



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes**

February 24, 2003

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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 11:00 a.m. on Monday, February 24, 2003. Roll was noted as follows:

Directors present: Chairman Tim Eichenberg
Director Ronald D. Brown
Director Daniel Hernandez
Director Daniel Lyon
Director Linda Stover

Others present: John Kelly, Executive Engineer
Sam Bregman, Attorney
Staff
Maurice and Mary Hobson, New Mexico Outsourcing

2. Approval of Agenda

Director Stover made a motion to approve the agenda. Director Hernandez seconded the motion and it passed unanimously (5-0).

3. Meetings Scheduled

- a. March 21, 2003, 11:00 a.m. – Regular Meeting**
- b. April 24, 2003, 10:00 a.m. – Regular Meeting**

4. Approval of Minutes

- a. January 21, 2003**

Director Hernandez made a motion to approve the January 21, 2003 minutes. Director Brown seconded the motion and it passed unanimously (5-0).

- b. January 23, 2003**

Director Brown made a motion to approve the January 23, 2003 minutes. Director Lyon seconded the motion and it passed unanimously (5-0).

5. Financial Matters

- a. Approval of January 2003 Expenditures**

Director Brown moved approval of the January 2003 Expenditures. Director Hernandez seconded the motion and it passed unanimously (5-0).



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b. Investment Report

For information.

c. Financial Recap January 16, 2003 thru February 15, 2003

For information.

d. Financial Forecast February 16 thru March 15, 2003

Mrs. Jeffries stated that the FY03 Bond proceeds will be received on February 25, 2003, and that the \$15,000 needs to be added to the Debt Service Fund on the Forecast from accrued interest on the bonds. She stated that the interest rate on the investment to the State Short Term Fund is 1.985% and that she will continue to monitor other institutions' yield rates.

Director Stover made a motion to approve the Financial Forecast February 16 thru March 15, 2003. Director Hernandez seconded the motion and it passed unanimously (5-0).

e. Bernalillo County Tax Receipts – Status Report

In regard to the delinquent taxes owed AMAFCA, Mrs. Jeffries stated that the Treasurer's Office anticipates paying to AMAFCA the July 2002 through January 2003 tax make up payments by the end of March 2003.

In response to a question asked by Chairman Eichenberg, Mr. Kelly answered that 160 hours were spent in one month on reconciling the delinquent taxes, and currently, approximately 4 hours per week are spent. The analysis will be completed as soon as the delinquent tax receivables listing is received.

f. Extension of Auditor Contract

Mrs. Jeffries stated that Mr. Mattocks has agreed to extend his contract for an additional year: \$9,951 for preparation of FY04 Financials, and \$11,649 for GASB34 preparation, for a total of \$21,600 plus New Mexico Gross Receipts Tax. Mrs. Jeffries stated that Mr. Mattocks had not billed for GASB34 preparation. Mr. Kelly stated that this portion of Mr. Mattocks' contract is on an hourly basis, so AMAFCA is only billed for actual hours spent.

Director Lyon made a motion to approve the third and final extension of Mr. Mattock's contract, subject to final approval by the State Auditor. Director Hernandez seconded the motion and it passed unanimously (5-0).



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6. Legal

a. Status Report

Attorney Bregman stated that the condemnation of the orphan lot in North Albuquerque Acres has been completed and an interest check in the amount of approximately \$1,000 has been paid to AMAFCA.

In regard to the Tom Chavez encroachment, Attorney Bregman stated that this matter is going forward to trial, but has not yet been scheduled.

Attorney Bregman stated that he is continuing to research the drug testing portion of the proposed Employee Drug & Alcohol Policy and will report back to the Board at the March 21, 2003 meeting.

b. Garcia vs. AMAFCA - Settlement thru NM Self Insured

Mr. Kelly stated that during the settlement mediation, Ms. Garcia settled for \$9,999 and a two loads of base coarse to be delivered and spread on her driveway by the AMAFCA crew. The settlement amount was covered by the NM Self Insured and the matter is closed.

c. Issues Involving the Rio Grande Floodway

Mr. Kelly stated that he and Attorney Bregman continue to work on the issue of development within the Rio Grande floodway. He stated that Tetra Tech, Inc. has been contracted, not to exceed \$6,000, to perform some inundation mapping of the Rio Grande Floodway with scenarios based on a 100-year flow in the Rio Grande, coupled with a 100-year flow in the Calabacillas and/or the North Diversion Channel.

