

**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
June 23, 2005**

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

Vice Chair Lyon called the Regular Board Meeting to order at 9:00 a.m. Thursday, June 23, 2005. Roll was noted as follows:

Directors present: Chairman Ronald D. Brown (arrived at 9:07 a.m.)  
Director Daniel Lyon  
Director Tim Eichenberg  
Director Janet Saiers  
Director Danny Hernandez

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

A quorum was present.

**2. Approval of Agenda**

Director Hernandez requested that Item 15 be moved to a later time, as he had invited Bernalillo County Commissioner Teresa Cordova to attend the briefing. He explained that she had a prior engagement and would not be able to arrive until 11:15 a.m. Vice Chair Lyon stated that this item could be held till last or until the Commissioner's arrival.

Director Saiers made a motion to approve the agenda. Director Hernandez seconded the motion, which passed (4-0).

**3. Meetings Scheduled**

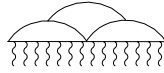
- a. **June 24, 2005, 8:00 a.m. – Special Meeting**
- b. **August 11, 2005, 9:00 a.m. – Regular Meeting**
- c. **September 22, 2005, 9:00 a.m. – Regular Meeting**

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

**4. Approval of Minutes**

- a. **May 26, 2005**

Director Eichenberg made a motion to approve the minutes of the May 26, 2005, Regular Board Meeting. Director Saiers seconded the motion.



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Director Hernandez stated he had a small correction on page 11. "Director Hernandez stated that the committee's recommendation was to sell the property at market value" should read, "Director Hernandez stated that the property should be sold at market value." He made a motion that the minutes be so amended. The motion was seconded by Director Saiers, and passed (4-0).

The motion to approve the amended minutes passed (4-0).

**5. Financial Matters**

**a. Approval of May 2005 Expenditures**

Irene Jeffries, AMAFCA Business Manager, presented the May 2005 Expenditure Report. Chairman Brown arrived at 9:07 a.m., during discussion of the Expenditure Report, and Director Lyon turned the meeting over to him at that time.

Director Saiers made a motion to approve the May 2005 Expenditure Report. Director Eichenberg seconded the motion, which passed unanimously (5-0).

**b. Investment Report**

For Information.

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

For Information.

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

Ms. Jeffries presented the Financial Forecast for the period June 16, 2005 through August 15, 2005. She pointed out that the forecast was for two months, as there would be no Board meeting in July.

She added that the forecast for the Debt Service Fund included the August 1, 2005 payment of bond principal and interest. Directors Saiers and Eichenberg asked for a breakdown of this payment by bond issue fiscal year. Ms. Jeffries replied that she could provide the Board with a spreadsheet of the breakdown, later in the meeting. Director Eichenberg requested a breakdown of the recap at the fiscal year end.

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



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**e. Approval of Resolution 2005-9, FY-05 Budget Adjustments**

Ms. Jeffries presented Resolution 2005-9, FY-05 Budget Adjustments, explaining that the year end *Salaries and Payroll Expense* line item is forecast to be understated by approximately \$13,700, primarily due to the City's increase in the percentage charged for benefits. She also stated that *Other Operating Expenses* will be under budget by approximately \$16,500 (cash basis). Total Expenditures for FY-05 are anticipated to be approximately \$2,800 under budget.

She stated that as the Total Budget amount remains the same, DFA approval is unnecessary. Resolution 2005-9 will move \$15,000 from Other Operating Expenses to Salaries and Payroll Expense.

Director Eichenberg made a motion to adopt Resolution 2005-9, FY05 Budget Adjustments, and authorize the Chair and Secretary/Treasurer to sign the Resolution. Director Lyon seconded the motion, which passed unanimously (5-0).

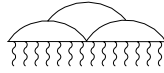
**6. Personnel Matters – Approval of Changes and Additions to AMAFCA Employee Manual**

Mr. Kelly stated that at the May Board meeting, the Board approved the Personnel and Salary Committee recommendations, which included an incentive payment for AMAFCA maintenance employees with the Hazardous Materials Endorsement on their Commercial Drivers License, and allowing those who hold a CDL and have completed their introductory period to be eligible for the base salary level of their position. These changes need to be included in the AMAFCA Employee Manual.

