



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
September 25, 2003**

1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 1:00 p.m. Thursday, September 25, 2003. Roll was noted as follows:

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

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

2. Approval of Agenda

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

3. Meetings Scheduled

- a. **October 9, 2003, 8:00 a.m. – Special Meeting**
- b. **October 23, 2003, 10:00 a.m. – Regular Meeting,**
- c. **November 20, 2003, 10:00 a.m. – Regular Meeting**
- d. **December 18, 2003, 10:00 a.m. – Regular Meeting**

4. Approval of Minutes

- a. **August 14, 2003**

Director Hernandez made a motion to approve the August 14, 2003 Minutes. Director Stover seconded the motion and it passed unanimously (5-0).

- b. **August 25, 2003**

Director Hernandez made a motion to approve the August 25, 2003 Minutes. Director Brown seconded and it passed (4-0) with Director Lyon abstaining from the vote, citing his absence from the meeting.

5. Financial Matters

- a. **Approval of August 2003 Expenditures**

Director Stover made a motion to approve the August 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 August 16, 2003 thru September 15, 2003

For information.

d. Financial Forecast September 16, 2003 thru October 15, 2003

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

e. Acceptance of Inventory

Director Brown made a motion to accept the Inventory List as presented. Director Lyon seconded the motion and it passed unanimously (5-0).

f. County Treasurer Tax Distribution Update

Mrs. Jeffries stated that she met with the Accounting Manager of Bernalillo County Treasurer Office and was provided additional information to complete AMAFCA's tax analysis.

For information.

g. City Phillip's Semiconductor IRB Settlement Disbursement

Mrs. Jeffries stated that AMAFCA received a disbursement of \$156,587 and was deposited in the Operating Fund.

Attorney Bregman stated that since this is a one time, non-recurring event and was not used to set the mill levy or compute bonding capacity, the money can be used as AMAFCA so chooses.

Director Brown made a motion to move \$100,000 of the IRB Settlement Disbursement into the Construction Fund and the balance of \$56,587 be placed in the General Operating Fund until so allocated. Director Hernandez seconded the motion and it passed unanimously (5-0).

6. Legal

a. Status Report

In regard to the Chaves case, Attorney Bregman stated that a deposition of the defendant's expert witness is scheduled and he will report back to the Board when that deposition is taken.



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b. Ladera Training Dike Prescriptive Easements

Attorney Bregman requested the Board's concurrence to file a "friendly lawsuit" with the National Park Service to allow AMAFCA to obtain these easements. He stated that the National Park Service does recognize the fact that AMAFCA has prescriptive easements and this will not be an adversarial action.

Director Lyon made a motion to authorize AMAFCA's attorney to take legal action necessary to obtain the prescriptive easements and for Attorney Bregman to report back to the Board if action becomes a long, litigated matter. Director Hernandez seconded the motion and it passed unanimously (5-0).

7. Amole Arroyo, Snow Vista Channel to West of Delgado Road – Status Report

Mr. Kelly stated that the original bid date for the Amole Arroyo Project conflicted with some other big bid openings. He stated that several local contractors requested moving the bid due date back and he concurred since the project is fairly large and the project will still be finished by next flood season. He stated that the new bid due date is scheduled for October 1, 2003. He stated that 14 prime contractors attended the mandatory walk thru.

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

Roger Paul, representing Bernalillo County Public Works, was present.

Mr. Kelly stated that AMAFCA's attorney and Bernalillo County Legal Department have reviewed the minor changes in wording and dates and inserted the new County Manager's name in the signature page.

Director Hernandez made a motion to approve Amendment Number One to Agreement for Drainage Improvements to Five Points Road from Bridge to Atrisco, and direct staff to fund AMAFCA's participation in the project from proceeds from the Philips IRB settlement. Director Brown seconded the motion and it passed unanimously (5-0).

Chairman Eichenberg recessed the meeting at 1:30 p.m. and reconvened at 1:35 p.m.

9. Update of AMAFCA Drainage Facility and Planning Review, Creation of GIS Layer and Production of AMAFCA Project Schedule – Approval of Amendment to Agreement with ASCG, Inc.

