



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
April 4, 2006**

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1. Call to Order and Roll Call

Chairman Eichenberg called the Special Board Meeting to order at 9:05 a.m. Tuesday, April 4, 2006. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Daniel Lyon Director Janet Saiers
Director absent:	Director Ronald D. Brown
Others present:	John Kelly, Executive Engineer Sam Bregman, Attorney Staff

A quorum was present.

2. Approval of Agenda

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

3. West I-40 Diversion Channel Extension – Briefing and Status Report

Mr. Kelly introduced Tina Cummins, of Rio Investments (Cordero Mesa), Fred Ambrogi and Leroy Chavez of Westland Development, and Brad Sumrall, of Bohannon Huston, Inc., Westland Development's engineer.

Jerry Lovato, AMAFCA Drainage Engineer, stated that the design of the West I-40 Diversion Channel Extension and the cost of the project had changed since the March 23, 2006, Board meeting. The design changes incorporate more permanent structures and fewer temporary structures. A channel was removed from the design and replaced with pipe, a pipe was upsized, and two dams were removed and replaced with one dam at a new location. These changes allowed the size of one pipe to be reduced, but increased the size of another pipe, resulting in a net gain in the cost of construction.

Mr. Lovato stated that the original cost estimate was lower because pipe costs more than a channel or dam, and because the original estimate did not include construction management and design fees, which are included in the current cost estimate. Mr. Lovato added that



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NMDOT will be handling the construction management on the project, but wants to be reimbursed for that cost.

Mr. Lovato summarized the current project budget as \$440,000 for design, \$618,000 for construction management, and \$10,882,000 for construction, for a total of \$11,940,000.

Mr. Kelly summarized the circumstances as follows: AMAFCA currently has projects under construction or being designed that account for most of the current bond authorization; AMAFCA can only fund \$4 million of the project unless contingency funds are utilized, leaving a shortfall of about \$1.2 million; and there is a small window of opportunity to get this project completed and the project cannot be delayed.

Director Hernandez asked if there were any other projects that could be delayed to free up the needed money in the construction fund. Mr. Kelly replied that the Isleta and Boca Negra projects both had signed agreements that AMAFCA had to honor by retaining enough funds to pay for those projects. He added that the offer on Pond 187a had been accepted and so AMAFCA needed to set aside enough funds to complete that purchase, as well as the potential purchase of Pond 187.

Mr. Kelly reported that he and Mr. Lovato would be meeting with the NMDOT on April 5, and they will ask if the DOT could fund more of the project.

In response to a question from Director Saiers, Mr. Kelly stated that, in April 2006, AMAFCA will be selling \$9.75 million in bonds from the bond authorization approved by voters at the November 2004 election. Another bond authorization question for \$20 million will be on the ballot in November 2006. After the April 2006 bond sale, AMAFCA will have \$0.5 million in bond authorization remaining unused from the November 2004 bond election.

He added that there is about \$4 million in the contingency fund, but those funds are earmarked for flood emergencies and rehabilitation expenses on existing flood control facilities.

Director Saiers suggested that maybe the state could contribute the last \$1.2 million, or AMAFCA could use a combination of state funds and contingency funds.

Mr. Chavez stated that Westland may be able to save the state some money on fill dirt for the project, perhaps allowing the NMDOT to contribute more to the project.

Mr. Kelly stated that the tour will demonstrate why the new site for the East Amole Dam will be a much better location for a dam than the original site.



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Chairman Eichenberg stated that, instead of recessing during the site tour, the meeting would continue on the road as a mobile meeting. All present joined the Board on the tour, which began at 9:21 a.m.

The tour visited the future Unser Dam site (on NMDOT property at I-40 and Unser), the ROW on the north side of I-40 from Unser to 98th Street, and the DOT ROW on the north side of I-40 from 98th Street to Paseo del Volcan/Double Eagle II. Mr. Kelly pointed out the new proposed site for the East Amole Dam, a natural depression adjacent to and east of the old County landfill. The tour also visited the western end of the project, viewing the locations of the Shamrock Channel and the Double Eagle II Dam. The tour made a stop at the East Amole Dam site before returning to the office.

During the tour, Mr. Lovato and Mr. Kelly pointed out where various elements of the project would be located, and the location of existing drainage features.

Mr. Kelly pointed out that AMAFCA has 100' of ROW from Unser to 98th Street, but would have to use the DOT ROW from 98th to Paseo del Volcan (Double Eagle II). As such, the storm drain's pipe needs to be installed before the DOT paves over the ROW for its new climbing lane.

