



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
May 27, 2004**

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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 9:05 a.m. Thursday, May 27, 2004. Roll was noted as follows:

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

Others present: Loren Meinz, Acting Executive Engineer
Sam Bregman, Attorney
Staff

A quorum was present.

2. Approval of Agenda

Loren Meinz, Acting Executive Engineer, stated that there were no changes to the Agenda.

Director Brown made a motion to approve the agenda. Director Lyon seconded the motion, which passed unanimously (4-0).

3. Meetings Scheduled

- a. June 23, 2004, 9:00 a.m. – Regular Meeting**
- b. July 22, 2004, 9:00 a.m. – Regular Meeting**
- c. August 26, 2004, 9:00 a.m. – Regular Meeting**

Director Stover made a motion to approve the meeting schedule. The motion was seconded by Director Brown, and passed unanimously (4-0).

4. Approval of Minutes

- a. April 22, 2004**

Director Lyon made a motion to approve the minutes of the April 22, 2004 Regular Board Meeting. Director Brown seconded the motion, and it passed unanimously (4-0).



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b. May 6, 2004

Director Lyon made a motion to approve the minutes of the May 6, 2004 Special Board Meeting. Director Brown seconded the motion, and it passed unanimously (3-0). Director Stover did not vote since she had not attended the meeting.

5. Financial Matters

a. Approval of April 2004 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the April 2004 Expenditure Report. She corrected the Expenditure Report by stating that check 11031 to Rinker Materials was for 200 pavement pavers, not 500.

There being no questions on the expenditure report, Director Brown made a motion to approve the April 2004 Expenditure Report. Director Stover seconded the motion, and it passed unanimously (4-0).

b. Investment Report

For Information.

c. Financial Recap April 16, 2004 through May 15, 2004

For Information.

d. Financial Forecast May 16, 2004 through June 15, 2004

Ms. Jeffries presented the Board with the Financial Forecast for the period May 16, 2004 through June 15, 2004. She stated that this included payments on several contracts.

Director Brown made a motion to approve the Financial Forecast. Director Lyon seconded the motion, and it passed unanimously (4-0).

e. Authorization to Sell Surplus Equipment at Auction

Ms. Jeffries presented a request for the Board to declare certain vehicles as surplus and authorize them to be sold at auction. The vehicles were identified as:



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1. 1988 Ford 1S3 F800 Cab/Chassis, VIN #1FDPK84A2JVA0592, 6 cylinder, 30,000 DGVW (diesel)
2. 1989 Chevrolet ¾ Ton truck w/winch, VIN #2GBGK29K3K1207048, 8 cylinder, 8600 DGVW (gasoline)
3. 1996 Chevrolet Cab/Chassis, VIN #1GBJK34RXTE263312, 8 cylinder, 12,000 DGVW (gasoline)

Each Board member had inspected the vehicles prior to the start of the meeting.

Director Brown made a motion that the Board make an official finding declaring the vehicles surplus, and authorize them to be sold at auction. Director Stover seconded the motion, and it passed unanimously (4-0).

The Chairman and Directors signed the Official Finding document for each vehicle.

6. Legal

a. Status Report

Attorney Sam Bregman gave the Board an update on the status of various legal matters.

7. FY-05 Audit – Selection Advisory Committee Recommendation for Audit Services

Ms. Jeffries presented the recommendation of the Selection Advisory Committee for Audit Services for FY-05. Brief discussion followed.

Director Brown made a motion that the Board accept the committee's recommendation, and authorize the Executive Engineer to negotiate a contract with Chester W. Mattocks, CPA, to perform AMAFCA's FY-05 audit with financial statements, subject to approval by the New Mexico State Auditor.

Director Stover seconded the motion, and it passed unanimously (4-0).

8. AMAFCA Parking Lot Expansion – Award of Contract

Christy Burton, AMAFCA GIS Manager, presented the results of the competitive bid for the AMAFCA Parking Lot Expansion. She stated that eight contractors picked up the request for bids and 4 contractors submitted bids. Bid results were tabulated by HDR Engineering, and they had reported that TLC Company, Inc., was the low bidder at \$27,242.21.



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Staff recommendation was that the Board award the contract to TLC Company, Inc. Mr. Mainz stated that TLC Company has said they can complete the project in a very short period of time.

Director Lyon made a motion that the Board accept TLC Company, Inc., as the lowest responsible bidder and authorize the Chairman to execute a contract with TLC Company, Inc., in the amount of \$27,242.21 for the AMAFCA Parking Lot Expansion.

Director Brown seconded the motion, which passed unanimously (4-0).