He stated that staff had drafted an addition to the *Wages and Salary Policies* section of the AMAFCA Employee Manual. The addition had been reviewed and accepted by the Personnel and Salary Committee and by Attorney Bregman.

Director Eichenberg made a motion that the Board adopt the addition titled "Commercial Drivers License Requirements and Incentive Payment for Hazardous Materials Endorsement for Maintenance Staff" for inclusion in the *Wage and Salary Policies* section of the AMAFCA Employee Manual, and authorize the Executive Engineer to modify the Employee Manual to include the addition. Director Saiers seconded the motion.

After brief discussion, the motion passed unanimously (5-0).



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**7. Legal**

**a. Status Report**

Attorney Sam Bregman briefed the Board on the status of various legal matters. Mr. Kelly added a few comments on the Park Service issue, stating that the issue was with him, not Mr. Bregman.

**8. Resolution 1991-10, Disposal of Sediment and Excess Earth – Annual Establishment of Royalty**

Jerry Lovato, AMAFCA Field Engineer, provided the Board with a tally of sediment sales in the past year. He stated that staff is recommending the price of sediment be increased by 50 cents to \$1.00 per cubic yard for FY-06, to offset the real cost to AMAFCA of new dust, water quality, and air quality regulations.

Director Eichenberg made a motion that the Board set the royalty for excess sediment at \$1.00 per cubic yard for FY-06. Director Hernandez seconded the motion, which passed unanimously (5-0).

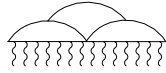
Chairman Brown suggested that staff track the location of dirt sold, to see if dirt in certain locations might be sold for a greater amount, if scarce, and in other locations sold more cheaply, in order to increase the amount sold and hauled away from that location.

**9. On-Call Engineering Services – Approval of Task Order #4 with Boyle Engineering for Embudo Channel Floor Replacement Design**

Mr. Lovato presented the Board with a proposal from Boyle Engineering to provide on-call engineering services for the design of the Embudo Channel Floor Replacement. Their proposal includes the design, preparation of construction documents, assistance during the bidding process, and submittal reviews during construction.

He stated that replacement of the floor of the Embudo Channel, east of Carlisle to Jefferson, is necessary because the channel floor has deteriorated to the point that the steel reinforcement is being compromised. The deterioration occurred due to a combination of high velocity flow, scour due to debris and rocks in the channel, and increased truck traffic within the channel.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to approve the proposal from Boyle Engineering, Inc. for On-Call Engineering Services, Task Order 4, Embudo Channel Floor Replacement, on a time and materials basis not to exceed \$12,900.00, excluding NMGRT. Director Hernandez seconded the motion, which passed unanimously (5-0).



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**10. Authorization to Advertise for 35,000 GVWR Dump Truck**

Mr. Lovato reminded the Board that, at the March Board meeting, the Board had authorized the replacement of Unit 205, a 1993 Ford F-800 6 Cubic Yard dump truck. He provided the Board with a list of the technical specifications that will be used in the Request for Bids for the dump truck replacement, and requested authorization for advertising to begin.

Mr. Kelly added that the old dump truck would be sold at auction after the new one is delivered. In response to a question from Director Hernandez, he stated that it would probably sell for \$5,000 to \$10,000.

Director Lyon made a motion that the Board authorize the Executive Engineer to advertise for bids for a 6 cubic yard dump truck. Director Hernandez seconded the motion, which passed unanimously (5-0).

**11. UNM Hydraulic Modeling Agreement – Approval of FY-06 Agreement**

Christy Burton, AMAFCA GIS Manager, introduced Dr. Julie Coonrod of UNM. Ms. Burton presented the proposal for Year 17 of the UNM Open Channel Modeling Facility. Billing will be on a time and materials basis. The lab has been of great benefit to AMAFCA, confirming and fine-tuning designs by AMAFCA and others. Funds for this modeling were included in the FY-06 budget, not to exceed \$50,000.

