

**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
August 26, 2004**

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1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 9:04 a.m. Thursday, August 26, 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

Also present: Gregory Raver, District 5 Candidate
Janet Saiers, District 5 Candidate
John Doran, District 5 Candidate

A quorum was present.

2. Approval of Agenda

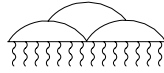
John Kelly, AMAFCA Executive Engineer, requested that an update on the 2004 AMAFCA Bond Committee be added as item 20b, for information only.

Director Lyon made a motion to approve the agenda as amended. Director Stover seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. September 23, 2004, 9:00 a.m. – Regular Meeting**
- b. October 21, 2004, 9:00 a.m. – Regular Meeting**
- c. November 18, 2004, 9:00 a.m. – Regular Meeting**
- d. December 16, 2004, 9:00 a.m. – Regular Meeting**

There were no changes or objections to the meeting schedule as set forth.



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4. Approval of Minutes

a. July 22, 2004

Director Hernandez made a motion to approve the minutes of the July 22, 2004 Regular Board Meeting. Director Brown seconded the motion, which passed (4-0). Director Stover abstained from the vote, as she had not been present at the meeting.

5. Financial Matters

a. Approval of July 2004 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the July 2004 Expenditure Report. There were a few questions, which were answered by Mr. Kelly.

Director Hernandez made a motion to approve the July 2004 Expenditure Report. Director Stover seconded the motion, which passed unanimously (5-0).

b. Investment Report

For Information.

c. Financial Recap July 16, 2004 through August 15, 2004

For Information.

d. Financial Forecast August 16, 2004 through September 15, 2004

Ms. Jeffries presented the Board with the Financial Forecast for the period August 16, 2004 through September 15, 2004, pointing out that the construction fund includes two payments to Albuquerque Excavators, Inc.

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

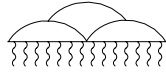
e. Certification of Budget by DFA

Ms. Jeffries stated that the FY-05 Budget had been certified by DFA.

6. Legal

a. Status Report

Mr. Kelly and attorney Sam Bregman gave the Board brief reports on the status of various legal matters.



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7. Technical Standards Committee – Approval of Appointment to Committee

Mr. Kelly reminded the Board that at the July 22, 2004 meeting they had asked him to bring back a recommendation for the non-engineer position on the Technical Standards Committee. He recommended the Board appoint Phyllis Taylor, AICP, a partner with the planning firm Sites Southwest. He stated that she had experience in planning and environmental issues.

The Board supported the recommendation, with several comments on Ms. Taylor's competence.

Director Lyon made a motion that the Board approve Phyllis Taylor as the fifth Technical Standards Committee member, for a thirty-five month term ending July, 2007. Director Hernandez seconded the motion, which passed unanimously (5-0).

8. Approval of Resolution 2004-7, Ad Valorem Tax Levy, Debt Service Fund

Mr. Kelly introduced Kevin Powers of RBC Dain Rauscher, Inc., stating Lisa Fenner had been tied up in out-of-state meetings. Mr. Powers addressed the Board regarding various tax rate scenarios and AMAFCA's ad valorem tax rate history for the Debt Service Fund and General Operating Fund.

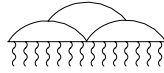
After discussion, Director Hernandez made a motion that the Board adopt Resolution 2004-7, Ad Valorem Tax Levy, Debt Service Fund, setting the mill levy at \$0.675. Director Brown seconded the motion, which passed unanimously (5-0).

Chairman Eichenberg pointed out that this would be the sixth year that the Debt Service Fund mill levy had been set at \$0.675. He noted that the current tax rates are lower than they had been a decade ago.

9. Approval of Resolution 2004-8, Ad Valorem Tax Levy, General Operating Fund

Director Hernandez made a motion that the Board adopt Resolution 2004-8, Ad Valorem Tax Levy, General Operating Fund, setting the mill levy at \$0.186 residential and \$0.433 non-residential. Director Brown seconded the motion, which passed unanimously (5-0).

Chairman Eichenberg pointed out that the General Operating Fund mill levy is also the same as it has been in the past year.



