



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
January 27, 2005**

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

Chairman Eichenberg called the Regular Board Meeting to order at 9:05 a.m. Thursday, January 27, 2005. Roll was noted as follows:

Directors present: Chairman Tim Eichenberg  
Director Ronald D. Brown  
Director Danny Hernandez  
Director Daniel Lyon  
Director Janet Saiers

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

A quorum was present.

**2. Approval of Agenda**

John Kelly, AMAFCA Executive Engineer, stated that there were two handouts, one for item 8 and one for item 10. He stated that there was an item of New Business concerning the AMAFCA/SSCAFCA boundary where the Bernalillo/Sandoval County boundary recently changed in Corrales. This would be informational today and would possibly trigger a special Board meeting.

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

**3. Meetings Scheduled**

- a. February 24, 2005, 9:00 a.m. – Regular Meeting**
- b. March 24, 2005, 9:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.

The Special Meeting to discuss the AMAFCA/SSCAFCA boundary issue would be scheduled later in the meeting, during discussion of that item.



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**4. Election of Officers**

- a. Chair**
- b. Vice Chair**
- c. Secretary-Treasurer**
- d. Assistant Secretary-Treasurer**

Chairman Eichenberg nominated Director Brown as Chair, Director Lyon as Vice Chair, himself as Secretary-Treasurer, and Director Saiers as Assistant Secretary-Treasurer.

Director Saiers nominated Director Hernandez as Chair.

Director Brown made a motion to close nominations. Director Lyon seconded the motion, which passed unanimously (5-0).

A vote was taken on the slate of Ronald D. Brown as Chair, Daniel F. Lyon as Vice Chair, Tim Eichenberg as Secretary-Treasurer, and Janet Saiers as Assistant Secretary-Treasurer, which received a vote of 3-0, Directors Hernandez and Saiers abstaining. A vote was taken on the nomination of Danny Hernandez as Chair, which received a vote of 2-0, Chairman Eichenberg and Directors Brown and Lyon abstaining.

With a vote of 3-2, Ronald D. Brown was declared the new Chair of the Board of Directors.

With a vote of 3-0, Daniel F. Lyon was declared the new Vice Chair, Tim Eichenberg the new Secretary-Treasurer, and Janet Saiers the new Assistant Secretary-Treasurer of the Board of Directors.

The new officers took office immediately. Chairman Brown presided over the remainder of the meeting.

Director Eichenberg thanked the Board for the opportunity to serve as Chairman for the last two years, and the Board thanked him for serving.



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**5. Approval of Minutes**

**a. December 16, 2004**

Director Lyon made a motion to approve the minutes of the December 16, 2004, Regular Board Meeting. Director Eichenberg seconded the motion, which passed (4-0). Director Saiers abstained, since she had not yet taken office as of the date of the December meeting.

**b. January 3, 2005**

Director Saiers made a motion to approve the minutes of the January 3, 2005, Special Board Meeting. Director Eichenberg seconded the motion, which passed unanimously (5-0).

**c. January 11, 2005**

Director Eichenberg made a motion to approve the minutes of the January 11, 2005 Special Board Meeting. Director Saiers seconded the motion.

Director Lyon requested that the last sentence on page two, which read, "He stated that a project update informational flyer will be prepared for the Neighborhood Associations to distribute to area residences as soon as the suspension begins" be modified to read as follows: "...as soon as the suspension, which the contractor requested, begins." Directors Eichenberg and Saiers agreed to the modification.

The motion to approve the amended minutes passed unanimously (5-0).

**6. Financial Matters**

**a. Approval of December 2004 Expenditures**

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

**b. Investment Report**

For Information.

Ms. Jeffries reported back to the Board regarding their previous request that she look into financial investment vehicles other than the State Short-Term Fund. She stated that she and



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Mr. Kelly had met with Wells Fargo. Wells Fargo has a business market rate savings account with the rate adjusted quarterly, currently at 2.25%.

Mr. Kelly stated he and Ms. Jeffries will meet with Lisa Fenner to discuss the possibility of keeping some money in an account of this type, when the interest rate differential is favorable to do so, and will give a recommendation to the Board at a later date.

**c. Financial Recap December 16, 2004 through January 15, 2005**

For Information.