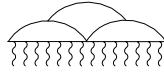
Director Eichenberg made a motion that the Board approve the UNM Open Channel Modeling proposal for Year 17, not to exceed \$50,000, and that the Executive Engineer be authorized to execute the necessary proposal acceptance forms from UNM. Director Hernandez seconded the motion.

Brief discussion followed, with the Board asking Dr. Coonrod several questions, which she answered.

The motion passed unanimously (5-0).

**12. United States Geologic Survey Cooperative Program – Approval of FY-06 Program**

Loren Mainz, AMAFCA Drainage Engineer, introduced Jack Veenhuis of the United States Geological Survey. Mr. Mainz then presented the proposed USGS Cooperative Program for FY06. About 70% of the total program is for stormwater flow and quality monitoring at permanent locations required in the NPDES sampling program. Co-op funding has increased



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slightly in the FY06 Agreement, with the AMAFCA percentage at 27%, or \$115,740.00. The FY06 budget includes \$116,000 for the USGS Cooperative Program. He stated that Mr. Vennhuis had some slides about the program, which would be shown at the beginning of the Field Highlights portion of the meeting.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to execute the Cooperative Agreement with the USGS and the City of Albuquerque. The AMAFCA participation share amount shall not exceed \$115,740.00. Director Hernandez seconded the motion, which passed unanimously (5-0).

**13. Tijeras Arroyo / Hidden Valley Bank Protection Project**

**a. On-call Engineering Services – Approval of Task Order No. 3 with HDR Engineering for Construction Engineering Services**

Ms. Burton introduced Tim Archibeque and Brooke Garcia, of HDR.

Ms. Burton presented the proposal from HDR Engineering to provide Construction Engineering Services for the Tijeras Arroyo/Hidden Valley Bank Protection Project. HDR will perform bidding services and construction inspection and observation, provide construction staking and materials testing, coordinate weekly construction review meetings, and prepare final project records. The proposal is based on half time inspection.

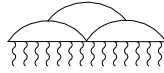
She stated that compensation is on a time and materials basis and shall not exceed \$23,916.33, excluding NMGRT. The construction cost is estimated at \$295,600.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to approve the proposal from HDR Engineering, Inc. for Task Order 3 of the On-Call Engineering Services Agreement, on a time and materials basis not to exceed \$24,000.00, excluding NMGRT. Director Lyon seconded the motion.

Director Eichenberg asked about the original developer of Hidden Valley. Ms. Burton stated that there were several developers involved. She added that she would locate that information and provide it to him later. Chairman Brown stated he thought it was in the late 1980s.

Chairman Brown stated that he was not sure if the original improvements were ever accepted by AMAFCA. Mr. Kelly responded that although there had been a series of disputes in the Tijeras Arroyo, he was unaware of the entire history of the Hidden Valley area. He also stated that the Hidden Valley Channel is maintained by AMAFCA.

After discussion, the motion passed unanimously (5-0).



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**b. Authorization to Advertise for Construction Bids**

Ms. Burton stated that the final design for the Hidden Valley Bank Protection Project would be completed within the next two weeks. She requested authorization to advertise for construction bids for the project.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to advertise for construction bids for the Tijeras Arroyo/Hidden Valley Bank Protection Project. Director Hernandez seconded the motion, which passed unanimously (5-0).

**14. 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, of Curb, Inc., and Dan Hogan, of the City of Albuquerque.

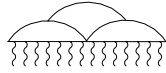
Mr. Mainz presented the cost share proposal with the City of Albuquerque and Curb, Inc., for construction of Phase III of the Amole Arroyo. He stated that since the last Board briefing on this project, the Albuquerque Bernalillo County Water and Sewer Utility Authority had requested that a main sewer trunk line be included in the project, at the Utility's expense.

