



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 1**

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

Chairman Brown called the Regular Board Meeting to order at 9:00 a.m. Thursday, May 26, 2005. Roll was noted as follows:

Directors present: Chairman Ronald D. Brown  
Director Daniel Lyon  
Director Tim Eichenberg  
Director Janet Saiers  
Director Danny Hernandez

Others present: John Kelly, Executive Engineer  
Sam Bregman, Attorney (arrived at 10:00 a.m.)  
Staff

A quorum was present.

**2. Approval of Agenda**

Chairman Brown stated that Attorney Sam Bregman would be arriving at 10:00 a.m. Items 6 and 7 would be deferred until after Mr. Bregman's arrival. He also stated that the public hearing for item 14 had been advertised for 10:00 a.m., and would be heard as close to that time as possible.

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

**3. Meetings Scheduled**

- a. June 23, 2005, 9:00 a.m. – Regular Meeting**
- b. August 11, 2005, 9:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule as set forth. Mr. Kelly stated that a Special meeting to discuss West I-40 issues may need to be scheduled.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 2**

**4. Approval of Minutes**

**a. April 21, 2005**

Director Lyon made a motion to approve the minutes of the April 21, 2005, Regular Board Meeting. Director Hernandez seconded the motion, which passed (4-0). Director Eichenberg abstained, as he was not at the meeting.

**b. May 5, 2005**

Director Saiers made a motion to approve the minutes of the May 5, 2005, Special Board Meeting. Director Hernandez seconded the motion, which passed (3-0). Directors Eichenberg and Lyon abstained, as they were not at the meeting.

**5. Financial Matters**

**a. Approval of April 2005 Expenditures**

Mr. Kelly presented the April 2005 Expenditure Report. Director Eichenberg had a question about the Municipal Officials Leadership Institute, which was answered by Director Hernandez.

Director Lyon made a motion to approve the April 2005 Expenditure Report. Director Hernandez seconded the motion, which passed unanimously (5-0).

**b. Investment Report**

For Information.

**c. Financial Recap April 16, 2005 through May 15, 2005**

For Information.

**d. Financial Forecast May 16, 2005 through June 15, 2005**

Mr. Kelly presented the Financial Forecast for the period May 16, 2005 through June 15, 2005.

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



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 3**

**8. AMAFCA General Counsel Services – Approval of Agreement with the Bregman Law Firm**

Chairman Brown introduced the General Counsel Services Agreement with the Bregman Law Firm.

Director Eichenberg expressed his concern at the low hourly rate in the contract, stating that if a case goes to litigation, a greater number of work hours than anticipated in the RFP or by experience become necessary. He stated that he has seen some contract attorneys with the State resign similar long-term contracts, declaring they could no longer afford to work long hours at a reduced hourly rate.

Chairman Brown acknowledged that if litigation were necessary, Mr. Bregman could designate another law firm to handle the litigation.

Director Saiers pointed out that, according to Section 12 of the contract, amendments to the contract could handle any changes of scope or compensation that became necessary.

Discussion followed. Board consensus was that when/if litigation came up, Mr. Bregman would be free to hire another firm to assist, and appropriate terms could be negotiated as an amendment to the Agreement. Mr. Bregman would be lead counsel in any litigation.

Director Hernandez made a motion that the Board approve the Agreement and authorize the Chair to execute the Agreement with the Bregman Law Firm for General Counsel Services. Director Saiers seconded the motion, which passed unanimously (5-0).

**9. FY-05 Audit – Extension of Contract for Audit Services**

Mr. Kelly stated that the contract for Audit Services with Chester W. Mattocks, CPA, was due for a one-year extension after the first year on the contract. The fee for preparation of FY05 Financials would be \$9,672 and GASB34 Preparation would be \$11,201, if needed, for a total of \$20,873 plus NMGRT.

Director Eichenberg made a motion that the Board approve the extension of the Contract for Audit Services with Chester W. Mattocks CPA for one year, subject to final approval by the State Auditor. Director Hernandez seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 4**

**10. Approval of Resolution 2005-6, Sale of Surplus Property at La Cueva Arroyo east of Barstow**

Martin W. Eckert, Jr., AMAFCA Real Estate Manager, stated that Bob Keeran of Llave Construction had planned to attend the Board meeting, but as the Board was ahead of schedule, he had not yet arrived. Mr. Eckert presented Resolution 2005-6, "*Final Approval of Sale of Surplus Property, La Cueva Arroyo east of Barstow*".

