



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 1

1. Call to Order and Roll Call

Chairman Brown called the Regular Board Meeting to order at 10:02 a.m. Thursday, January 26, 2006. 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
 Staff

A quorum was present.

2. Approval of Agenda

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

3. Meetings Scheduled

- a. February 9, 2006, 8:00 a.m. – Special Meeting (tentative)
- b. February 23, 2006, 10:00 a.m. – Regular Meeting
- c. March 23, 2006, 10:00 a.m. – Regular Meeting

Mr. Kelly stated that there was a tentative special meeting scheduled for 8:00 a.m. on February 9, 2006, to award the contract for the Amole Phase III project, and to present the Selection Advisory Committee recommendation for design review and construction engineering services for the Boca Negra Detention Dam Project. After discussion, the special meeting was changed to 8:00 a.m. on February 8, 2006. The revised meeting schedule is as follows:

- a. **February 8, 2006, 8:00 a.m. – Special Meeting**
- b. **February 23, 2006, 10:00 a.m. – Regular Meeting**
- c. **March 23, 2006, 10:00 a.m. – Regular Meeting**



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 2

4. Election of Officers

a. Chair

Director Hernandez nominated Director Eichenberg for Chair. Director Lyon seconded the nomination. There being no other nominations, Chairman Brown closed the nominations. A vote was taken on the nomination of Director Eichenberg for Chair, which passed unanimously (5-0). Chairman Eichenberg took office immediately, and presided over the remainder of the meeting.

Director Lyon thanked Director Brown for his leadership during a difficult year, stating that Director Brown's expertise had been invaluable. This sentiment was echoed by Chairman Eichenberg and the rest of the Board. Director Brown thanked the Board for the opportunity to serve.

b. Vice Chair

Director Brown nominated Director Hernandez for Vice Chair. Director Lyon seconded the nomination. There being no other nominations, Chairman Eichenberg closed the nominations. A vote was taken on the nomination of Director Hernandez for Vice Chair, which passed unanimously (5-0).

c. Secretary-Treasurer

Director Brown nominated Director Lyon for Secretary/Treasurer. Chairman Eichenberg seconded the nomination. There being no other nominations, Chairman Eichenberg closed the nominations. A vote was taken on the nomination of Director Lyon for Secretary-Treasurer, which passed unanimously (5-0).

d. Assistant Secretary-Treasurer

Director Lyon nominated Director Brown for Assistant Secretary-Treasurer. Director Saiers seconded the nomination. There being no other nominations, Chairman Eichenberg closed the nominations. A vote was taken on the nomination of Director Brown for Assistant Secretary-Treasurer, which passed unanimously (5-0).

The officers took office immediately.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 3

5. Approval of Resolution 2006-1: Open Meetings Resolution

Director Lyon made a motion to approve Resolution 2006-1: Open Meetings Resolution. Director Brown seconded the motion.

In response to a question from Chairman Eichenberg, Mr. Bregman replied that AMAFCA adopts this set of standards every year.

In reply to another question from the Chairman, Mr. Kelly stated that AMAFCA sends the meeting agenda to everyone who has requested a copy of the agenda. A copy is also sent to both the Journal and Tribune newspapers. Additionally, the agenda is posted on the AMAFCA office door and on the AMAFCA website.

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

6. Approval of Minutes

a. December 15, 2005

Director Saiers made a motion to approve the minutes of the December 15, 2005, Regular Board Meeting. Director Lyon seconded the motion, which passed unanimously (5-0).

7. Financial Matters

a. Approval of December 2005 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the December 2005 Expenditure Report, and answered a few questions about expenditures from Chairman Eichenberg.

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

b. Investment Report

For Information.

c. Financial Recap December 16, 2005 through January 15, 2006

For Information.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 4

d. Financial Forecast January 16, 2006 through February 15, 2006

Ms. Jeffries presented the Financial Forecast for the period January 16, 2006 through February 15, 2006. She pointed out that interest will be paid on AMAFCA's General Obligation bonds on February 1, 2006.

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

e. Mid-year Operating Budget Review

Ms. Jeffries presented the mid-year Operating Budget review for the Board's information.

She stated that salaries are projected to be around 97% of the budgeted amount. Under Planning, Engineering, and R&D, the *Equipment Maintenance & Repair* and *Fuel, Mileage* items were expected to be over-run due to an increase in costs. The *Topsoil Disturbance Permit Annual Program Fee* is over-run due to invoices for last fiscal year and this fiscal year coming in at the same time.

