

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

**April 24, 2003
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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:05 a.m. on Thursday, April 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
Lisa Driesner, RBC Dain Rauscher

2. Approval of Agenda

Mr. Kelly stated that Item 19.b Consideration of Lease Proposal from Phil Pickard has been added to the agenda. Director Hernandez made a motion to approve the agenda as amended. Director Brown seconded the motion and it passed (5-0).

3. Meetings Scheduled

- a. May 22, 2003, 10:00 a.m. – Regular Meeting**
- b. June 26, 2003, 10:00 a.m. – Regular Meeting**

Chairman Eichenberg scheduled a Special Meeting on May 14, 2003 at 12:00 p.m. to discuss the Fiscal Year 2004 Budget and the Board concurred.

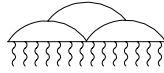
Director Brown made a motion to reconsider the meeting schedule from the previous time. Director Lyon seconded the motion and it passed unanimously (5-0).

Director Brown made a motion to amend the May 22, 2003 meeting start time from 10:00 a.m. to 11:00 a.m. Director Stover seconded the motion and it passed unanimously (5-0).

4. Approval of Minutes

- a. March 21, 2003**

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



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5. Financial Matters

a. Approval of March 2003 Expenditures

Mr. Kelly stated that monthly service fee for TransEdge Networks provides web hosting, email, and firewall protection. He stated that Ms. Jones will describe these services in more detail at the May 22, 2003 Board Meeting.

Director Hernandez made a motion to approve the March 2003 Expenditures. Director Brown seconded the motion and it passed unanimously (5-0).

b. Investment Report

For information.

c. Financial Recap March 16, 2003 thru April 15, 2003

For information.

d. Financial Forecast April 16, 2003 thru May 15, 2003

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

e. County Treasurer Tax Distribution Update

Ms. Jeffries stated that AMAFCA received a make up tax distribution payment from Bernalillo County in the amount of \$91,560.67 for July 2002 through January 2003. She stated that the State Auditor has transmitted approval for Chester Mattocks, CPA, to review the tax distribution analysis.

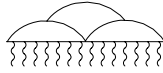
6. Legal

a. Status Report

Attorney Bregman stated that the District Court System has had some change in judges and he is currently awaiting a new judge to be assigned. He stated that he is currently working on discovery until the trial date.

**7. Purchase of New Cab and Chassis and Conversion of Water Truck –
Consideration of Bid from Sunland International**

Mr. Kelly stated that only one bid was received for the water truck and the price was over the budgeted amount.



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Director Lyon made a motion to reject the initial bid, change the truck specifications from an automatic transmission to a manual, and put the RFP out for bid again. Director Hernandez seconded the motion and it passed unanimously (5-0).

8. La Cueva Inlet Storm Water Quality Facility – Approval of Amendment to On-Call Engineering Services Task Order #4 with ASCG, Inc.

Clint Dodge, representing ASCG, was present.

Mr. Mainz stated the preliminary design layout has been presented to the City of Albuquerque and they expressed concern about loss of parking spaces during the Balloon Fiesta. Other concerns are with the landscape plan and if the whole concept is compatible with the museum project. He stated that additional preliminary design work is required to develop a more multi-use facility that will be compatible with the two museums.

Mr. Kelly stated that City is looking at other uses beyond parking for the extended detention pond, ranging from a skateboard park to a large picnic area.

Mr. Mainz stated that ASCG submitted a proposal to expand the landscape architecture effort and the preliminary design, and to hold additional project meetings as necessary.

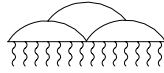
Director Hernandez made a motion to approve the proposal from ASCG, Inc. for Amendment 1, On-Call Engineering Services for Conceptual Planning and Preliminary Design for the proposed La Cueva Channel Water Quality Retrofit Project, for a total proposed Amendment 1 Time and Materials amount not to exceed \$19,000. Director Brown seconded the motion and it passed unanimously (5-0).

9. South Domingo Baca Arroyo, Wyoming to Barstow LOMR – Approval of On-Call Engineering Services Task Order # 3 with Smith Engineering, Inc.

Mr. Mainz stated that a map revision has not been prepared to show the arroyo improvements and changes in the FEMA flood zone. He stated that there are approximately 10 properties in the area that are still shown to be in the floodplain and are still paying flood insurance. He stated that Smith Engineering has submitted a proposal in the amount of \$9,510 to provide engineering services to prepare necessary documentation for a LOMR.

Mr. Kelly stated that money has been budgeted in the Construction Fund for miscellaneous map revisions.