**d. Financial Forecast January 16, 2005 through February 15, 2005**

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

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

**7. Legal**

**a. Status Report**

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

**8. 2005 Legislative Session – Briefing by New Mexico Outsourcing**

Mr. Kelly introduced Maurice and Mary Hobson, who briefed the Board on the 2005 Legislative Session. They discussed the Interim Committee meetings of the Water and Natural Resources Committee and the Revenue Stabilization and Tax Policy Committee. They also discussed relevant bills introduced during the early part of the 2005 Legislative Session, and answered questions from the Board.

Mr. Hobson stated that the legislature was on pace for a near-record number of bills to be introduced, but very few would have any impact on AMAFCA. One of the main issues in the legislature this year appears to be a new method of calculating capital outlay, whereby the Governor would control more money to be able to do projects of global importance in the state.

Bills that might impact AMAFCA include bills addressing water issues, PERA contributions for retired State employees returning to work, a study of incorporation for the Bernalillo County South Valley, the Strategic Water Reserve, Conservancy District Board elections by



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mail, an actuarial analysis of State retirement funds, raising the procurement threshold, and a bill better defining the roles of engineer and surveyor.

Board members made comments and asked several questions, which were answered by the Hobsons and Mr. Kelly. Chairman Brown requested that if any issues of significance to AMAFCA came up in the next few days, that the Hobsons provide a brief update to the Board at the Special Meeting to be scheduled for early February.

**9. North Diversion Channel Debris Disposal Facility – Award of Construction Contract**

Loren Mainz, AMAFCA Drainage Engineer, reported that bids were received for construction of the North Diversion Channel Debris Disposal Facility on January 21, 2005. Four contractors submitted bids. The low bidder was Moore & Cowart Contractors, with a bid of \$100,000.00. The engineer's estimate was \$95,000.00.

Director Hernandez made a motion that the Board accept Moore & Cowart Contractors, Inc., as the lowest responsible bidder and authorize the Chair to execute a contract with Moore & Cowart Contractors, Inc., in the amount of \$100,000.00, for the Debris Collection Facility at El Camino Inlet at North Diversion Channel Project. Director Eichenberg seconded the motion.

After some questions about the project from Director Saiers, which were answered by Mr. Kelly and Mr. Mainz, the motion passed unanimously (5-0).

**10. South Diversion Channel Sediment Removal – Award of Construction Contract**

Jerry Lovato, AMAFCA Field Engineer, reported that bids were received for the South Diversion Channel Sediment Removal project on January 26, 2005. Six contractors submitted bids. The low bidder was Moore & Cowart Contractors, with a bid of \$127,350.00.

Director Hernandez made a motion that the Board accept Moore & Cowart Contractors, Inc., as the lowest responsible bidder and authorize the Chair to execute a contract with Moore & Cowart Contractors, Inc., in the amount of \$127,350.00 for the South Diversion Channel Sediment, Debris and Rubble Removal Project. Director Lyon seconded the motion.

Director Saiers asked if a contract for clearing this amount of sediment would happen every year. Mr. Lovato replied that the amount of sediment that needed to be removed each year varied with the weather.

The motion passed unanimously (5-0).



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**11. Parkway Storm Drain – Approval of Agreement with New Mexico Department of Transportation for Design, Construction and Construction Engineering Services for 84-Inch Diameter Storm Drain Crossing Under Unser Boulevard**

Mr. Kelly stated that he and Mr. Lovato would update the Board on a 84-inch storm drain crossing under Unser Boulevard, which had been included in the West I-40 Phase III contract but would not be completed in a timely manner if left as a work item in that contract. This work was to be completed in a two-week time period before work began on the nearby NMDOT Coors/I-40 Interchange Project, which has already begun.

Mr. Lovato discussed several elements surrounding the negotiations on the Unser crossing work, including traffic control issues which are important because Unser will become a major detour route as construction on the Coors/I-40 interchange continues. Mr. Kelly stated discussions were ongoing as to the cost.

Mr. Kelly stated that he is negotiating a Cost-Share Agreement with the New Mexico Department of Transportation for construction and construction engineering services to install the 84-inch storm drain crossing under Unser Boulevard. He asked the Board for conditional approval of the agreement if the negotiated price could be brought down to \$350,000.00 or less. He stated that the pipe for the Unser crossing is already on the ground, and is valued at approximately \$88,000.