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10. Extension of On-Call Services

- a. Surveying Services**
 - Surv-Tek, Inc.
 - Jeff Mortensen & Associates
 - Albuquerque Surveying
 - The Larkin Group

- b. Site Photography Services**
 - Eagle's Eye Photo

- c. Title Services**
 - Albuquerque Title

- d. Real Estate Appraisal Services**
 - American Property Consultants
 - Charles Graham & Associates
 - B, L, & F, Inc.

- e. Geotechnical / Environmental Services**
 - Vinyard & Associates
 - AMEC, Inc.
 - Kleinfelder, Inc.

Martin Eckert, AMAFCA Real Estate Manager, presented a recommendation to extend these contracts for on-call services an additional year at the same rates. He stated that each on-call firm had been contacted and had indicated their desire to extend their contracts another year. He also called the Board's attention to a log of on-call tasks done under the current contracts.

In reply to a question from Director Hernandez, Mr. Eckert stated that AMAFCA tried to assign the tasks evenly between the firms, but in one case, a firm's proposals had either been higher than the other on-call firms or they were unable to meet the requested timetable, so they had not yet been assigned any tasks.

In response to other questions from Director Lyon and Director Hernandez, he stated that Albuquerque Title and Eagle's Eye Photo had been the only firms to respond to the RFP for their respective services.

Director Hernandez made a motion that the Board authorize the Executive Engineer to extend each of the above on-call contracts for an additional one year term per the provisions of the contracts. Director Lyon seconded the motion, which passed unanimously (5-0).



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11. Calabacillas Arroyo Main Branch Second Drop Structure Upstream of Swinburne Dam – Consideration of Cost Sharing of Grade Control Structure with Curb Inc.

Chairman Eichenberg excused himself from consideration of this item, turning the meeting over to Vice Chair Stover. Chairman Eichenberg was not present during the discussion and did not vote.

Mr. Kelly presented the Board with the negotiated Cost Share Agreement with Curb, Inc. for a second drop structure on the Calabacillas Arroyo Main Branch above Swinburne Dam. Curb, Inc. will provide \$100,000 toward construction of the grade control structure. AMAFCA will maintain the arroyo within the easement granted by Curb, and work with the City to build the grade control structure at the same time as the McMahon crossing.

He stated that AMAFCA is also meeting with the property owner on the other side of the arroyo to arrange for a 35% share contribution from them towards construction of this structure.

Mr. Kelly introduced Stan Strickman, of Curb, Inc., and Dan Aguirre, of Wilson & Company, who were present in the audience.

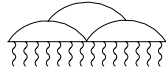
In response to a question from Director Hernandez, Mr. Kelly stated that he expected this grade control structure to be built within a year. Curb would also be putting in bank protection within that time frame.

Director Brown made a motion that the Board approve the cost sharing agreement with Curb, Inc., and authorize the Chair to execute the same. Director Hernandez seconded the motion. Following brief discussion, the motion passed unanimously (4-0).

Chairman Eichenberg returned to the meeting and noted that the meeting was ahead of schedule and that some of the presenters or their materials were not yet present. Therefore, he called a recess at 9:35 a.m.

Director Brown left the meeting during the recess due to a scheduling conflict. Prior to leaving, he expressed to Chairman Eichenberg his support of Item 15, FY-05 Project Schedule, scheduled to be considered later in the meeting.

Chairman Eichenberg reconvened the meeting at 9:52 a.m.



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12. Lyon Boulevard Storm Drain – Briefing on Basalt Profile and Preliminary Design by Wilson & Company

Mr. Kelly introduced Dan Aguirre and Mario Juarez-Infante of Wilson & Company, who briefed the Board on the results of the basalt profile testing and their 35% conceptual design for the Lyon Boulevard Storm Drain Project.

Mr. Aguirre presented the results of the basalt profile testing. He stated that they found the basalt layer varies widely in depth and thickness. He said that some of the trenching for the project would be below the basalt layer, which increases project costs due to the need for flowable fill to stabilize the soils and prevent a cavity from forming under the rock.

