:43 a.m. He stated that the Board had taken no action during the closed meeting, but had discussed real estate matters related to the right of way for the Southwest Valley Dam Outlet, and had given the Executive Engineer and Real Estate Manager direction.

**16. Personnel Matters**

**a. Review of Maintenance Staff Compensation**

Mr. Kelly stated that, as directed by the Board, he and the Personnel and Salary Committee had reviewed maintenance staff compensation. The Committee had concluded that the maintenance crew is adequately compensated at this time, however, the base rates for drivers and welder/heavy equipment operators were beginning to slip when compared to the pay scales for comparable positions at the City.

The Personnel and Salary Committee also found that the Maintenance Superintendent's salary was below the market rate for both private employers and the City. The Committee recommended an immediate 10% increase in the Maintenance Superintendent's salary, to be considered by the Board at the November meeting, with an increase in the Maintenance Superintendent's base rate to be considered during the budget process next year.

Director Saiers stated that it was very important that AMAFCA continually compare the salaries of its positions with those in the marketplace, to assure that its employees are adequately compensated.





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Director Saiers made a motion that the Board direct the Executive Engineer to bring an immediate 10% salary adjustment for the Maintenance Superintendent to the Board for approval at the November 16, 2006 Board meeting, and further that the Executive Engineer prepare a similar compensation analysis of all AMAFCA positions for review during the initial budget meeting in March, with any adjustments to Base Salary Rates to be considered as part of the budget process. Director Hernandez seconded the motion.

Discussion followed. Mr. Kelly responded to a question from Chairman Eichenberg by stating that with one maintenance worker on military leave for the past three months, he anticipated sufficient excess funds in the budget to cover the Maintenance Superintendent's mid-year salary adjustment. He stated that he would confirm this prior to the November meeting.

In response to a question from Director Lyon, Chairman Eichenberg stated that the Personnel and Salary Committee had found that the Maintenance Superintendent was not paid a competitive wage in the current market, and had recommended a salary adjustment this fall rather than waiting until next fiscal year.

The motion passed unanimously (5-0).

**b. Authorization to Hire Temporary Maintenance Worker**

The memo from Kurt Wagener, AMAFCA Field Engineer, stated that on September 22, 2006, AMAFCA had been notified that the New Mexico Air National Guard would be extending maintenance crew member Herman Gabaldon's orders beyond September 30, 2006. His new orders show a completion date of July 7, 2007.

The memo stated the AMAFCA crew had already worked short-handed through a busy storm season, and he recommended a temporary maintenance worker be hired to fill the position until Mr. Gabaldon's return. The proposed position would be a temporary, full time, non-exempt employee to serve as welder's helper. The normal pay scale would apply. The worker would be eligible for overtime pay for hours worked over 40 hours per week. The only benefit proposed is holiday pay for the same days the crew receives. The temporary worker would not accrue or receive sick or vacation leave, PERA contributions, or health insurance benefits.

Director Hernandez made a motion the Board authorize the Executive Engineer to advertise for and hire a temporary, full time, non-exempt employee as described by Mr. Wagener, for employment through June 30, 2007. Director Lyon seconded the motion, which passed unanimously (5-0).



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**c. Resignation of Real Estate Manager**

Chairman Eichenberg stated that Martin Eckert, AMAFCA's Real Estate Manager, had accepted a position as Director of Real Estate for Albuquerque Public Schools, taking the place of retiring Real Estate Director Chuck Atwood. Mr. Eckert's last day of work at AMAFCA will be November 3, 2006.

Each Board member expressed appreciation to Mr. Eckert for his service to AMAFCA, and wished him the best at Albuquerque Public Schools.