Mr. Lovato added that the northwest portion of the interchange at 98th Street to Paseo del Volcan was encumbered by a City of Albuquerque water line, which further limits space for drainage improvements.

Ms. Cummins commented on the business park that will be built to the northwest of the Paseo del Volcan interchange. The Shamrock Channel will be built here as a portion of the project.

Mr. Chavez commented that the new location for the East Amole Dam would require less land be dedicated to the detention facility.

Mr. Sumrall responded to a question from Director Lyon, stating that the old County landfill might be capped and turned into a park in the future. In response to several questions from Director Saiers, Mr. Kelly stated that Phase I of the NMDOT GRIP project was currently being designed, and would go to bid in July. Phase II would be designed over the summer and fall, and go to bid approximately December 2006. The funding complication arises from the fact that AMAFCA cannot sign an agreement that commits bond money that hasn't been authorized by the voters.

In response to Director Saiers' inquiry about borrowing from the State Economic Development fund, discussion centered on the question of whether AMAFCA was qualified to borrow from the fund. The conclusion was that even if AMAFCA qualified, the project was



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moving too quickly to allow for the six to eight month period required for the fund's funding process.

The tour ended and the Board returned to the office at 10:40 a.m. The meeting continued at the office.

4. Recap and Discussion of Tour

In response to a question from Director Saiers, Mr. Kelly stated that the Board had authorized staff to negotiate the necessary agreements to accomplish this project. Staff will try to find ways to reduce the cost or increase funding from other parties in the next three weeks. He stated that perhaps parts of the project could be broken out to be built separately.

As an example, he stated that the East Amole Dam could be built as a separate AMAFCA project, to go to bid after the November 2006 Bond Election. However, the commitment to build it needed to be made now, and AMAFCA could not commit to spend bond money that had not yet been authorized by the voters.

Replying to a question from Chairman Eichenberg, Mr. Kelly stated that the concrete pipe is produced locally, and availability would not impact the project. Mr. Lovato added that he had spoken with the supplier, who stated that 60 days notice of a future project would give them enough lead time to assure the pipe would be ready when needed. The request for 90" pipe would need a little more lead time.

Mr. Kelly confirmed Director Hernandez's statement that the contingency fund was for flood emergencies and to do rehabilitation on existing projects. Director Saiers asked if this money was set aside for this purpose by resolution. Chairman Eichenberg replied that some of the money was fenced for a specific purpose by resolution. Mr. Kelly confirmed this, stating that, in the case of an emergency, the State Disaster Assistance fund looks to AMAFCA for initial emergency funding. After the available funds in the contingency fund are exhausted, the state disaster assistance funds are disbursed. Money that has been fenced, or set aside for a stated purpose, is not counted as available funds.

Director Hernandez expressed the concern that if AMAFCA borrowed from the contingency fund to fund this project, it might adversely affect AMAFCA's bond rating. Mr. Kelly stated he would discuss this concern with AMAFCA's bond counsel and financial advisor.

Director Lyon stated that AMAFCA, the NMDOT, and the private parties needed to come to an agreement soon, or the project opportunity would be lost. Director Hernandez added that, if the funding for this project could not be found in time, the alternative project at a later date would be more costly to AMAFCA.



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Chairman Eichenberg commented that AMAFCA could probably require Cordero Mesa to build the entire channel along their property, as well as contribute financially to the downstream portion of the project that would be accepting water from their property. He also noted that Ms. Cummins had left the meeting and was not available to respond to his comments.

5. Unfinished Business

Director Lyon had two comments about surplus property mentioned at the March 23, 2006 Board meeting. He stated that the property that Salazar hoped to purchase would add value to the property Salazar already owns, and staff should consider that increase in valuation when obtaining an appraisal. He also commented that at the May 2005 Board meeting, the Board had directed that the appraisal of the property Mr. Pickard wished to purchase should consider the increased value of Mr. Pickard's property with the addition of the parcel he wished to purchase.

6. New Business

Mr. Kelly stated that the American Council of Engineering Companies had given a special recognition award to the Sanchez Farm Project. All Board members are invited to the award ceremony on April 21, 2006, and should inform staff if they wish to attend.

7. Items from the Floor/Public Comment

None.

8. Adjourn

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 10:52 a.m.

Daniel F. Lyon, Secretary-Treasurer 4/27/06

Recorded by Pam Woodruff, Secretary to the Executive Engineer