9. Tractor Mower with Implements – Consideration of Bids Received

Jerry Lovato, AMAFCA Field Engineer, presented the results of the competitive bid for a tractor mower with implements. He stated that six equipment suppliers picked up the RFP, five declined to bid, and one bid was received. He also stated that Western Tractor's bid of \$68,834.00 was under the estimate and met the bid specifications.

He further stated that he had contacted the other vendors to identify why they did not supply bids. He found they were not comfortable with the amount of detail in the specifications concerning AMAFCA requirements. Mr. Lovato also stated that the specifications were open to many bidders and were not restrictive to any one vendor.

Brief discussion followed.

Director Brown made a motion that the Board accept Western Tractor as the lowest responsible bid and authorize the Executive Engineer to execute a contract with Western Tractor for the purchase of the Tractor Mower with Implements.

Director Stover seconded the motion, which passed unanimously (4-0).

Director Hernandez arrived at this point in the meeting.

10. AMAFCA Yard Fence – Award of Construction Contract

Mr. Mainz presented the results of the advertisement for bids for the revised AMAFCA Maintenance Yard Fence Project. Four construction firms picked up the contract specifications and bid package for the contract, and bids were scheduled to be opened on May 13, 2004 at 10:00 a.m.

He stated that no firms submitted bids, apparently due to this being a small job and the current high demand for masonry work locally.



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He explained that staff had investigated alternate methods to have the work completed, including change ordering it into the Isleta Phase 1A Drainage Project, which has a bid item for off-site masonry work.

He stated that the estimated cost to have RMCI construct the block pilasters and trash enclosure as a change order is \$22,500.

Discussion followed. Director Brown asked if the fence was needed right away. Mr. Meinz stated that it could be delayed if necessary.

Following further discussion, Board consensus was to hold off on the fence and re-bid it at a later date.

11. La Cueva Arroyo Avulsion Four Project – Authorization to Advertise for Construction Bids

Mr. Meinz presented a request to authorize AMAFCA to advertise for construction bids for the La Cueva Arroyo Avulsion Four project. He noted that at the August 14, 2003 meeting, the Board directed staff to proceed with final design of this project and obtain the necessary drainage easements.

He also stated that since that time, the AMAFCA Real Estate Manager had obtained all the necessary easements and agreements for this project, and Resource Technology, Inc., had completed the final design plans for the project. He stated the final design plans have been submitted to the Bernalillo County Public Works Department for final review and approval.

Discussion followed.

Director Brown made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the La Cueva Arroyo Avulsion Four Project. Director Stover seconded the motion, which passed unanimously (5-0).

12. Lyon Boulevard Storm Drain – Consideration of Engineering Services Agreement with Bohannan Huston, Inc.

Lynn Mazur, AMAFCA Development Review Engineer, presented a request to approve an Engineering Services Agreement with Bohannan Huston for the Lyon Boulevard Storm Drain project. Ms. Mazur briefed the Board on the history of the project and the drainage issues it resolves.



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Staff recommendation was to approve the negotiated agreement with Bohannon Huston to provide professional engineering services for this project.

Director Hernandez asked why the design engineering fee in the agreement was less than the blind cost estimates obtained at the time of bidding.

Craig Hoover of Bohannon Huston, Inc., replied that the geotechnical investigation had been scaled back and was to be done in several phases, and only a conceptual design was to be done on the storm water quality features. Thus the negotiated agreement reflected lower costs.

More questions from the Board followed, which were answered by Ms. Mazur and Mr. Hoover.

Director Brown stated that he would prefer to have an updated cost estimate of the project after the basalt layer profile has been determined, since the nature of that layer has so much bearing on the final costs of the project.

During discussion, several Board members expressed support of the preliminary tasks in the contract agreement up to but not including final design, but not the whole agreement as presented. The Board wished to review the projected cost before proceeding with the design of the project.

Attorney Sam Bregman stated that he would need to revise the agreement if the Board wished to limit its scope in that manner.

Director Brown made a motion that the Board approve the Agreement with Bohannon Huston, Inc., to provide Professional Engineering Services for the design of the Lyon Boulevard Storm Drain in the amount of \$98,504.08, excluding New Mexico Gross Receipts Tax. Director Stover seconded the motion, which failed (1-4).

Chairman Eichenberg directed staff to negotiate a phased agreement with the firm placed second by the Selection Advisory Committee, working with Mr. Bregman to revise the agreement, and bring it before the Board at a later meeting.