**17. West I-40 Diversion Channel Extension**

- a. Consideration of Resolution 2006-18, Adopting West I-40 DMP Modifications 2006**
- b. Consideration of Cost Sharing Agreement between AMAFCA and Westland for Interim and Permanent Storm Drainage Improvements within West I-40 Corridor**
- c. Consideration of Cost Sharing Agreement between AMAFCA and NMDOT for Interim and Permanent Storm Drainage Improvements within West I-40 Corridor**

Jerry Lovato, AMAFCA Drainage Engineer, introduced Craig Hoover and Brad Sumrall of Bohannon Huston, Inc., and Leroy Chavez of Westland Development.

Mr. Lovato stated that continued contract discussions with Westland and NMDOT have resulted in two cost share agreements. The Agreements provide for lump sum contributions from AMAFCA to the NMDOT, and from Westland to AMAFCA. The design is currently 95% complete. The final West I-40 DMP Modifications and copies of the proposed agreements and resolution adopting the West I-40 DMP Modifications (2006) were delivered to the Board on the afternoon of October 25, 2006.

Director Hernandez stated he would like to defer a decision on items 17a, b, and c until the next meeting, to give the Board more time to read the documents.

Discussion followed. Mr. Lovato stated that the DMP had not changed from the draft version presented to the Board at the October meeting. A few numbers changed in the agreement with NMDOT as a result of the need for costs to be assigned to each item and allocated to the appropriate party. The lump sum contribution is based on the 95% design.



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Mr. Kelly added that the funding of most of AMAFCA's contracts is based on a percentage contribution. This project is different in that it calls for lump sum contributions from two of the parties (AMAFCA and Westland). The design needed to be essentially complete in order for the amounts to be properly allocated. As such, this was a late mailout.

Mr. Lovato answered a question from Director Saiers, stating that the total lump sum contribution from AMAFCA (\$5,052,000.00) remained the same. If construction costs are higher than expected, NMDOT will absorb the excess costs. Mr. Lovato stated he would add language to the NMDOT agreement to make it clear that AMAFCA's contribution is a lump sum amount.

Director Hernandez made a motion that the Board defer approval of items 17a, 17b, and 17c until the next meeting. Director Lyon seconded the motion.

Chairman Eichenberg asked if there were any time constraints regarding the agreements. Mr. Lovato replied that the NMDOT needs to fence the funds for the project, and that NMDOT needed to have an assurance from the Board that AMAFCA would make their contribution, but delaying action on the agreements until the November Board meeting would not delay the project.

Director Brown made a motion to amend the motion to defer, to state that the Board would commit the funds for this project, and defer approving the agreements until the next regular meeting. Chairman Eichenberg seconded the motion.

After brief discussion, the amendment passed unanimously (5-0).

The amended motion – to commit the funds but defer approval of items 17a, b, and c until the next regular meeting – passed unanimously (5-0).

**18. AMAFCA Resolution Review – Updated Resolutions**

Mr. Kelly stated that staff recommends approval of the resolutions in items 18a – 18e.

**a. Consideration of Resolution 2006-13, Credit Card Authorization**

The memo from Ms. Jeffries stated that the Board had suggested certain changes to Resolution 1999-17, VISA Credit Card Authorization, at the June 29, 2006, Board meeting. Those changes were incorporated into Resolution 2006-13, Credit Card Authorization, which rescinds Resolution 1999-17.



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In reply to a comment from Director Hernandez that Resolution 2006-13 did not address the situation when an employee resigns or retires, Mr. Kelly stated that AMAFCA has an employee close out procedure that includes return of building keys and the company credit card, along with any issued uniforms or equipment, at the conclusion of employment.

Director Lyon made a motion that the Board adopt Resolution 2006-13, Credit Card Authorization. Director Hernandez seconded the motion, which passed unanimously (5-0).

**b. Consideration of Resolution 2006-14, Relating to Accounting Principles, Techniques and Procedures**

The memo from Ms. Jeffries stated that the Board had suggested certain changes to Resolution 1966-5, Relating to Accounting Principles, Techniques and Procedures, at the June 29, 2006, Board meeting. Those changes were incorporated into Resolution 2006-14, Relating to Accounting Principles, Techniques and Procedures, which rescinds Resolution 1966-5

Director Hernandez made a motion that the Board adopt Resolution 2006-14, Relating to Accounting Principles, Techniques and Procedures. Director Brown seconded the motion, which passed unanimously (5-0).

