



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
November 15, 2007**

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1. Call to Order and Roll Call

Chairman Hernandez called the Regular Board Meeting to order at 1:32 p.m., Thursday, November 15, 2007. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Janet Saiers Director Tim Eichenberg Director Daniel Lyon
Director excused:	Director Ronald D. Brown
Others present:	John Kelly, Executive Engineer Jackie Bregman, Attorney Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Mr. Kelly noted that there were handouts on agenda items 5c, 5d, and 9.

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

3. Meetings Scheduled

- a. December 13, 2007, 10:00 a.m. – Regular Meeting**
- b. January 24, 2008, 10:00 a.m. – Regular Meeting**
- c. February 27, 2008, 10:00 a.m. – Regular Meeting**

No changes were made to the meeting schedule.

4. Approval of Minutes

- a. October 25, 2007**

Director Eichenberg made a motion to approve the minutes of the October 25, 2007 Regular Board Meeting. Director Lyon seconded the motion, which passed (4-0).



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5. Financial Matters

a. Approval of October, 2007 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the October, 2007 Expenditure Report. Director Eichenberg requested that in future Construction Fund reports, the Miscellaneous AMAFCA Projects 2008 project be referred to by name, rather than as "Miscellaneous Projects," which could be confusing.

Director Eichenberg made a motion to approve the October, 2007 Expenditure Report. Director Lyon seconded the motion, which passed (4-0).

b. Investment Report for October, 2007

For information. Ms. Jeffries responded to a question from Chairman Hernandez about the Operating Fund, stating that \$250,000 withdrawn from the NM State Short Term Fund paid the operating expenses for October.

c. Financial Recap October 16, 2007, through November 15, 2007

For information. Ms. Jeffries noted that proceeds of \$10,535,000 from the Bond Sale had been deposited into the Construction Fund, and the Bond Sale premium of \$53,000 had been deposited into the Debt Service Fund.

d. Financial Forecast November 16, 2007, through December 10, 2007

Ms. Jeffries presented the Financial Forecast for the period November 16, 2007, through December 10, 2007. She noted that in the Construction Fund, \$2,322,000 had been booked as an accounts receivable from SunCal for the West I-40 Diversion Channel Extension. The special account for Isleta Phase I Tributary Storm Drains had been closed out and would not appear on future Forecasts. There were no questions.

Director Eichenberg made a motion to approve the Financial Forecast. Director Lyon seconded the motion, which passed (4-0).



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6. Legal

a. Status Report

Ms. Bregman had nothing to add to her written report on the status of several items. As she would need to leave the meeting early, Chairman Hernandez asked the Board if there were any legal questions on the On-Call Engineering Services contracts (agenda item 9), or the license agreement with Kable Productions (agenda item 14). There were no questions from the Board.

b. Schedule for Selection Committee Meeting for General Counsel

Mr. Kelly noted that Legal Counsel proposals are due at AMAFCA at 2:00 p.m. on Thursday, November 29, 2007, and the Board as a whole will serve as the Selection Advisory Committee. He stated that currently ten firms hold the proposal package. He asked for input on a date and time for the Selection Advisory Committee meeting.

After discussion, the Selection Advisory Committee Meeting for General Counsel Services was tentatively scheduled for 1:30 p.m. on December 13, 2007, after the rest of the regular December meeting and a recess for the Holiday Luncheon.

Chairman Hernandez stated that he wished to have the entire Board present for the Selection Advisory Committee, so if this date and time is inconvenient for Director Brown, the SAC meeting will be rescheduled for a time convenient to all. It will be advertised as the Board reviewing proposals and possibly making a selection, with the goal to make a selection on that day. Representatives of the firms will be interviewed if requested by the Board.

7. Executive Engineer Evaluation

Chairman Hernandez stated that discussion of the Executive Engineer's evaluation would be in closed session.

Director Eichenberg made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in Attorney General Madrid's document, "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004, to discuss personnel issues. Director Saiers seconded the motion.

Chairman Hernandez stated that the closed session would be for purposes of discussion only, regarding personnel issues. The motion passed (4-0).



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Chairman Hernandez closed the meeting at 1:46 p.m. Ms. Bregman left the meeting at 2:30 p.m. due to a prior commitment.