Mr. Aguirre also noted that Wilson & Company had evaluated the incremented cost of upsizing the Lyon Storm Drain to accept 212 cfs from the area south of Paradise Boulevard. He said Wilson's estimate for the upsize was \$285,000.

Mr. Juarez-Infante addressed the Board to discuss ways to control costs and limit traffic disruption at street intersections. He stated that controlling the scheduling of the intersection work and giving the contractor more leeway as to timing of the non-intersection work would reduce construction costs. He also stated that having a designated area to haul the excavated rock to would also reduce costs.

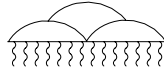
Mr. Kelly stated that the good news from this basalt profile is that there is less rock than anticipated, and it is less thick than expected. He stated this also sets up the challenge of working under the basalt in some areas and avoiding the danger of cantilevered rock during construction. A few additional boreholes will be required to fill in some gaps in the profile.

Discussion followed, with the Board giving input on the project.

13. Boca Negra / Mariposa Watersheds Drainage Management Plan – Briefing by Resource Technology, Inc.

Loren Meinz, AMAFCA Drainage Engineer, introduced Elvidio Diniz of Resource Technology, Inc., who briefed the Board regarding the Boca Negra / Mariposa Watersheds Drainage Management Plan (DMP) Study.

Mr. Diniz stated that existing capacity is barely adequate and as the watersheds continue to develop, flows will exceed current capacity. Current near-deficiencies were particularly noted at two crossings: the San Ildefonso Street bridge, and the Tesuque Street dip crossing. There were a number of other previously proposed drainage projects in the area, which were incorporated into this DMP.



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Mr. Diniz stated that proposed new facilities include the Quail Ranch Detention Dam, the North Geologic Window Detention Dam, the Boca Negra Detention Dam, and a portion of improved arroyo channel.

Mr. Kelly noted that the key element of the DMP, the Boca Negra Detention Dam and Outfall Pipe, is included in the FY-05 Project Schedule as a cost shared project with local private interests.

14. Black Arroyo Dam Storm Water Quality Facility – Briefing by Wilson & Company

Mr. Mainz introduced Dan Aguirre of Wilson and Company, David Stoliker, Executive Director of SSCAFCA, and Bo Johnson and Stan Strickman of Curb, Inc. Mr. Aguirre then gave the Board a briefing regarding the Black Arroyo Dam Storm Water Quality Facility.

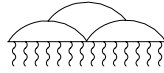
Mr. Aguirre stated that as a part of the overall planning of the Cabezon Development, Curb, Inc. will be required to build water quality facilities to treat stormwater runoff from the development. They propose a regional facility in the upper portion of the Black Arroyo Dam to treat water from both the East and West Black Arroyo Branches, and the Black Arroyo Boulevard Storm Drain, before this water enters the Black Arroyo Dam.

Since this regional facility would treat the tributaries of the Black Arroyo before the water reaches the dam, the previously considered AMAFCA water quality facility at the dam would be unnecessary. Construction of a water quality facility in the downstream channel would be difficult due to limited right-of-way.

Mr. Aguirre stated that Curb, Inc. would like to construct this facility within the existing AMAFCA right of way for the Black Arroyo Dam, at Curb's cost.

Mr. Kelly stated that developed flows from this area would carry a smaller sediment load, allowing the current sediment storage area at the dam to be converted to a regional water quality feature instead. He stated that maintenance of the facility would be handled through a maintenance agreement with AMAFCA, SSCAFCA, and the City of Rio Rancho, similar to the agreement with the Village of Corrales for the Skyview Pond.

Board consensus was that this was an excellent proposal, and they stated their support of a regional water quality facility at the Black Arroyo Dam.



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15. FY-05 Project Schedule – Adoption of FY-05 Project Schedule

Mr. Kelly presented the final FY-05 Project Schedule to the Board, to cover the FY-05 through FY-08 time period.

Mr. Kelly stated that the final Project Schedule reflects several changes based on input at the June and July Board Meetings and staff input.