She added that under Furniture & Fixtures, the *Computer Upgrade* item is over-run due to an additional computer being replaced. Nevertheless, the total expenditures for the year are expected to be at 98.3% of the budgeted amount.

Director Brown asked a question about the Topsoil Disturbance Permit. Mr. Kelly replied that this programmatic permit from the Environmental Health Department covers all AMAFCA facilities and rights of way. He stated this annual fee had been reduced from an estimated \$50,000/year to about \$7,500/year due to negotiations by Jerry Lovato. Mr. Lovato had pointed out to the City that AMAFCA's service roads are fenced off, gated and used only by AMAFCA maintenance vehicles, and that AMAFCA has an aggressive revegetation program. Mr. Kelly stated that AMAFCA's purchase of the tractor and seeder last year is an element of this program.

Mr. Lovato added that as the acreage covered by AMAFCA facilities increased, this fee could go up slightly. He also added that this cost could go down slightly if the right revegetation is done.

Mr. Kelly added that, with Director Brown's concurrence in December, he had retained the original architect from 11 years ago to provide estimates for replacing the carpets, ceiling tiles, and paint for a facelift for the AMAFCA office, for the Board's information in developing the FY07 Budget.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 5

In reply to a question from Director Hernandez, Mr. Kelly stated that money was still budgeted for AMAFCA Yard Improvements, but that the fence had not been built yet since skilled masonry workers were still in high demand elsewhere in the city.

f. Bond Fund Forecast

Mr. Kelly provided the Board with spreadsheets of the construction bond fund forecast. He stated that an additional bond sale will be needed to cover June payments. He added that over the next six months, the Board will be briefed on proposed projects on a quadrant-by-quadrant basis, as was done in the past. The Project Schedule will also be updated.

He also stated that Lisa Fenner of RBC Capital Markets, and Duane Brown of the Modrall Law Firm, AMAFCA's Financial Advisor, will brief the Board on AMAFCA's Debt Service structure at the February Board meeting. In March, the Board will issue a Notice of Bond Sale Resolution in preparation for the resolution authorizing the bond sale at either the April Board meeting or sometime early in May. This would allow for funds to be available for the June payments.

Chairman Eichenberg noted that three AMAFCA projects had construction management fees budgeted at 6% of the total, and five others at 8%. He asked if this could be set at a standard percentage rate for all projects. Mr. Kelly replied that the rate varied due to the size and complexity of each project, and was billed on a time and materials basis. He stated that he would investigate different options to determine the construction management fees. Historic data going back to 1988 could be reviewed to determine if a standard rate could be established.

8. Legal – Status Report

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

9. North Camino Arroyo, San Mateo to I-25 – Award of Construction Contract

Director Lyon asked for an explanation of the term “engineer’s estimate.” Mr. Kelly replied that the AMAFCA project manager and the engineer on the project evaluate the quantities involved in the project and estimate the cost based on prior projects. This estimate is included in the advertisement for bids, in part so that contractors can quickly gauge the size of a job and decide if they want to bid on the project. In the North Camino Arroyo project, some quantities were reduced during the bid process, which resulted in a final engineer’s estimate that was lower than the original engineer’s estimate.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 6

Director Brown added that publishing an engineer's estimate in the advertisement is common in the construction industry. Chairman Eichenberg explained that publishing the estimate allows companies that are too small or too large for the job to eliminate themselves without going to the expense of preparing a bid.

Kurt Wagener, AMAFCA Field Engineer, stated that bids for the construction of the North Camino Arroyo, San Mateo to I-25 Project were received on January 19, 2006. Four contractors submitted bids. The apparent low bidder was Moore & Cowart Contractors, Inc., with a base bid of \$1,240,148.30. The final engineer's estimate on the project was \$1,268,378.00. Bohannon Huston checked the bid tabulations and found no mathematical errors. Bohannon Huston and staff recommend the construction contract be awarded to Moore & Cowart.

Mr. Wagener added that AMAFCA had received just over \$572,000 from Blue Cross/Blue Shield, and \$730,000 from MCT Industries, representing their contribution to this project.

Director Hernandez made a motion that the Board accept Moore & Cowart Contractors, Inc., as the lowest responsible bidder and authorize the Board Chairman to execute a contract with Moore & Cowart Contractors, Inc., in the amount of \$1,240,148.30, plus New Mexico Gross Receipts Tax, for construction of the North Camino Arroyo, San Mateo to I-25 Project.

Director Brown seconded the motion.