7. Isleta Blvd. Phase 1-A Drainage Improvements – Sanchez Farm Detention Basin and Pump Station Approval of Construction Engineering Services Agreement with HDR, Inc.

Steve House, HDR Engineering, Inc., and Tom Kryfko, TLC Company, Inc., were present.

Mr. Kelly stated that the Isleta Project is covered under an agreement with Bernalillo County and provides that AMAFCA will build the pump station under AMAFCA procurement. When completed, AMAFCA will turn the station over to Bernalillo County for operation, maintenance, and ownership.

Mr. Kelly stated that the New Mexico State Historic Preservation Office identified the Sanchez Farm House as a structure to be preserved, per the 1998 Environmental Assessment, any construction within 100 feet of the farm house would require an archeologist on site to monitor the work and the house would need to be fenced off during the project.



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Mr. Kelly stated that the house has since been set on fire, heavily vandalized, and it has been determined that the existing structure should be razed, but preserve any artifacts, and then cover the site with two foot of earthwork. In regard to the HDR contract, Mr. Kelly stated that the pre-award service fee of \$18,000 includes \$7,000 for an archaeologist to monitor the removal and preservation of the building materials, and putting a two-foot cap of earth on top of the house site.

Mr. Kelly stated that staff has also requested HDR, Inc. to perform a review of the plans, a review of the quantities, and a review of the pay items to insure that all items are in line, then put the project out for bid. He stated that two on-call contractors for AMAFCA have reviewed the construction management and have established that a six-month construction schedule is reasonable for the job. Mr. Kelly stated the project will only require part-time inspection, but the pump station in the startup will require full time inspection. The total contract sum will be \$131,500, in a combination of lump sum, and time and materials items.

Mr. Kelly stated that \$144,000 was allocated for construction management on this project. He corrected the Phase II schedule in the contract to reflect: Prebid tour: April 10, 2003, Bid Opening: April 17, 2003, and Recommendation of award: April 24, 2003.

Director Brown made a motion to approve the Agreement with HDR, Inc. to provide professional engineering services for the construction of the Isleta Phase 1-A Drainage Improvement Project, Sanchez Farm Detention Basin and Pump Station Project, subject to reviewing certain language in the contract as discussed. Director Hernandez seconded the motion and it passed unanimously (5-0).

8. North Pino Storm Water Quality Facility

- a. Approval of Task Order with BHI for Construction Phase Services**
- b. Status Report on Discussions with New Mexico Office of State Engineer**

Bill Vreeke, representing Bohannan-Huston, was present.

Mr. Mainz stated that the project has been advertised for bid proposals, with a bid opening scheduled on March 13, 2003. He stated that to date, a positive response has not been received from the State Engineer's Office regarding the permanent water pool for the wetland, and this item is still open.

Mr. Mainz stated that the State Engineer's Office has approved the project with a pond that would drain within 96 hours. This design would require a very minor modification before construction. Mr. Mainz stated that the wet pond is still preferable and consideration is still available by the State Engineer's Office and he will try to schedule a meeting after March 17th with the Chief of Water Rights Division.



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Mr. Kelly stated that if the Water Rights Division deems this project an erosion control structure, it could be exempt from the State Engineer Office requirements for water rights.

Mr. Mainz stated that the lump sum \$4,000 proposal from Bohannan-Huston is to conduct the bidding and the pre-construction activities, and review the contracts and bids. Bohannan-Huston would also have the ability to prepare shop drawings and possible plan revisions, if needed, on a time and materials basis, not to exceed the amount of \$12,645.

In response to a question asked by Chairman Eichenberg, Mr. Kelly answered that since Bohannan-Huston had designed this project, it was deemed appropriate that they carry it through to construction.

Director Stover made a motion for the Board to authorize the Executive Engineer to approve the attached proposal by Bohannan-Huston, Inc. to provide limited Construction Management services, including Pre-Construction Activities for a lump sum of \$4,000, and Construction Phase Services including shop drawing reviews and possible construction plan revisions on a time and materials basis, not to exceed the amount of \$12,645. Director Brown seconded the motion and it passed (3-2) with Chairman Eichenberg and Director Lyon opposed.