He also stated that AMAFCA has several other options: 1) AMAFCA could ask the West I-40 Project contractor to finish this work item; 2) AMAFCA could wait about 18 months until the work at the Coors interchange is finished and then rebid this work item; or 3) AMAFCA could add this work item to a similar project, the Lyon Boulevard Storm Drain Project, when it goes for bids.

Discussion followed. Mr. Kelly stated that this project either needed to be done in March, or delayed until after Unser is no longer needed as a detour route for the Coors construction.

Director Lyon made a motion that the Board give conditional approval to an agreement for the construction of the 84-inch Storm Drain Crossing Under Unser Boulevard, subject to final negotiation of the exact amount of the agreement at less than \$350,000.00, and authorize the Chair to execute the same on behalf of AMAFCA; and that the Executive Engineer explore other alternatives to this agreement if negotiations fail.

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



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**12. Isleta Phase I Tributary Storm Drains and La Familia Surge Pond Project – Consideration of Engineering Services Agreement with Smith Engineering Company, Inc.**

Mr. Kelly introduced Pat Conley, of Smith Engineering.

Mr. Mainz presented the Board with a proposed engineering services agreement with Smith Engineering for the Isleta Phase I Tributary Storm Drains and La Familia Surge Pond Project.

Mr. Kelly stated that the entire La Familia parcel is 3.7 acres, and the required detention pond area is about 1.7 acres. Public input will determine the multiple use of the site.

Director Hernandez made a motion that the Board approve the Agreement with Smith Engineering Company, Inc., to provide Professional Engineering Services for the engineering design of the Isleta Boulevard Phase I Tributary Storm Drains and necessary street modifications, preparation of engineering documentation for FEMA - CLOMR/LOMR, and development of the final improvement option for the La Familia Surge Pond, the total engineering contract in the amount of \$118,671.00, excluding New Mexico Gross Receipts Tax.

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

**13. Lyon Boulevard Storm Drain – Status Report**

Lynn Mazur, AMAFCA Development Review Engineer, gave the Board a status report on the Lyon Boulevard Storm Drain Project. Specific issues being worked out in Wilson & Company's final design and cost estimate are a conflict with an existing 6-inch PNM gas line, and the need for additional traffic control in the confined space along this heavily-traveled road during construction. Additional time spent working out these issues at this time will save money later.

Ms. Mazur also reported that all signatures have now been obtained on the Cooperative Agreement except APS, who was expected to sign on February 2 at their Board meeting.

The Board commented on these issues and gave input to Ms. Mazur. Director Lyon suggested phased construction to allow for phased closure of the streets in the area rather than full closure for a year.

Chairman Brown called a brief recess at 10:30 a.m. He called the meeting back into session at 10:37 a.m.



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**14. Real Estate**

**a. Rutherford Property Lease – Approval of Lease Agreement with Marvin Abeita**

Martin Eckert, Jr., AMAFCA Real Estate Manager, stated that the bid opening for this lease was held at 2:00 p.m. on January 18, 2005. Four parties had requested information packets. Marvin Abeita, the current lessee, submitted a bid of \$700.00 annually. His was the only bid. Mr. Abeita signed a new lease based on his bid on January 20, 2005.

Director Hernandez made a motion that the Board approve the Lease Agreement with Marvin Abeita and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA. Director Eichenberg seconded the motion.

The Board expressed appreciation of Mr. Abeita's excellent stewardship of the land. The motion passed unanimously (5-0).

**b. Ventana Ranch West - Piedras Marcadas Channel – Approval of Quitclaim Deed**

Mr. Eckert introduced Kurt Browning, of Sandia Properties, and asked the Board to approve a quitclaim deed to release a portion of AMAFCA easement in Ventana Ranch that is no longer needed for a flood control channel.

Director Eichenberg made a motion that the Board authorize the Chair to sign a Quitclaim Deed/Release of Easement for the west end of the 100' wide temporary easement area containing 0.4613 +/- acres that was granted to AMAFCA by the November 30, 1995 Plat of Ventana Ranch, Plat 95C-430. Director Lyon seconded the motion, which passed unanimously (5-0).