Clint Dodge, representing ASCG, Inc., was present.



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Christy Jones described the project and proposal from ASCG.

In response to a question asked by Chairman Eichenberg, Mr. Kelly stated that \$50,000 was put in the Construction Fund budget specifically for this project.

Director Brown made a motion to approve the proposal from ASCG, Inc. for Amendment No. 2, DFPR Update and GIS Implementation, for a total proposed Time and Materials amount not to exceed \$39,804. Director Hernandez seconded the motion and it passed unanimously (5-0).

10. On-Call Engineering Services - Selection Advisory Committee Recommendations for 3 Categories of Work

Mr. Kelly stated that in Category One, 12 firms submitted proposals and that the Selection Advisory Committee recommends awarding to URS Corporation, Larkin Group NM, Inc., and Smith Engineering Company. He stated that in Category Two, the SAC recommends awarding to ASCG, Inc., Wilson & Company, Boyle Engineering Corporation, and HDR Engineering, Inc. He stated that for Category Three, the SAC recommends awarding to Mussetter Engineering, Inc., Ayres Associates, and Resource Technology, Inc.

In response to a question asked by Chairman Eichenberg, Mr. Kelly stated that 4 firms were selected for Category Two due to past experience and that over half of the engineering services assigned in the past came out of Category Two.

Director Hernandez made a motion to accept the recommendations of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations per the New Mexico Procurement Code for On-Call Engineering Services with the selected firms in all three categories. Director Brown seconded and it passed unanimously (5-0).

11. NPDES Floatables Collection System Program Evaluation

a. Review of Draft Cost Sharing Agreement with City of Albuquerque

Dan Hogan, representing City of Albuquerque, Department of Municipal Development, was present.

Mr. Mainz stated that the EPA-NPDES storm water discharge permit requires AMAFCA to analyze how to better control floatables in the entire system. He stated that this evaluation will examine how well the floatable collection systems are performing in order to meet the EPA mandate.

During discussion on the Agreement for Funding, Section 3.5, the Board decided to change the word "concur" to "seek concurrence".



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Director Hernandez made a motion to approve the proposed cost share agreement with the City of Albuquerque for the NPDES Floatable Collection System Program Evaluation Study, not to exceed \$50,000. Director Brown seconded the motion and it passed unanimously (5-0).

Mr. Kelly stated that this proposal will attract interest from nationwide firms since this is as much of a study as it is an engineering design and analysis. He stated that the request for proposal will be advertised in the *Albuquerque Journal/Tribune* as well as *Storm Water Magazine* and *Engineering News Record* and also posted on their websites.

b. Authorization to Advertise Request for Proposals for Engineering Services

Mr. Mainz stated that this study will identify the facility information that will be used to incorporate a GIS database that will facilitate the overall master facilities plan that ASCG will be updating. This would be the beginning of a GIS coverage that would cover all of the debris removal facilities that AMAFCA currently has.

In regard to Scope of Services, Item D.1., Mr. Mainz stated that floatable debris attracts oils and greases and would like to perform a test on the trash obtained to see if this adsorption actually helps with improving the water quality.

Director Brown made a motion to authorize the Executive Engineer to advertise the Request for Proposals for the NPDES Floatable Collection System Program Evaluation. Director Hernandez seconded the motion and it passed unanimously (5-0).

12. La Cueva Arroyo Avulsion Number Four – Approval of Resolution 2003-07, Acquisition of Right of Way for La Cueva Arroyo Avulsion Four Control

Mr. Eckert stated that \$200,000 is budgeted for property acquisitions and staff is requesting approval to purchase property.

Director Brown made a motion to close the meeting per Section 10-15-1-H (8) of the Open Meetings Act to discuss acquisition of real estate. Director Hernandez seconded the motion and it passed unanimously (5-0).

Chairman Eichenberg re-opened the meeting per Section 10-15-1-H (8) of the Open Meetings Act and stated that the Board did not take any action during closed session.

Director Brown made a motion to adopt the alternative Resolution 2003-7 with the amended language suggested by Chairman Eichenberg during closed session. Director Hernandez seconded the motion.