Director Saiers asked questions about the Blue Cross/Blue Shield building and the financial contributions from Blue Cross/Blue Shield and MCT Industries. Mr. Wagener confirmed that construction on the building had begun. Mr. Kelly replied that the building's occupancy permit was conditional upon their paying for the drainage improvements, which was done last week. The building itself is outside of the floodplain, and is protected by a riprap lining along the channel that was put in some time ago. The building is about 8 months from completion.

Mr. Kelly added that the combined financial contributions from Blue Cross/Blue Shield and MCT Industries added up to more than the construction contract base amount because the contributions were to cover the base amount construction contract, as well as New Mexico Gross Receipts Tax on the construction contract (not included in the base amount) and construction engineering costs. He stated that these items will probably total about 15% more than the construction contract base bid. When the project is complete, AMAFCA will reconcile final actual costs to the percent contributions required in the funding agreement. There may be a small refund or additional amount due from the funding parties.

The motion passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 7

10. Paradise Boulevard Storm Drain – Award of Construction Contract

Lynn Mazur, AMAFCA Development Review Engineer, introduced Mario Juarez-Infante and Chris Perea, both of Wilson and Company.

Ms. Mazur stated that bids for the construction of the Paradise Boulevard Storm Drain Project were received on January 18, 2006. Four contractors submitted bids. The low bidder was Salls Brothers Construction, with a base bid of \$521,898.34. The engineer's estimate for the project was \$470,000.00. Wilson and Company checked the bid tabulations and found no mathematical errors. Wilson and Company and AMAFCA staff recommend the construction contract be awarded to Salls Brothers Construction.

Ms. Mazur also stated that NMDOT had signed and returned the Capital Cooperative Agreement, and, per the Agreement, would reimburse AMAFCA for \$150,000 after the project is complete.

Director Lyon made a motion that the Board accept Salls Brothers Construction as the lowest responsible bidder and authorize the Board Chairman to execute a contract with Salls Brothers Construction in the amount of \$521,898.34, plus New Mexico Gross Receipts Tax, for construction of the Paradise Boulevard Storm Drain Project.

Director Hernandez seconded the motion.

Director Saiers asked why the low bid was about \$50,000 over the engineer's estimate. Mr. Kelly replied that staff had not adjusted old prices upward enough to account for the rock excavation and demolition required on the job, when preparing the engineer's estimate.

In response to a question from Director Saiers about the rock, Chris Perea stated that after excavation, the rock is taken to a pit southwest of Ventana Ranch, where it is processed and sold. Mr. Kelly confirmed the rock belongs to Salls Brothers after excavation. Director Brown added that Salls Brothers is also responsible for obtaining the fill dirt that is used on the project.

Director Hernandez asked how many contracts Salls Brothers currently has with AMAFCA. Mr. Kelly replied that this would be the third, with one project nearly complete. Mr. Lovato later added that Salls Brothers' West I-40 completion contract is with the Surety, not AMAFCA, so is not included in this total.

The motion passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 8

Due to a prior commitment, Director Saiers left the meeting at 10:50 a.m., stating she would return prior to item 14.

11. West I-40 Phase III Diversion Channel

a. Status Report

Mr. Lovato briefed the Board on the status of the West I-40 Phase III Diversion Channel Project. AMAFCA and the Surety signed Change Order #14 on November 18, 2005. The Surety's contract with Salls Brothers Construction, the completion contractor, was signed on December 12, 2005, with notice to proceed being given by the Surety on December 19, 2005. Since that date, Salls Brothers, Perini Corporation (construction manager for the Surety), and Wilson and Company have been working on the project.

Mr. Lovato stated that early work has concentrated on site cleanup, and removing and reworking substandard work. He added that, due to the late execution of the contract between the Surety and Salls Brothers, there was a delay in the start of work on the project. The anticipated date for substantial completion of the contract is now May 30, 2006, with final completion on June 10, 2006. The Surety is aware that it will go past the contracted completion date of March 17, 2006, and that liquidated damages will begin accruing on March 18, 2006.

Mr. Lovato stated the Surety and Salls Brothers are negotiating an acceleration of work, possibly including additional personnel, extended work hours, or weekend work. All acceleration schemes will need to comply with the contract documents and be approved by AMAFCA prior to implementation.

Work on the project is being coordinated with NMDOT and Twin Mountain Construction, as the AMAFCA project shares a common work area with their I-40 – Coors Interchange Project. NMDOT detour issues may affect the timing of the Unser crossing.

Brief discussion followed regarding liquidated damages. Chairman Eichenberg summarized that staff is contractually obligated to charge liquidated damages after the completion date, per the terms of the contract.

