

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF MARCH 21, 2000  
REGULAR BOARD OF DIRECTORS MEETING**

**I. CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:10 p.m.

Directors in attendance were Bill Joiner, Guy McDowell and Dub Yarbrough. James Dorn arrived at approximately 1:30 p.m. John Chaney was noted as absent. Staff members present were David Stoliker, Executive Director. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

**APPROVE AGENDA.**

A motion was made by Bill Joiner to approve the Agenda as presented. It was seconded by Guy McDowell and passed unanimously.

**II. SECRETARY'S REPORT.**

1. Approve Minutes from February 15, 2000.

Mr. Stoliker stated that the minutes of February 15, 2000 are not available to be handed out today and will be presented at the next meeting.

**III. LEGAL COUNSEL REPORT.**

1. Update of Unit 17 Property Sale.

Mr. Metzgar stated that the Local Government Division could approve sales of properties below \$25,000.00. He stated that Mr. Stoliker had written a letter to the Local Government Division asking for approval of the sales of the properties in Unit 17, including the ones over \$25,000.00. Mr. McHugh, of the Local Government Division, approved all of the sales at less than \$25,000.00. Mr. Metzgar stated that the adjacent property owner of Lot 35, of Block 167, Mr. Buckner, had asked to purchase that property, which was approved for sale at the appraised value. The additional approvals are for the public auction.

A motion was made by Guy McDowell to approve the sale of Lot 35, Block 167, to Mr. Buckner for appraised value of \$22,250.00. It was seconded by Bill Joiner and passed unanimously.

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Mr. Metzgar stated that the properties that are above \$25,000.00 could be sold at this time, subject to Board of Finance approval. Mr. Metzgar was instructed to proceed with the sale.

2. Approval/Action of Sheriff's Posse Road Agreement.

Mr. Metzgar stated the developer, the Town of Bernalillo, the County and SSCAFCA are cooperating in fixing the problem on Sheriff's Posse Road. The agreement indicates that the County will do all of the roadway work and SSCAFCA will contribute \$51,379.00. Mr. Stoliker stated that he would like the authority, if there are any change orders and unknown conditions, to go up to \$5,000.00 more. Mr. Metzgar stated that the total estimated construction cost is \$167,212.74.

A motion was made by Guy McDowell to approve the Agreement between the Town of Bernalillo, Sandoval County, SVC, LLC and SSCAFCA for the Sheriff's Posse Road project. It was seconded by Bill Joiner and passed unanimously.

3. Tree Farm Pond Land Acquisition Update.

Mr. Metzgar stated that SSCAFCA originally thought it would need land from the cemetery adjacent to the property and from Intel. Later, it was determined the only property needed was from the cemetery. Mr. Stoliker has written a letter to Mr. Narveston, the person located in Houston in charge of the property, about the property needed and also requested an Authorization to Enter. As of this date, the executed Authorization to Enter has not been received by SSCAFCA.

IV. TREASURER'S REPORT.

1. Approve Expenditures for 10/01/99 - 10/31/99.

A motion was made by James Dorn to approve the expenditures for October 1, 1999 through October 31, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

2. Approve Treasurer's Report for 10/31/99.

A motion was made by James Dorn to approve the Treasurer's Report dated October 31, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

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3. Approve Expenditures for 11/01/99 - 11/30/99.

A motion was made by James Dorn to approve the expenditures for November 1, 1999 through November 30, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

4. Approve Treasurer's Report for 11/30/99.

A motion was made by James Dorn to approve the Treasurer's Report dated October 30, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

5. Approve Expenditures for 12/01/99 - 12/31/99.

A motion was made by James Dorn to approve the expenditures for December 1, 1999 through December 31, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

6. Approve Treasurer's Report for 12/31/99.

A motion was made by James Dorn to approve the Treasurer's Report dated December 31, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

7. Approve Expenditures for 01/01/00 - 01/31/00.

A motion was made by James Dorn to approve the expenditures for January 1, 2000 through January 31, 2000 as presented. It was seconded by Bill Joiner and passed unanimously.

8. Approve Treasurer's Report for 01/31/00.

A motion was made by James Dorn to approve the Treasurer's Report dated January 31, 2000 as presented. It was seconded by Bill Joiner and passed unanimously.

9. Presentation/Discussion of the Yield Control Reduction in General Operating Property Tax Rate.

Mr. Stoliker introduced Kevin Powers, from Dain Rauscher. Mr. Powers stated that, combined with yield control, there is now a new factor to deal with when looking at property taxation in New Mexico. The recently adjourned legislature enacted House Bill 366. The bill was signed by the governor and implements a constitutional amendment passed by the general electorate at the general election in 1998. House Bill 366 establishes a statewide limitation on residential property valuation increases. It establishes a limitation of 3% per year increase in property value, or 6.1% for a two-year period. The limitations will not apply when a property is

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being valued for the first time, when physical improvements are made, when a change of ownership occurs outside the family, when a change in zoning affects how a property can be used, or when the sales ratio for any county is less than 85%.