Director Eichenberg made a motion that the Board adopt Resolution 2005-6, "*Final Approval of Sale of Surplus Property, La Cueva Arroyo east of Barstow*". Director Hernandez seconded the motion, which passed unanimously (5-0).

**11. Hartline Storm Drain – Approval of Amendment Number Two to Agreement for Isleta Boulevard Drainage Facility at Sanchez Farm, Isleta Phase I-A Drainage Project**

Jerry Lovato, AMAFCA Field Engineer, introduced Paula Kwan of Bernalillo County, the Project Manager on this project.

Mr. Lovato presented Amendment Number Two to the Agreement for the Isleta Boulevard Drainage Facility at Sanchez Farm. He stated that Bernalillo County had requested that AMAFCA increase the amount of funding for this project. He cited increased construction costs, due to an expansion of the project to capture a greater drainage basin by adding the extension of the Hartline Storm Drain to the original project.

He stated that these funds were available within the FY-05 Project Schedule if a reallocation of funds designated for miscellaneous Southwest Valley Drainage Improvements were made. He also stated that legal counsel for AMAFCA and Bernalillo County had reviewed the agreement.

In response to a question from Director Eichenberg about the fund allocation, Mr. Kelly stated that \$120,000 had been allocated for FY 06, and \$250,000 each for FY 07 and FY 08. The FY 07 allocation for miscellaneous drainage projects in the South Valley would be moved to FY 06 to cover the requested amount for this project. The funds were available in the budget. He stated that the County would contribute the remaining \$430,000 of the project.

Director Eichenberg asked about credits with the Corps of Engineers, noting that the County was not contributing to any of the additional \$250,000 cost.

Mr. Lovato confirmed that under the proposal, the entire \$250,000 was to come from AMAFCA, and would not be eligible for credit.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 5**

Further discussion followed. In reply to a question from Director Saiers, Mr. Lovato affirmed it would be prudent to do this project now, in conjunction with the Isleta work, rather than doing it later.

In response to another question from Director Saiers, Mr. Kelly stated that AMAFCA would be funding \$370,000 out of the \$800,000 project, for a total funding split of about 40% AMAFCA/60% Bernalillo County.

Director Lyon asked what future projects would go unfunded if these funds were reallocated. Mr. Lovato replied that they were miscellaneous drainage projects in conjunction with as-yet-unknown roadway improvements.

Director Hernandez made a motion that the Board approve Amendment Number Two to the Agreement for Isleta Boulevard Drainage Facility at Sanchez Farm, Isleta Phase 1-A Drainage Project, with Bernalillo County.

Director Saiers seconded the motion.

Chairman Brown stated that he would be voting against the motion, not to permanently squash the project, but to request that staff and the County bring the Amendment back before the Board with better delineation of funding sources and how it would affect the local match toward Corps projects.

The motion failed (2-3). Directors Saiers and Hernandez voted for the motion, and Chairman Brown and Directors Lyon and Eichenberg voted against it.

**12. Amole Arroyo, Amole Bend to Amole Dam – Consideration of Cost Share Agreement with City of Albuquerque for Multi-Use Trail Improvements**

Loren Meinz, AMAFCA Drainage Engineer, presented a cost-share agreement with the City of Albuquerque for Multi-Use Trail Improvements. He stated that an agreement had become necessary because the City was unable to issue a purchase order for the paving work, which had been included in the channel construction contract with Salls Brothers Construction.

Discussion followed, with the Board expressing unease that the bicycle trail paving was included in an AMAFCA contract without a prior agreement with the City to cover funding of the paving.

In response to a question, Mr. Kelly stated that the City would reimburse AMAFCA 100% of the cost of the paving, plus 8% to cover construction management.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 6**

Director Eichenberg asked why AMAFCA hadn't billed the City for this cost. Mr. Kelly replied that AMAFCA had attempted to do so, but the City attorney had requested a cost-share agreement instead.

In response to a question from the Chairman, John Castillo, of the City of Albuquerque, affirmed that although the agreement says "cost share", the entire amount is coming from the City. He stated that since AMAFCA is currently doing a project on the channel, it can easily incorporate the paving work into that project.

Director Eichenberg made a motion that the Board approve the proposed Cost Share Agreement with the City of Albuquerque for Construction of Multi-Use Trail Paving for the Amole Arroyo, Amole Dam to Amole Bend Project. Director Hernandez seconded the motion, which passed unanimously (5-0).