In response to a question from Director Hernandez, Mr. Lovato stated that AMAFCA is satisfied with Salls Brothers' performance on the project to date.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 9

b. Approval of Amendment to Agreement with Wilson and Company for Additional Construction Phase Services

Mr. Lovato introduced Dan Aguirre, of Wilson and Company.

Mr. Lovato stated that Wilson and Company's original proposal for Construction Engineering Services was based on a 270-day construction period that was to end on December 20, 2004. The contract has been amended five times to address weather delays, additional scope, contract suspensions and the lack of progress by the original construction contractor. The last amendment to the contract extended it to January, 2006.

Mr. Lovato added that the proposed sixth amendment to the contract, for \$126,000.00, will address the additional 130 days of construction engineering services required to complete the project, including project closeout, if the project is completed by June 10, 2006. The amendment also addresses the costs of additional material testing required to identify non-compliant work, and additional review time. AMAFCA will be billed on a time and materials basis.

Director Hernandez made a motion that the Board approve the amendment to Supplement Agreement Six with Wilson and Company, Inc., for the West I-40 Channel Phase III Project to address additional Construction Engineering Services in the amount of \$126,000.00.

Director Brown seconded the motion.

Chairman Eichenberg asked about the additional expenses Wilson and Company is facing on the contract. Mr. Aguirre replied that they had expected work to slow down during the completion contractor bid process, but it had actually accelerated. Wilson and Company currently has one full-time inspector on the West I-40 project, as well as their engineer, Chris Perea, at more than half time. He stated that there also is an administrative support person working directly on the contract, to turn around daily reports and other documentation in a timely fashion.

Mr. Aguirre compared this to the Lyon Boulevard Storm Drain Project, where there is a half-time inspector, instead of the full-time inspector this project requires. He added that most jobs require only about 8 hours a week of an engineer's time, whereas this project has required 20-24 hours a week of Chris Perea's time. Now that the completion contractor is on the job, he expected the engineer's time on the job to be reduced somewhat.

Mr. Aguirre stated that the expected time expenditures were reflected in their proposal for the extension of the contract. He added that, over the past six months or so, he has not charged any of his own time to the contract.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 10

The motion passed (4-0).

12. County-Wide Re-Mapping Project – Consideration of Request to Participate in MRCOG Project to Procure New Digital Orthophotos

Christy Burton, AMAFCA GIS Manager, introduced Carol Earp, of the Mid-Region Council of Governments (MRCOG).

Ms. Burton presented a proposed agreement with MRCOG for AMAFCA's participation in the 2006 Digital Orthoimagery Project being managed by MRCOG. More than a dozen agencies are participating with the MRCOG in this project. Total cost to acquire 6" resolution digital photos for the project area is \$448,928.00. AMAFCA is being asked to contribute \$20,000 to the project. She added that, since the mailout, MRCOG had made some minor wording changes in the agreement, and had asked that their General Counsel also sign the agreement. The agreement, with those minor changes, was now ready to be signed.

Ms. Earp stated that the area covered by the mapping project included southeast Sandoval County, from the river to the county line; Bernalillo County east of the Rio Puerco; and central Valencia County.

Director Hernandez made a motion that the Board approve the proposed agreement with MRCOG for New Digital Orthophotos. Director Lyon seconded the motion.

In response to a query from Director Hernandez, Ms. Earp stated that the total cost of \$448,928.00 included gross receipts tax. The project includes 6" resolution aerial photos of the region, as well as some ground work in Sandoval County. She also explained the various agencies' funding levels in reply to a question from Chairman Eichenberg.

In response to a question from Chairman Eichenberg about how AMAFCA provided public access to the data, Mr. Kelly and Ms. Burton stated that AMAFCA maintains a library of CDs with the information that the public may check out and copy at their expense.

The motion passed (4-0).

13. Don Felipe Watershed Drainage Management Plan

a. Review and Discussion on Scope of Services

Mr. Lovato stated that the Don Felipe Watershed Drainage Management Plan (DMP), covering approximately 4 square miles, will update the hydrology and hydraulic model to



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 11

current standard practices and will include production of a new inundation map for Don Felipe Dam. The inundation map is required by regulations adopted by the State Engineer's Office in 2005. A prudent line analysis of the Pajarito Arroyo will be included in the DMP.

In response to a question from Director Hernandez about why an inundation map was required, Mr. Kelly stated that AMAFCA, the City of Albuquerque, and SSCAFCA had extensive comments on the State Engineer's new rules and regulations last year, and the requirement for an inundation map is one they will not waive. They want an emergency action plan for every AMAFCA dam. They did extend the completion date to 2015 at the three agencies' request.