13. West Branch of Calabacillas Arroyo at Universe – Consideration of Turnkey Agreement with Curb West, Inc.

Ms. Mazur introduced Steve Metro of Wilson & Company and Stan Strickman of Curb West, Inc., and presented their request for a Turnkey Agreement for channel improvements along the West Branch of the Calabacillas Arroyo at Universe. She stated that the proposed channel improvements would revise the FEMA floodplain and the prudent line.



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She also stated that this item was simply to approve the turnkey agreement for the channel improvements.

Discussion followed. Mr. Mainz stated that these improvements will stabilize that section of channel, which is prone to erosion.

Director Hernandez made a motion that the Board authorize the Executive Engineer to execute the Agreement to Provide Maintenance for Channel Improvements on the West Branch Calabacillas Arroyo at Universe and Irving.

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

14. La Cueva Arroyo at Eagle Rock – Consideration of Offer to Purchase Surplus Property

Director Hernandez made some comments to the Board on behalf of the Right Of Way Committee regarding this unsolicited offer to purchase surplus AMAFCA property on the La Cueva Arroyo at Eagle Rock.

He stated that this parcel is landlocked, and would be of no value to anyone except the adjacent property owner, who has expressed an interest in buying it. He also stated that AMAFCA has adequate maintenance access without this parcel. He stated that the purchase price would be \$4.40 per square foot or the appraised value, whichever was higher.

Martin Eckert, Jr., AMAFCA Real Estate Manager, introduced Shakeel Rizvi of SkyBlue Investments, LLC, who briefly addressed the Board regarding the offer to purchase. SkyBlue will pay for the appraisal and the necessary redivision of the property.

Discussion followed.

Chairman Eichenberg did not think it appropriate to waive any future drainage infrastructure improvement contributions as a part of this contract. He also stated that the issue of surface water hydrology would need to be worked out with AMAFCA engineers.

Director Lyon made a motion that the Board direct the Executive Engineer to proceed with negotiating a sale agreement and the appraisal of a portion of Lot 18, Block 1, Tract 2, Unit 3, North Albuquerque Acres, together with a portion of the adjacent La Cueva Channel drainage right-of-way that was dedicated to AMAFCA by the Plat for Desert Ridge Trails, Unit 1, for consideration by the Board at a future Board meeting.



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

15. Lyon Boulevard & Chamisa Storm Drains – Briefing by Tierra West Development

Ron Bohannon of Tierra West addressed the Board concerning a proposal by several landowners in the area south of Paradise Boulevard and west of Unser Boulevard, including Albuquerque Public Schools (APS). He stated he would like to present a Cost Share Agreement to the Board at a later meeting.

He stated that the landowners would like to pay for an upsize of the proposed Lyon Storm Drain and build the Chamisa Storm Drain on the south side of Paradise Boulevard at their own cost. The Chamisa Storm Drain would serve the properties on the south side of Paradise Boulevard, and provide an outfall to the City's retention pond.

He also stated that since no water from the properties will drain to the proposed Paradise Boulevard Storm Drain, which fronts some of the properties, they requested that AMAFCA and the City exempt them from contributions for construction of this storm drain.

Extensive discussion followed.

During the discussion, the Board endorsed the concept of the landowners upgrading the pipe and doing the ponding and diversion, but didn't want to be locked into a specific dollar amount of the landowner contribution at this point, preferring that this be negotiated at a later date.

Director Hernandez stated that he wished to be certain that the detention ponds are made permanent. Mr. Bohannon stated that there would be a drainage easement on the ponds.

Chairman Eichenberg stated that he would not want to put language in the agreement exempting the landowners from the Paradise Boulevard Storm Drain, and pointed out that AMAFCA cannot obligate the City in this manner.

Paul Silverman of Geltmore stated that there are a number of public benefits to the project, including protecting the Petroglyph National Monument, moving the Unser project forward, improving City of Albuquerque and APS drainage, and fixing historical problems with the rock channel diversion. He stated that this is a solution that has been ten years in the making.

Director Lyon mentioned that this project has been presented many times in the neighborhoods surrounding the project, and asked what the neighborhood thinks about this project. Mr. Bohannon stated that all comments from the neighborhood have been positive.



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Director Hernandez summarized the discussion by stating that the Board likes the project, but is simply concerned about the minutia of the agreement.

16. Calabacillas Arroyo Upstream of Swinburne Dam – Briefing by Mark Goodwin & Associates

Chairman Eichenberg excused himself from the discussion of this item, turning the meeting over to Vice Chair Stover.

Mr. Mainz gave the Board an overview of the Calabacillas Arroyo upstream of Swinburne Dam, then introduced John MacKenzie of Mark Goodwin and Associates. Mr. MacKenzie introduced Robert Lupton, of Cook Wilson, stating that Cook Wilson owns the property to be developed.