**15. West I-40 Phase III Diversion Channel – Consideration of Agreement with Westland Development for Participation Relating to Sundoro South Subdivision**

Ms. Mazur presented a proposed funding agreement with Westland Development, for funding for a portion of the West I-40 Phase III Diversion Channel associated with the Sundoro South Subdivision. This funding agreement is essentially the same as the one for a prior phase of the subdivision, for contribution to the portion of the West I-40 channel that is currently under construction. She also introduced Leroy Chavez, of Westland Development, who was in the audience.



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Brief discussion followed. Mr. Kelly provided further background on the agreement, and Mr. Kelly, Ms. Mazur, and Mr. Chavez answered questions from the Board. This is a contribution to a master drainage plan system that the subdivision's drainage system will feed into in the future. The developers will build the drainage system within the subdivision, that will outfall to a temporary pond partially within AMAFCA right-of-way.

Director Eichenberg made a motion that the Board approve the Agreement for Funding of West I-40 Phase III Diversion Channel, Estancia Road to Unser Boulevard as Related to the Sundoro South Subdivision. Director Lyon seconded the motion.

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

**16. Middle Branch Piedras Marcadas Tributary Storm Drain – Consideration of Cost Share Agreement with City of Albuquerque**

Mr. Kelly introduced John Castillo of the City of Albuquerque, and Savina Garcia of Wilson and Company, and Allan Porter, of Parsons Brinckerhoff, engineers on this project.

Mr. Castillo showed the Board a 3-D model of the section of Paseo del Norte that goes up the escarpment, pointing out various aesthetic features that are planned for this stretch of road, bike lanes, a wide trail underpass under the road at the bottom of the escarpment, and a natural "earth bridge" planned for the top of the escarpment. These last two features will provide easy access across the road for pedestrians and animal life. Art features will be incorporated throughout. Large skylights in the median will light the trail underpass.

Mr. Castillo answered several Board questions about the project and model.

Mr. Kelly then presented the proposed cost share agreement with the City of Albuquerque for construction of the Middle Branch Piedras Marcadas Tributary Storm Drain. He stated that AMAFCA's contribution under the agreement is for approximately half the cost of the storm drain up the escarpment. The tie-in to the channel will be privately funded.

Director Lyon made a motion that the Board approve the cost sharing agreement with the City of Albuquerque for the Middle Piedras Marcadas Tributary Storm Drain and authorize the Chair to execute the same on behalf of AMAFCA, with no funding to be advanced until the contract is awarded. Director Eichenberg seconded the motion.

Director Hernandez stated that he was pleased with the very sensitive design of this section of roadway, including the wildlife crossings and bike trails. He noted that there were already enough votes for the agreement to be approved, but since his constituents had twice voted against the roadway, he felt duty-bound to honor that position and vote against the agreement.



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The motion passed (4-1), with Director Hernandez dissenting.

**17. 4th Street Drainage and Transportation Improvements Project – Briefing by Village of Los Ranchos on Project and Proposed Cost Sharing Plan**

Mr. Kelly introduced Mayor Larry Abraham, Village Administrator Juan Vigil, and Trustee Don Lopez from the Village of Los Ranchos, and John Andrews and Ray Macy of the Larkin Group.

Mayor Abraham briefly addressed the Board, mentioning that since he had last addressed the Board, the Village had been able to come to a joint agreement with APS to use Taft Middle School for a ponding area for the storm drain system, creating a multi-use detention pond and playing field for the school.

Mr. Andrews gave the Board a briefing on the proposed 4<sup>th</sup> Street Drainage and Transportation Improvements Project, including the routes of the storm drains and plans for the ponding area. A running track will surround a recreational field, with the ponding occurring in two depressions outside the track and field area. Only overflow from major storms would pond in the playing field, and also on the track in the case of a 100-year storm. The recreation facilities would be open to the public after school and on weekends.

Chairman Brown and Directors Eichenberg and Hernandez expressed their opinions that this project was a great idea, and their pleasure that APS had agreed to a multi-use ponding area at Taft Middle School. They felt it was fair for AMAFCA to contribute essentially half of the cost of the storm drain portion of the project.