**13. Amole Arroyo Phase III – Briefing on Cost Sharing Proposal with City of Albuquerque and Curb, Inc., for Construction of Reach Three of Channel**

Mr. Mainz introduced Bo Johnson and Rick Squires of Curb, Inc., and John Castillo and Dan Hogan of the City of Albuquerque.

Mr. Mainz briefed the Board regarding a possible cost sharing agreement with the City of Albuquerque and Curb West, Inc. for construction of Reach Three of the Amole Arroyo. He stated the design of the project was complete, and the FEMA flood plain map revision has been submitted to FEMA by Mr. Johnson's engineer.

Bo Johnson described the project in further detail. He stated that this project would build the final stretch of the Amole Arroyo Channel in conjunction with the construction of the 98<sup>th</sup> Street crossing.

Director Eichenberg asked about funding for the project. Mr. Kelly stated that, although this project was not in the FY05 Project Schedule, AMAFCA is contractually obligated to eventually build the channel in this reach. Funds saved on the Lyon Boulevard Storm Drain Project, and funds available from recently completed and soon to be completed sales of surplus property, would be sufficient to cover the cost of this project within the next 6 to 8 months. Doing the project in conjunction with the road work would ultimately save AMAFCA money.

Mr. Castillo stated that the City Council was expected to approve the City's portion of the funding at their meeting the following week. Bo Johnson indicated that Councilor Griego had expressed interest in the project and had committed funding support.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 7**

Mr. Bregman arrived during further discussion.

Chairman Brown stated the consensus of the Board was that staff update the Board at the next meeting.

**14. Public Hearing on Boca Negra - Mariposa Arroyo Drainage Management Plan**

Mr. Mainz introduced Elvidio Diniz of Resource Technology, Inc., who had prepared the Drainage Management Plan (DMP).

Mr. Mainz summarized the main points of the DMP. He stated that flows from Quail Ranch would be decreased to half of their existing flows by the use of several dams. For the purposes of the DMP, these were modeled as a single dam. Double Eagle II Airport would also use ponding areas and a dam to reduce flows. The natural arroyo would convey these flows to a detention facility on City Open Space upstream of the Northern Geologic Window, with some low flow through the window to maintain natural conditions. A discharge pipe would bypass most of the developed flow via an outfall pipe in Facile Road, east to the Boca Negra Arroyo. There would be an improved channel from the pipe outfall to the Boca Negra Dam, probably with a naturalistic treatment.

He stated that these improvements would reduce flows from the Boca Negra-Mariposa Arroyo watersheds, allowing downstream facilities to work as designed.

Chairman Brown opened the public hearing on the Boca Negra-Mariposa Arroyo Drainage Management Plan, requesting public comments on the Plan.

Mr. Diniz affirmed Mr. Mainz's summary of the Plan.

Kurt Browning, representing Sandia Properties, who has a portion of Quail Ranch under contract, stated their support of the DMP.

Chuck Easterling of Easterling Consultants, representing the general interests of a large portion of Quail Ranch, also expressed support of the DMP. He stated that his only concerns were who would obtain all the necessary easements, and the timing of the phasing of the plan.

Mr. Mainz briefly discussed the easements and rights-of-way already in place.

Director Hernandez noted that this DMP describes projects that are developer-driven, and expressed his concern about who would pay for the improvements.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 8**

John Black, of Ranch Joint Venture, owners of the entire Quail Ranch project, expressed their support of the DMP.

Mr. Kelly stated that representatives of the Park Service and City Open Space, who had been heavily involved as a part of the Technical Team reviewing the DMP, were unable to attend the hearing. He added that their comments were incorporated into the Plan.

Mr. Diniz affirmed that Open Space had no reservations regarding the location of the detention facility, and their concerns regarding the Northern Geologic Window had been addressed in the DMP.

There being no other public comments, Chairman Brown concluded the public hearing, stating that the next step would be Board adoption of the DMP.

**15. Approval of Resolution 2005-7, Adoption of Boca Negra - Mariposa Arroyo Drainage Management Plan**

Mr. Kelly presented Resolution 2005-7, requesting that the Board adopt the Boca Negra - Mariposa Arroyo Drainage Management Plan.

Director Saiers made a motion that the Board adopt Resolution 2005-7, "*Further Modifications of the Drainage Management Plan, Western Albuquerque Metropolitan Area, As It Pertains to the Boca Negra and Mariposa Arroyo Watersheds*".

Director Hernandez seconded the motion, which passed (4-1). Director Eichenberg voted against the resolution.