Mr. MacKenzie described their plan to stabilize this section of the arroyo as the Arroyo Vista Subdivision is developed. He stated that they also hope to recover some of the prudent line area by confining the arroyo with grade control structures and spur dikes, while retaining a "natural" appearance and keeping the area as open as possible.

Mr. Mainz described the channel improvements in greater detail. He stated that these improvements would stabilize the arroyo and protect it from erosion, which is important as the arroyo would be dedicated to the City as open space. AMAFCA would do the maintenance on the structures.

Director Hernandez asked how "open" the open space is. Mr. Mainz replied that at the dikes, the arroyo would be about 200-250 ft. wide, and about 400-450 ft. wide at the prudent line.

Mr. MacKenzie stated that there would also be roads adjacent to the arroyo, which would give another 100 ft. of open space.

Mr. Mainz stated that these improvements would reduce the 500-year floodplain, eventually allowing development in those areas currently in the floodplain.

Director Brown indicated that lower drop structure height, and more structures, should be considered. Mr. MacKenzie stated that each drop structure will be stepped and each will reduce elevation by about 8-11 feet. He stated that where the elevation difference is great, ramping will be added.

Vice Chair Stover called a brief recess at 10:40 a.m. Chairman Eichenberg reconvened the meeting at 10:48 a.m.



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17. Boca Negra Dam and Outfall Pipe – Briefing by Wilson & Company

Mr. Mainz introduced Steve Metro and Dan Aguirre of Wilson & Company. Mr. Mainz stated that the draft Drainage Management Plan of this area shows that the proposed project is needed in the area.

Mr. Metro briefed the Board on the proposed Boca Negra Dam and Outfall Pipe project.

He stated that this project would provide benefits to the general public (public facilities and trails), and protect AMAFCA and City facilities located downstream of the project. He also stated it would protect the Petroglyph National Monument from flooding and erosion, and would serve the future APS high school site.

Mr. Metro requested the Board include the project within the 2004 Bond program.

18. Paseo del Norte / Coors Pond – Briefing on Proposed Cost Sharing Agreement with NMDOT

Ms. Mazur gave the Board a briefing on the proposed Cost Sharing Agreement with NMDOT for the Paseo del Norte / Coors Pond project, updating them on progress on this project.

She stated the DOT is proceeding with planning of this project, which will involve realigning the exit ramp. She stated this realignment will encroach on AMAFCA right-of-way by about 0.1 acre.

Ms. Mazur stated that the main features of the project involve a 48-inch storm drain along the east side of Coors, and an additional 36-inch culvert under Coors which will have to be bored under the roadway. She stated that the existing detention pond will also be expanded to accommodate the additional discharge.

She stated that MRGCD requirements for the pond spillway to the Corrales Main Canal will require that portion of the canal to be concrete-lined. The water quality feature of the pond would also be moved to the spillway area.

Ms. Mazur stated that a few mature trees might have to be eliminated as a result of the pond expansion, but would be replaced with smaller trees, shrubs, or both.

Mr. Mainz stated that this project has been included in the current proposed project schedule.



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19. FY 2005 Budget

a. Operating Fund Budget

Ms. Jeffries presented the FY-05 Operating Fund Budget and reviewed the changes in the budget since the previous draft. She stated that adjustments were made to balance expenditures to revenues in the final budget. Discussion followed.

Director Brown made a motion that the Board approve the FY-05 Operating Fund Budget. Director Stover seconded the motion, which passed unanimously (5-0).

b. Construction Fund Budget

Mr. Mainz presented the FY-05 Construction Fund Budget and reviewed the changes in the budget since the previous draft. If the bond election fails, only those projects currently contracted for would be finished. Brief discussion followed.

Director Brown made a motion that the Board approve the FY-05 Construction Fund Budget. Director Stover seconded the motion, which passed unanimously (5-0).

c. Contingency Fund Budget

Ms. Jeffries presented the FY-05 Contingency Fund Budget to the Board. Brief discussion followed.

Director Brown made a motion that the Board approve the FY-05 Contingency Fund Budget. Director Hernandez seconded the motion, which passed unanimously (5-0).

d. Debt Service Fund Budget

Ms. Jeffries presented the FY-05 Debt Service Fund Budget to the Board, reviewing a change in the budget since the previous draft.

