

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MAY 15, 2001
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:07 p.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Richard Deubel, Guy McDowell, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, and Perry Baird. Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

APPROVAL OF AGENDA, SECRETARY'S REPORT AND TREASURER'S REPORT.

A motion was made by John Chaney to approve the Agenda as presented, the Secretary's Report for April 30, 2001 and the minutes of the April 17, 2001 Board Meeting and the Special Work Study Session with the Village of Corrales Council of April 3, 2001. It was seconded by Richard Deubel and carried unanimously.

PUBLIC FORUM.

None.

DISCUSSION/ACTION OF SSCAFCA'S DEVELOPMENT POLICY.

Mr. Chaney stated that an unwritten development policy has evolved over the years that SSCAFCA has been in existence. The question is how to treat another entity's financial obligation to SSCAFCA when its development has an impact on one of SSCAFCA's facilities or causes SSCAFCA to create a facility. SSCAFCA's original policy required that if an entity were going to put water into one of SSCAFCA's flood control facilities, then it would have to pay for a proportionate amount of a new or expanded facility. Since that time, it appears that SSCAFCA needs to look at its O & M obligations over a period of years and the eventual rebuilding of that facility when it reaches its end-life. He stated that the O & M and rebuilding of facilities issues need to be clarified in its development policy.

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Mr. Stoliker stated that in the past developers have paid for roadways and may be forced to pay for sewer or water line extensions. If there is a federal mandate for environmental issues, the developer may have to pay for those. There is some discussion at the federal level of developers paying for O & M and rebuilding of old facilities. The federal policy pertaining to O & M and rebuilding is not currently in writing. Mr. Chaney stated that in order to develop a property, the developer has to handle the drainage. If SSCAFCA then asks the developer to pay a proportional share of the O & M and future rebuilding, the consumer in the development should pick up the tab rather than the general public.

Mr. Metzgar stated that it will come to a point where the Board will have to allocate in the budget for future replacement and maintenance of facilities. At that time, the question is whether SSCAFCA is going to charge a developer for future O & M that SSCAFCA will have to provide. There are no statutes that require such charges; it is a question of policy.

Mr. Chaney stated that if SSCAFCA provides developers with flood control facilities at public expense using taxpayer dollars and didn't require any participation at all from the developers, let alone O & M or future rebuilding costs, then you would be subsidizing their business. When you do that, you cause rapid development and rapid urbanization. If you require the customer to pay most of the cost of the impact of the development, you slow down development.

Mr. Stoliker stated that the developers want the rules clearly written and published, which SSCAFCA does not have. The conditions have generally been that the developers capitalize the flood control portion of the project.

Mr. Stoliker reviewed the handout included in the packet. Mr. Conkling stated that the cost is more fairly spread the more urbanized the development is. Single lot owners do not pay for capitalization. The developers, when they do a development, pay for capitalization.

Mr. Yarbrough stated that the new federal regulations will bring this matter to a head.

Mr. Stoliker stated that there is a team working on the drainage management plan on the Montoyas Arroyo that will be completed in the latter part of this year. The team is looking at a lot of policies that will come out of that drainage management plan. There will be a suggested policy on how to assess things, how to develop things, what SSCAFCA's priorities will be, etc. No action was taken.

**ACTION/APPROVAL OF THE UNSER BLVD./RIO RANCHO GATEWAY
DETENTION FACILITY PROJECT.**

Mr. Cliff Spirock, of Community Sciences Corporation, stated that this proposed project is to decide what to do with regional drainage with available monies. AMAFCA, SSCAFCA, the City of Rio Rancho, the City of Albuquerque and the developers are involved. Until the City of Albuquerque takes an affirmative role one way or another on this project it is stalled and Community Sciences Corporation cannot go forward. He is here today to ask this Board to do one of three things: 1) approve the proposal in concept (which he does not recommend); 2) table the matter until the City of Albuquerque takes an affirmative approach (which he recommends); or 3) recognize that the City of Albuquerque does not have an effect at this time for controlling the project.