The Calabacillas Arroyo Grade Control Structures Upstream of Swinburne Dam Project had been added, as a cost shared project among the City, AMAFCA, and private parties.

The Black Arroyo Dam Storm Water Quality Facility Project had been dropped from the current schedule due to a regional water quality facility to be built by private developers above the Black Arroyo Dam.

He stated that there was a name change in one of the projects to be consistent with other documents and Drainage Management Plans.

He also stated that while funding amounts had not been changed, some projects had been moved within the four-year period to better match up with City or County project timelines, and to allow for a consistent bond sale schedule.

Mr. Kelly stated that he would add the mill levy rates adopted earlier in the meeting to the table in the introduction.

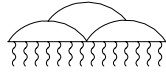
He recommended adoption of the FY-05 Project Schedule. Upon adoption, the Project Schedule will be distributed to local elected officials, the Bond Committee, and other interested parties.

Director Stover made a motion that the Board adopt the FY-05 Project Schedule. Director Lyon seconded the motion, which passed unanimously (4-0).

16. Ditch and Water Safety Task Force – Briefing on Rescue Events

Mr. Kelly introduced Joan Griffin of Griffin and Associates, Coordinator for the Ditch and Water Safety Task Force, who gave the Board a report on activities of the Task Force, recent arroyo rescue events and other issues.

Ms. Griffin stated that AMAFCA had recently received good media coverage due to the rains this summer, and that she had given several media interviews as a result. She stated that the



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good news was that there were no drownings this summer. It was questionable as to whether the death of one rescue victim a week after the rescue was arroyo-related.

She stated there were a lot of PSAs scheduled for the coming months, right up to the elections, running just before the bond election ads. She also stated that the Ditch and Water Safety Task Force had scheduled a number of school assemblies, and will have a booth at the Zoo Boo to increase awareness of arroyo safety issues. The web site is being updated as well.

She was attempting to contact the boy involved in the first rescue to ask if he would be willing to be a peer spokesperson for arroyo safety.

Ms. Griffin stated that as a result of recent rescue events, the Albuquerque Police Department will also train its officers in arroyo rescues, so there will be two sets of law enforcement agencies trained in rescues.

In response to a comment by Director Hernandez, Ms. Griffin stated that she had given several media interviews emphasizing that individuals who were not trained should not attempt rescues, which frequently results in them becoming another victim. She said that the recent rains had made it easier to educate area newcomers to the dangers of drowning in the desert.

Ms. Griffin also invited Board Members to attend Ditch Safety meetings.

17. Real Estate

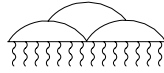
a. Quitclaim/Release of Easement - Piedras Marcadas Arroyo

Lynn Mazur, AMAFCA Development Review Engineer, introduced Vince Carrica, Ron Bohannon, and Tyler Ashton of Tierra West.

Ms. Mazur presented a request for a quitclaim/release of easement for a parcel of land where a WalMart store (groceries only) is planned on an old Furr's Supermarket site. She stated that AMAFCA was granted an easement for a portion of the Piedras Marcadas Arroyo floodplain and an erosion setback in 1995.

She also stated that AMAFCA could quitclaim the easement to the City, which would streamline the development process. The City has agreed to accept the easement and to maintain that portion of the Piedras Marcadas Arroyo if the easement is quitclaimed to the City.

Mr. Kelly stated that the easement crosses the corner of the lot. AMAFCA's usual practice is to not quitclaim a floodplain easement until the FEMA LOMR has been approved, which



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takes place after the improvements are constructed. The FEMA review period for the LOMR may take six to twelve months. In previous situations like this, AMAFCA has granted an encroachment license for the work within the easement, and then after the LOMR is approved about a year later, the easement is quitclaimed.

He stated that an alternative is to go through the City, which streamlines the process for the developer by saving a step in the process, and removes the necessity for AMAFCA follow-up a year later.

Mr. Ashton stated that the new store would replace an abandoned structure that has been gutted by transients. Tierra West proposes to place fill and a retaining wall adjacent to the arroyo to reclaim property in the floodplain. This would also help prevent bank erosion by aligning flows with the channel on the other side of the Paseo del Norte right of way.