Mr. Kelly asked the Board if he could proceed with negotiating a cost-share agreement for this project.

Chairman Brown and the Board agreed that the project was consistent with the Project Schedule, and that Mr. Kelly should commence cost-share agreement negotiations.

**18. Isleta Boulevard Phase II Drainage and Transportation Improvements Project – Briefing by Bernalillo County on Project and Proposed Cost Sharing Plan**

Mr. Kelly introduced Tim West of Bernalillo County, and Roger Paul of Bernalillo County Public Works.



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Mr. West gave the Board a brief description of the Isleta Boulevard Phase II Drainage and Transportation Improvements Project, and introduced Alan Armijo and Thaddeus Lucero of Bernalillo County. Next he turned the presentation over to Roger Paul.

Mr. Paul described the project in technical detail. He stated that Federal money will pay to drain the highway portion of the project. AMAFCA money would be used to turn the project into a regional drainage system by further widening the existing drains and adding tributary drains.

Discussion followed. The Board gave input to staff regarding the proposed cost sharing agreement. Mr. Kelly stated that his intention was that the AMAFCA share would be paid monthly as pay estimates came in, rather than all at once.

Director Eichenberg stated that since past Director Mike Murphy had been instrumental in getting this project started, it would be nice to have a shade tree and bench with a plaque honoring him, included in the final project.

Board consensus was that Mr. Kelly could proceed with negotiating a cost-share agreement for this project.

**19. Field Highlights**

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

Mr. Lovato presented a slide show depicting current projects. The West I-40 Diversion Channel Phase III contract was suspended on January 12, but he had a few slides of some of the final items of work. He stated that there will be a mandatory partner meeting February 2 - 3 for this project. A security firm has been hired to patrol the construction site several times daily to ensure the integrity of the fencing and concrete traffic barrier, and attempt to keep people out of the channel.

Mr. Mainz discussed the Bear Canyon Arroyo 2004 Water Quality Retrofits Project, which received a notice to proceed on January 12. He showed slides of the project area, stating that most of the bushy plants removed will be saved and the area revegetated afterwards. He stated that the water quality feature will collect the trash in flow-through dumpsters, improving the quality of the natural vegetated area. He showed pictures of the North Pino, showing how quickly a water quality facility can return to a natural-looking state.



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Mr. Lovato showed slides of channel widening and regrading work done by the AMAFCA maintenance crew on the Parkway channel last month. He also showed slides of channel and drain inspections done recently.

**20. Unfinished Business**

None.

**21. New Business**

Mr. Kelly briefed the Board regarding a question that had arisen concerning the AMAFCA/SSCAFCA boundary in the Corrales area, following voter approval in December of the annexation of the southern part of Corrales by Sandoval County. This action moves the Bernalillo/Sandoval County line at Corrales.

The definition of AMAFCA's boundary states that it "follows the county line" in this area. SSSCAFCA's boundary definition also followed the county line. SSSCAFCA would like to take a bill to the legislature to revise their boundary to the new county line, encompassing all of Corrales. SSSCAFCA has asked AMAFCA to agree that the boundary line has changed, and endorse their proposed legislation.

Mr. Kelly stated that AMAFCA has about a \$25,000 tax base in this portion of Corrales.

Discussion followed. Questions arose regarding the indebtedness of the area, AMAFCA's bond rating, and the possibility that the change in AMAFCA's boundaries would negatively affect District 4, possibly resulting in the need for redistricting.

He proposed a special Board meeting to discuss this issue in detail. The Board agreed, setting the Special Board Meeting at 8:15 a.m. on Tuesday, February 1, 2005. They also agreed that Sam Bregman should look at and possibly revise SSSCAFCA's proposed legislation to make it clear that the residents of this portion of Corrales will still be responsible for the outstanding portion of AMAFCA's bond indebtedness that was in effect at the time of the annexation, until paid off.

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

None.



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**23. Adjourn**

With no further business to discuss, Chairman Brown adjourned the meeting at 12:00 noon.

/s/ Tim Eichenberg  
Tim Eichenberg, Secretary-Treasurer 2/24/05

Recorded by Pam Woodruff, Secretary to the Executive Engineer