**16. Boca Negra Detention Dam and Outfall Pipe – Approval of Cost Sharing Agreement among AMAFCA, City of Albuquerque, Vista Vieja Development Corporation, and The Trails LLC**

Mr. Kelly presented a Cost Share Agreement among AMAFCA, the City of Albuquerque, Vista Vieja Development Corporation (previously referred to as Mesa Verde Development), and The Trails LLC (previously referred to as Longford Homes).

Mr. Kelly briefly described the project. He reviewed the cost-share split for various portions of the project. Advance contributions toward the project would be placed in an interest-bearing account. He also stated that the risks of overruns would be shared on a percentage basis for each portion of the project, as well as the benefit of any cost savings. AMAFCA would be the lead agency on the project.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 9**

Discussion followed.

Director Saiers made a motion that the Board approve the cost sharing agreement among AMAFCA, the City of Albuquerque, Vista Viejo Development Corporation, and The Trails LLC for the Boca Negra Detention Dam and Outfall Pipe and Adjacent Portion of Unser Boulevard, and authorize the Chair to execute the same on behalf of AMAFCA.

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

**17. Paradise Storm Drain – Briefing on Extension of Lyon Boulevard Project West in Paradise Boulevard to Paseo del Norte Road**

Lynn Mazur, AMAFCA Development Review Engineer, introduced Dan Aguirre and Mario Juarez-Infante, of Wilson and Company.

Ms. Mazur presented the proposal to include the Paradise Storm Drain in the Lyon Boulevard Storm Drain Project. She stated that AMAFCA had been approached by State Representative Thomas Anderson, District 29, to help fund the cost of construction of a storm drain in Paradise Boulevard that would connect to the Lyon Boulevard Storm Drain, currently under construction. The logical extension of the project is to run west to the local street Paseo del Norte, which contributes 350 cfs of the 400 cfs storm drain design at that location. The cost of this extension is estimated at \$367,300.

She added that Representative Anderson had been able to obtain state funding for \$150,000 of this project. He had requested that AMAFCA fund the rest of the project, or approximately \$217,300.

She stated that the plan of action was to come back to the Board at a future meeting with an agreement with NMDOT to acquire the funding, an amendment to Wilson's contract to design and provide construction management services, and a change order to Salls Brothers Construction's contract to construct the project.

Discussion followed. Director Lyon stated that, as a member of the Board of Directors of Paradise Hills Civic Association, he supported the proposal, but would abstain from voting on the proposal when it came up for a vote. He stated that the neighborhood is in favor of the project.

Director Eichenberg asked about the funding of the proposal. Mr. Kelly stated that funds were available within the Lyon Boulevard Storm Drain line item, and could be handled as a change order in the existing construction contract.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 10**

Chairman Brown summarized that the Board appeared to support the proposal. He asked Dan Aguirre to comment on the project.

Mr. Aguirre stated that the current location of the cattleguard inlet, on Paradise, is only a temporary location. Moving the cattleguard inlet west to Paseo del Norte would provide a permanent location, and drain water into the storm drain rather than having it flow along and across the street.

After further discussion, Chairman Brown stated the consensus of the Board was support for the proposal. He requested that staff attempt to incorporate the extension of the Lyon Boulevard Storm Drain into the contract with Salls Brothers. He also requested that Mr. Bregman review the proposal to make certain this project could be added to the existing Lyon Boulevard Storm Drain contract.

Chairman Brown called a brief recess at 10:50 a.m. He reconvened the meeting at 10:58 a.m.

**18. North Domingo Baca Dam Master Recreation Plan – Briefing by Clay Campbell, Bernalillo County Parks and Recreation Department**

Martin Eckert, Jr., AMAFCA Real Estate Manager, introduced Clay Campbell, of Bernalillo County Parks and Recreation. Mr. Eckert stated that Bernalillo County Parks and Recreation Department would like to expand their licensed area at the North Domingo Baca Dam to the north.

With the aid of a site map, Mr. Campbell discussed the proposed site plan for the expanded area. He stated that suggested improvements include additional parking areas, improved ingress and egress, improved public safety, new playground and picnic areas, improvements to ballfield #8, a walking trail, and tennis courts. A sediment pond, drop inlet, and pipe to convey storm flows from the dam spillway and Eubank Boulevard to the Domingo Baca Arroyo were also identified on the map.

He stated that improvements would be funded by money from the 2005 legislature, reauthorized funds, and funds from County land sales in the area. He anticipated that detailed plans for Phase I would be drawn up towards the end of 2005.