Director Stover made a motion that the Board authorize the Board Chairman to execute a Quitclaim Deed to the City of Albuquerque to transfer the Grant of Easement for Floodway and Storm Drainage Works, granted to AMAFCA by Document No. 95064304 on June 29, 1995, in Book 95-15, Page 5275-5276, as shown on Plats 96C-116 and 97C-38. Director Lyon seconded the motion.

Chairman Eichenberg requested that Mr. Eckert confirm the legal description of this parcel.

The motion then passed unanimously (4-0).

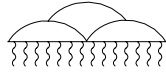
b. Quitclaim/Release of Easement - Paakweree Subdivision

Mr. Eckert presented a request to quitclaim/release a portion of an easement in the Paakweree subdivision so that APS would be able to complete the purchase of a parcel encumbered by the easement.

He stated that reversionary language in the easements allowed them to revert to the grantor when the Board declared that they were no longer necessary for flood control or drainage.

Chairman Eichenberg expressed a desire for the easement quitclaim to be a "release upon substitution," waiting to see what the grading plan for the APS parcel would be, prior to releasing the easement. He requested that the language be worked out, and that this be brought back to the Board at a subsequent meeting.

Director Hernandez made a motion that this item be deferred until acceptable revised language is worked out. Director Stover seconded the motion.



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Director Lyon expressed a desire to either sell the easement rights back or have a trade of some sort made, rather than giving it away for no consideration.

The motion passed unanimously (4-0).

18. Field Highlights

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

Jerry Lovato, Field Engineer, presented a slide show depicting progress on current projects. Included were slides of the West I-40 Diversion Channel Project and the La Cueva Arroyo Avulsion Four Project.

Mr. Lovato stated that good progress was being made on the Avulsion Four Project. Mr. Mainz gave further details on the project as the slides were being shown.

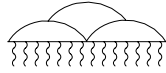
Mr. Lovato also showed two pictures that were taken of the Highland Park surge detention pond after a 2" rain event on the afternoon of July 23 (2.4" is considered a 100 yr. event in the area). Shortly after the rainfall, the pond was nearly full but receding. By the next morning, it had drained, and it was dry and being used for ballgames just 36 hours after the rainfall event.

He also showed some slides of an application of lithium nitrate to a 1000 foot portion of the North Diversion Channel Outfall for field testing. The chemical was donated by the supplier for test purposes, and is intended to arrest the Alkali Silica Reaction (ASR).

Other slides showed turtles in the North Outfall following the rain event of August 13, and a dedication ceremony at the McCoy Dam, attended by Senator Bingaman, Chairman Eichenberg, Director Hernandez, and Mr. Kelly.

19. Unfinished Business

There was no unfinished business.



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20. New Business

a. Approval of Out of State Travel, Endangered Species Act Conference, November 4-5, 2004, Tucson, AZ

Mr. Kelly stated that Chairman Eichenberg, Directors Lyon and Hernandez, and attorney Sam Bregman had expressed an interest in attending the Endangered Species Act Conference in Tucson in early November.

Director Hernandez expressed a desire to tour Tucson's flood control facilities while in Tucson. Mr. Kelly stated that he could arrange for such a tour.

Director Stover made a motion that the Board authorize out of state travel for Board Members and Staff as appropriate to attend the Endangered Species Act & Habitat Conservation Planning Conference in Tucson, Arizona, not to exceed \$1,500 each, pursuant to Resolution 1998-16. Director Lyon seconded the motion, which passed unanimously (4-0).

b. 2004 AMAFCA Bond Committee Update

Mr. Kelly briefed the Board on the progress of the 2004 AMAFCA Bond Committee, stating that \$15,750 of the \$25,000 fundraising goal has already been raised. He also provided the Board with a list of committee officers.

21. Items from the Floor / Public Comment

None.

22. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 11:22 a.m.

/s/ _____
Linda Stover, Asst. Secretary-Treasurer 09/23/04

Recorded by Pam Woodruff, Secretary to the Executive Engineer