9. Five Points Roadway and Drainage Improvements, Phase I – Review of Draft Amendment to Cost Sharing Agreement with Bernalillo County

Mr. Kelly stated that the 1999 agreement with Bernalillo County had AMAFCA fund the major portion of the design on this project. That agreement provided that construction funding would be determined at a later date.

Mr. Kelly stated that the AMAFCA's design cost was \$80,000 and this amendment provides that AMAFCA contribute a lump sum of \$100,000 for the construction of the project. He stated that the drainage improvements on the project are estimated at \$200,000, with the total project cost to be \$540,000 and includes the roadway improvements. He stated that this draft agreement has been reviewed by AMAFCA counsel and Bernalillo County staff and is currently in County legal review.

Director Hernandez made a motion to defer this item and to discuss it further at a later date. Director Stover seconded the motion.

Director Lyon made a motion to amend the motion to defer this item to the March 21, 2003 Board Meeting. Director Hernandez stated that he intentionally did not defer this item to the next meeting because he wanted time to discuss this item with his constituents. Director Lyon's motion to amend failed on a 2-3 vote, with Directors Lyon and Brown voting for the amendment.



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The Chair asked Director Hernandez for clarification as to the deferral date. Director Hernandez stated that he would like to discuss this item with the Chair and for the Chair to decide when to schedule hearing of this item.

The Chair then called the question on Director Hernandez's motion. The motion passed on a 4-1 vote, with Director Lyon voting against the motion.

Chairman Eichenberg recessed the meeting at 11:50 a.m. and reconvened the meeting at 12:00 p.m.

10. 2003 Legislative Session - Briefing by New Mexico Outsourcing

Maurice and Mary Hobson, representing New Mexico Outsourcing, were present.

Mr. Hobson stated that over 2,000 bills have been introduced during the legislative session. He stated that there are no bills that would be detrimental to AMAFCA.

Mr. Hobson discussed House Bill 220, which covers an increase in per diem and mileage.

He stated that Representative James Taylor is carrying AMAFCA's House Bill 424 and it passed (59-0). This bill allows disposal of property via negotiated sale. He stated that Senator Aragon introduced Bill 690, which is identical to this bill. Senator Aragon will move both bills through the Senate.

Mr. Hobson also discussed other bills that New Mexico Outsourcing and AMAFCA staff were following.

The Board thanked the Hobson's for their thorough report and success in moving the AMAFCA bills

11. Approval of Cost Sharing Agreement with Bernalillo County for Funding for Biological Evaluation for Storm Drainage System Maintenance Operations within Rio Grande Critical Habitat

Mr. Mainz stated that the agreement with SWCA was approved in October 2002 to conduct a biological evaluation for critical habitat areas for storm drainage outfalls. At that time, the Board directed staff to contact other area agencies for possible cost sharing in the study. He stated that the City of Albuquerque, Bernalillo County, and SSCAFCA have agreed to participate for a cost share of \$5,000 each. The agreement for Bernalillo County has been received.



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Director Brown made a motion to approve the Agreement with Bernalillo County Public Works to provide AMAFCA with a lump sum funding participation of \$5,000 for the referenced study and to approve and authorize the Executive Engineer to execute similar agreements with the City of Albuquerque and with SSCAFCA when the agreements are received. Director Stover seconded the motion and it passed (4-0) with Chairman Eichenberg not being present for the vote.

12. Field Highlights

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

Ms. Mazur presented a slide show depicting current projects.

Mr. Mainz also presented a few slides depicting the hydrology model built at the University of New Mexico Hydraulic Laboratory. He stated that AMAFCA will use this design for the water quality inlet on the North Pino Channel.

c. Calabacillas Arroyo Access Control Project

Mr. Kelly stated that he has discussed holding a joint press conference with the City of Albuquerque and AMAFCA after the fencing and restriction of access of the Calabacillas Arroyo is completed. This conference would convey to the public that no 4-wheel drive vehicles, dirt bikes, or ATVs are allowed in that stretch of the arroyo. He stated that the City of Albuquerque Open Space will implement an aggressive law enforcement campaign.

The Board concurred for the Executive Engineer and Director Lyon to coordinate with the City of Albuquerque to schedule the joint press conference.