Chairman Hernandez reopened the meeting at 2:39 p.m. He stated that the Board had taken no action during the closed meeting, but had discussed the Executive Engineer's evaluation and had given him input on his performance.

8. FY-2007 Audit Exit Conference

Chairman Hernandez stated that the exit conference for the FY-2007 Audit would be in closed session, as the audit had not yet been approved by the Department of Finance Administration, and was not yet a public document.

Director Lyon made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in Attorney General Madrid's document, "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004, to discuss the FY-2008 audit. Director Eichenberg seconded the motion.

Chairman Hernandez stated that the closed session would be for purposes of discussion only, regarding the FY-2007 Audit. The motion passed (4-0).

Chairman Hernandez closed the meeting at 2:41 p.m., and reopened it at 3:23 p.m. He stated that the Board had taken no action during the closed meeting, but had discussed the FY-2007 Audit.

Consent Agenda:

There were no questions from the Board on any of the items on the Consent Agenda.

9. AMAFCA On-Call Engineering Services – Consideration of On-Call Engineering Services Agreements

- a. Category 1: Hydrologic/Hydraulic Analyses; FEMA Flood Map Revisions; Small Drainage Management Plans; Dam Inundation Mapping**
 - 1. Bohannon Huston, Inc.**
 - 2. URS Corporation**
 - 3. Smith Engineering**
 - 4. Easterling and Associates**



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- b. Category 2: Small Project Design, Construction Engineering, and Architectural Design; Structural Review and Design; Project Review and Inspection; Utility Review and Design**
 - 1. Bohannon Huston, Inc.**
 - 2. Boyle Engineering Co.**
 - 3. Wilson and Company**
 - 4. Smith Engineering Company**

- d. Category 3: Erosion, Sediment and Prudent Line Review and Analyses**
 - 1. Mussetter Engineering**
 - 2. Ayres & Associates**

The memo from Lynn Mazur, AMAFCA Development Review Engineer, stated that updated boilerplate contracts had been sent to each of the firms accepted by the Board for engineering on-call services. None of the firms requested any further changes. A handout showed the change that had been made in the boilerplate contracts since the October 25, 2007 Board meeting.

The memo requested the Board approve the On-Call Engineering Services Agreement and fee schedule for each firm, and authorize the Chairman to sign the contracts.

10. AMAFCA Lease Property

a. Consideration of Lease Bids for Rutherford Property

The memo from Loren Hines, AMAFCA Real Estate Manager, stated that two lease bids had been received for the Rutherford Property. The bids were \$900.00 per year from Johnny Trujillo and \$600.00 per year from Robert Kyzer. His memo requested that the Board approve the Lease Agreement with Johnny Trujillo and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA.

b. Consideration of Lease Bid for Embudo Arroyo at Jefferson Property

The memo from Loren Hines, AMAFCA Real Estate Manager, stated that one lease bid had been received for the Embudo Arroyo at Jefferson Property, from Liberty Gym, Inc., in the amount of \$2,500.00 per year. His memo requested that the Board approve the Lease Agreement with Liberty Gym, Inc., and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA.



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There being no further items on the Consent Agenda, Director Eichenberg made a motion that the Board:

- Approve the On-Call Engineering Services Agreements and the respective fee schedules as listed, and authorize the Chairman to execute the Agreements;
- Approve the Lease Agreement with Johnny Trujillo for the Rutherford Property, and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA; and
- Approve the Lease Agreement with Liberty Gym, Inc., and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA.

Director Lyon seconded the motion, which passed (4-0).

Mr. Kelly noted that representatives from six engineering firms were present. Their firms are parties to the on-call engineering contracts approved as a part of the consent agenda. He reported that feedback from the firms was that the contract changes negotiated with the URS corporate attorney made it a better contract for all parties.

Regular Agenda:

11. AMAFCA Lease Property – Consideration of Lease Bid for Herring Property

The memo from Mr. Hines stated that the lease bid documents had been provided to the existing tenant of the Herring Property, Ron and Patsy Maestas. No other parties requested lease bid documents. The existing tenant's lease bid was delivered to the AMAFCA office at 2:10 p.m. on October 25, 2007, ten minutes after the deadline set in the Request for Bids. No other bids were received. The RFB allows AMAFCA to "reject any or all Bids, or to waive any technicalities."