He explained the various elements of the project and proposal, and the cost breakdown between the parties. AMAFCA would pay for the channel improvements, the City would pay for the box culvert and 98<sup>th</sup>/86<sup>th</sup> Street roadway improvements, and the Water and Sewer Utility Authority would pay for the sanitary sewer improvements done in conjunction with the project.

He stated the total project cost was estimated at \$2,246,400, with \$648,000 of that coming from AMAFCA. AMAFCA would obtain construction management services. The City would pay \$1,188,000, and the Utility Authority would pay \$410,400. Curb, Inc. would complete the design and pay AMAFCA a lump sum of \$100,000 towards construction management costs. The remaining cost of construction management services would be prorated among the parties.

Curb would also do any survey and platting work necessary to clear up right-of-way issues for the project. An amendment to the December 2003 agreement with Curb, Inc. would be made to cover the construction management funding and right of way work.

Discussion followed.



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Board consensus was for staff to proceed with negotiating the cost share agreement with the City and the Albuquerque Bernalillo County Water Utility Authority, and the amendment to the December 2003 agreement with Curb, Inc.

Chairman Brown stated that Item 15 would be held till the end of the meeting.

**16. Real Estate**

**a. Preliminary Sale Approval – Ridgecrest Properties LLC Surplus Property at South Domingo Baca Channel at Tramway Boulevard**

Martin Eckert, Jr., AMAFCA Real Estate Manager, stated that as the meeting was running ahead of schedule, Bill Hauenstein and Brian Knight, of Ridgecrest Properties LLC, and their architect Jim Green, of JWGA, PC, had not yet arrived.

Mr. Eckert presented the Preliminary Sale Approval of the sale of surplus property at the South Domingo Baca Channel at Tramway Boulevard, to Ridgecrest Properties LLC.

Brief discussion followed. Director Eichenberg requested that the Notice of Proposed Land Sale include a clause stating that purchase offers may be contingent on a zoning change.

Director Saiers made a motion that the Board authorize the Executive Engineer to execute the Vacant-Land Sale Agreement for Preliminary Sale Approval, with the understanding that the preliminary sale approval is subject to the requirements of AMAFCA Resolution 2003-4, *Disposal of Excess Lands*, including all necessary notice requirements that must be met prior to this item being presented to the Board at a subsequent meeting for final sale approval.

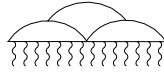
Director Lyon seconded the motion, which passed (4-1). Director Eichenberg voted against the motion.

**b. Approval of Exchange Agreement with City of Albuquerque at Balloon Fiesta Park for La Cueva Arroyo Debris Removal Structure**

Chairman Brown pointed out that there was a supplemental handout on Item 16b.

Mr. Eckert presented a proposed Vacant-Land Exchange Agreement between the City of Albuquerque and AMAFCA, for the exchange of two parcels of land at the Balloon Fiesta Park, as discussed at the May Board Meeting. Mr. Eckert stated that the supplement included a draft document that had been reviewed by City staff, but had not yet been reviewed by their legal department. Changes were in blue and italicized.





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Director Eichenberg made a motion that the Board approve the proposed exchange with the City, substantially the same as attached, subject to final review and approval by AMAFCA Attorney. Director Lyon seconded the motion, which passed unanimously (5-0).

**c. Quitclaim/Release of Easement, Lots 15 and 16, Block 18, Tract 3, Unit 3, North Albuquerque Acres**

Lynn Mazur, AMAFCA Development Review Engineer, presented the quitclaims/releases of easement for Lots 15 and 16, Block 18, Tract 3, Unit 3, North Albuquerque Acres. The two owners are proposing to install a culvert to convey approximately 35 cfs through their property. AMAFCA and Bernalillo County are requiring a graded swale on top of the culvert in the event the culvert becomes clogged.

Director Lyon stated the Real Estate Committee had looked at the site and concurred with the staff recommendation.