Director Brown made a motion to authorize the Executive Engineer to approve Task #3 for the On-Call Engineering Service Agreement with Smith Engineering, Inc. for a lump sum cost of \$7,010. Director Hernandez seconded the motion and it pass unanimously (5-0).



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10. La Cueva Arroyo Avulsion #4 Conceptual Design and Right of Way Identification – Approval of On-Call Engineering Services Task Order # 12 with Resource Technology, Inc.

Elvidio Diniz, representing Resource Technology, Inc., was present.

Mr. Kelly stated that RTI was originally engaged to do the La Cueva and Camino Drainage Management Plan. He stated that during the FEMA and DMP work, 8 major avulsions were identified. He stated that with adoption of the DMP, AMAFCA made a commitment to address Avulsions #1 and #4.

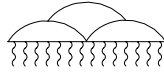
Mr. Kelly stated that AMAFCA, the City of Albuquerque, and Bernalillo County all have identified problems and have incorporated them into their respective project schedules.

Mr. Mainz stated that in regard to Avulsion #1, the plan is to acquire an easement and construct the dike. He stated that this is a significant avulsion since its paths flow into two different arroyos. He stated that Avulsion #2 is currently programmed by the County, and that Avulsion #3 was addressed by private developers and the County and is currently being constructed to be controlled. In regard to Avulsion #5, the County currently is working on a plan to develop some of the property lots in the area.

Mr. Mainz stated that Avulsion #6 was solved with the construction of the La Cueva Channel. He stated that Avulsions #7 and #8 are associated with future development of the old Coronado Airport and will be addressed at the time the property develops.

Mr. Mainz stated that largest avulsion, #4, has three different potential flow paths. Mr. Kelly stated that a preferred option by Bernalillo County was the channelization of the La Cueva Channel through this entire reach. He stated that the County is considering all-weather crossings on Browning, Glendale, Modesto, and Eagle Rock roads and the only economic way to accomplish this would be to confine the floodplain down to where a short bridge crossing is built. This would trigger acquisition of 22 lots, with land costs being approximately \$2M, and a \$3M channel cost. He stated that the County currently has no program to put in all-weather crossings on every arroyo in the area. In addition, the area residents have protested channelizing any more arroyos in North Albuquerque Acres.

Mr. Mainz stated that AMAFCA requested RTI to submit a proposal on investigating this avulsion and determining what right-of-way would be necessary and what improvements would need to be made to put controls on the avulsion paths. He stated that RTI has submitted a proposal to do the preliminary design work and the study necessary for identification of the right-of-way, for a lump sum fee of \$24,000.



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In response to a question asked by Director Brown, Mr. Kelly stated that this project has been on AMAFCA's schedule since the DMP was adopted and that with the adoption of the DMP, it was committed that AMAFCA would be the lead agency on Avulsions #1 and #4.

Director Brown made a motion to approve the proposal from Resource Technology, Inc. for On-Call Engineering Services for Preliminary Design and Identification of Right-of-Way Requirements for the Avulsion #4 project, for a total proposed Lump Sum fee of \$24,000. Director Stover seconded the motion and it passed unanimously (5-0).

11. Boca Negra / Mariposa Watershed Drainage Management Plan – Authorization to Advertise Request for Proposals for Engineering Services

Mr. Mainz stated that the City of Albuquerque has committed to provide 50% of the cost of this project. He stated that part of the Black Ranch will drain into this basin as well as the Double Eagle Airport, and two other areas of proposed development. No DMP was prepared to determine future improvements in the watershed. He stated that this proposed study will determine what should be planned in the watershed to properly address drainage.

In regard to the Selection Advisory Committee, Mr. Kelly stated that he proposes three AMAFCA designated members and two City of Albuquerque designated members.

Director Lyon made a motion to authorize the Executive Engineer to advertise the Request for Proposals for the Mariposa / Boca Negra Arroyos Drainage Management Plan. Director Stover seconded the motion and it passed (4-1) with Director Hernandez voting against.

12. Isleta Blvd. Phase 1-A Drainage Improvements – Sanchez Farm Detention Basin and Pump Station Status Report

Mr. Lovato stated that the project was modified to incorporate additional seedings for the three terraces in the bottom of the basin.

Mr. Lovato stated that 31 prospective bidders have picked up the drawings and two bidders are located out of state. He stated that the size of this job is \$1.9 Million, with earthwork being the bulk of the work. Mr. Kelly stated that the award of the bid will be at the May 22, 2003 Board Meeting.