Mr. Campbell added that Real Turf artificial turf had been installed at one field. He stated that as funds become available, the Parks Department expects to replace grass with artificial turf on more fields in order to reduce water use in the future.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 11**

In response to a question from Director Saiers, Mr. Kelly explained how the spillway worked. He stated development in the watershed has been much less than anticipated, so developed flows have been less than the dam was designed to contain.

In response to another question from Director Saiers, Mr. Campbell confirmed that any damage to County improvements due to a storm event are the responsibility of the County.

The Board commented on the proposed site plan. Suggestions from the Board included moving one small, underutilized ball field north, and converting its present location to parking for the t-ball field. This would cluster the fields nearer the snack bar, and provide for safer travel from the fields to the snack bar. Other suggestions included the addition of a restroom facility, some shade, and a basketball court. The Board also suggested a sign indicating that this complex was a joint-use AMAFCA flood control facility.

The Board also asked about landscaping. Mr. Campbell stated that only a limited amount of water was available, but as fields were converted to artificial turf, landscaping could be added to the complex.

**19. Real Estate**

**a. Discussion on Proposal from Phil Pickard to buy Surplus Property, North Domingo Baca Dam west of Eubank Boulevard**

Chairman Brown turned the meeting over to Director Lyon, excusing himself from the discussion of this item.

Mr. Eckert stated that Phil Pickard had been unable to attend the meeting, as he was out of town. Mr. Pickard had made a proposal to purchase the AMAFCA property on which he previously was issued an encroachment license.

Mr. Eckert stated that the Real Estate Committee had reviewed the property in question. Director Hernandez stated that ~~the committee's recommendation was to sell~~ the property should be sold at market value.

In response to a question from Director Lyon, Mr. Eckert stated that, based on a recent sale in the area, the parcel could be worth approximately \$100,000. Director Eichenberg stated that in addition to valuing the parcel by itself, the appraiser should also consider the increase in value of Mr. Pickard's property with the addition of this parcel.

Following discussion, the Board consensus was for staff to proceed with the proposal. Mr. Pickard should pay for and obtain a survey, and should pay for and obtain an appraisal from the



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 12**

AMAFCA approved appraiser list. Staff will present a proposed agreement to the Board at a later date for a decision regarding whether or not to proceed with the sale. The Board also requested that the agreement include a requirement that Mr. Pickard build a fence along the new property line, in accordance with the standards proposed by AMAFCA and the Bernalillo County Parks and Recreation Department in the Master Recreation Plan. Mr. Pickard will also be required to pay for the replat.

Chairman Brown returned to the meeting.

**b. Discussion on Proposal from Ridgecrest Properties LLC to buy Surplus Property, South Domingo Baca Channel at Tramway Boulevard**

Mr. Eckert introduced Brian Knight and Bill Hauenstein of Ridgecrest Properties LLC. He then presented Ridgecrest's offer to purchase surplus property on the South Domingo Baca Channel at Tramway. He stated the Real Estate Committee had visited the site, and the proposal had also been reviewed by AMAFCA's Field Engineer and Maintenance Superintendent concerning maintenance and facility access.

Mr. Eckert stated that because AMAFCA would gain additional access to its facilities, and neighbors would have an unsightly gas station and convenience store shielded from their view, he viewed this as beneficial to all parties. He stated that any sale would be conditional upon Ridgecrest obtaining a zoning change from the County.

The Board discussed the proposal. Directors Saiers and Lyon expressed their support of the proposal.

In response to questions from Director Eichenberg, Mr. Knight stated they were planning a building of approximately 6,600 square feet with a mix of retail and office space. Mr. Hauenstein stated signage was not planned along Tramway, but only on the building.

In response to a question about the benefits to AMAFCA, Director Lyon stated that the proposal would reduce erosion problems in the area.

Mr. Eckert also explained the current dangerous access off of Tramway. With the aid of a site map, he showed the improved, safer access AMAFCA would gain via the building's ingress/egress easement through the Ridgecrest Tract 2-B and the access easement in former San Bernardino Road. Ridgecrest Properties LLC would assign to AMAFCA the right to use that easement. They would also build, at their expense, a gated ramp to AMAFCA's existing maintenance road, and grant AMAFCA an easement across the Ridgecrest property.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 13**

Director Eichenberg questioned if this was all surplus property as we were retaining an access easement on a portion of it.