The memo stated that the Maestas' bid was for \$2,000.00 per year, the same rate as the last three years. The lease was at \$1,500 per year from 1998 through 2002. The Maestases are owners of the adjacent property, and have taken good care of the AMAFCA property during the terms of their prior leases.

The memo also stated that Attorney Bregman had reviewed the situation and concurred that the Board had the ability to waive the late submittal as a minor technicality. In the memo, he recommended the Board consider their Bid responsive, and lease the property to the Maestases.



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Chairman Hernandez noted that, as this had been the only bid received, he had directed staff to accept the bid as long as the Board agreed. In response to a question from Director Eichenberg, Mr. Kelly stated that the bid had been late due to heavy freeway traffic. He had initially rejected the bid, until he learned from Mr. Hines that there had been no other bids on the property. The bid was then accepted, provisional to Attorney Bregman's legal opinion and Board concurrence.

Director Lyon made a motion that the Board accept the bid from the Maestases as responsive, approve the Lease Agreement with Ron and Patsy Maestas, and authorize the Executive Engineer to execute the Lease on behalf of AMAFCA. Director Eichenberg seconded the motion, which passed (4-0).

12. Ditch and Water Safety Coordination – Annual Briefing by Joan Griffin, Griffin & Associates

Chairman Hernandez introduced Joan Griffin, of Griffin & Associates, the Ditch and Water Safety Task Force Coordinator. Mr. Kelly stated that the Agreement with Griffin & Associates provides that they will brief each of the funding agencies on the activities of the past year, on an annual basis.

Ms. Griffin briefed the Board on the past year's activities of the Ditch and Water Safety Task Force. She stated that once again, and most importantly, there were no drownings during the past year.

She reported that the Task Force held 68 school assemblies and special events, reaching 36,758 children. \$10,950 was raised from private businesses for the 2007 Swim Pass Program. 100,000 swim passes were printed last year, and they may print 150,000 passes this coming year. The funds for the Swim Pass program are raised separately from the funds provided by the funding agencies, and the pools are reimbursed \$0.75 for every admission using a pass.

She added that media coverage included a total of 19 column inches in the Albuquerque Tribune and Albuquerque Journal, and television coverage of the March 2007 Dam Opening, Swim Pass Program kickoff, and the Poster Contest with Albuquerque Public Schools, as well as Public Service Announcements in support of the Swim Pass Program and news coverage from June news releases. Total media coverage earned in 2007 had a value of \$57,731.00.

In response to a question from Director Lyon, Ms. Griffin stated that members of the Task Force included AMAFCA, the Middle Rio Grande Conservancy District, the City of Albuquerque, Bernalillo County, Albuquerque Public Schools, and Southern Sandoval County Arroyo Flood Control Authority. The City of Rio Rancho has been a funding member in the past, but currently is not. The SSCAFCA contribution increased last year. APS provides resources such as copying rather than funds.



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Director Lyon wondered if the New Mexico Department of Transportation should also participate, as they own and maintain the I-40 Channel in the middle of the I-40 freeway.

13. Film Productions on AMAFCA Right of Way – Review of Draft Resolution for Film Production Location Licenses

Mr. Kelly stated two versions of a proposed resolution regarding Film Production Location Licenses had been drafted, based on AMAFCA Resolution 1994-3, *Minor Recreational Licenses*. Film Production fees are intended to be \$500.00/day for site preparation and wrap up, with shooting days at \$1,000.00/day, plus full reimbursement of all direct costs of AMAFCA staff time spent in licensing and monitoring film productions. Benefits will be added at 40% of the employee's hourly rate.

Mr. Kelly added that his intention was to add these fees to Appendix A of AMAFCA Resolution 2006-8, *Reimbursement for AMAFCA Goods and Services*, which will be up for its first annual review and adjustment at the December Board meeting. He also intended to add the sediment sales royalty to the same Appendix, so that all fees charged by AMAFCA will be covered in one resolution, to be reviewed annually.

He asked for Board input on the draft resolution.