Chairman Eichenberg stated that his language modified the original resolution.



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Director Brown then amended his motion to accept the original Resolution 2003-7 with the amended language suggested by Chairman Eichenberg in closed session.

Attorney Bregman read the additional language to the second paragraph in Resolution 2003-7:

"That the Executive Engineer of the Authority is hereby authorized and directed to proceed with appraisals and acquisition of the real property for Lots 19 and 20. Obtain any related easements at no charge on Lots 12 and 13 in order to implement the mentioned drainage facility and to institute eminent domain proceedings where necessary."

Director Hernandez seconded the motion and it passed unanimously (5-0).

13. West I-40 Phase III Diversion Channel
a. Status of Discussion with Landowners

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

Dan Hogan and Colleen Frenz, representing City of Albuquerque, Department of Municipal Development, were present.

Leroy Chavez and Fred Ambrozi, representing Westland Development, were present.

Mr. Kelly stated that a meeting on September 9, 2003 was held with West I-40 landowners. He described the rationale of determining an allocation of \$3,330 per undeveloped acre. He stated that he offered the owners the option of making a current cash contribution or an agreement where they would pay to AMAFCA at the time of subdivision or development of the tracts. He stated that a follow-up letter summarizing the meeting along with a request for their participation. Three responses from property owners were received.

Mr. Kelly stated he had a visit from Charles Barnhart, representing a group of investors holding 11+/- acres downstream from 98th Street. Mr. Barnhart stated that they are currently land-locked and would not consider any type of contribution until they had legal access to their property. Mr. Barnhart asked AMAFCA to consider constructing the dam downstream of 98th Street. Mr. Kelly stated that he replied that the dam would need to be above 98th Street to make use of the existing culverts under 98th Street to meter the flows out under those culverts. Mr. Barnhart did offer the 11 +/- acres at approximately \$25,000 per acre.

Mr. Kelly stated that Westland Development has proposed contributing \$250,000 to the project, conditioned upon AMAFCA's participation in the Mirehaven Arroyo, which flows into Dam 12. He stated that AMAFCA has a turnkey agreement with Westland for the lower piece next to the Cielo Oeste Subdivision and is currently in discussion with Westland for another turnkey agreement for the remainder. Westland proposes splitting the Mirehaven Channel Improvements 60/40 (Westland/AMAFCA).



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Mr. Kelly stated that Westland's proposed contribution of \$250,000 is substantially less than the \$3,300 per acre multiplied by the approximately 300 acres they have said they have within the area directly benefited from the project.

Mr. Leroy Chavez stated that their offer is fair and feels that this channel also benefits landowners south of I-40 and this southern property was not considered in the overall acreage determination.

In response to a question asked by Director Stover, Mr. Kelly answered that this type of cost share split occurred with Curb, Inc. and the City of Albuquerque on the Amole Arroyo to the Westgate Dam. He stated that AMAFCA approached the upstream property owners, the Greveys, and asked them to participate and offered the same split as with Curb, Inc. He stated that their response was that they were investors and did not have the money to participate and declined the offer. One month later, the Board approved the agreement with the City of Albuquerque and Curb, Inc. to build the project and sent the Greveys a letter putting them on notice that they would have to take care of all master planned drainage facilities on their property in the future.

Chairman Eichenberg stated his concern of proceeding with construction with no cost share in place and that landowners that connect first will have to pay the majority of the cost.

Mr. Kelly stated that staff will bring to the Board at the October 9, 2003 Special Meeting more detail on ownership and acreage owned.

Director Hernandez made a motion to defer this item to a Special Board meeting on October 9, 2003 Board Meeting. Director Lyon seconded the motion and it passed unanimously (5-0).

b. Approval of Amendment to Agreement with City of Albuquerque

Director Hernandez made a motion to approve the Second 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, subject to legal review. Director Brown seconded the motion and it passed unanimously (5-0).

c. Authorization to Advertise for Construction Bids

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

Chairman Eichenberg recessed the meeting at 2:30 p.m. and reconvened at 2:40 p.m.