**c. Consideration of Resolution 2006-15, Financial Procedures**

The memo from Ms. Jeffries stated that the Board had suggested certain changes to Resolution 1981-15, Financial Procedures, at the June 29, 2006, Board meeting. Those changes were incorporated into Resolution 2006-15, Financial Procedures, which rescinds Resolution 1981-15.

In response to a question from Chairman Eichenberg, Mr. Kelly stated that the prior resolution stated any two of four people would sign business checks, which included the Chairman, Secretary-Treasurer, Executive Engineer, and Business Manager. The new resolution simply continues that practice, while clearing up language about who is responsible to make bank deposits.

Director Hernandez made a motion that the Board adopt Resolution 2006-15, Financial Procedures. Director Brown seconded the motion, which passed unanimously (5-0).



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**d. Consideration of Resolution 2006-16, Relating to Disposition of Obsolete, Worn-out or Unusable Personal Property**

The memo from Ms. Jeffries stated that the Board had suggested certain changes to Resolution 1998-15, Relating to the Disposition of Obsolete, Worn-out or Unusable Personal Property, at the June 29, 2006, Board meeting. Those changes, to update the state statute citation and address erasure of computer hard drives, were incorporated into Resolution 2006-16, Relating to the Disposition of Obsolete, Worn-out or Unusable Personal Property, which rescinds Resolution 1998-15.

Director Hernandez made a motion that the Board adopt Resolution 2006-16, Relating to the Disposition of Obsolete, Worn-out or Unusable Personal Property. Director Lyon seconded the motion, which passed unanimously (5-0).

**e. Consideration of Resolution 2006-17, Capitalization Policy**

The memo from Ms. Jeffries stated that the Board had suggested certain changes to Resolution 2002-5, Capitalization Policy, at the June 29, 2006, Board meeting, to abide with current state statutes. Those changes were incorporated into Resolution 2006-17, Capitalization Policy, which rescinds Resolution 2002-5.

Director Hernandez made a motion that the Board adopt Resolution 2006-17, Capitalization Policy. Director Lyon seconded the motion.

Chairman Eichenberg made a motion to amend the resolution to state that the supplemental inventory would contain all items \$1000-5000 in value at the time of acquisition, and those under \$1000 at the time of acquisition at the Business Manager's discretion. Director Saiers seconded the amendment, which passed unanimously (5-0).

The motion to adopt the resolution as amended passed unanimously (5-0).

**f. Further Discussion of Draft Resolution for Reimbursement for AMAFCA Goods and Services**

Mr. Kelly stated that at the August 17, 2006, Board meeting, the Board had reviewed and made comment on a draft resolution for Reimbursement of AMAFCA Goods and Services. Those comments were incorporated into the revised draft resolution. Mr. Kelly requested Board input and discussion on the revised draft resolution.



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Discussion followed. Board consensus was to have staff determine with Attorney Bregman the appropriateness of AMAFCA charging more than AMAFCA's cost in certain situations, as stated in paragraph 2B. Mr. Kelly stated that he and Mr. Bregman would review this issue and report back at the November Board meeting.

**19. Legislative Liaison Services – Selection Advisory Committee Recommendation**

Mr. Kelly stated that proposals for Legislative Liaison Services were due at AMAFCA on September 20, 2006. The RFP was advertised in the Journal and Tribune and on the AMAFCA website. One proposal, from New Mexico Outsourcing, was received. Staff reviewed the proposal, found it responsive, and distributed it to the Board at the September 21, 2006, meeting. Chairman Eichenberg had previously directed that the Board as a whole would serve as the Selection Advisory Committee.

Discussion centered on the question of whether one proposal in response to the ad was sufficient, particularly since only one proposal had been received the last time the lobbyist services RFP was advertised, four years ago.