Discussion followed. Consensus of the Board was support of the longer version of the draft resolution, with the phrase about the ditch safety message to be reworded. Ms. Griffin expressed concern that locals who participate as extras may find the "Ditches Are Deadly" message diluted if movies are filmed on AMAFCA property during the rainy season.

Mr. Kelly stated he would reword that portion of the resolution, pursuant to the Board's comments, and would bring the revised resolution back to the Board for approval and adoption at the December 13, 2007 Board meeting. The fees will be added to the updated fee schedule of Resolution 2006-8.

14. Film Productions on AMAFCA Right of Way – Consideration of License Agreement with Kable Productions LLC.

Mr. Kelly introduced Jennifer Dunne, of Kable Productions LLC.

The memo from Mr. Hines stated that staff and Legal Counsel had prepared a License Agreement that is essentially the same as the Location Agreement used by the City of Albuquerque. Some changes were necessary to address AMAFCA's mission. The agreement will also serve as a template for future agreements with the film industry.



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The memo stated that fees of \$1000 per shooting day, and \$500 per set up and clean up day per location will be charged, along with reimbursement of related staff time, as outlined in the previous agenda item. They plan to shoot at two locations, November 16, 2007 through November 18, 2007. He added that he had authorized the film production company to enter the site early, to paint over graffiti. He requested that the Board approve the agreement and authorize the Executive Engineer to sign it.

Director Eichenberg made a motion that the Board authorize the Executive Engineer to enter into a Temporary Encroachment License Agreement with Kable Productions LLC. Director Lyon seconded the motion.

Brief discussion followed, during which Mr. Hines listed the locations to be used in filming, with filming to occur on November 18th; Ms. Dunne confirmed that all neighbors had been notified in writing, the police department will be present during filming, and 311 and 911 will be notified a half hour prior to any shots or explosions; Mr. Hines stated that Kable Productions had been very communicative and easy to deal with; and Ms. Dunne confirmed AMAFCA's fees were similar to those charged by the City.

The motion passed (4-0).

15. AMAFCA Right of Way Adjacent to UNM North Golf Course – Discussion of Proposals/Inquiries Received Regarding Potential Sale/Lease of AMAFCA Property

Mr. Kelly introduced Kim Murphy, of the University of New Mexico's Real Estate Office, and Randall Hicks, of the North Course Group. He also introduced Michelle Hunter, of R.T. Hicks Consultants, who worked with Mr. Hicks on the North Course Group's proposal.

Referring to a large map, Mr. Kelly stated that AMAFCA has a fee interest in 7.98 acres immediately south of Indian School Road for the North Diversion Channel, which changes to an easement interest from UNM for the remainder of the channel and box culvert the rest of the way to Lomas Boulevard. AMAFCA had recently received two communications regarding a portion of the AMAFCA parcel, one from Kim Murphy, Director of Real Estate for UNM, and the other from Randall Hicks, of the North Course Group, Inc.

Mr. Kelly added that both communications regarded the approximately 3 acre AMAFCA parcel on the southeast corner of the North Diversion Channel and Indian School Road, although the North Course Group's communication also involved other AMAFCA parcels. UNM has asked about purchasing this parcel from AMAFCA several times over the years, but it has not been considered surplus by staff or the Board.



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Mr. Kelly stated that the North Course Group's letter included a number of concepts, including selling Conservation Easement credits for some of the land. One of the additional parcels mentioned by the North Course Group is the detention pond on the east side of the North Diversion Channel just south of Menaul Boulevard, next to Balduini Park.

Mr. Kelly stated that a pump station costing approximately \$2 million would be needed to replace the detention pond and the gate well, which would be necessary to possibly make the pond area surplus. The channel's bank would make it impractical to combine the property at Indian School Road with property across the channel. AMAFCA also intends to use the property at Indian School as the construction yard for a future North Diversion Channel floor rebuild, and ultimately a water quality facility could be constructed on that parcel.

Mr. Kelly stated he did not consider either site surplus to AMAFCA's needs, and asked for direction from the Board.

Discussion followed, with Mr. Kelly, Mr. Murphy, Ms. Hunter, and Mr. Hicks answering a number of questions from the Board.

