



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
January 22, 2004**

**Page 1**

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

Chairman Eichenberg called the Regular Board Meeting to order at 10:10 a.m. Thursday, January 22, 2004. 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 accept the agenda as presented. Director Hernandez seconded the motion. Director Hernandez requested that the Water Assembly presentation be added to the agenda as a five-minute item, stressing that no action would be taken. Chairman Eichenberg added the item under Item 18, Items From the Floor. The motion passed unanimously (5-0).

**3. Meetings Scheduled**

- a. February 5, 2004, 11:00 a.m. – First Workshop on Drainage Facility Planning Review**
- b. February 26, 2004, 10:00 a.m. – Regular Meeting**
- c. March 4, 10:00 a.m. – Second Workshop on Drainage Facility Planning Review**
- d. March 25, 2004, 10:00 a.m. – Regular Meeting**

Director Stover stated that she had a conflict in schedule for the February 5, 2004 meeting. John Kelly stated that there may be another item for the February 5<sup>th</sup> meeting. He explained that there has been a protest on the West I-40 Diversion Channel Construction Bid, It will take two weeks to go through the informal hearing procedure. The West I-40 Diversion Channel Construction Bid could be brought back before the Board on February 5, 2004. Following discussion, the meetings were scheduled as follows:

- February 5, 2004, 12 noon - First Workshop on Drainage Facility Planning Review
- February 26, 2004, 9:00 a.m. - Regular Meeting
- March 4, 2004, 9:00 a.m. - Second Workshop on Drainage Facility Planning Review



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
January 22, 2004**

**Page 2**

- March 17, 2004, 9:00 a.m. - Regular Meeting

Director Stover requested that the future regular meetings begin at 9:00 a.m. and the Board concurred. Director Brown made a motion to approve the meeting schedule. Director Lyon seconded the motion, and the motion passed unanimously (5-0).

**4. Election of Officers**

- a. Chairman**
- b. Vice Chairman**
- c. Secretary / Treasurer**
- d. Assistant Secretary Treasurer**

Items 4a, 4b, 4c, and 4d were considered together. Director Stover made a motion to keep officers the same: Chairman, Tim Eichenberg; Vice Chairman & Assistant Secretary Treasurer, Linda Stover; Secretary Treasurer, Ronald D. Brown. Director Brown seconded the motion. Chairman Eichenberg called for a close to nominations. Director Lyon made a motion to close the nominations. Director Hernandez seconded the motion, and the motion passed unanimously (5-0). Chairman Eichenberg called for a vote to Director Stover's motion, and the motion passed unanimously (5-0).

**5. Approval of Resolution 2004-1: Open Meetings Resolution**

Counselor Bregman briefed the Board on the added wording to the Resolution. Director Hernandez made a motion to approve Resolution 2004-1: Open Meetings Resolution. Director Brown seconded the motion, and it passed unanimously (5-0).

**6. Approval of Minutes – December 18, 2003**

Director Hernandez made a motion to approve the minutes of the December 18, 2003 Regular Board Meeting. Director Stover seconded the motion, and it passed unanimously (5-0).

**7. Financial Matters**

- a. Approval of December 2003 Expenditures**

Following a few questions, Director Hernandez made a motion to approve the December 2003 Expenditures. Director Brown seconded the motion. Director Lyon asked if the purchase of the chairs had been put out to bid. Ms. Jeffries replied that the chairs had been purchased under the state contract. Following further discussion, the motion passed (4-1) with Director Lyon voting against the motion.

- b. Investment Report**

For Information



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
January 22, 2004**

**Page 3**

**c. Financial Recap December 16, 2003 thru January 15, 2004**

For Information

**d. Financial Forecast January 16, 2003 thru February 15, 2004**

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

**e. County Treasurer Tax Distribution Status Report**

Ms. Jeffries stated that a letter had been sent to the County Treasurer demanding the \$69,245 in taxes still owed to AMAFCA according to staff analysis.

**8. Legal**

**a. Status Report**

For information only.

**9. Selection Advisory Committee Recommendation for Banking and Cash Management Services**

Mr. Kelly explained that two proposals were received: Bank of the West, and Wells Fargo Bank. The Selection Advisory Committee, consisting of him and Irene Jeffries, had scored the proposals. He stated that the proposals were scored 50% on price, and 50% on services. Bank of the West had come in lower on price. Wells Fargo Bank was scored higher on their ability to provide services.