A motion was made by John Chaney to table this matter. It was seconded by Mark Conkling.

The motion passed unanimously.

**ACTION/APPROVAL OF THE 50% DESIGN DEVELOPMENT SUBMITTAL
WHICH INCLUDES BUILDING MASSING AND ELEVATIONS TO CONVEY THE
IMAGE OF SSCAFCA.**

Mr. Beierle stated that he is here to get approval on the overall designs of the SSCAFCA office building, specifically the elevations, the massing of the model, and any other issues the Board may have. They are in the process at this time of getting a budget cost analysis done in correlation with the drawings and the elevations. He presented the model to the Board.

He stated that the model does not show skylights, however, they are designed for the building. The building is at 5,200 square feet right now, which they would like to bring down a bit to stay within cost estimates. Board members wanted windows in the Boardroom.

Mr. Beierle stated that Mr. Yarbrough had suggested having an eight-foot high wall around the entire facility. Cost sharing with the neighbors was discussed. When you go above a six-foot high wall it costs more because of the engineering and other related costs. Mr. Deubel stated that if it will save money a six-foot high wall would be fine.

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A motion was made by Richard Deubel to approve the overall design image of the new SSCAFCA building including the building massing, elevations and a 6' wall, with the addition of a window in the Boardroom. It was seconded by John Chaney and passed unanimously.

PRESENTATION ON LOMA LARGA ROADWAY DRAINAGE REVIEW.

Action/Approval of any Updates.

Mr. Clint Dodge stated that he was asked to look at the Loma Larga design from a drainage perspective and the impact on the drainage as a result of the construction. He is still in the process, but he has some preliminary conclusions today. He also looked at the analysis of the design plans and the drainage report for Loma Larga. He does not have record drawings or "as built" plans and he is not sure of the status of the "as built" plans.

Mr. Dodge stated that the criteria, as far as he can determine, was the Highway Department Urban Drainage Criteria. The criteria for ponding requires 100-year ponds. For culverts, it requires 50-year design at the top of the pipe. The design of the drainage portion of the road may meet the two-year design, but no more.

Mr. Dodge stated that he was also charged with looking at the impact of the design on the West Side of the road. The situation is that in most cases, the roadway is higher than the old berm along the Main Canal. Historically, the run-off would have collected along the Main Canal in the low spots and eventually over-top the west bank, flooding the canal along with other consequences. With the roadway being higher than the canal, there will be backwater on the roadway. He looked at whether there were areas on the west side where the water was outside the right-of-way. Out of the nine different low spots in the road, there are five or six where that does occur. The depths at the right of way line range from one to two and one half feet in depth. This means that water is backing up onto private property. He did not have the data to determine if that is actually flooding a structure or not.

Mr. Dodge stated that the last thing they looked at was the impact of the flooding east of the Main Canal. One question was whether the new volume for the new road is greater than, or less than, the old volume along Loma Larga road. Historically, it was lower than the Main Canal berm. The ponding looked to be about the same so there is probably no major difference in the ponding. The next question was whether it changed the location where the over-topping might occur. Because the ditch bank changes each year, he couldn't determine where the over-topping might be different.

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Mr. Dodge stated that he has identified possible actions to resolve the issues identified. Potential short term actions include evaluating the areas west of Loma Larga where water may be backing up onto private property, doing surveys on the ground to determine what that is and obtain drainage easements to provide additional ponding. The second recommendation is to upgrade those portions not yet constructed to the Highway Department criteria. Under the long-range options, the first recommendation is to adopt a permanent plan to prevent the water from over-topping into the Main Canal. A regional pond might fix this problem.

Mr. Deubel asked who would pay for these changes. He stated that if SSCAFCA had gotten the plans as it was supposed to, SSCAFCA could have required that the plans be amended to meet SSCAFCA's standards before construction. The Highway Department or Corrales would have paid for the construction. Since the plans were not done to SSCAFCA's standards, SSCAFCA should not assume the cost for making the changes.