Mr. Kelly pointed out the location of the Broadway Pump Station outlet, discharging into the North Diversion Channel. He stated that a number of utilities were also located in the area. He described the work done by UNM to put a portion of the North Diversion Channel into a box culvert in the hospital area. Access points were required to allow AMAFCA to maintain the channel/box culvert. The recent box culvert expansion project cost UNM about \$3 million, and created approximately 1.6 acres of usable space for UNM. The agreement required an access point for maintenance purposes. If a longer section of box culvert were anticipated, he would like other access points, including one at the Broadway Pump Station outlet.

Mr. Murphy stated that acquisition of the AMAFCA parcel at the southeast corner of the North Diversion Channel and Indian School Road would complete UNM's land holdings in the area. If a portion of the North Golf Course becomes a retirement community, the land could be used to re-route the golf course. He noted that the course has an old irrigation system, resulting in two to three times the water use per acre as on the Championship Course. The course layout may be changed when the irrigation system is replaced, and the additional land in the area would be beneficial.

Chairman Hernandez disclosed that he is the president of a neighborhood association in the UNM area, has constituents in the North Course area, and is personally opposed to building on the golf course. He stated he would like to find a way to preserve the area as open space. He also asked about the cost of extending the box culvert from UNM Hospital to Indian School.



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Mr. Kelly stated that extending the box culvert from UNM Hospital to just past Indian School Road would cost approximately \$23 million, with \$11 million of that being for just the AMAFCA-owned portion of the channel. The box culvert would need to handle 5500 cfs flows, approximately two times the 100-year event. This was the Corps of Engineers standard project flood flow that AMAFCA is obligated to continue to pass. As the trunk of the system, the North Diversion Channel has more conservative design criteria.

Director Lyon opined that if UNM was serious about needing extra land, they could expand the box culvert and gain some usable land that way.

In response to a question from Director Eichenberg, Mr. Murphy stated that UNM would not need a zoning change from the City to change the use of the North Course land. Using a map, he pointed out where further expansions of UNM Hospital and the north campus were likely to occur. The UNM section of the box culvert will be expanded, in sections, to accommodate hospital growth. He added that the university does not own the retirement home on the west side of the North Diversion Channel at Indian School Road.

Chairman Hernandez requested that any further UNM expansions take into account the needs of those commuting by bicycle, and retain access to trailheads.

Ms. Hunter gave a brief presentation to the Board. She stated that the North Course Group proposed the Board consider non-traditional funding methods for non-traditional projects on AMAFCA land, including selling conservation easement tax credits. She also discussed the value of AMAFCA land, and potential uses of that land which may increase the value. Conservation easements would allow more land to be maintained as open space and wildlife habitat.

Responding to a question from Chairman Hernandez, Mr. Kelly stated that the slope would have to be maintained if the North Diversion Channel were put in a box culvert south of Indian School Road. Thus, the top of the box culvert treatment would be near the level of the land to the east of the channel, and would still be elevated above the land to the west of the channel.

Ms. Hunter stated it may be possible to put land into a Conservation Easement and still use it, under the terms of House Bill 990, which goes into effect January 1, 2008. Under that bill, the tax credits can be transferred (sold) to a different entity.

In response to a question from Director Eichenberg about the detention pond, Mr. Kelly stated that it is an approximately 0.5 acre pond northeast of the Balduini Park and Little League field. This pond collects flow in the low area next to the North Diversion Channel. A gate well is used to drain the pond after the main flow has passed. He added that, at a minimum, a \$2 million pump station would be required to keep the area dry, in order to declare the property surplus.



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Ms. Hunter stated that the benefit of a conservation easement is that it can establish a fiscal value to preserving open space on undeveloped land.

Mr. Hicks compared the low value of a drainage pond, versus the greater value of developable land. He stated that a conservation easement tax credit can be obtained for up to half the value of developable land, with a conservation easement being put on the land in perpetuity. His suggested strategy would provide the highest possible value to the undeveloped land.

He stated this does not mean that the land will be developed. Once the value has been set, AMAFCA could sell the land for development, or sell the conservation easement tax credit, retaining the land as a pond or creating a new ball field that works as a ponding area.

Mr. Hicks stated that if it can be shown that this can be accomplished by a public entity such as AMAFCA, they could expand the concept to other public entities such as UNM.

Director Eichenberg made a motion to defer further discussion of this item to the December 13, 2007 Board meeting. Director Saiers seconded the motion, which passed (4-0).