Director Eichenberg asked if Ridgecrest Properties LLC would be interested in purchasing the whole strip. Mr. Hauenstein stated they'd be willing to consider the purchase of the additional land at a later date, if AMAFCA determined it to be surplus.

Chairman Brown and Director Lyon stated their support of the proposal.

Following further discussion, Board consensus was for staff to negotiate a purchase agreement for preliminary sale approval for consideration at the next Board meeting. The purchase agreement will include a contingency clause that Ridgecrest Properties LLC must be able to obtain adequate zoning approval.

**c. Discussion on Proposal to Exchange Property with City of Albuquerque at Balloon Fiesta Park for La Cueva Arroyo Debris Removal Structure**

Mr. Kelly presented a proposal to exchange like-size parcels of land-locked real property at the Balloon Fiesta Park with the City of Albuquerque.

Mr. Kelly stated that the parcel AMAFCA obtains from the City would be used for construction of a debris removal facility. This would meet AMAFCA's immediate water quality needs, while postponing the "world class" multi-use storm water quality facility for the La Cueva Arroyo at the Balloon Fiesta Park that had been proposed at the May 6, 2004 Board meeting. He added that the AMAFCA parcel needed by the City would be used as a part of the future Atomic Museum site.

Mr. Kelly stated that the proposal would allow AMAFCA to proceed with a debris removal facility for the La Cueva Arroyo, while leaving open the possibility of continuing with the entire "world class" facility at a later date when City money became available.

He stated his desire to complete one water quality facility each year, to demonstrate AMAFCA's commitment to cleaning up the water that enters the Rio Grande.

Discussion followed.

Director Eichenberg stated that since the City needs a water quality facility also, he was of the opinion that the City should give AMAFCA the property rather than exchange for it. Chairman Brown and Directors Lyon, Hernandez, and Saiers expressed their support of the exchange.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 14**

Chairman Brown summarized the Board comments, stating that the Board was pleased with the proposal, and asked staff to proceed with negotiating the property exchange.

**d. Approval of License Agreement with City of Albuquerque for 2005 Balloon Fiesta**

Mr. Eckert presented the License Agreement with the City of Albuquerque for the 2005 Balloon Fiesta, which was the same as in prior years.

Director Eichenberg made a motion that the Board authorize the Chairman to execute the 2005 Balloon Fiesta License. Director Hernandez seconded the motion, which passed unanimously (5-0).

**e. Notice of Issuance of Temporary Recreation License**

Mr. Eckert noted that the Executive Engineer recently issued a short-term recreational license for the South Valley Economic Incubator Opening Ceremony event on April 30, 2005. The license was for the La Familia property to be used for potential overflow parking.

Chairman Brown stated that, since there were guests in the audience for item 22a, it would be heard next, with discussion limited to ten minutes. It would be followed by discussion of items 6 and 7. The meeting would then continue with item 20a.

**22. Unfinished Business**

**a. Further Discussion on Floodplain Development in North Albuquerque Acres**

Ms. Mazur introduced property owners Ashot Tumaqyan and Yalina Biloutsraye, and Larry Read of Larry Read & Associates, their engineer. She summarized previous Board discussion on the proposed house built partially on piers in the floodplain.

Ms. Mazur offered these main points for the Board's consideration:

- Development of public policy, either as an AMAFCA Resolution or an update to the City Development Process Manual (DPM), is recommended.
- Protection of property and life, as discussed in Mr. Bregman's memo and at the last Board meeting. Staff recommends that a minimum requirement of homes in the floodplain is for a portion of the structure be outside of the floodplain for safe egress in the case of flooding.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 15**

- Regulatory taking of property, which may apply to properties that cannot be developed per the proposed regulations (those where there is not enough buildable area due to setback restrictions).
- Professional analysis of long term effects, where a series of stilt houses may line one or both banks of the arroyo, affecting the geomorphology of the arroyo. Staff recommends an engineering analysis of potential long term and aggregate effects.
- FEMA regulations, which are not driven by high intensity, short duration runoff events in fluvial fans as experienced in North Albuquerque Acres. Bernalillo County and AMAFCA have adopted stricter standards where development must have zero impact on floodplain depth, width, and velocity.
- Public perception, which is that development in a floodplain is prohibited unless drainage improvements are made and a LOMR is submitted to FEMA. The public perception is that natural arroyos are open space that will never be developed.

Mr. Mainz stated he has not obtained any useful information from other jurisdictions.