Director Hernandez made a motion that the Board approve the FY-05 Debt Service Fund Budget. Director Brown seconded the motion, which passed unanimously (5-0).

e. Resolution 2004-5, Approval of FY-05 Budget

Ms. Jeffries presented Resolution 2004-5, Fiscal Year 2005 Budget, to the Board. She stated that the Resolution would be sent to the New Mexico Department of Finance and



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Administration for approval, along with copies of the summary pages of each of the fund budgets.

Director Brown made a motion that the Board pass and adopt Resolution 2004-5, Fiscal Year 2005 Budget, and authorize the Chair and Secretary to sign.

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

20. Field Highlights

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

Mr. Lovato presented a slide show depicting progress on current projects.

He stated that the West I-40 project was going slowly, with work suspended while a 48-inch SAS pipe was repaired. He showed slides of the SAS pipe repair, explaining that the pipe was shown on the construction drawings and the contractor should have known it was there. He stated that a specialized welder had to be brought in from Denver to complete the repair.

Mr. Lovato also showed pictures of an empty conduit running underneath the freeway, put there during construction in 1965 for the purpose of carrying future utilities. He stated now that the location of this conduit is known, it might be useful in the future for carrying utilities or for stormwater drainage.

He stated that the contractor is now working 12 hour days, 5 days a week, and will also be working Saturdays in an effort to maintain the project schedule.

Mr. Mainz stated that the Amole project was finalizing and that the final total cost would be about \$10,000 less than the original contract total.

Mr. Lovato stated that the Isleta Phase I-A Drainage Project has been completed, with only the final punch list remaining. He stated it is landscaped and seeded and looks very good. Roger Paul, of Bernalillo County Public Works, stated that the public is very happy with the final results of the project.

Mr. Lovato stated that HDR and RMCi have offered to pay for a Ribbon Cutting Ceremony if the Board would like one. He asked if the Board would like to hold a Ribbon Cutting Ceremony to officially open the Isleta Phase I-A Drainage Project.



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The Board agreed they would like to hold such a ceremony sometime after June 1, and asked Mr. Lovato to coordinate the scheduling at a time convenient for all.

Director Hernandez stated that he was able to observe the LaFamilia property during the South Valley Pride Day Parade kickoff on May 8th. He said that there was a very visually appealing fence around the property, and a beautiful gate with the AMAFCA symbol on it.

21. Real Estate

a. Quitclaim Deed/Release of Easement for Tract A-2-A, Broadcomm-PEP Redivision on South Broadway

Ms. Mazur introduced Jeff Mortensen of Jeff Mortensen and Associates, engineer on this project, and Mike Shero of WRS who will be doing the construction on this site.

She presented their request to correct the drainage easement on this property, to the larger of the actual FEMA floodplain or the energy grade line (EGL). She stated that AMAFCA would quitclaim/release the existing easement, and the property owner had already granted AMAFCA a new Drainage Easement to the EGL limit.

Director Hernandez made a motion that the Board authorize the Chairman to execute the Quitclaim Deed/Release of Easement for Tract A-2-A, Broadcomm-PEP Redivision.

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

b. Quitclaim Deed/Release of Easement, for Floodplain Easement within Paakweree Bulk Land Plat

Mr. Eckert presented a request to quitclaim/release the existing floodplain easement on this property. He stated that Wilson and Company and AMAFCA have verified that all floodplain in this development is now confined to the underground culverts and constructed concrete channel.

He also stated that the easement contains the typical reversionary language where the easement shall revert to the grantor or its successors when the easement is no longer necessary for flood control or drainage.

Brief discussion followed.



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Director Hernandez made a motion that the Board authorize the Chairman to sign a Quitclaim Deed/Release of Easement for all of the floodplain in the Paakweree Development that was dedicated to AMAFCA by the Bulk Land Plat of Paakweree, filed May 13, 1999 in Plat Book 99C, Folio 119.

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

22. Unfinished Business

None.

23. New Business

Mr. Lovato stated that there was a handout of the mailing list used by the Corps of Engineers to send invitations to the PCA signing ceremony at the Albuquerque District Office.

Ms. Mazur stated that she'd recently received a North Albuquerque Acres grading and drainage plan submittal for a house on stilts in the floodplain, and asked for Board direction and feedback from counsel.

Mr. Mainz stated that usually as a part of the building permit process, AMAFCA acquires an easement on properties such as this. The house as proposed would be located over an area where such an easement would normally be acquired.

Ms. Mazur expected more unusual designs of this type to be attempted in the coming years as buildable lots in the area become scarce.

24. Items from the Floor / Public Comment

None.

25. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 11:27 a.m.

Ronald D. Brown, Secretary-Treasurer 06/23/04

Recorded by Pam Woodruff, Secretary to the Executive Engineer