13. 4th Street Roadway and Drainage Improvements, - Briefing by Hank Rosoff, Village of Los Ranchos

Mayor Hooker and Hank Rosoff, representing the Village of Los Ranchos, and Becky Lee and Dan Aguirre, representing Wilson & Company, were present.

Mr. Aguirre stated that Wilson & Company prepared a proposal to review the Montano pump station based on their original designs and investigate the pump station's capacity and availability to accept flows from the proposed 4th Street Project. If the pump station is at capacity, then they need to determine what modifications would increase capacity. He discussed an option of installing a surge pond to take the water if there is no capacity available in the wet well. He stated that they are also studying the Fourth Street corridor, its drainage basin, and how much storage capacity at the pump station could be utilized for Fourth Street.



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Mr. Kelly stated that AMAFCA entered into an agreement with the Village in 1998 for \$100,000 worth of funding from AMAFCA's prior bond authorization. These funds were used for French drains in 15 different locations throughout the valley. Thereafter, \$400,000 was identified in AMAFCA's 2000 Project Schedule for a series of similar projects, but the Village's request has necessitated pooling that money to put into the Fourth Street Corridor because the FHWA money for Fourth Street will address drainage for the roadway corridor only, but if AMAFCA up-sizes the system to bring drainage in from outside the roadway corridor, then it is a local expense.

Mr. Kelly stated that the Village desires to use \$40,000 of this money to pursue the evaluation and analysis of the Montano Pump Station and then use the balance for the drainage improvements in the first phase of construction. He stated that he anticipates the Village to lobby AMAFCA for further funding for the Fourth Street Corridor drainage that will come out of the 2004 Bond Authorization.

In regard to the Fourth Street project schedule, Mr. Rosoff stated that the Village is currently completing the comments on the Finding of No Significant Impact (FONSI) from FHWA and expects a concurrence. The Village anticipates to begin full design sometime in April 2003 and under construction in late 2004.

Mayor Hooker stated that the Village does not know the details of how the \$360,000 will be used in relation to the Federal Highway Transportation funds. He stated that when the final design is started in April 2003, they will have a clearer idea of what the final phase one will entail.

Chairman Eichenberg cautioned the Board that the Fourth Street Project has been an ongoing situation for many years and stated that AMAFCA has other projects that need to be considered.

Director Stover made a motion to commit \$40,000 to the Village of Los Ranchos based on the anticipation of a formal agreement between the two entities that will formalize the \$40,000. Director Lyon seconded the motion and it passed unanimously (5-0).

14. Amole Arroyo/Sacate Blanco Confluence, Briefing on Adjacent Development and Proposal for Contribution to AMAFCA for Deferred Construction of Improvements

Mr. Mainz stated that there has been a large amount of recent and current development in the Amole Basin and that the proposed El Rancho Grande Unit 9 abuts a future improvement of the Amole Arroyo as shown on the Amole-Hubbell Master Plan. He stated that Curb, Inc. intends to plat the southern part of Unit 9.



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Mr. Mainz stated that he prepared an updated cost estimate from the Amole-Hubbell plan for future improvements to the Amole Channel and the Sacate Blanco Diversion. He stated that as part of Unit 9, Curb, Inc. will be improving this section of Unser Blvd. He stated that they reviewed the arroyo along the length of the Curb, Inc. project and broke it into channel segments with estimated future improvement costs.

Mr. Mainz stated that in similar past projects, AMAFCA has established the 60% private and 40% public responsibility for improvements on an advanced schedule. He stated that there is no current scheduled project for this now. He stated that AMAFCA met with Curb, Inc. with a proposal stating that Curb, Inc.'s responsibility for this portion of the channel would be half of the private share which would be 30% of the total construction cost.

Mr. Kelly stated that a tract of Unit 9 is adjacent to AMAFCA right-of-way and there is an existing facility there that needs to be upgraded. AMAFCA did have a project in the upgrade schedule, but it was deferred since AMAFCA pursued other cost sharing options, i.e., the La Cueva Arroyo and the North Domingo Baca Storm Drain projects. He stated that Curb, Inc. preferred to provide cash in lieu of improvements for their contribution to a future channel to be constructed by AMAFCA. He stated that the proposal is for Curb, Inc. to contribute \$262,000 as their reasonable share of that project, with the construction to take place by AMAFCA at a later date.