Mr. Conkling stated that the letter from Chris Allen states, "I have learned that no formal variance was created for Loma Larga, however, all plans for each phase of Loma Larga have been submitted to State Highway Department and have received approval." Somewhere along the line, somebody approved the design for the two-year event and the funds have been forthcoming. Yet, it doesn't meet the standards of the Highway Department. He believes it is a mystery.

Mr. Chaney stated that the answer is that Corrales didn't submit anything and the State Highway Department, being short on staff, simply said for Corrales to do it. Once it was finished, Corrales sent a document to the State Highway Department that stated that it had complied with what the Highway Department told the Village.

Mr. Deubel stated that Ms. Allen told him that there were drive-by inspections for the two-year event plans.

Mr. Metzgar stated that the Village signed a contract with the State Highway Department. In that contract, it required the Village to follow certain criteria. Any changes to that contract would have to be written. Apparently, the Highway Department doesn't have the personnel to check on it personally, but the Village needed to certify that it had complied with the requirements of the contract. That was done and it appears that the Highway Department funded on that basis. Mayor Kanin certified that the Village had followed the design criteria stated in the contract.

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Mr. Stoliker stated that there is a current, known deficiency, which is the backwater going into adjacent private properties that needs to be mitigated. To solve the problem a study needs to be done including surveying and engineering work. There are options that would be derived from that work on how to mitigate the damage. The cost for the study would be approximately \$20,000. The mitigation of some of the properties, depending on the extent, could be around \$200,000. If you want to solve the whole problem, it could easily become \$1 million. If it had been done when the roadway was done, the cost would have been substantially lower.

CLOSED SESSION.

A motion was made by John Chaney to go into closed session for the purpose of discussion potential litigation on Loma Larga Road in the Village of Corrales. It was seconded by Guy McDowell. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 5-0.

The Board went into closed session at 3:15 p.m.

RESUME OPEN SESSION.

A motion was made by Mark Conkling to resume Open Session. It was seconded by Guy McDowell and passed unanimously.

The Board resumed open session at 3:40 p.m. Mr. Yarbrough stated that the items discussed in Closed Session were related only to the issue stated and that no formal action was taken.

EXECUTIVE DIRECTOR'S REPORT.

1. Roskos Field Pond Project Update.
 - a. Action/Approval on the following Field Orders:
 - i) 24" Ductile Iron Pipe Substitution for RCP;
 - ii) Increase in Silt Fencing;
 - iii) Water Service Line Replacement (from 1" to 2");
 - iv) Controller Comm. Change;
 - v) Structural Fill Gradation;
 - vi) Wetlands Planting;

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- vii) Action/Approval of an Electrical Distribution Change Order; and
- viii) Action/Approval of Engineering Task Orders in support of Roskos Field project changes.

A motion was made by Mark Conkling to approve items 1 through 6 above. It was seconded by Richard Deubel and passed unanimously.

Mr. Dodge stated that they had originally budgeted some money to relocate three overhead power poles at Roskos Field. When they actually met with Parks & Rec and the PNM people on site, the power from one of those poles extended south into the park to several other light poles. Parks and Rec wanted the light poles taken out. By taking them out, all the overhead power could be removed. The intent was to put that back as underground electrical. The City said that bands at the gazebo blow the circuit breaker all the time and wanted to upsize the service to 200 amps. The plans were put together with PNM to extend primary power to the tennis courts, put in a pad-mounted transformer and keep all the lights. The civil engineering estimate was \$10,000 to \$15,000. The present data from the contractor is at \$35,000. The electrical engineer did an independent cost study, which is in the \$32,000 to \$33,000 range. The change order is for \$35,000.

Mr. Stoliker stated that SSCAFCA had allocated contingency money of \$93,000 and this money would come out of that contingency, including the other change orders already approved.

A motion was made by Mark Conkling to approve item 7, with a limit of \$35,000. It was seconded by Richard Deubel and passed unanimously.

Mr. Stoliker stated that item 8 is an engineering change order to support the Roskos Field project changes. These task orders are for surveying, engineering and all other changes needed to be made. This change is also in the contingency money.