Consensus of the Board was that, since staff had advertised the RFP in two newspapers distributed throughout New Mexico, and had posted the RFP on the AMAFCA website, it had received sufficient exposure. It would be impractical to attempt to locate and send the RFP to other lobbyists in the state. An attempt to re-advertise the RFP could also result in a lack of time to complete the RFP/SAC/negotiation/contract approval process before the start of the 2007 legislative session. Widening the advertisement next time could be considered in an attempt to increase the numbers of proposals received.

Director Brown made a motion that the Board, serving as the Selection Advisory Committee, accept the proposal received as responsive, and recommend selection of New Mexico Outsourcing for the Legislative Liaison Services contract; and that the Board accept the SAC recommendation and authorize the Executive Engineer to negotiate a contract for Legislative Liaison Services with New Mexico Outsourcing, with the contract to be brought before the Board for approval at the November meeting. Director Saiers seconded the motion, which passed unanimously (5-0).

**20. Raymac Dam Watershed Drainage Management Plan – Consideration of Selection Advisory Committee Recommendation**

Mr. Kelly introduced Elvidio Diniz, of Resource Technology, Inc.



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Lynn Mazur, AMAFCA Development Review Engineer, stated that six proposals for the Raymac Dam Watershed Drainage Management Plan were received at AMAFCA, and the Selection Advisory Committee met on October 24, 2006. The Selection Advisory Committee recommended Resource Technology, Inc. be awarded this project. Resource Technology, Inc., was ranked first by three of the five committee members.

Director Hernandez made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations with Resource Technology, Inc., per the New Mexico Procurement Code, and consider approval of an Agreement for Engineering Services at the November 16, 2006 Board meeting. Director Brown seconded the motion, which passed unanimously (5-0).

Chairman Eichenberg called a brief recess for lunch at 12:37 p.m. The meeting resumed at 12:43 p.m.

**21. Field Highlights**

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

Staff presented a slide show of current AMAFCA projects.

Mr. Lovato discussed pictures of the West I-40 Diversion Channel Phase III Project. The contractor is working on final punch list items. The West I-40 Diversion Channel ribbon cutting will be Saturday, October 28, 2006, at 2:00 p.m.

Mr. Wagener discussed photos of Bob Keeran's La Cueva Project, and AMAFCA's Amole Phase III Project. The crossing structure is complete on the Amole Phase III Project.

Ms. Burton discussed photos of the Isleta/Hartline Storm Drain Project. Work is progressing satisfactorily.

Mr. Wagener showed a few photos of the Albuquerque Bernalillo County Water Authority's Raw Water Conveyance Line project, where two bridges were placed to support 72" and 66" waterlines across AMAFCA's North Diversion Channel, with a pedestrian walkway between them.

Mr. Wagener then showed pictures of the AMAFCA crew doing sediment cleanup work in the North Diversion Channel and the Calabacillas Arroyo. In response to a question from Director Lyon about the proposed Costco store near the Calabacillas Arroyo at Eagle Ranch,



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Mr. Kelly stated the Calabacillas could affect the proposed store site. Bank protection is needed to protect the site. A grade control structure is also planned for that area.

Mr. Wagener showed other pictures of the crew's work activities this month. They used the rental D8 dozer to stockpile sediment at the South Diversion Channel outfall. The crew also installed access control structures at several sites.

A final photo showed the AMAFCA 2006 Bond billboard on Paseo del Norte near Jefferson.

**c. Sediment Deposits at Various Facilities – Briefing on Maintenance Work and Request to Waive Royalty for Specific Locations**

Mr. Wagener stated that the crew is stockpiling excess sediment located throughout the AMAFCA system as a result of this summer's storms. Approximately 60,000 CY of sediment is being stockpiled at the South Diversion Channel Outfall, and approximately 20,000 CY of sediment will be stockpiled at the North Diversion Channel Outfall. AMAFCA's agreements with the Corps of Engineers require that sediment be removed to maintain the hydrology. At the November meeting, staff will propose a surveying contract to quantify the dirt, and request authorization to advertise a contract to remove the sediment. Staff will propose that funding for these contracts come from the contingency fund.