Mr. Kelly stated that AMAFCA and Curb, Inc. have discussed plans for the main stretch of the Amole Arroyo that runs off to the north and west, but Curb, Inc. is anxious to move on their remaining 19 lots in Unit 9 and have made this proposal to AMAFCA to cash-out for the improvements.

In response to a question asked by Director Lyon in regard to 30% of the private amount for Curb, Inc.'s responsibility, Mr. Kelly answered that since Unit 9 only fronted one side of the subject reach of the arroyo and AMAFCA owns the other side, ½ participation was determined. Mr. Kelly stated that funding for this project would be subject to AMAFCA's next bond election.

Chairman Eichenberg stated that while staff was recommending a 60/40 private/public split based on past agreements, he wanted to make it clear that 60/40 was not a Board policy or a standard cost share split. He said every project was evaluated on its own merits and public benefit. He suggested having a range of cost sharing based on the influencing factors, ranging for 50/50 if there is already an existing deficiency and public benefit, to 70/30 or greater if the project is strictly developer driven. Director Brown stated his concurrence with Chairman Eichenberg's comments. Director Hernandez and Stover concurred with both Chairman Eichenberg and Director Brown.



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It was the concurrence of the Board to direct the Executive Engineer to proceed with a 70/30 cost sharing agreement with Curb, Inc. to present for the Board's consideration at the March 21, 2003 meeting.

15. Corps of Engineers Southwest Valley Drainage Improvements Project - Briefing by April Fitzner, Corps of Engineers

Steve Boberg, representing the Corps of Engineers, and Brad Catanach, representing Bernalillo County, were present.

Mr. Boberg presented a slide presentation covering the Southwest Valley Drainage Improvements Project. He stated that with the re-formulated hydrology information, the engineering was re-evaluated and the result was larger flood plains in the Southwest Valley than previously determined. He stated that the Corps is currently working on the economics to define the benefits to see how large a project the Corps can support. He discussed the three main storm water conveyances: the Isleta Drain, Los Padillas Drain and the Armijo Drain.

Mr. Boberg also discussed the new flood plains, the Local Drainage Plan, main storm water conveyances, use of the MRGCD drains, location, schedule, and benefits of the project. He stated that the Corps will be submitting the feasibility report to Army Division in August 2003, and expects direction to proceed by December 2003. The Corps anticipates preparing plans and specifications in early 2004, going out to bid 6 to 8 months thereafter, and then starting construction.

Mr. Boberg stated that there is a gravity outfall for drainage use in the valley and that the Corps has been working with MRGCD to share the use of their drains. Mr. Kelly stated that the funds to match the Corps of Engineers contribution needs to be one of AMAFCA's top priorities funded out of the 2004 Bond Election. He stated the importance of this project, and mentioned the Black Mesa Pump Station project that is critical to an agreement with the MRGCD.

16. La Cueva Inlet Storm Water Quality Facility - Briefing by ASCG, Inc.

Clint Dodge, representing ASCG, Inc., and Sandy Zuschlag, representing City of Albuquerque Parks & Recreation, were present.

Mr. Dodge presented drawings of the proposed layout for the project and discussed diversion of the storm water into the pond, debris removal, use of the wetland, and extended detention for the storm flows. The result would be cleaner water being directed back into the North Diversion Channel. He discussed the two components of the layout and potential landscape schemes.



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Director Hernandez stated his concerns with using the dry earthen pond as an auxiliary parking lot during Balloon Fiesta, with the oil and grease from cars going into the storm water. Mr. Kelly stated that we would be able to keep oil and grease from flowing out, and that parking has been a design issue discussed early on with the City of Albuquerque.

Director Hernandez stated his safety concerns with the future bike trail and that it should not be designed as a tunnel with a fence on both sides.

Mr. Kelly discussed the Vista Sandia Diversion Storm Drain and that the City of Albuquerque is in the process of getting a LOMR from FEMA. He stated that City expects AMAFCA to vacate the easement and quitclaim the easement to the City. Mr. Kelly discussed the City of Albuquerque's request to quitclaim the fee right-of-way at the La Cueva Channel that is no longer needed by AMAFCA.

Ms. Zuschlag stated they are currently working on the bike trail design and that it could possibly go into construction in the fall. She also discussed the easement for pilot access, and the parking issue that occurs during Balloon Fiesta.

Director Lyon questioned why AMAFCA would be landscaping the area when water is so scarce and suggested either foregoing the landscaping or using xeriscaping methods.