In reappraisal years, SSCAFCA's assessed valuation has grown 10.4% and in nonreappraisal years it has grown 6%. Yield control reduces the tax rate to compensate for the big increase in property valuation.

With House Bill 366 coming in, yield control will become less of a factor. The assessed valuation will grow by any new value added onto the tax roles, plus an amount up to 3% each year for reappraisals. In bond calculation, House Bill 366 may require recalculation of some of the planning numbers. This information will be reassessed during the next bond election. No action was requested from or taken by the Board.

**V. EXECUTIVE DIRECTOR REPORT.**

1. Approval/Action of the Tree Farm Pond Bid.

Mr. Stoliker stated that the Tree Farm Pond project has been bid and introduced Clint Dodge, L/H, to present details on the bid. Mr. Dodge stated that SSCAFCA received three bids. The low bidder was Inca Construction Company, at \$649,350.00. The second lowest was Condore Construction Company at \$651,158.00. Both bidders bid it with a reinforced concrete spillway. The Khani Company bid \$706,809.00 with a soil cement cap. The engineer's estimate was \$649,235.00. Mr. Dodge recommended award to Inca Construction for its low bid amount. There is a proposed change order #1, which is to make some minor piping changes at the entrance into the pond to allow the placement of the cattle guard from Sara's Meadow to the Thompson fence line. The 54' of 60" pipe needs to be upsized to 66-inch pipe. They are also going to use a 36 inch pipe stub-out for the drain line rather than the 30 inch pipe planned and a project sign needs to be added. The change order is estimated to be less than \$2,000.00.

A motion was made by Bill Joiner to approve the bid, plus the change order #1, to upsize the pipe, change the Y, and to add a sign. It was seconded by James Dorn and passed unanimously.

Mr. Stoliker introduced Steven Deyapp, the owner of Inca Construction. Mr. Deyapp introduced Bob Nolan, with Ajax Enterprises, who will be doing the work.

2. Approval/Action Montoya's Arroyo DMP Literature Review.

Mr. Stoliker introduced Howard Stone from Bohannon-Houston. Mr. Stone stated that in his review they uncovered approximately 22 reports on the basin as of last year. The SCS, now NRCS, started doing a number of reports on the watershed in 1962 and completed their reports upon completion of the Harvey Jones Channel and the Dulcelina Curtis Channel. The SCS's study recommended the construction of those channels. There is a difference of opinion between the Corps of Engineers and the SCS on the hydrology, which is the calculation of the 100-year existing flows, but also on the hydraulics of the Harvey Jones Channel.

In 1986, the SCS computed a flow rate of 7,710 cfs. The Corps had a flow rate of approximately 15,000 cfs in 1992. One of the reasons for the difference is that the Corps used an analysis called "expected probability" and that additional analysis increased the flows by about 37%. In 1996, Resource Technology, Inc. did a study for FEMA, which included the Montoya's Arroyo, and they came up with a flow rate of 6,070 cfs. In 1999, Easterling, as part of the Northern Meadows project, determined a flow rate of about 6,800 cfs.

A motion was made by Bill Joiner to approve the Montoyas Arroyo Literature Review report presented by Howard Stone, which recognizes the previous reports in its preparation. It was seconded by James Dorn and passed unanimously.

3. Approval/Action Geomorphic Analysis of the Montoya's Arroyo System Report.

Mr. Stone stated that Dr. Mussetter prepared the geomorphic report. Dr. Mussetter has over 20 years of experience in rivers and streams and specializes in river mechanics and geomorphology, specifically in hydraulics and sediment transport.

Dr. Mussetter stated that geo means earth, morphology means the process of shaping. Geomorphology means the processes that shape and form the surface of the earth. Fluvial means river. Fluvial geomorphology is the process that causes rivers to behave the way they do and have the shape and form that they have.

He stated that in 1934, 1947 and 1954 there wasn't a lot of evidence of human activity in the upper part of the watershed. During those periods, the major human activity was grazing of the watershed. In 1975, you can see the major human change in the watershed. The roads concentrate the flows when you have storm and cause more erosion in the watershed. In 1986, you can see the urbanization of the watershed. In 1991, the Vista Hills

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subdivision has increased to over 800 acres and you have the beginnings of North Hills. In 1997, Vista Hills is the same size; North Hills is up to 400 acres. Paved roads have been built and when the water hits it, instead of part of the water infiltrating, it runs downhill.

In 1934, the arroyo had a very sinuous pattern. In 1947, the arroyo was shifting around, which natural channels do. In 1975, the arroyo had been straightened because of the highway. Because of the straightening, the elevation changed and the arroyo became much steeper and, therefore, more erosive. In 1991, the banks of the arroyo are very high, ten to fifteen feet in height. Before, in their natural condition, the banks were probably no more than three to four feet in height. The arroyo is starting to experience downcutting at the bridges.

A natural stream will tend toward a state of balance, which means that the issues associated with sediment are roughly in balance with those associated with water and movement of the water. If one of those factors is changed, the arroyo will get out of balance and will react to compensate.