A motion was made by Mark Conkling to approve item 8, with a limit of \$18,000. It was seconded by John Chaney and passed unanimously.

For Your Information:

- a. On May 1, 2001 the LOMR was submitted to FEMA for Dam 4 to 1 and Dam 1 Outfall Floodplains in Corrales.

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Mr. Stoliker stated that the LOMR has been submitted for the Dam 4 to 1 and Dam 1 Outfall Floodplains in Corrales.

b. Letter to Mr. and Mrs. John Keehart Regarding Parcel C, Rio Rancho.

Mr. Stoliker stated that the property that Mr. Keehart was interested in had been dedicated to the City of Rio Rancho. It is now in the City's hands.

CHAIRMAN'S REPORT.

1. Discussion of the Addition of a Consent Agenda.

Mr. Yarbrough stated that it is a good idea to go forward with a consent agenda. Mr. Chaney stated that due to the complexity of many of the matters brought before SSCAFCA the consent agenda should be limited to the ordinary course of business, and not have unique items that have not been brought before the Board placed within the consent agenda. Mr. Metzgar stated that is the way a consent agenda works. If there is any item within a consent agenda that somebody has a problem approving without discussion, then, at the beginning of the meeting, that item would be removed from the consent agenda. Mr. Conkling stated that with a consent agenda, the Board would get its agenda books earlier. SSCAFCA should also have a policy that people cannot submit items for discussion past a certain date. This way, the Board would not get a pile of papers at the meeting that they haven't had a chance to look at and the Board would not have to entertain presentations from people if they aren't on the agenda. Mr. Yarbrough suggested that the Board try the consent agenda for a couple of sessions to see if they like it. Mr. Stoliker stated that he has been trying to get new agenda items from the public two weeks ahead of time. However, there are emergency items that might need to be added to the agenda. There was general consensus that emergency items can be brought to the Board, but they must be severely constrained to emergencies.

2. Discussion of the Addition of the Pledge of Allegiance.

Mr. Yarbrough stated that the Pledge of Allegiance should be said at the beginning of every Board meeting. Almost all other public entities say the Pledge of Allegiance before their meetings. He stated that the Board will try it to see how they like it.

DIRECTOR'S COMMENTS.

1. House Bill 222 - Relating to Flood Control; Amending the Arroyo Flood Control Act to Provide for Election of Directors from Single-Member Districts.

Mr. Deubel stated that House Bill 222 was passed. House Bill 222 causes the authority to district according to census. SSCAFCA would need to contract to a service that would do the districting for them. Mr. Metzgar stated that an RFP would be needed on this matter. If it is under a certain amount of money, you can do it without an RFP, but you can't go to just one person. You have to follow the procurement policy. In every situation, no matter what you're spending, you must have bids. Mr. Stoliker stated that he would prefer to do a proposal because it is "cleaner" for him.

2. Discussion of Installation of a SSCAFCA Web Page.

Mr. Deubel stated that a SSCAFCA web page has been discussed in the past. He thinks it is a good idea, provided that it doesn't cost that much. Somebody would have to be hired under contract for constant revision of the web page as necessary. The Agendas could be posted on the web page.

Mr. Metzgar stated that posting on the web page would not be sufficient notice to the public of meetings. The notices would still need to be published. The publication for the regular meetings runs at the first of the year. Special meetings are published and posted where specified in the same resolution.

Mr. Deubel stated that the web page may be useful in getting bond issues passed. If the facilities are posted on the web page, people will be more open to voting for the bond issues.

OTHER BUSINESS.

Mr. Yarbrough stated that Pam has now been off for about a month and a half, with the possibility of having to be off another month or so. He is concerned that SSCAFCA is short one person, which puts additional load on the rest of the staff. Mr. Stoliker was instructed to call Pam to find out her status.

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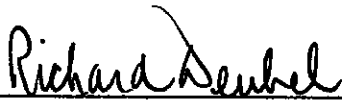
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ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Guy McDowell to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:10 p.m.



WM. C. YARBROUGH
Chairman



RICHARD DEUBEL
Secretary

DATE APPROVED: 10 JUN 01