Mr. Kelly added that emergency action plans have been completed for three dams, but only one has an inundation map. The risk of dam failure is very remote, but it is a requirement of the State Dam Safety Bureau, and as a dam owner, AMAFCA is obligated to comply.

Mr. Kelly and Mr. Lovato answered several more questions from the Board about the scope of the DMP. Mr. Kelly emphasized that this DMP goes beyond the scope of the typical DMP, because it includes the inundation map of the Don Felipe Dam.

Mr. Lovato added that the DMP will also include a full prudent line analysis of the Pajarito Arroyo, including identifying the required corridor needed to contain the lateral erosion limits of the arroyo assuming no armoring. This effort is also beyond the scope of a typical DMP.

Mr. Kelly stated a prudent line analysis of this reach of the Pajarito Arroyo was included in the "Pajarito Arroyo Corridor Plan" in 1990, and AMAFCA endorsed that corridor plan by resolution. The full prudent line analysis will determine the corridor needed for the natural channel. He added that many portions of the analysis will apply to the entire Southwest Mesa area.

After further discussion, the consensus of the Board was to support preparation of the DMP.

b. Authorization to Advertise Request for Proposals

Mr. Lovato asked the Board for authorization to advertise the Request for Proposals for the Don Felipe Watershed DMP.

Mr. Kelly stated that this project was in the budget at \$150,000, which might be a bit low. He added that the RFP will require blind cost estimates to also be prepared. These figures will be used to adjust the cost estimate in the project schedule based on the current market rate, for budgeting and negotiation purposes.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 12

Director Hernandez made a motion that the Board authorize the Executive Engineer to advertise the request for proposals for the development of a Drainage Management Plan for the Don Felipe Watershed. Director Brown seconded the motion, which passed (4-0).

Chairman Eichenberg called a brief recess at 11:17 a.m. Director Saiers returned to the meeting during the recess. The meeting was called back to order at 11:30 a.m.

14. Kinney Dam / North Domingo Baca Park Plat Issues – Reconsideration of Previous Action to Defer Discussion on Dedication of Right of Way for Louisiana Boulevard Roadway Project

Mr. Kelly stated that, at the December Board meeting, the Board had asked to reconsider their November deferral of action on the City's request for AMAFCA to dedicate right of way for Louisiana Boulevard as part of the current platting action for the Kinney Dam and North Domingo Baca Park. He briefly discussed the basics of the action requested.

Director Hernandez made a motion that the Kinney Dam/North Domingo Baca Park Plat – Dedication of Right of Way for Louisiana Boulevard Roadway Project issue be brought back before the Board for reconsideration. The motion was seconded by Director Brown, and passed unanimously (5-0).

Chairman Eichenberg asked for a motion for approval.

Director Brown made a motion that the Board authorize conveyance of the requested Right of Way to the City of Albuquerque, for the Project. Director Hernandez seconded the motion.

Mr. Kelly introduced Mike Riordan of the City's Department of Municipal Development. Director Lyon asked Mr. Riordan about the priority of this project, in light of the fact that, since the Paseo Extension required a bridge instead of a pipe, cost increases there would make the roadway only two lanes instead of four. He asked if the money budgeted for the expansion of Louisiana could be used to make the Paseo Extension four lanes now instead.

Mr. Riordan replied that the money for the widening of Louisiana would come from the 2007 bond issue. The Paseo Extension construction has begun, and money for the roadway needs to come from current, rather than future, sources. He added that he is looking for the money and hoped to have all four lanes in place by 2007.

In response to a question from Chairman Eichenberg, Mr. Riordan stated that by taking care of the right of way issues at the same time as the replat of the Kinney Dam/North Domingo Baca Park area, the City was trying to be pro-active and plan ahead.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 13

Replying to a question from Director Hernandez, Mr. Eckert stated that the parcel of vacated Anaheim the City is transferring to AMAFCA is bigger than the parcel for Louisiana right of way the City has requested.

The motion passed (3-2). Chairman Eichenberg and Director Lyon voted against the motion, but Chairman Eichenberg stated he would have voted for the motion if there had been only two favorable votes.

15. 2006 Legislative Session – Briefing by New Mexico Outsourcing, Inc.

Mr. Kelly introduced Maurice and Mary Hobson, of New Mexico Outsourcing, Inc., AMAFCA's legislative liaison. Mr. Hobson stated that approximately 1000 bills had been introduced already in the session, along with 600 capital outlay requests. \$1 billion will be available for capital outlay, but \$5 billion in requests have been made.