Mr. Kelly noted that, for the house currently under consideration, 40% of it is out of the floodplain and 60% of it is over the floodplain, supported on piers. At that point, the floodplain is 300-400 feet wide. AMAFCA requested that the engineering analysis of this plan assume the entire arroyo flow is in the south tributary, which cuts through the lot.

Mr. Kelly stated that staff is concerned that any building in the floodplain have egress through a portion of the building that is not in the floodplain. He acknowledged that some lots are undevelopable, because they do not have sufficient land area outside the floodplain. He also stated that stilt houses in other areas of the country are generally built in tidal areas, or in areas where there is considerable warning of an approaching flood, rather than in arroyos subject to flash flooding such as those in Albuquerque.

He added that Mr. Read designed the piers for this home to bridge standards. However, the concern is that normally there are not a series of bridges built next to each other, and appropriate engineering for this sequential situation has not been developed. The engineering for this single home has met AMAFCA's requirements.

In response to a question about the takings issue, Mr. Bregman stated that AMAFCA's most important mission is to protect the health and safety of the public, with a minimal effect on property rights. He stated that case law supports AMAFCA's implementing certain regulations to protect those living downstream as well as those living in the homes that are built to these regulations.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 16**

Mr. Bregman added that it is important for AMAFCA to be uniform in what is allowed, and cautioned against arbitrary decisions.

Director Hernandez stated that he felt submittals for development in a floodplain should contain several elements: sound engineering; egress through a non-floodplain portion of the building during flood events; and limiting access to the floodplain area itself if liability is an issue.

Mr. Kelly stated that parking large vehicles, such as RVs, in the floodplain could present a hazard, but that AMAFCA could not restrict temporary access to the floodplain. He stated that many lots in the North Albuquerque Acres have access via a driveway that crosses the floodplain. However, vehicles parked in the floodplain could divert water in ways not anticipated, therefore creating a potential hazard.

Mr. Bregman added that under tort regulations, AMAFCA would not be liable for injury. However, AMAFCA is charged to protect the health and safety of the public.

Director Lyon described his observations during a recent trip to Galveston, TX, and the large number of stilt houses in that area.

Chairman Brown stated his desire for a full Board workshop, not to exceed 1 ½ hours, to develop AMAFCA policy regarding development in the floodplain. Staff would conduct independent field trips with each Board member prior to the workshop.

Mr. Tumaqyan stated that if the workshop were held before June 11, or after the beginning of July, he would like to attend. Otherwise, Mr. Read would attend as his representative.

Staff was directed to gather the necessary information, and coordinate and schedule the field trips and workshop.

**6. Personnel Matters - Personnel and Salary Committee Recommendation for FY-06 Cost of Living Allowance, Base Salary Adjustments and Incentive Pay for Holders of CDL Hazardous Materials Certification**

Mr. Kelly stated the Personnel and Salary Committee met on April 15, 2005. He summarized their recommendation as follows:

- award a 2.5% COLA to all employees, effective July 1, 2005;
- adjust base salary level for Executive Secretary and Receptionist;
- move Receptionist to base salary effective July 1, 2005;



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 17**

- create a Hazardous Materials Certification incentive pay for holders of Commercial Drivers Licenses of 50 cents an hour, and make the appropriate changes in the Employee Manual;
- declare maintenance crew employees with CDL and satisfactory performance review eligible to move up to base salary; and
- suspend merit increases for FY-06.

Discussion followed.

Director Saiers asked if the Cost of Living Adjustment could be 3%, or if merit increases could be given. Director Hernandez agreed. Chairman Brown proposed that the Board consider merit increases at the end of the calendar year, apart from the COLA which would take effect on July 1, 2005. The Board concurred.

Director Eichenberg made a motion that the recommendations of the Personnel and Salary Committee be approved, with the COLA for the Executive Engineer subject to Mr. Bregman's review of the Executive Engineer's contract to determine if he is eligible for a COLA. Director Saiers seconded the motion, which passed unanimously (5-0).

Chairman Brown stated that the Board will consider merit increases at the December Board meeting, based upon employee performance reviews, to take effect January 1, 2006.

**7. Legal**

**a. Status Report**

Attorney Sam Bregman briefed the Board on the status of various legal matters.