In addition, he stated that staff proposed to waive the \$1/CY Sediment Royalty fee at the following locations where additional sediment will be stockpiled: Amole Dam, 40,000 CY; Calabacillas Arroyo Outlet, 50,000 CY; Bear Canyon Arroyo, 3,000 CY; and John Robert Dam, 3,000 CY. Sediment agreements would allow licensed contractors and governmental agencies to remove sediment from these locations at no cost or royalty to AMAFCA. It is of benefit to AMAFCA to have others remove the sediment as soon as possible at no cost to AMAFCA, as otherwise we pay to have it done.

In response to a question from Director Saiers, Mr. Wagener stated that the normal requirements for insurance, a silt fence if required, and a sediment sales agreement would apply. Whoever fulfilled these requirements first would be given first opportunity.

Director Brown made a motion that the Board authorize the Executive Engineer to advertise the availability of sediment at the four listed locations and enter into sediment agreements waiving the \$1.00/CY Sediment Royalty Fee. Director Hernandez seconded the motion.

Chairman Eichenberg asked how the anti-donation clause would apply in this case. Mr. Bregman replied that, as removal of the sediment from AMAFCA facilities is of benefit to AMAFCA, the anti-donation clause does not apply.





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The motion passed unanimously (5-0).

**22. Channel Arterial – Discussion Regarding Potential Transportation Use of AMAFCA Right of Way between Osuna and El Pueblo – Briefing by Chris Blewett, MRCOG**

Mr. Kelly introduced Chris Blewett, Director of Transportation at MRCOG, who briefed the Board on several possible locations of a proposed reliever route for Jefferson between Osuna and Paseo del Norte.

Mr. Blewett stated the Jefferson reliever route would work in conjunction with a proposed NMDOT project to improve the Paseo del Norte/Jefferson/I-25 corridor. Several concepts are being evaluated, two of which involve use of AMAFCA and City drainage rights of way. Traffic is routinely congested on Jefferson since there are 25,000 jobs in the Journal Center/Jefferson area, and Jefferson is the only north-south arterial in the area. The study is also looking at better bus connections between the Rail Runner station and the employment area.

He added that the proposal is just a concept at this point, subject to change.

The Board commented on the proposal. Director Hernandez stated that it might be best if there were only limited traffic, perhaps buses only, along the North Diversion Channel ROW, to limit the danger of a vehicle ending up in the channel as the result of an accident.

In response to questions from Director Saiers, Mr. Kelly stated that the ROW along the east side of the channel ranged from 70' to 95' wide. Informal staff-level discussions of the proposal over the past ten years had lead to the idea of using this ROW to improve traffic circulation in the area in conjunction with the NMDOT project.

Responding to a question from Director Lyon, Mr. Kelly stated that AMAFCA owned the North Diversion Channel and its ROW in fee simple. There are also a series of City drainage easements that would be used as potential connections to the so-called Channel Arterial.

Director Saiers inquired if there were any federal policies that would prohibit a drainage right of way from being used as a roadway. Mr. Kelly and Mr. Blewett were unaware of any.

Mr. Kelly stated that, as the concept was further developed, alone and in conjunction with the NMDOT project, a revised concept would be brought back to the Board.



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**23. City of Albuquerque Drainage Projects – Briefing by Dan Hogan, Department of Municipal Development, on Proposed Cost-Shared Projects**

- a. Osuna Storm Drain**
- b. La Cueva Arroyo – Wyoming to Eagle Rock**

Mr. Kelly introduced Dan Hogan, of the City of Albuquerque Department of Municipal Development, who briefed the Board on several City of Albuquerque drainage projects. The Osuna Storm Drain and La Cueva Arroyo box culvert from Wyoming to Eagle Rock projects had previously been submitted to the Board, and were included in the AMAFCA FY-05 Project Schedule.