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13. West I-40 Diversion Channel, Phase III

a. Approval of Amendment to Agreement with City of Albuquerque for Utility Relocation Package

Dan Aguirre, and Chris Perea, representing Wilson & Company were present.

Mr. Lovato stated that the Amendment to Agreement has been reviewed by the City of Albuquerque Legal Counsel and has been approved.

Mr. Kelly stated that the original agreement provides that the City will maintain the completed project and the Amendment to the Agreement states that AMAFCA will provide landscape maintenance for the project period of five years, provided that the City pays for the irrigation water during that timeframe. He stated that the City will maintain the completed project after the five years.

Director Lyon made a motion to approve the First Amendment to the "Agreement for the Transfer of I-40 Diversion Project and Funds" with the City of Albuquerque and authorize the Chair to execute the same, substantially the same as attached. Director Stover seconded the motion and it passed unanimously (5-0).

b. Approval of Supplement to Agreement with Wilson & Company for Construction Management Services for Utility Relocation Package

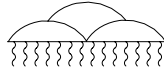
Mr. Lovato stated that this part of the project requires specialized work, a heavily used sanitary sewer is involved, and full time construction inspection is being requested since the City of Albuquerque now requires design engineers to certify all of their work to the City.

Director Brown made a motion to approve the Supplement Agreement Number Five with Wilson and Company for the West I-40 Channel Phase III Project, substantially the same as attached. Director Hernandez seconded the motion and it passed unanimously (5-0).

c. Authorization to Advertise Utility Relocation Package

Mr. Lovato stated that once the Amendment to Agreement with the City of Albuquerque for Utility Relocation Package is signed, then final plans can be signed, and the advertisement for bids can be published.

Director Brown made a motion to authorize the Executive Engineer to advertise for construction bids for the project. Director Hernandez seconded the motion and it passed unanimously (5-0).



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14. Corps of Engineers SW Valley Feasibility Study Status Report

Mr. Lovato stated that the Corps of Engineers gave a briefing to the MRGCD Board on the feasibility study and covered the history of the project, the five engineering options investigated, and the general uses of the drains. He stated that this was a pre-briefing to introduce the Federal project that will be discussed at the MRGCD's Board Meeting on April 28, 2003. He stated that the Conservancy District was open to sharing the use of their drains.

Mr. Kelly stated that at the April 28, 2003 meeting, AMAFCA will discuss the past cost-share projects and to invite the Conservancy District Board Members on a tour of the joint projects.

15. Real Estate

a. Approval of License Agreement with City of Albuquerque for Balloon Fiesta Park

Mr. Eckert stated that this year's proposed license is similar to that of 2002 and previous years' licenses.

Director Hernandez made a motion to authorize the Chairman to execute the 2003 Balloon Fiesta License. Director Brown seconded the motion and it passed unanimously (5-0).

b. Final Board Approval of Negotiated Lease for Herring Property

Director Brown made a motion to authorize the Board Chairman to execute the Lease indicating final Board approval of the negotiated lease with Mr. and Mrs. Maestas. Director Lyon seconded the motion and it passed unanimously (5-0).

Chairman Eichenberg recessed the meeting at 12:00 p.m. and reconvened the meeting at 12:10 p.m.

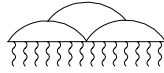
16. Field Highlights

a. Construction Report

b. Field Report

Mr. Lovato presented a slide show depicting current projects.

Mr. Mainz described the new water flow monitor for the Calabacillas.



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17. FY 2004 Budget

a. Draft Operating Budget

Mr. Kelly stated that the proposed building modifications have been removed from the draft operating budget, but \$5,000 was retained to have an architect evaluate the file storage with ADA accessibility. He discussed a proposed a pilot screening program of materials at the North Diversion Channel Outfall stockpile area. He stated that Romero Excavating had made a request to screen the material, remove the sediment, and haul the trash off for no charge. A reallocated budget figure of \$150,000 for the pilot screening program would not be needed if Romero performs the screening and removal of the sediment and trash.

Attorney Bregman stated that it is a benefit to AMAFCA to have excavating companies remove and purchase sediment.

Mr. Kelly stated that the operating budget remains the same for the office and building expenses. He stated that the original figure of \$30,000 for yard modifications was incorrect, and thus increased it to \$60,000 to accommodate the parking lot expansion and an improved fence around the yard.

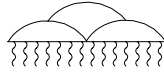
In elections and governmental affairs, he increased the website budget to \$5,000 to reflect the cost of the off site server.