Mr. Kelly reminded the Board of AMAFCA's past experience with Bank of the West, after the divestiture from First Security Bank, with the Board ultimately terminating the contract with Bank of the West.

Mr. Kelly stated that the Selection Advisory Committee was recommending the Board authorize the Executive Engineer to negotiate a contract with Wells Fargo Bank for Banking and Cash Management Services. That recommendation was based on the opinion that the savings realized from the lower price would be lost due to the estimated time lost during the transition period.

Director Brown made a motion to accept the SAC recommendation to maintain the Banking and Cash Management service with Wells Fargo, and to authorize the Executive Engineer to negotiate a contract with Wells Fargo Bank for the Board's consideration at the February



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
January 22, 2004**

**Page 4**

regular meeting. Director Stover seconded the motion. Following brief discussion, the motion passed (4 - 0). Director Hernandez abstained from the vote.

**10. West I-40 Phase III Diversion Channel – Award of Construction Contract**

Jerry Lovato stated that bids were received on January 15, 2004 with eight contractors bidding on the project. Albuquerque Excavators, Inc. was the apparent low bidder, however, AMAFCA had received a protest of the bid.

Mr. Lovato requested that the Board assign a hearing officer for an informal hearing to be held January 30, 2004 to discuss the protest. Director Hernandez questioned what was being protested. Mr. Lovato responded that Salls Brothers, the second low bidder, was protesting (1) the ability of Albuquerque Excavators, Inc. to do the work due to work they already have on the books, (2) the contractor's ability to do structural concrete, and (3) their ability to complete the project according to the timeline set out in the bid specs. Director Hernandez made a motion to appoint John Kelly as the hearing officer. Director Stover seconded the motion. Following brief discussion, the motion passed unanimously (5-0).

**11. Bear Canyon Arroyo Storm Water Quality Facility – Authorization to Advertise for Construction Bids**

Ms. Christy Jones stated that at the December 18, 2003 Board meeting, the Board had approved final design of two water quality facilities and the grading and multiple-use facilities in the Bear Canyon Arroyo Inlet. ASCG, Inc. is currently completing the design plans for the project.

Ms. Jones stated that the engineer's estimate for construction of the project is \$419,050. AMAFA's current construction budget identifies \$400,000 for this project. She stated that the drainage right-of-way and drainage easements for the project are existing. She stated that AMAFCA has also submitted an application for a 404 Permit to the Corps of Engineers, and the permit is currently being reviewed by the regulatory branch staff of the COE.

Director Brown made a motion to authorize the Executive Engineer to advertise for construction bids for the Bear Canyon Arroyo Storm Water Quality Facility. Director Hernandez seconded the motion, and it passed unanimously (5-0).

**12. Piedras Marcadas Watershed – Lyon Boulevard Storm Drain Briefing**

Craig Hoover of Bohannon-Huston, Inc, Ron Bohannon of Tierra West, Inc., Paul Silverman of Geltmore, Inc., and Jeff Watson of Builder's Investment were present

Ms. Mazur stated that pursuant to the Boards direction, staff had further analyzed the study.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
January 22, 2004**

**Page 5**

She stated that four options for the Lyon Boulevard Storm Drain were analyzed in the Bohannon-Huston study for feasibility and cost. The options ranged from free discharge to limited conveyance with multiple detention ponds.

Craig Hoover of Bohannon-Huston gave a brief history of the Piedras Marcadas Watershed. He stated that in 1993, Molzen Corbin did a study of the Piedras Marcadas Watershed. The study showed that as that area developed, the existing Piedras Marcadas Dam would have capacity issues. He stated that in 1996, there were some improvements made to the dam that increased the capacity; however, Bohannon-Huston's current study shows that there are still capacity issues with the dam.

The 1993 study recommended two diversions out of the Piedras Marcadas Watershed to the Calabacillas Watershed to the north to alleviate the capacity issues relating to the Piedras Marcadas Dam. The first diversion, which is in place, was the diversion of the Upland area within Ventana Ranch and Ventana Ranch West with an outfall to the Calabacillas. Mr. Hoover stated that even though that diversion diverted a major portion of the water, there are still areas as identified in the Molzen Corbin Study that need to be diverted.