Director Lyon asked for more information on how tax credits can benefit an entity that doesn't pay taxes. Mr. Hicks commented that the regulations for implementing HB 990 have not yet been written.

Chairman Hernandez called a brief recess at 4:33 p.m. Director Saiers left the meeting at this point, due to a prior commitment. The meeting resumed at 4:38 p.m.

16. Field Highlights
a. Construction Report
b. Field Report

Mr. Wagener presented a slide show of current projects.

He commented on photos of the City's Embudo Trail Project. Bridge footings have been poured, and the bridge will be installed in January.

Mr. Wagener also had photos of the East Black Arroyo Channel Extension, which will bring water into the new water quality feature at Black Arroyo Dam. He also had photos of construction of the access shaft to the North Diversion Channel box culvert, next to the UNM Hospital expansion.



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The crew performed concrete repairs on the North Diversion Channel at Montgomery Boulevard. Mr. Wagner also had a photo of riprap currently stockpiled at the West I-40 Diversion Channel. The riprap has been obtained from developers.

A final photo showed the crew clearing brush at the West I-40 Diversion Channel. He stated that AMAFCA has accepted the West I-40 Diversion Channel Phase III and has taken over maintenance of the channel, and that the project was now complete. The Board applauded Jerry Lovato, AMAFCA Drainage Engineer, for his work on the project.

17. Unfinished Business

None.

18. New Business

a. Out of State Travel – World of Concrete Conference and Trade Show, Las Vegas, Nevada, January 21-25, 2008

Mr. Kelly stated that he would like to send two crew members, Max Jaramillo and Brandon Trujillo, to the World of Concrete Conference and Trade Show in Las Vegas, Nevada, January 21-25, 2008. One would attend the field supervisor seminar track, and one would attend the concrete basics and concrete repair seminar track. The event also has many onsite demonstrations and an extensive vendor area where state of the art equipment, tools, and materials are displayed. The conference has been of great benefit to AMAFCA in the past. Costs to send two crew members to the conference are estimated at \$2,014.66.

Director Lyon made a motion that the Board authorize out of state travel and expenses for two AMAFCA crew members to attend the World of Concrete Conference and Trade Show in Las Vegas, Nevada, not to exceed \$2,200.00, pursuant to Resolution 1998-16. Director Eichenberg seconded the motion.

In response to a question from Director Eichenberg, Mr. Wagener stated that two different crew members, James Moya and Sal Hernandez, had attended the conference last year.

The motion passed (3-0).

b. Middle Rio Grande Flood Control Association Annual Meeting, December 5, 2007, 7:00 a.m., Four Hills Country Club

Chairman Hernandez stated that the Middle Rio Grande Flood Control Association annual meeting and breakfast would be held Wednesday, December 5, 2007, at 7:00 a.m. at the Four



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Hills Country Club. Mr. Kelly requested that Board members interested in attending notify the Executive Secretary, Pam Woodruff.

19. Items from the Floor/Public Comment

In response to a comment from Director Lyon about drainage problems up by St. Pius, Mr. Kelly stated that there was a problem in the Quaker Heights subdivision, south of the San Antonio Arroyo, west of Coors Boulevard.

He stated that staff has had several discussions with a resident regarding the fence he put within the AMAFCA easement on the slope of the arroyo. The fence keeps getting washed out. There are also local drainage issues on his street. AMAFCA told the resident that AMAFCA would cooperate with the City to put in a storm drain outlet from the ponded water in front of his house into the AMAFCA arroyo, provided he granted the City an easement for the storm drain. The resident did not want to grant the easement, so the issue died.

He added that the City later came in and paved the streets, and now the ponded water is not in the street in front of his house, but between the houses and onto the new subdivision to the east.

Mr. Kelly stated that he sees this as a City drainage issue at this point. The City needs to design a storm drain and get an easement from the resident, Mr. Marquez. AMAFCA will have some involvement at the time the project is constructed.

20. Adjourn

With no further business to discuss, Chairman Hernandez adjourned the meeting at 4:48 p.m.

Tim Eichenberg, Secretary-Treasurer 12/13/07

Recorded by Pam Woodruff, Secretary to the Executive Engineer