Director Eichenberg made a motion that the Board authorize the Chairman to execute the Quitclaim Deed/Release of Easement documents for Lots 15 & 16, Block 18, Tract 3, Unit 3, North Albuquerque Acres. Director Hernandez seconded the motion.

After brief discussion, the motion passed unanimously (5-0).

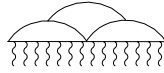
**17. Field Highlights**

**a. Construction Report**

**b. Field Report**

Mr. Veenhuis of the USGS showed slides of the work done as a part of the United States Geologic Survey Cooperative Program during the past year. He answered several questions from the Board. Tests showed that fecal coliform bacteria contamination of the water dropped significantly during the colder months, keeping the average annual level within acceptable limits. This annual pattern was consistent over time. Contamination levels were the same in runoff from urban and non-urban areas. The major source of the contamination was bird droppings.

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.



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Mr. Mainz commented on the Bear Canyon Arroyo 2004 Water Quality Retrofit Project. He showed several slides of the debris removal structure being constructed, and explained how it will work. He stated that the Bear Canyon project was 80% completed.

Mr. Mainz also commented on the Amole Arroyo – Amole Dam to Amole Bend Project. Slides showed the contractor using excavators to support the shotcrete pump hoses while operators manually applied shotcrete to the project. He stated this project was going very well. He expected it to be 80% complete by July 10, and fully complete, on time, at the end of July.

Ms. Mazur commented on the Lyon Boulevard Storm Drain Extension Project. PNM is relocating their gas line on the west side of the street, simultaneous to the water line relocation work on the east side of the street. A billboard was located where the Paradise Boulevard detour was supposed to go, and had to be removed.

Mr. Lovato reported on recent activities of the AMAFCA Maintenance crew. He showed the crew erecting a gate to close off access to the Borrega Dam to cut down on illegal dumping there, and installing a safety fence at the North Diversion Channel Debris Collection Facility. He added that the crew dealt with several access issues during the month.

Mr. Lovato also stated there had been a small fire at the Hubbell Dam, with minimal damage.

Ms. Jeffries distributed a spreadsheet showing bond payments by fiscal year.

**18. Unfinished Business**

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

Mr. Kelly reported that staff has been researching the implications of regulating more development in the floodplain and the responsibility of public agencies to regulate such development. They have not found similar circumstances in other jurisdictions. Research is continuing.

He stated that staff is negotiating an on-call task order with Mussetter Engineering to evaluate the cumulative impact of development of this nature on the remaining undeveloped lots adjacent to major arroyos in the North Albuquerque Acres.

Mr. Kelly suggested a workshop in mid-July to tour the affected areas and to review the analysis and staff recommendations. This will be scheduled after more information is available for the Board's review.



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**19. New Business**

Mr. Kelly presented a letter from New Mexico Department of Game and Fish regarding the kids' fishing pond at the Bear Canyon Arroyo Water Quality Facility. He stated that Game and Fish had become concerned that the fishing pond could become an attractive nuisance, and would no longer support having the fishing pond as a part of the project.

Mr. Mainz added that with some minor grading changes, the fishing pond could become an open water detention basin/wildlife habit. Redesign of this area had begun.

Mr. Kelly stated that instead of the pond being 12' deep to support a trout population year-round, it will be about 4' deep in the middle. Mr. Mainz added that there would be a 1' deep "bench" around the deeper area of the pond.

The Board briefly discussed the project.

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

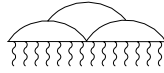
There were no items from the floor.

Director Lyon reported that he had rotated off the Mid-Region Council of Governments Executive Board. He stated he is still on the regular MRCOG Board. Chairman Brown reported that he had rotated off as Chair of the MRCOG Transportation Committee.

Director Lyon stated that he would like to attend the Western Water Law Conference in Nevada in September, instead of the Water Law Conference in Santa Fe in August. As the Western Water Law Conference involves out-of-state travel, Board authorization would be required.