Mr. Hoover stated that Bohannon-Huston was tasked with determining the maximum area that could be diverted to the Lyon Outfall. He stated that four options were analyzed in the study for feasibility and cost. The options range from free discharge to limited conveyance with multiple detention ponds. Bohannon-Huston is recommending Option Four for the Lyon Boulevard Storm Drain.

Mr. Hoover stated that Option Four serves to protect AMAFCA's interests at the Piedras Marcadas Dam at lower cost than other analyzed options. It also provides for diversion of flows around lands of the Petroglyph National Monument and City Open Space as well as a limited outlet for future development within the area.

Mr. Hoover stated that Option Four does not fix the sizes or capacities of the Proposed Paseo Del Norte Storm Drain, but allows the Paseo del Norte Storm Drain to be designed for maximum conveyance based on available downstream capacity in the Piedras Marcadas Channel. It also allows for restricted discharge from the area south into the proposed Lyon Boulevard Storm Drain.

The final combination of detention ponding and storm drain conveyance capacity within the remaining Piedras Marcadas Watershed is subject to further analysis, but development is not unduly restricted by the recommendation of Option Four for the Lyon Boulevard Storm Drain.

Ron Bohannon of Tierra West addressed the Board stating that Tierra West has been working with all the property owners in the area and with Bohannon Huston, Inc. to develop the area.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
January 22, 2004**

**Page 6**

He opined that the property owners feel Option Four would allow development in the area to continue.

Ms. Mazur summarized the cost of each proposed option, stating that Option Four upsizes the storm drain at a total cost of \$3.37M. Director Hernandez asked who would be paying for the project. Mr. Kelly replied that from the informal discussions to date and the request by Mr. Bohannon, representing the private owners, AMAFCA would proceed on the Lyon Storm Drain with the existing pipe under pressure to maximize the flow coming out, which would allow developed flows of 212 cfs. The private owners propose to build the entire system to the south and back to the west, including the right-of-way for the detention ponds.

Director Brown commented that this project had been planned for many years, but had been deferred because of geological challenges involved with the project.

It was the consensus of the Board to allow staff to develop an RFP for design of the project.

**13. 2004 Legislative Session – Briefing by New Mexico Outsourcing**

Maurice and Mary Hobson summarized the first few days of the Legislative session. Mr. Hobson stated that one of the first items before the legislature was an amendment to the DWI law which will increase the penalty.

Mr. Hobson briefly explained how when more than one DWI bill was passed and signed by the Governor, the codification of the bill by the state was that the last bill signed was the new law, even though that bill included old provisions that would have been amended by the other bill that had just been passed and signed. This has come to light in view of a recent Court of Appeals decision that agreed with this application of legislation.

Mr. Hobson indicated that the same thing happened in the last session with regard to the bill AMAFCA had sponsored that was passed and signed by the Governor. Two bills were introduced by Senator Aragon, both intending to change different sections of the law relating to the sale of public property. The AMAFCA bill was passed and signed, and then the other bill was passed and signed. The legislative intent was to have the new provisions from each signed bill codified into law. However, because of the Court of Appeals decision, the codification into law was only the last bill that was signed by the Governor. This is a division between the legislative and judicial branches of the state.

Mr. Hobson indicated that they are working with various individuals and groups with regard to this matter and they will keep us posted.

Mr. Hobson then reviewed several other bills that have been introduced in the legislature.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
January 22, 2004**

**Page 7**

**14. Real Estate**

- a. Consideration of Offer to Purchase Surplus Property, La Cueva Arroyo north of Eagle Rock**

Upon the recommendation of legal counsel, Director Lyon made a motion to defer item 14a. Director Hernandez seconded the motion, and it passed unanimously (5-0).

**15. Field Highlights**

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

Mr. Lovato presented a slide show depicting current projects.

**16. Unfinished Business**

None.

**17. New Business**

None.

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

Mr. Bob Wessely, from the Middle Rio Grande Water Assembly, gave a brief presentation on the Middle Rio Grande Regional Water Plan.

**19. Adjourn**

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 12:10 p.m.

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Ronald D. Brown, Secretary-Treasurer 02/26/04

Recorded by Irene Jeffries, Business Manager  
Transcribed by Irene Jeffries, Business Manager