



**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF JULY 16, 2002  
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 1:10 p.m. Because of a lack of a quorum, the meeting was recessed until 3:00 p.m. Mr. Metzgar stated that no action could be taken until a quorum was present but that Cliff Spirock of Community Sciences Corporation wanted to bring the Chairman and members of the public up to date on Enchanted Hills South.

**Presentation of Enchanted Hills South by Community Sciences Corp.**

Cliff Spirock stated that Community Sciences Corp. has been working with the City of Rio Rancho on a submittal document that was submitted last January. They were heard in June on an informal study session basis. Today's meeting is as much an information item for the public as it is the SSCAFCA Chairman. They are not asking for any action at this time. Concurrent with the zoning comes the master plan, shortly after that will be the prudent line analysis and drainage studies, shortly after that will be the bulk land plats and in the middle of that, since the property is already zoned R-1, there may be some subdivision plats.

They submitted a short abbreviated document called the "Enchanted Hills South Master Plan" and a larger document containing technical addenda and some draft works on covenants, homeowners associations, etc. A combined request was submitted to the City of Rio Rancho asking for a revision to an existing master plan, a rezoning application with its attendant development agreement, and a vacation and replatting action. The project consists of approximately 800 acres, which is south and west of the existing Enchanted Hills. (Mr. Spirock concluded his remarks and the recess continued.)

The meeting was called to order by Dub Yarbrough, Chairman, at 3:22 p.m.

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Dub Yarbrough.

## **ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Richard Deubel, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, Bob Foglesong, Perry Baird, Jim Service and Pam McGrath. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

## **APPROVAL OF AGENDA.**

A motion was made by John Chaney to approve the Agenda as presented. It was seconded by Richard Deubel and passed unanimously.

## **CONSENT AGENDA.**

### 1. Action/Approval of Minutes of June 18, 2002.

Richard Deubel stated that on page 5, second to the last paragraph, states that there is almost no area platted or unplatted for the arroyo. Mr. Stoliker stated that the unplatted refers to the arroyo bottom land.

A motion was made by Richard Deubel to approve the minutes of June 18, 2002, as presented. It was seconded by John Chaney and passed unanimously.

### 2. Action/Approval of Treasurer's Report for June 30, 2002.

A motion was made by John Chaney to approve the Treasurer's Report dated 06/30/02 as presented. It was seconded by Richard Deubel and passed unanimously.

## **ACTION/APPROVAL OF ACCOUNTING RESOLUTIONS FOR 2002-8 THROUGH 2002-11.**

### 1. Resolution 2002-8 Budget for Fiscal Year Ending June 30, 2003 (Fiscal Year 2003).

A motion was made by John Chaney to approve Resolution 2002-8 as presented. Roll call vote: John Chaney, yes; Richard Deubel, yes; Dub Yarbrough, yes. The motion passed 3-0.

### 2. Resolution 2002-9 Ad Valorem Tax Levy for Tax Year 2002 (Fiscal Year 2003) Applicable to General Operating Fund.

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Mr. Chaney asked if the tax levy remains the same under this resolution. Mr. Stoliker stated that the levy remains the same.

A motion was made by John Chaney to approve Resolution 2002-9 as presented. Roll call vote: John Chaney, yes; Richard Deubel, yes; Dub Yarbrough, yes. The motion passed 3-0.

3. Resolution 2002-10 Ad Valorem Tax Levy for Tax Year 2002 (Fiscal Year 2003) Applicable to Debt Service Fund.

Mr. Chaney asked if the tax levy remains the same under this resolution. Mr. Stoliker stated that the levy remains the same.

A motion was made by John Chaney to approve Resolution 2002-10 as presented. Roll call vote: John Chaney, yes; Richard Deubel, yes; Dub Yarbrough, yes. The motion passed 3-0.

4. Resolution 2002-11 Petty Cash.

Mr. Baird stated that this resolution is to increase the petty cash fund from \$100.00 to \$200.00.

A motion was made by John Chaney to approve Resolution 2002-11 as presented. Roll call vote: John Chaney, yes; Richard Deubel, yes; Dub Yarbrough, yes. The motion passed 3-0.

**PUBLIC FORUM.**

None.