Mr. Kelly stated that the proposal is for native revegetation with a temporary irrigation to establish the plants. When the plants are established, the irrigation water will be permanently turned off. He stated that the City of Albuquerque has offered to consider tying in this irrigation into the non-potable line that irrigates the Balloon Fiesta Park.

In response to a question asked by Director Lyon with regard to the Vista Sandia Diversion Channel Easement, Mr. Kelly stated that typically, when an easement is no longer needed, AMAFCA has quitclaimed that easement back to the property owner at no charge due to the fact that the owner has constructed improvements that obviate need for the easement. In this case, the City has built a replacement underground storm drain. Mr. Kelly stated that it is the Board's discretion on what to do with the adjacent fee simple absolute property owned by AMAFCA.

Director Brown stated that AMAFCA has been an entity that has received easements without having to pay for them and if AMAFCA were to start charging for the removal of easements where they are no longer needed when they have been voluntary granted, it would harder to get easements granted in the future.



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Director Hernandez stated his concerns over giving this land back at this point and that the Board wanted to have complete control over this property until all of the options that are needed for flood control are finished.

It was the concurrence of the Board to wait until all of the drainage and water quality issues are resolved before AMAFCA quitclaims the easement to the City for the pilot access road.

17. West I-40 Diversion Channel, Phase III

a. Review of Draft Amendment to AMAFCA City Agreement for Cost Sharing of Utility Relocations and Maintenance of Completed Project

Mr. Kelly stated that this agreement is in draft form and has not been reviewed by counsel and is currently being reviewed by City of Albuquerque staff. He stated that he anticipates bringing the reviewed agreement back to the Board at the March 21, 2003 meeting.

In response to a question asked by Chairman Eichenberg, Mr. Kelly stated that the City of Albuquerque will be paying for the irrigation water.

b. Approval of Supplement to Wilson & Company - Agreement for Separate Contract Package for Utility Relocation Package

Mr. Kelly stated that Wilson & Company has proposed a fee of \$7,000 to separate out the utility relocation package from the main part of the project. He stated that the supplement agreement is currently being reviewed by Attorney Bregman.

In response to a question asked by Director Lyon, Mr. Kelly stated that the City of Albuquerque owns the sanitary sewer and that section of the sewer line is being funded 100% by the City of Albuquerque. Mr. Kelly stated that the \$7,000 cost to separate out the utility relocation package is a very reasonable price.

Director Stover made a motion to approve the Supplement Agreement Number Four with Wilson & Company for the West I-40 Channel Phase III Project. Director Brown seconded the motion and it passed unanimously (5-0).

c. Schedule Update

For information.

18. Real Estate

a. Temporary Recreation License to City of Albuquerque, Disc Golf Course at Kinney Dam – Status Report

For information.



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**b. Authorization to Rescind Landscape License, North Domingo Baca
Dam Right of Way**

Phil and Chase Pickard, and former Executive Engineer, Larry Blair, were present.

Mr. Kelly stated that during the timeframe of the re-plat of the surplus tract, Mr. Pickard was in the process of building his house on the adjacent lot. Mr. Pickard was discovered using the AMAFCA right-of-way as primary access to his garage. Due to the re-plat not going through, Mr. Pickard made an offer to lease the property for \$360 per year. AMAFCA countered with a proposal of \$450 per month which was discussed at the November 1996 Board Meeting. The lease issue was deferred indefinitely and a no-fee landscape license was issued to Mr. Pickard.

Mr. Kelly stated that within the last month, AMAFCA has received complaints about ATVs on the adjacent AMAFCA property and the ATV tire tracks are coming from the Pickard property through a hole in the fence.

Mr. Kelly stated that area has also been used for landscape debris, construction materials, and a clubhouse with an electric cord running to it. He stated that the terms and conditions of the license have been violated and the license should be terminated and seeks Board approval prior to rescinding that license.

Director Brown stated that he lives adjacent to the property and that the ATVs were being ridden on this property Saturday, February 1, 2003. Previously, he had asked the kids to refrain from riding the vehicles there. He requested the Bernalillo County Sheriff go to the Pickard house to get the kids to cease and desist on the basis that they were destroying public property and operating an unauthorized vehicle on public property in an unauthorized manner. He stated that he would have performed the same action if he witnessed anybody else operating a similar vehicle on any public property and particularly any AMAFCA property any where in the city.