The Corps has stated that under rural conditions, no development, a 100-year storm will have a peak discharge of 14,000 cfs at the head of the Harvey Jones Channel. Under fully developed conditions, 45% impervious area, a 100-year storm will have a peak discharge of 20,500 cfs.

Dr. Mussetter stated that his estimates show that, under fully developed conditions, at the peak of the 100-year flood, about 18% of that flow, by volume, will be sediment. This is called "bulking factor."

He stated that if SSCAFCA's full focus were on public safety, one extreme would be to concrete line the arroyo. This would create great control over the way the water flows, the channel could be made as big as it needed to be, and you wouldn't have any erosion or flooding problems. However, the cost of the channel would be very high. At the other extreme, SSCAFCA could leave it alone and create a "buffer strip" in which nothing would be done that could be damaged by flooding or erosion. This prudent line would have to be very wide. AMAFCA defines "prudent line" as the area along the channel that has a low probability of being damaged by flooding or erosion. FEMA, in the past, has focused strictly on the flooding issues, but has not dealt with the erosion problems. Erosion tends to be progressive.

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A motion was made by Guy McDowell to approve the report presented by Dr. Mussetter. It was seconded by Bill Joiner and passed unanimously.

4. Approval/Action on the Harvey Jones Channel Hydraulic Capacity Analysis.

Mr. Stone briefed the Board on the information contained in the report. After some discussion, the Board tabled any action and directed Mr. Stoliker to meet with the Corps of Engineers and the NRCS to try to resolve the capacities prior to Board action.

5. Presentation/Discussion of the Montoya's Arroyo DMP Existing Conditions Hydrology Report.

Mr. Stone briefed the Board on the information contained in the report. After some discussion, the Board tabled any action until the capacities issue was resolved or further investigated.

6. Approval/Action on Management Plan for Panta de Leon Arroyo.

Chuck Easterling, of Easterling & Associates, Inc., presented a Conceptual Management Plan for Panta de Leon Arroyo, who will be impacted by the Northern Meadows, development. It proposes minimal engineering improvements to the arroyo to minimize impact to the natural arroyo system. Mr. Easterling asked for approval of the Plan and agreed to all of the conditions of approval submitted by SSCAFCA.

A motion was made by Bill Joiner to approve the Conceptual Management Plan with the stipulated conditions. It was seconded by Guy McDowell and carried unanimously.

7. Approval/Action for the Executive Director to Extend Contracts on Additional Year for Engineers, Surveyors, Bond Counsel, and Financial Advisor.

Mr. Stoliker stated that the on-call engineers, surveyors, bond counsel and financial advisor contracts are up for renewal for another year and recommended that all of them be extended for another year.

A motion was made by Guy McDowell to extend the contracts for one year. It was seconded by James Dorn and carried unanimously.

**VI. CHAIRMAN'S REPORT.**

1. Legal Counsel Selection Committee.

Mr. Yarbrough appointed the Legal Counsel Selection Committee consisting of himself, Guy McDowell and David Stoliker.

2. Discussion of Mr. Stoliker's Correspondence to Mayor Kanin Dated March 1, 2000.

Mr. Yarbrough discussed the correspondence between Mayor Kanin and David Stoliker pertaining to Vista de Corrales Subdivision in Rio Rancho. Mr. Yarbrough indicated that the Subdivision does not meet SSCAFCA criteria for review and the Board had previously indicated that SSCAFCA staff should discontinue any further review of the project. Mayor Kanin was notified of this decision by Mr. Stoliker, but apparently the Mayor continues to ask for SSCAFCA review. Mr. Yarbrough stated that he would send another letter to Mayor Kanin stating the Board's position if Mayor Kanin persists in asking for SSCAFCA review of the project.

Mr. Yarbrough left the meeting at 5:05 p.m.

**VII. DIRECTOR'S COMMENTS.**

None.

**VIII. OTHER BUSINESS.**

None.

**IX. PUBLIC FORUM.**

None.

**X. CLOSED SESSION.**

A motion was made by Bill Joiner to go into a closed session for purposes of discussing pending litigation on the Dam 4 to 1 Pipeline Project - Tapia/Solomon case; potential litigation on Urban Pond 4 and Personnel/Policy Issue. It was seconded by James Dorn. Roll call vote: James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes. Motion passed 3 to 0.

The Board went into closed session at 5:05 p.m.



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**XI. RESUMPTION OF OPEN MEETING**

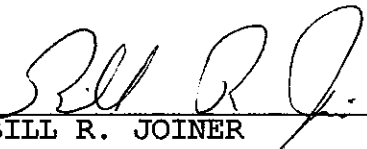
The Board reconvened in open session at 5:35 p.m.

The matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Mr. Metzgar stated that no action was necessary on the matters discussed in the closed session.

**XII. ADJOURNMENT.**

A motion was made by Bill Joiner and seconded by James Dorn to adjourn the meeting. It was carried unanimously. Meeting adjourned at 5:37 p.m.

  
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BILL R. JOINER  
Secretary

  
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WM. C. YARBROUGH  
Chairman

DATE APPROVED: 4-18-2000