**CHAIRMAN' S REPORT.**

1. Purchase of Lot 34, Block 18, Unit 16.

Mr. Yarbrough stated that Clint Dodge will speak about a pond in Unit 16 and some adjacent property to it.

Mr. Dodge stated that the piece of property in question is adjacent to the 19th Avenue Pond. The 19th Avenue Pond doesn' t drain at all. That drainage area was

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included in the Black Arroyo Study to find out how big it was, how much drainage was coming to it, if it was big enough, etc. It turns out to be significantly undersized for the 100 year event. There is a lot adjacent to the pond which SSCAFCA staff suggested purchasing to enlarge the pond to resolve a part of the problem.

Mr. Yarbrough stated that without improvement to the pond, in a 100 year event, the neighborhood will be under four feet of water. Mr. Stoliker stated that this lot is located adjacent to the 19<sup>th</sup> street pond and the funds for its purchase was part of SSCAFCA's budget that the Board just approved. SSCAFCA has set aside \$40,000.00 for this matter. The appraised value of the property is \$30,000.00, and the owner is asking \$30,000.00 or best offer. SSCAFCA staff is ready to make that offer to the owner. It is a half acre lot and there are two half acre lots that make up the existing pond. The purchase of this lot will not be enough to fix the problem by itself.

Mr. Chaney is concerned about the possibility that more land might need to be purchased and there is no way to know how much that will cost. Mr. Stoliker stated that the purchase of this lot will not entirely solve the problem but is a necessary component of all solutions. This lot is at the low point in the watershed and next to the original pond. It will expand the existing pond and staff knows that more volume is needed.

Mr. Stoliker stated that when they had Mr. Dodge do the Black Arroyo Watershed Management Plan he briefly looked at putting in a piping system to pump the water out. This was did not look to be feasible. The water cannot be taken to Roskos because there is no room there. It would have to be taken to Golf Course Road. This option appears to need a 40' to 50' cut through that roadway in order to get it there. Pumping systems for storm water are extremely expensive and have a bad track record for breaking down because of their infrequent use. Given the limited study, the best solution to the problem is to provide storage by purchasing property. There has not been a study done to define all the property, but this lot is one of the pieces that SSCAFCA would need.

Mr. Dodge stated that the rest of the property in that area has already been developed. Some of those lots are very deep and narrow and there may be an opportunity to purchase the back of somebody's property and replat some of the property. Mr. Deubel suggested trading some of SSCAFCA's excess property for the lot. No contact has been made with the owner yet. The plan recommends expanding the pond onto the existing vacant lot and then doing a study to look for an

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outfall to drain the pond or to look at some secondary ponding on other lots. A study of that sort would cost approximately \$15,000.00. The capacity of the pond is approximately 20 acre feet. Mr. Dodge stated that it will take approximately two months to complete the study.

A motion was made by John Chaney to approach the landowner for a trade of SSCAFCA's excess property in Unit 17 for his lot. If the owner does not want to do that, then staff should make an offer to buy the lot contingent on having the study completed so that the Board will know the total cost of the solution will be. The contingency should run for 60 days to allow Mr. Dodge time to complete his study. It was seconded by Richard Deubel.

Mr. Yarbrough stated that this lot is part of the solution, but a study will still need to be done on the problem. You need at least 38 or 40 acre feet in order to avoid a flood in a 100 year event. The pond is only 20 acre feet. Buying this lot will bring protection up to a 15 or 20 year event, rather than a 5 year event. When the plan was set up, all the money was allocated. There was \$40,000.00 allocated for the purchase of this lot. If the lot is bought for \$30,000.00 and the study is done for \$15,000.00, money will have to be pulled from some other project. Mr. Stoliker stated that he believes the purchase of the property at this time will hold off the need for a study until that money can be budgeted.

Mr. Yarbrough stated that if the owner of the lot does not want to trade that SSCAFCA should purchase the lot because this is a problem area and by not having the property, SSCAFCA could have a much worse situation down the road.

Mr. Chaney amended his motion to approach the landowner for a trade of SSCAFCA's excess property in Unit 17 for his lot only. It was seconded by Richard Deubel.

The motion passed unanimously.