Director Brown recused himself from further discussion due to the fact that he lives adjacent to the property.

Mr. Pickard stated that Director Brown had stopped by the house and told Corbin, the 13-year old family friend, that they weren't allowed to ride. He stated that at 7:00 a.m., Corbin along with Chase, took out the 4-wheeler and rode on the AMAFCA property against instructions.

Mr. Pickard stated that he purchased his property in 1994 and at that time, all of the neighbors were driving across the AMAFCA property to get to Eubank. He discussed purchasing the property with Roger Flegle of AMAFCA.



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He stated that up until 1998, everyone in the neighborhood was still driving across the AMAFCA property until he installed electric gates on his property.

Mr. Eckert stated that Mr. Pickard's improvements on the subject property have been there since 1995.

Mr. Pickard stated that the damaged part of the fence has since been repaired. He stated that his son Chase is not allowed to ride on the AMAFCA property and does not want the property to be torn up from ATVs.

Director Stover asked Mr. Pickard if he was aware of the fact when he built his garage in such a manner that he would encroach upon someone else's land? Mr. Pickard stated that he was told by Mr. Flegle that AMAFCA would sell him the property.

Mr. Kelly stated that the Board did give authorization to re-plat that property into a lot, it was submitted, and then the Board took action to quit the re-plat and that kept the lot from being surplus.

Chairman Eichenberg stated that the fence has been down for a long time and that Mr. Pickard has been using the AMAFCA property for other purposes.

Mr. Pickard stated that in past discussions with AMAFCA, he offered to buy the property, lease it, trade other land for it, or make a one-time payment.

Director Hernandez made a motion to authorize the Executive Engineer to terminate the Revocable Real Property Encroachment Agreement for Landscaping, as recorded January 12, 1998 as Document Number 1998003263. Director Stover seconded the motion and it passed (3-1) with Director Lyon voting no and Director Brown abstaining from the vote.

It was the consensus of the Board to extend amount of time Mr. Pickard has to vacate the AMAFCA property to 60 days.

In regard to trading property, Chairman Eichenberg stated that if there is something available for the public welfare that AMAFCA could trade for, he would like to discuss this.

Mr. Blair stated that AMAFCA at that time knew enough not to mislead Mr. Pickard. He stated that staff had looked at it and decided that AMAFCA doesn't need this property and would eventually like to dispose of it.

c. Update on Use of Billboard Space Resulting from Whiteco Settlement

For information.



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d. Rutherford Property Lease – Authorization to Extend Rutherford Lease for Final Term

Director Hernandez made a motion to authorize the Executive Engineer to execute a Lease Extension Agreement with Marvin Abeita, upon the same terms, for one (1) additional one-year period (to June 2004). Director Brown seconded the motion and it passed unanimously (5-0).

e. Herring Property Lease - Authorization to Advertise for New Lease at Herring Property

Mr. Eckert stated that the five-year lease is up and Mr. Maestas has requested to enter into a negotiated lease with a sum of \$2,000 per year.

Mr. Kelly stated that if the Board decides upon a negotiated lease with Mr. Maestas, then AMAFCA would be required to advertise that lease and if a better offer is made, then the Board may consider that offer or consider putting it out to competitive sealed bids.

Director Lyon made a motion to accept Mr. Maestas' offer of \$2,000 per year and authorize the Executive Engineer to advertise the Herring Property for a New Lease, by the Negotiated Lease method with Mr. Maestas, subject to final Board approval after required legal notices have been published, with a Lease term for a three (3) year period with an option to extend the Lease, upon the same terms, for two (2) additional one year periods upon the written agreement to do so by both the Lessee and AMAFCA. Director Brown seconded the motion and it passed unanimously (5-0).

19. Unfinished Business

Director Stover thanked John Kelly, Christy Jones and Jerry Lovato for compiling and preparing documentation covering past and future projects in the South Valley.

Director Stover requested that when Herman Gabaldon returns to work, that he receive any pay raises due him if he had been working at AMAFCA.

20. New Business

None.

21. Items from the Floor / Public Comment

None.



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22. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 3:30 p.m.

Ronald D. Brown, Secretary-Treasurer
3/21/03

Recorded by Lori Webb
Secretary to the Executive Engineer