Director Eichenberg made a motion that Director Lyon be authorized to travel to attend the Western Water Law Conference in Nevada in September, 2005. Director Hernandez seconded the motion, which passed unanimously (5-0).

Director Saiers asked when planning would begin for signs for AMAFCA joint-use facilities, and a brochure. Mr. Kelly replied that after July 1, a planning consultant could be asked to come up with some prototype designs for the Board's approval. He hoped to also be able to produce and install a few signs in the first year of the contract. More information would be provided to the Board in August.



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As Bernalillo County Commissioner Teresa Cordova was expected to arrive shortly, Chairman Brown called a recess at 10:58 a.m. Director Eichenberg left during the recess. The meeting was called back into session at 11:20 a.m.

Director Lyon made a motion to amend the travel authorization for the Western Water Law Conference to allow Director Eichenberg and AMAFCA Attorney Sam Bregman to also attend the Conference. Director Hernandez seconded the motion, which passed (4-0).

**15. Southwest Valley Flood Reduction Project and Black Mesa Project – Briefing by U.S. Army Corps of Engineers**

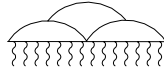
Bernalillo County Commissioner Teresa Cordova was introduced.

Mr. Lovato introduced Pete Doles, U.S. Army Corps of Engineers Project Manager for the Southwest Valley Flood Reduction Project and the Black Mesa Project.

Mr. Lovato stated that Congress had not yet approved their proposed funding for this project, but approval of funding would likely be obtained within a few months. The portion of the funding due from AMAFCA had decreased from the amount estimated in 2003, due to a credit for real estate, now valued higher than it was in 2003. However, the actual cost of the design had increased by \$900,000 since the 2003 estimated budget.

He also stated that the current design budget needs to be increased by approximately \$900,000 to address an increase in scope and to address items in the design budget that were underestimated in 2003. The increase is attributed to approximately \$300,000 for an additional boundary survey of MRGCD right-of-way and easements to minimize property disputes (needed for design of the project, but not funded in the original Planning, Engineering, and Design Agreement (PED)), approximately \$300,000 for additional storm drains to feed the system near public schools and problem intersections, and approximately \$300,000 for an increase in the project scope to address additional flood plain removal.

Mr. Lovato added that in the original PED, AMAFCA and Bernalillo County agreed to equally split the 25% local share of the design costs. It is proposed that the local share of increased design cost be split on the same basis, so AMAFCA will need to fund an additional \$112,500 in cash and in-kind services. This amount will be more than offset by the expected credit for the Isleta/Malpais Pond area purchased by AMAFCA in March of 1996 for \$591,680.00. The actual purchase price was used in estimating the potential credit, but the actual value of the property will be the current appraised value estimated to be over \$1,000,000.



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Mr. Doles briefed the Board on the projects, and the timeline of the design, approval, and funding process. He stated that some contingency funds were moved within the budget to cover unexpected additional design costs. Total funding of \$19.5 million for the Southwest Valley Flood Reduction Project had not changed.

Mr. Doles stated that he expected the design to be complete around the end of 2005, with real estate acquisition to occur in early 2006. He anticipated that construction of the project would begin in October, 2006. Approval for the Southwest Valley Project had recently been received from the Office of Management and Budget. Within 15 days, that report should be submitted to Congress for authorization.

Mr. Kelly confirmed that AMAFCA had set aside money in the budget for this land acquisition, but actual acquisition had to wait until after the Corps of Engineers had obtained all necessary approvals and authorizations.

Mr. Doles answered several questions from the Board during the discussion that followed his presentation.

Commissioner Cordova asked about public participation during the design process, and spoke about public participation on County projects and on joint projects with AMAFCA. Chairman Brown and Directors Lyon and Hernandez also commented on the project.

Mr. Kelly stated that the amended PED with the Corps of Engineers would be brought to the Board at the August 11 meeting.

**21. Adjourn**

With no further business to discuss, Chairman Brown adjourned the meeting at 11:58 a.m.

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Tim Eichenberg, Secretary-Treasurer 8/11/05