Mr. Hobson briefed the Board on several bills introduced in the 2006 Legislative Session that may impact AMAFCA if passed. These included HB 27, "Restricts Use of Eminent Domain", SB 22, "Public Works Security Requirement Change", SB 344, "Campaign Reform", and HB 180, "Governmental Conduct Act Changes."

He stated that HB 27 was one of several bills addressing eminent domain that had been introduced this session. If one of these bills passes, AMAFCA may be restricted in its ability to sell excess property after a project has removed that property from floodplain. He expected cities and counties to be heavily involved in addressing this bill, and thought that AMAFCA did not need to get involved at this time.

SB 22 would allow a contractor to supply an irrevocable letter of credit instead of a performance bond when bidding on a public works contract. Mr. Kelly added that, after discussions with Mr. Bregman, he felt AMAFCA would have greater protection on its contracts with a performance bond as opposed to a letter of credit.

Extensive discussion followed, with the consensus of the Board being that it is better to have a performance bond instead of a letter of credit. If letters of credit are allowed, the choice as to which will be accepted should be made by the contracting agency, not the contractor. Mr. Hobson responded he would discuss this concern with the bill's sponsor and report back to the Board.

SB 344 seeks to amend the procurement code to limit gifts from contractors to those who may award them a contract. If those gifts are not disclosed as a part of the bidding process, or if the contractor provided campaign financing to the agency's public officials or employees involved in the contract awarding process, the contract would be null and void.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 14

HB 180 would limit who a “state agency” can contract with. Discussion centered on whether or not AMAFCA would be considered a “state agency.” Mr. Hobson stated he would get an official interpretation on whether or not this bill would apply to AMAFCA.

Director Lyon suggested that Mr. Hobson ask Mr. Bregman for clarification on whether or not some of these proposed bills would apply to AMAFCA. The Board agreed. Chairman Eichenberg asked staff to provide the Hobsons with phone and cell phone numbers for all Board members.

Chairman Eichenberg called a brief recess from 12:05 p.m. to 12:07 p.m. Lunch continued during Field Highlights.

16. Field Highlights

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

Mr. Lovato presented a brief slide show depicting current projects. On the West I-40 project, he stated that the completion contractor is correcting the installation of the Redi-Block retaining wall, and has cleaned up the site. He showed pictures of the retaining wall, and of areas where the riprap is being removed, the dirt re-compacted, and the riprap replaced. Twin Mountain is installing a pedestrian bridge. Some cutoff walls and channel sections are being removed and replaced due to errors in their original construction. A neighborhood newsletter will go out shortly.

Mr. Wagener discussed several pictures of the Amole Phase I Project. The contractor is currently working on the maintenance roads.

Ms. Burton reported the Tijeras Arroyo Hidden Valley Improvements project was completed shortly after the last Board meeting. Pictures showed the areas recently seeded and covered with straw mulch. The mulch helps protect the soil from erosion.

Ms. Mazur stated that work continues on the Lyon Storm Drain project. The work has crossed Alder and the contractor is now working on the storm drain inlets on Alder. Chris Perea of Wilson & Company, in response to a question from Director Lyon, stated that the contractor would complete improvements at Irving before initiating the shoofly detour at Paradise. The detour at Paradise would be in place for approximately three weeks.

Mr. Lovato showed pictures of the AMAFCA crew building an aesthetic berm to protect the Ladera Dam. The City of Albuquerque will build a walking trail on top of the berm. AUI is



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 15

also installing a waterline in the dam area. Mr. Wagener commented on pictures of the crew removing excess sediment from the Corrales Main Canal.

Chairman Eichenberg called a brief recess from 12:18 p.m. to 12:27 p.m.

17. Tijeras Arroyo East of I-25 – Proposed Development Project and Arroyo Improvements – Briefing by John Andrews, The Larkin Group

Mr. Kelly introduced Hank Rosoff, of the Telck Hensley Engineering Group, and their subconsultants John Andrews and Gordon Mossberg, of the Larkin Group.

With the aid of several maps, Mr. Andrews briefed the Board on the proposed multiuse development project and arroyo improvements on approximately 540 acres straddling the Tijeras Arroyo east of I-25. He also answered several questions from the Board. The area is south of the Sunport, and north of the Journal Pavilion at Mesa del Sol. The University Boulevard Extension and the Tijeras Arroyo pass through the property.