**BOARD OF DIRECTORS' COMMENTS.**

Mr. Deubel asked for an update on the web page. Mr. Stoliker stated that staff has met with some webmasters on setting up a web site and was informed that it is not a simple thing to do. In order to do it right it will cost more money than was initially thought and maintenance must be done often. The web page has to be housed somewhere and people are looking for something interactive and useful. A

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web page can be set up for around \$500.00, but it will not be what the public would expect. It was decided to hold back on it until later this fall.

**ATTORNEY' S REPORT.**

Mr. Metzgar stated that there is nothing to report.

**EXECUTIVE DIRECTOR' S REPORT.**

1. Action/Approval of the July 2, 2002 Request from Michael Foster of Sandoval County, to Remove 15,000 Cubic Yards of Sediment from the Inlet to the Harvey Jones Channel.
  - 1) Approved July 3, 2002 Task Order #MO-03-E-B-B to Bohannon/Huston.

Mr. Stone stated that he first looked at the inlet to the Harvey Jones Channel to see if there was any potential for allowing the County to take sediment out of the facility and still make sure the facility performs its primary function. There is a section from 5074 to 5086 which would offer an opportunity to remove sediment without impacting the facility. If they did that, they probably would have to get with the Corps of Engineers and get a 404 permit. The 404 permit would be required because they would be taking earth out below the middle/high water line. The County is looking at getting 15,000 cubic yards out of the facility.

Mr. Stone stated that he reviewed the as-built plans by the NCS. They built a four foot protection at the front of the berm all the way around. He would be nervous about taking any more earth and risking getting near the bottom of the toe for the berm. Mr. Foster said that he had received information from Mr. Stoliker on how to cut them and what to stay away from because they don' t want to do any damage. They are going to stay 100 feet away from the concrete undercut. If you go below the depth of your original construction, you would hurt the facility because it would be below the original design.

Mr. Stoliker stated that there is a need to be careful on how the sediment is taken out, but it should not be a major problem. It has to be done in a way that SSCAFCA has oversight over the removal.

A motion was made by John Chaney to approve the removal of the sediment subject to Mr. Stone' s guidance and oversight. It was seconded by Richard Deubel.

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Mr. Yarbrough stated that the 15,000 yards of material includes the portion with the sagebrush on it. He does not believe there is 15,000 yards of material that can safely be taken out of the arroyo. Mr. Stone stated that the County is not proposing to take it all from the bottom and there are sites at the north and the south that it can be taken from. Mr. Foster stated that there is about 6,000 to 10,000 yards still available on the north within the boundaries. Mr. Yarbrough stated that he would like to see the County start with Northern Boulevard and then come down to fill out what it needs. Mr. Foster stated that they would like to finish with the contractor they have in there now and then go to Northern.

Roll call vote: John Chaney, yes; Richard Deubel, yes; Dub Yarbrough, no. The motion passed 2-1.

Mr. Yarbrough stated that at one time SSCAFCA had proposed an agreement with Sandoval County that was signed by SSCAFCA but never signed by the County. The MOA sets forth some costs and Mr. Stone has a task order for \$5,000.00 to survey the Channel to give his opinion. He has been paid almost the entire amount to date. If the County provides the machinery to excavate the soil and haul it out and meet all of Mr. Stone's proposals, SSCAFCA is out \$5,000.00 to date. He recommends that SSCAFCA get a signed contract with the County before much more excavation is done. The MOA states that the County is supposed to pay transportation and other related costs to SSCAFCA. Had the County signed the MOA, it states that the County was agreeing to reimburse SSCAFCA for any costs related to the soil removal. So far the County has not been charged anything.

Mr. Stoliker stated that the County has indicated that it is going to take an MOA between the County and SSCAFCA to the Commission but he has not seen a copy of what they are proposing. Mr. Foster stated that he has not seen it either. Mr. Foster stated that if there is an agreement between SSCAFCA and the County, the County, in good faith, would most likely be willing to take care of getting the MOA signed so that this matter can go forward.

A motion was made by John Chaney to withdraw the approval of the previous motion. Mr. Deubel seconded Mr. Chaney's motion to withdraw. The motion passed unanimously.