Mr. Kelly added that the La Cueva box culvert would cause two lots to become surplus property, with an easement over the box culvert. Residents in the area had expressed interest in a park.

He requested that the Board give him direction, subject to the Bond Issue passing, to begin drafting the necessary cost-share agreements to accomplish these first two projects.

Mr. Hogan answered several questions from the Board about these projects. The area over the box culvert could not be built on, but could be used for parking or limited landscaping. Since the City will be maintaining and cleaning the bridges at both ends of the box culvert, the City would also be responsible for cleaning and maintaining the box culvert.

**c. Barelas / Martineztown Flood Relief**

Mr. Hogan also discussed the need for flood relief in Barelas and Martineztown.

Mr. Hogan stated the City had already hired two consultants to study the Barelas and Martineztown basins for flood solutions under emergency contracting procedures. He reviewed several of the identified problems in the area. Bar screens at the pump stations may be part of the problem, as the pumps lose effectiveness when the bar screens are clogged with debris. The City is considering cutting the cross-connections between basins, as well as adding ponds and fixing the bar screens. The City hopes to have the first corrections in place before next summer's storms, and requested AMAFCA assistance in the area.

In response to a comment from Director Hernandez, Mr. Hogan stated that the neighborhood is very opposed to homes being sold and the properties converted to ponds to eliminate flooding.



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In response to a question from Director Saiers, he stated that the rain last summer was very heavy and very quick, with a total rainfall over the 100-year storm in intensity. A lot of hail was involved, and the inlet system and pump station bar screens had become clogged. All of these factors combined to create flooding problems in Barelás. Lesser storms had created similar problems in the area in the past five years.

Director Lyon and Chairman Eichenberg asked what kind of specific help AMAFCA could provide, considering the lack of arroyos in the area. Mr. Hogan pointed out that currently AMAFCA has no facilities in the valley on the east side of the Rio Grande, but the Barelás / Martineztown areas are experiencing flooding. He opined that AMAFCA had a responsibility to help take care of removing water that fell on the valley, as these residents are also paying taxes to AMAFCA.

Director Hernandez pointed out that rain that fell between the diversion channels and the river also ended up in the valley, contributing to the flooding there. Director Saiers commented that someone's home flooding, next to their home burning down, is one of the most catastrophic thing that can happen to a family.

Mr. Hogan concluded by opining that AMAFCA and City facilities had worked well, but there were still a lot of needs in the drainage systems owned by the City, County, and AMAFCA. The Barelás / Martineztown areas were two areas that demonstrated needs this year.

Consensus of the Board was to work with the City to help take care of drainage in these areas.

Chairman Eichenberg stated that, as he had to leave soon due to a prior commitment, he would like to hear item 25c, the AMAFCA 2006 Bond Committee Update, next.

**25. New Business**

**c. AMAFCA 2006 Bond Committee Update**

Chairman Eichenberg introduced Kurt Browning, Chair of the AMAFCA 2006 Bond Committee, commenting on what a great job he and the Committee were doing.

Mr. Browning stated that the Bond Committee had raised \$34,000 to date, with approximately \$2,000 more in donations expected in the next few days. Donations had mostly been in the \$100 - \$1,500 range. Television ads would air over the next ten days. Many endorsements in support of the Bond Issue had been received, including the Journal and Tribune. The Bond Committee's final meeting before the election would be November 1, 2006.



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Chairman Eichenberg left the meeting at 1:43 p.m. Vice-Chair Hernandez chaired the remainder of the meeting.

**24. Unfinished Business**

**a. Sediment Sale Arrangement at Powerline Channel**

Mr. Wagener stated that at the June 29, 2006, Board meeting, the Board accepted a proposal for a sediment sales agreement with Salls Brothers Construction, Inc., on dirt to be removed from the Powerline Channel. The Board authorized the Executive Engineer to execute an agreement based on that proposal. Salls Brothers has since notified AMAFCA that they no longer have a need for the Powerline Channel dirt.