Mr. Andrews stated that channel improvements will consist of an armored channel with a soft earth bottom, and an overbank area. The improvements will contain a 100 year event in the armored portion of the channel protected by soil cement (22,500 cfs), and will contain a 500 year event within the overbank area (37,000 cfs).

Mr. Andrews stated the improvements will also include approximately seven 5' to 6' drop structures. The armoring will continue downstream of the property to include the I-25 bridge and abutments. At the upstream end of the improvements, wing dikes will direct flow into the improved channel. Maintenance access ramps will be provided between the drop structures.

Mr. Kelly added that the University Boulevard Extension bridge over the Tijeras Arroyo was designed to convey 37,000 cfs, as was the crossing at I-25 and the Tijeras inlet to the South Diversion Channel (SDC). The SDC is a concrete channel at this point. He added that AMAFCA staff generally supported the concept, but had a few design suggestions to avoid a "levee" situation at the channel's edge. Staff would also like to see a larger overbank area and the inclusion of some native vegetation in the plan.

Mr. Andrews stated that the developer would like AMAFCA to maintain the channel after the improvements are completed.

Discussion followed. Mr. Kelly answered some questions about other improvements in the area, and about the stretch between these improvements and Kirtland Air Force Base. Director Brown reminded the Board of the 1895 flood, where a wall of water 30 feet high came down the Tijeras Arroyo, bringing boulders and tree trunks with it. He stated that the risk of a



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 16

similar sudden flood was why AMAFCA had gone to a 500-year event on the Tijeras, so that flow would be contained in the improved channel. Mr. Andrews replied that the hydrology of similar storms was considered in the improved channel design.

In response to a question from Director Saiers, and using a large map of the area, Mr. Andrews pointed out areas of the development that would be used for housing and commercial development. A large amount of dirt would be removed to create the improved channel.

Board consensus was to support the project. Mr. Kelly stated that a revised plan and more information on the improvements would be brought before the Board at a later meeting.

18. West I-40 Diversion Channel Extension and NMDOT Plans for I-40 Westbound and Paseo del Vulcan Interchange – Briefing on Impending Development and NMDOT Projects

Mr. Lovato introduced Fred Ambrogi and Leroy Chavez of Westland Development, and Craig Hoover of Bohannon Huston, then briefed the Board on the West I-40 Channel Extension to the East Amole Dam.

Mr. Lovato stated that, due to planned upcoming roadway improvements and development in the area, AMAFCA has the opportunity to have NMDOT install the planned drainage improvements along the north side of I-40 between 98th Street and Paseo del Volcan. By doing this work now, NMDOT and AMAFCA would both save money. The timing of the East Amole Dam Outfall Pipe project could also be moved forward.

Mr. Lovato explained that NMDOT would be using GRIP funds (Governor Richardson's Investment Program) to add a climbing lane to the north side of I-40 in the NMDOT right-of-way. The West I-40 DMP identifies the NMDOT right-of-way as the best location to divert flows and to install the East Amole Dam Outfall Pipe because it would avoid the old Bernalillo County landfill. Once the climbing lane has been built, it would be difficult and/or very expensive to later add the drainage improvements. NMDOT will install the drainage as a part of their lane construction if AMAFCA will provide the pipe.

Mr. Lovato added that, by including the AMAFCA pipe installation in their project, NMDOT will avoid having to install large culverts to drain water under their intersection improvements at Paseo del Volcan. The only problem is that the purchase of the necessary pipe is not currently listed in AMAFCA's project schedule. The NMDOT project is due to go to bid in August, 2006. Some temporary surge ponds would be necessary somewhere between 98th Street and proposed 108th Street. Total cost was expected to be approximately \$16 million.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 17

Mr. Kelly broke down this \$16 million into several sections of the project, half of which could be paid for by various private entities. The balance would be split among several public entities.

Mr. Kelly added that normally, infrastructure would be built from the bottom up, following development. However, with recent development in the Paseo del Volcan area, this piece of the drainage system needs to be built sooner than some of the system further downstream. He concluded that it would be prudent to put the pipe in before the climbing lane is built in the I-40 right of way.

The Board provided direction and guidance concerning the AMAFCA project schedule and the possibility of modifying Bohannon Huston's 2002 DMP for the area to include the West I-40 Channel Extension to the East Amole Dam Outfall Pipe NMDOT project.

Board consensus was that the project would save AMAFCA money, but coming up with the funds on short notice could be difficult. Cost shares should be sought from upstream property owners. Installing the pipe outside of the NMDOT right of way at a later time would be expensive. Easements would need to be bought since the NMDOT right of way could not be used after the climbing lane is built.