Mr. Kelly stated that considering the current mill levy, assumptions of 3% growth in valuation and a 98% tax collection rate, total revenues would be \$2.3M to offset the \$2.4M in expenses. This would reduce AMAFCA's operating fund balance by approximately \$82,000, but there would be a transfer of \$200,000 to the contingency fund. He stated that the bond rating agencies look at the total general fund balance, which includes contingency plus debt service fund. Barring any withdrawals from the contingency fund, there would be an increase in the general fund reserve of approximately \$188,000.

Lisa Driesner discussed various scenarios with respect to anticipated growth in valuation in property tax and collection rates. She stated that she will continue to research the valuation with the Bernalillo County Assessor's Office and report back to the Board at the May 14, 2003 meeting.

b. Draft Construction Fund Budget

Mr. Kelly stated that he deferred the La Cueva Water Quality Facility for one year and replaced it with the Bear Canyon Inlet Water Quality Facility. The Bear Canyon Facility will move into design this summer and construction will start next winter, thus using the \$400,000 that was previously programmed for the La Cueva Facility. The La Cueva Facility would be funded out of the 2004 Bond authorization.



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c. Draft Contingency Fund Budget

Mr. Kelly stated that part of the \$1,250,000 is reserved for identified projects with a deficit. He stated that some of this reserve should be directed to future repairs to the North Diversion Channel. He stated that if contingency funds are fenced for an identified project, a resolution would be required to change the fence. He stated that there is no documentation on the rehabilitation needs on the North Diversion Channel that would be the basis to fence money for those projects. He stated that when the planning report is received on the NDC, switching some of the reserve should be considered.

In response to a question asked by Chairman Eichenberg, Mr. Kelly stated that overall through March, AMAFCA is at 74% of budget.

d. Draft Debt Service Fund Budget

Mr. Kelly stated that interest and principal payments will need to be made in August and an interest only payment in February 2004. This fund will need to be drawn down below \$500,000 per advice of the financial advisor. He stated that the revenue part of this fund will be reviewed prior to the May 14, 2003 board meeting.

18. Unfinished Business

None.

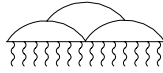
19. New Business

a. Out of State Travel Request – EPA Region 6 Storm Water Conference, Corpus Christi, Texas, June 2003

Director Hernandez made a motion to authorize out of state travel and expenses for the Drainage Engineer to attend the EPA – MS4 Region 7 Annual Storm Water Conference in Corpus Christi, Texas, not to exceed \$1,250.00, pursuant to Resolution 1998-16. Director Brown seconded the motion and it passed unanimously (5-0).

b. Consideration of Lease Proposal from Phil Pickard

Mr. Kelly stated that Mr. Pickard made an initial offer to AMAFCA to pay \$2,000 per year to lease the referenced property. Mr. Kelly stated that Mr. Pickard's license area includes the southern half of Anaheim Road and when that was vacated, it became AMAFCA property. He stated that total licensed area is closer to ½ acre than Mr. Pickard's offer of only .20 acres.



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Mr. Kelly stated that Mr. Pickard's 60-day notice will expire on April 28, 2003 and his \$1,000 cashiers check towards the lease is currently in the safe with a note that it is an unsolicited offer.

In response to Chairman Eichenberg's question if the \$3,500 per year rent was fair, Mr. Eckert stated that based on what lots were being sold for in 1996-1997, at that time AMAFCA had actually made a recommendation for a figure higher than the \$3,500 per year. The amount is based on the area of land and a percent of the value of the property per year. Mr. Eckert stated that Mr. Pickard built his house in the north ½ of the Anaheim right-of-way and he did not pay any money to Bernalillo County for the use of the north ½ of Anaheim. He did not think Mr. Pickard should get the use of the south ½ of Anaheim for free.

Chairman Eichenberg made a suggestion to reconsider and have an annual basis lease versus the proposed three-year lease.

Mr. Kelly requested, with the Board's concurrence, to visit the property on or shortly after April 29, 2003, borrow a metal detector from the City, locate the buried rebars, and stake the property line. Following this course of action, give Mr. Pickard one week to respond at \$3,500 per year, payable one year up front, 3 years maximum term, with a \$1,000 damage deposit. If Mr. Pickard does not respond within one week, then proceed with the installation of some type of a barricade.

Director Brown abstained from his concurrence and the participation in this matter.

20. Items from the Floor / Public Comment

None.

21. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 1:00 p.m.

Ronald D. Brown, Secretary-Treasurer
5/14/03

Recorded by Lori Webb
Secretary to the Executive Engineer