Mr. Deubel stated that the County is helping SSCAFCA by taking out the sediment that will eventually have to be removed. He stated that he could see charging the County for removal of soil that is not in the arroyo itself, but he does not

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see why SSCAFCA should charge them anything for removing soil from the arroyo bottom. The County has been allowed to take sediment without the agreement being signed and without being charged. Mr. Foster stated that the County is under a time constraint where they need to get the soil out of the arroyo within the next couple of weeks. If the MOA is on the agenda for Thursday night, the County will sign off on it at that time, so long as they agree with it.

Mr. Metzgar stated that SSCAFCA has not seen the MOA that is in front of the County for Thursday night and, therefore, SSCAFCA does not know if it is the same as the one that SSCAFCA proposed in 2000. There may be some changes that have been made by the County. In the previous MOA, the County would pay for hauling or other related costs associated with hauling. If the agreement is the same, SSCAFCA is protected. If the language has been changed, he would need to see the agreement before giving an opinion on it.

Mr. Yarbrough stated that the costs related to the engineering and the studies done on the arroyos need to be done by SSCAFCA because SSCAFCA reports to the Corps of Engineers, but can't SSCAFCA get reimbursed by the County? Mr. Foster stated that he does not believe the cost is high enough to fight about and he doesn't think the County is going to deny helping SSCAFCA with the costs. Mr. Yarbrough stated that if SSCAFCA hires a contractor to remove the soil, the soil has an actual value of about \$3.50 per yard. Mr. Chaney stated that they are not going to charge the County for the sediment; but that if there are associated costs with the removal, then SSCAFCA should be reimbursed.

A motion was made by John Chaney to approve the County's request for removal of the 15,000 cubic yards of sediment subject to Mr. Stone's oversight and essentially in conformance with a written agreement as the MOA in the Board's packets. It was seconded by Richard Deubel and passed unanimously.

2. Presentation of Enchanted Hills South by Community Sciences Corp.

Mr. Metzgar stated that an informational presentation was done by Mr. Spirock before a quorum was present and that no action was required on this issue. Mr. Stoliker stated that Mr. Spirock was trying to keep the Board abreast of what was happening. The subdivision is around 800 to 900 acres and is just south of Enchanted Hills and includes and encompasses the Venada Arroyo.



3. Action/Approval for Payment Request from the City of Rio Rancho for Unit 17 JPA.

Mr. Stoliker stated that SSCAFCA had previously approved a JPA with the City of Rio Rancho for a drainage study of Unit 17. The City has completed the study. Mr. Schultz, a professional drainage engineer with the City, stated that the City is content with the study and feels it has gotten a good value for its money. This is not a final design, but is more of an overview of the significant problem areas in the basin and identifies some conceptual solutions. Anything done beyond this will need final design, but the study does analyze the basin. The City is requesting that SSCAFCA authorize payment for the final product. He does not have the exact amount, but it is a little over \$19,000.00 of which SSCAFCA will pay 50% up to \$10,000 as per the JPA. Mr. Stoliker stated that this goes under the local government assistance. He stated that they are looking for acceptance of the report and approval to pay up to \$10,000.00 of the cost based on the final bill. He stated that staff is okay with the report.

A motion was made by John Chaney to approve half of the final bill, up to \$10,000.00, once the City of Rio Rancho has received it. It was seconded by Richard Deubel and passed unanimously. A general consensus was given to the staff for acceptance of the report.

4. Action/Approval of Library Pond Multi-Use Plan.

Mr. Stoliker stated that this is part of the 528 project. As part of that project, SSCAFCA was able to do a study that shows that two ponds need to be put in on City property, one at Eastlake Drive and 528 and the other at the library. By doing that, SSCAFCA is able to go from twin box 10' by 12' culverts into pipe up to 96" and the project could save anywhere from \$5 to \$6 million.

Mr. Stoliker stated that the State Highway had programmed a normal pond with steep side slopes. The City didn't like that and wanted something more naturalistic and more aesthetically pleasing and more useful. The Highway Department has agreed that if SSCAFCA can get the plan to them on time, they can make it part of the bidding process. If, during the bidding process, enough savings occur, then the Highway Department will actually do the improvements.