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

Mr. Lovato presented a slide show depicting current projects.

15. MRGOG Regional Water Plan Briefing

Michael Trujillo, representing Mid-Region Council of Governments, gave a slide presentation on the Regional Water Plan. He discussed the region's limited resources and overuse of water and asked for coordination and cooperation among the jurisdictions in the region for solutions. He also discussed possible actions that could be taken to solve the water problem and asked for participation from the jurisdictions.

16. City of Albuquerque Water Treatment Plant, Ferric Chloride Conveyance Line – Briefing by John Stomp, City of Albuquerque

John Stomp, representing the City of Albuquerque, gave a briefing on the City of Albuquerque Water Treatment Plant, Ferric Chloride Conveyance Line. He discussed the use of AMAFCA right-of-way along the west side of the North Diversion Channel to convey a ferric chloride line to the future water treatment plant on Chappell Road.

Director Hernandez stated his concerns about the caustic nature of Ferric Chloride. Mr. Stomp stated that the pipe would be double-walled and the pressures from the pump station will be monitored, and if a leak should occur, it will be contained within the double-walled pipe.

Mr. Kelly stated due to the unique nature of this line, he would seek Board concurrence prior to issuing a license agreement for the line.

17. Corps of Engineers SW Valley Feasibility Study – Status Report

Mr. Kelly discussed the special workshop that the MRGCD held on September 12th to discuss the Project and the use of the drains. Mr. Kelly stated that the MRGCD Board passed on a unanimous motion the statement of the MRGCD Board with regard to the flood control project. He read the statement to the Board.

Mr. Kelly stated that this was positive news for the Project and further negotiations will need to be made with the MRGCD with regard maintenance payments for the flood control system along with other negotiations with MRGCD, Corps of Engineers, and Isleta Pueblo. He stated that this statement was required for the Corps to move into the design phase on the capital project, as well as the Section 593 Project, which is the Black Mesa Pump Station and the Isleta/Malpais Pond.



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18. Real Estate

a. Survey of Ladera Diversion Dike and Existing Access Road – Approval of On-Call Surveying Services Task Order # 4 with Albuquerque Surveying

Director Hernandez made a motion to approve the on-call surveying Task Order #4 with Albuquerque Surveying Company for a fee not to exceed \$5,890 plus applicable tax. Director Lyon seconded the motion and it passed unanimously (5-0).

b. Quitclaim/Release of Easement, Lot #7, Block B, Tract 3, Unit I, North Albuquerque Acres

Director Hernandez made a motion to authorize the Board Chairman to execute the Quitclaim Deed / Release of Easement for Lot 7, Block B, Tract 3, Unit 1, North Albuquerque Acres. Director Lyon seconded the motion and it passed unanimously (5-0).

c. Short Term Recreational Licenses

Per a request from Director Brown, Attorney Bregman will report back to the Board at a future Board Meeting if a full-season recreational license would be more appropriate from a liability standpoint.

19. West Branch of Calabacillas Arroyo Bank Protection - Approval of Turnkey Agreement with Sandia Properties

Bob Murphy and Kurt Browning, representing Sandia Properties, were present.

Director Stover made a motion to authorize the Executive Engineer to execute the Agreement to Provide Maintenance for Arroyo Bank Protection Improvements on the West Branch of the Calabacillas Arroyo by Canta Cielo Subdivision, substantially the same as attached. Director Brown seconded the motion and it passed unanimously (5-0).

20. Unfinished Business

None.

21. New Business

Mr. Kelly thanked the Larkin Group for sending a flower arrangement and HDR Engineering for sending a cookie bouquet in commemoration of AMAFCA's 40th Anniversary.

Roger Paul, representing Bernalillo County Public Works, stated that the Ribbon Cutting Ceremony for Isleta Blvd. Phase I is to be held at 10:00 a.m. Saturday, September 27th at the intersection of Isleta and Lopez.



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22. Items from the Floor / Public comment

None.

23. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 3:25 p.m.

Ronald D. Brown, Secretary-Treasurer 10/23/03

Recorded by Lori Webb
Secretary to the Executive Engineer