**20. FY 2006 Budget**

**a. Operating Budget**

Mr. Kelly presented the final draft of the FY-06 General Operating Budget. The ending balance was adjusted based on current projections through June 30, 2005. The interest calculation was increased from 2% to 2.25% to reflect current rates. Other changes, based on comments from the Board at the April meeting, were as follows, with all other line items remaining the same as in the April draft:



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 18**

- \$3000 added under *Elections & Government Affairs*, for the Water Assembly
- *Insurance (H&D and Life)* were recomputed using new figures from the City
- *Worker's Compensation Insurance* was adjusted to the new rates
- *USGS Cooperative Program* was increased to cover increased expenses
- *Fuel & Mileage* was increased due to higher fuel costs
- *Insurance: Project Liability* and *Insurance: Automotive* were adjusted to the new rates

Director Eichenberg made a motion that the Board approve the FY 2006 General Operating Fund Budget, with the summary page to be attached to Resolution 2005-8 and submitted to DFA, except for the line item in the amount of \$3,000.00 for the Water Assembly. Director Saiers seconded the motion, which passed unanimously (5-0).

Director Eichenberg made a motion that the Board approve the FY 2006 General Operating Budget line item in the amount of \$3,000.00 for the Water Assembly. Director Lyon seconded the motion, which passed (4-0). Director Hernandez abstained from the vote.

**b. Construction Fund Budget**

Mr. Kelly presented the final draft of the FY-06 Construction Fund Budget. Only minor changes were made from the April draft, to reflect progress on current projects.

Director Eichenberg made a motion that the Board approve the FY 2006 Construction Fund Budget, for submittal to DFA by June 1, 2005. Director Hernandez seconded the motion, which passed unanimously (5-0).

**c. Contingency Fund Budget**

Mr. Kelly presented the final draft of the FY-06 Contingency Fund Budget.

Director Eichenberg questioned the allocation of reserved funds, which dated back to 1996. Chairman Brown directed staff to review and update the reserve allocations and report to the Board at the August Board meeting.

Director Hernandez made a motion that the Board approve the FY 2006 Contingency Fund Budget. Director Saiers seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 19**

**d. Debt Service Fund Budget**

Mr. Kelly presented the final draft of the FY-06 Debt Service Fund Budget.

Director Hernandez made a motion that the Board approve the FY 2006 Debt Service Fund Budget. Director Eichenberg seconded the motion, which passed unanimously (5-0).

**e. Resolution 2005-8, Approval of FY-06 Budget**

Mr. Kelly presented Resolution 2005-8, "*Fiscal Year 2006 Budget*", for the Board's consideration.

Director Eichenberg made a motion that the Board pass and adopt Resolution 2005-8, "*Fiscal Year 2006 Budget*", and authorize the Chair and Secretary to sign.

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

Director Eichenberg and Mr. Bregman left the meeting due to prior commitments.

**21. Field Highlights**

**a. Construction Report**

**b. Field Report**

Mr. Lovato presented a slide show depicting current projects. He showed slides of the West I-40 Diversion Channel Phase III Project, and a graph showing progress to date and the revised construction schedule. Work is on-going. He stated that current issues on the project include machinery exhaust, oversize riprap and breaking rock on the jobsite, dust, the lack of an authorized water meter, and the lack of a landscaping subcontractor.

Mr. Kelly explained the problem with oversize riprap, and added that the Board may consider that landscaping may need to be removed from the construction contract. Chairman Brown concurred with the idea of removing landscaping from the contract.

Mr. Kelly stated that doing so might require giving up the ability to demand, under the Performance Bond, that the landscaping be completed. If the landscaping is not done or is not done properly, however, this would have an adverse effect on public perception of the project. A special meeting of the Board may need to be called to discuss these issues in greater detail.



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
May 26, 2005**

**Page 20**

Mr. Mainz stated the the North Diversion Channel Debris Collection Facility Project had been completed. He also commented on the Bear Canyon Arroyo 2004 Water Quality Retrofit Project and Amole Arroyo Phase 2 Project, and reported on the Scoop the Poop campaign, which had been launched at the Pet Adopt-A-Thon. He stated that broadcast and billboard advertising had begun.

Mr. Lovato reported on recent activities of the AMAFCA Maintenance crew. He added that he had verified the delivery of 2300 cubic yards of rock at the Calabacillas upstream of Coors. Delivery of 2000 cubic yards of rock had been required in a 2004 contract with Felix Rabadi.

**23. New Business**

None.

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

None.

**25. Adjourn**

With no further business to discuss, Chairman Brown adjourned the meeting at 1:17 p.m.

---

Tim Eichenberg, Secretary-Treasurer 6/23/05

Recorded by Pam Woodruff, Secretary to the Executive Engineer