He added that AMAFCA has been approached by another contractor to enter into a similar agreement. Staff has told that contractor that the matter will not be brought before the Board until there is a written agreement between the contractor and the engineer who will produce the grading plan, insurance certificates, and 50% payment to AMAFCA.

Mr. Wagener asked the Board to revoke their authorization to the Executive Engineer to execute the sediment sales agreement with Salls Brothers approved at the June 29, 2006 meeting, and to authorize the Executive Engineer to continue negotiations with the other contractor.

Director Lyon made a motion that the Board revoke their authorization to the Executive Engineer to execute the sediment sales agreement with Salls Brothers Construction approved at the June 29, 2006 Board of Directors meeting, and authorize the Executive Engineer to continue negotiations with the other contractor. Director Saiers seconded the motion, which passed (4-0).

**25. New Business**

**a. West I-40 Diversion Channel Ribbon Cutting**

Mr. Kelly stated that the West I-40 Diversion Channel Ribbon Cutting would be held at 2:00 p.m. on Saturday, October 28, 2006. Invitations were sent to all local elected officials, including City of Albuquerque Councilors, Bernalillo County Commissioners, local State Representatives and Senators, and the Mayor and Governor, as well as to 3,000 local residents of the neighborhoods adjoining the project. Mayor Martin Chavez has confirmed he will



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attend. Speakers will be Chairman Eichenberg and Mayor Chavez. The channel will be christened with a fire truck, and there will be a ribbon cutting on the bike trail.

Director Saiers requested that this be one of the first facilities to have one of the joint-use informational signs the Board had previously discussed. Mr. Kelly stated that funds in the Special Projects budget that could be used for such a sign.

Mr. Kelly added that the West I-40 Diversion Channel Phase III Project had won a regional engineering design award.

**b. Potential Surplus Property at Black Arroyo Dam**

The memo from Mr. Kelly stated that AMAFCA has been approached by the landowner adjacent to the Black Arroyo Dam with a request to exchange approximately 1000 square feet of property to straighten out a common boundary line. This will give better access to AMAFCA maintenance vehicles, as well as allow a more uniform route for the master-planned bike trail.

Mr. Kelly stated that, since the memo, further discussions with the agent for landowner might have revealed a way to accomplish this without going through an official exchange of surplus property. They would issue an access easement to AMAFCA, and AMAFCA would issue a utility license agreement for their sewer.

**d. Bureau of Reclamation Direction on Southwest Valley Project**

Mr. Lovato stated that the Bureau of Reclamation has recently decided to exert its authority on the maintenance and operation of the Isleta Drain (part of their Rio Grande Project), and has denied the Corps of Engineers Southwest Valley Drainage Improvement Project access to the drain for flood control purposes. The drain system is a major component of the Corps of Engineers Southwest Valley Flood Reduction Project. Staff is currently working with Bernalillo County, the Corps of Engineers, MRGCD, and the Bureau of Reclamation to resolve the conflict. Prior to this development, the Conservancy District had directed the Corps and local sponsors to work with them for all necessary license agreements. AMAFCA is currently working with the Corps of Engineers and New Mexico's congressional delegation on this issue.

Mr. Lovato added that Mr. Pete Doles, Project Manager for the Corps of Engineers, will brief the Board on the situation during the November Board meeting.



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Mr. Kelly stated that AMAFCA has a series of agreements with the Conservancy District, some of which were approved by the Bureau of Reclamation, for discharge of storm water into the drains. A possible solution may be grandfathered into these agreements.

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

None.

**27. Adjourn**

With no further business to discuss, Vice-Chair Hernandez adjourned the meeting at 1:53 p.m.

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Daniel F. Lyon, Secretary-Treasurer 11/16/06

Recorded by Pam Woodruff, Secretary to the Executive Engineer