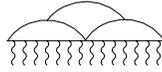
Mr. Kelly stated he hoped to bring a proposal, with the DMP modifications necessary to support the project, before the Board at the February Board meeting.

**19. City of Albuquerque 2005 General Obligation Bond Storm Drain Projects –
Briefing by Dan Hogan, Department of Municipal Development**

Mr. Kelly introduced Dan Hogan, of the City of Albuquerque's Department of Municipal Development. He noted that the NPDES Annual Report had been submitted to the EPA on January 25, 2006.

Using maps and schematics of the projects, Mr. Hogan briefed the Board on three of the City's 2005 General Obligation Bond storm drain projects. These projects, the Osuna Storm Drain, La Cueva Arroyo Crossings at Wyoming and Eagle Rock, and the San Mateo/Hahn Arroyo Reliever Storm Drains, are on AMAFCA's FY-2005 Project Schedule as joint City/AMAFCA projects.

The Osuna Storm Drain project is scheduled at AMAFCA contributing \$100,000 in 2006. The La Cueva Arroyo Crossings at Wyoming and Eagle Rock are scheduled at AMAFCA contributing \$350,000 in 2007. The San Mateo/Hahn Arroyo Reliever Storm Drains are scheduled at an AMAFCA contribution of \$1.5 million in 2008.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 18

20. Unfinished Business

a. Prima Entrada Subdivision

Ms. Mazur stated that the property making up the proposed Prima Entrada Subdivision had been sold to Fuller Homes of New Mexico. Fuller Homes has retained the same engineer to proceed with work order plans and final plat. Fuller is aware of the pending Funding Agreement with AMAFCA.

Ms. Mazur stated that staff met with Westland Development Company and their engineer, Bohannon Huston, on January 24, 2006, to discuss the revised hydrologic model for the West I-40 Channel project. This information will be used to revise the cost estimate for downstream drainage facilities on which the per-acre contribution is based. The revised Funding Agreement will be presented to the Board at the February meeting.

b. Floodplain Development in North Albuquerque Acres

Ms. Mazur reported that she had received notice that the owners of the stilt house lot have requested a setback variance through the County Zoning Administration. The variance will allow enough room to construct a house on a foundation that will be completely outside the FEMA floodplain. A revised Grading and Drainage Plan will need to be approved by AMAFCA.

She advised the Board that, although the previously proposed stilt house is no longer being considered, the AMAFCA staff anticipate that there will be other submissions in the future. Staff recommends the Board have an adopted policy in effect before another stilt plan is submitted.

Ms. Mazur stated that AMAFCA staff met with County and City staff on January 25, 2006, to discuss the issue of residential development in floodplains and public policy. The goal of the meeting was to prepare a memorandum which will be presented to a joint hearing of the County Commission and the AMAFCA Board of Directors. She added that she anticipated this to be a "town hall" meeting format to which the public would be invited.

c. Temporary Private Access Agreement Across AMAFCA Power Line Channel Right of Way

Mr. Lovato reported that, since the December Board meeting where the temporary private access agreement was discussed, Mr. Daskalos had negotiated with another nearby landowner for the 300,000 cubic yards of material he needed. Access across AMAFCA property is no longer necessary, as he will not be obtaining this material from Westland.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2006**

Page 19

21. New Business

Referring to seminar announcements included in the information to the Board, Director Lyon stated he would like to attend the NEPA seminar in Nevada on April 6 and 7, 2006. Chairman Eichenberg approved this travel request. Directors Saiers and Hernandez concurred.

Chairman Eichenberg noted that several of AMAFCA's older resolutions had been referenced in recent Board meetings. He requested that staff begin reviewing old resolutions (older than 10 years old) to determine if any need updating with new state statutes and other regulations. He suggested a schedule of about two resolutions per month be brought to the Board for review.

22. Items from the Floor/Public Comment

Director Saiers invited the Board and AMAFCA staff to participate in the "Author Month" activities of the City of Albuquerque's Tricentennial Celebration. She handed out a schedule of activities.

Director Brown reported that he and Director Hernandez had attended a recent County Commission meeting, where AMAFCA was awarded a plaque in recognition of AMAFCA's support of the anti-graffiti program. Mr. Kelly added that this generally involved supplying paint and brushes, and AMAFCA was glad to be able to participate.

23. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 1:42 p.m.

/s/
Daniel F. Lyon, Secretary-Treasurer 2/23/06

Recorded by Pam Woodruff, Secretary to the Executive Engineer