Mr. Dodge stated that meetings were held to determine which plan for the pond best met the public's interest. Out of the four original plans, option C was the best choice for all parties involved. The plan is that the Highway Department builds

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the basic pond as part of the system. It has agreed to incorporate as many of the improvements for the upgraded pond as they can within the design build budget. The allocation of the cost of the landscape improvements, trails, etc. that the Highway Department does not build has not been made. The report does say those costs will have to be borne by the City of Rio Rancho, SSCAFCA and others.

Mr. Deubel questioned whether that upgrade in cost would be related to flood control or whether it would be related to multi-use aspect of the pond. If the City of Rio Rancho is going to pay for the upgrades, that is no problem. Mr. Stoliker stated that by building the pond, the community saves \$5 million. He stated that SSCAFCA is trying to get a pond built that will be a drainage pond but that will also be a multi-use pond so that the City will maintain it. The pond is approximately 7 acres and it is estimated that it is around \$2,500 to \$4,000 per acre to maintain on an annual basis, for a total of up to \$25,000 per year. SSCAFCA has spent approximately \$40,000 on the study and if the City takes over the pond and does the maintenance on it, SSCAFCA can recoup its money in two years.

The pond is next to the Veterans' Memorial. Staff has worked with the library board, which has approved the plan with some very minor changes. The City of Rio Rancho Parks and Recreation has given confirmation that it is okay with the plan. The report has the final recommendation of Option C.

A motion was made by John Chaney to approve and accept the Library Pond multi-use plan as presented. It was seconded by Richard Deubel and passed unanimously.

5. Action/Approval of Mission/Vision Statements.

Mr. Stoliker stated that staff has been working on a vision statement and a mission statement. It was the consensus of the Board to move this matter to the next meeting.

6. Action/Approval of NPDES Task Orders.

- i) Parsons: \$60,485.00 S/plus NMGRT;
- ii) ASCG: \$23,500.00 S/plus NMGRT; and
- iii) Wilson & Co.: \$30,000.00 S/plus NMGRT.

Mr. Stoliker stated that this matter deals with the issue of getting some task orders approved to do the NOI and program for the NPDES. There are task orders for Parsons for \$60,485.00; ASCG for \$23,500.00; and Wilson & Company for

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\$30,000.00 to write the NOI and the program. Parsons is planning on taking the lead. ASCG and Wilson & Company will support. Mr. Chaney stated that this item should be tabled because of time constraints.

A motion was made by John Chaney to table this matter and set a special meeting of the Board to discuss this issue. It was seconded by Richard Deubel and passed unanimously.

A special meeting was set for August 6, 2002 at 1:00 p.m.

**7. Action/Approval of Standard Wall Design.**

Mr. Stoliker stated that there is no action needed on this matter. It is a task order for \$4,000 which will set the specifications for walls to be put up by SSCAFCA. Every time you build a different type of wall it costs money to store the material so that you can fix that type. It will be easier to have a standard wall so that only one type of material will need to be stored. Having a standard wall design will decrease costs over the long run. Mr. Deubel stated that there was no reason to hire and pay someone to come up with specifications to build a block wall. Mr. Stoliker stated that by having someone do this, it will be stamped and will contain all the drawings and the specs and the items clearly identified. If there is a standard design, the next time a wall needs to be built, the specifications can be given to the wall builder and it will be in conformity with SSCAFCA's design.

Mr. Yarbrough stated that he would like to discuss this matter at a later date.

**8. Action/Approval of Surveying and Fencing Projects.**

Mr. Stoliker stated that staff wanted to show the Board the surveying and fencing projects that have been proposed. The Board has approved a \$30,000 budget item for fencing, which includes surveying. The packet includes a prioritized listing of the projects that staff will be doing. General consensus was given for the listing.

**9. Indian Bend Wash Update.**

Mr. Stoliker stated that he spoke with Mr. Spirock. Mr. Spirock is going to have the planner who worked on the Indian Bend Wash project in Phoenix in town during the week of August 12, 2002 and he would be available to meet with Mr. Stoliker.

**FOR BOARD INFORMATION:**

1. Executive Committee Meeting Minutes for June 11, 2002.

Mr. Stoliker stated that these are contained in the Board's packets.

2. June 19, 2002 Letter from William G. Walker Regarding a Request for Public Records.

Mr. Stoliker stated that this is contained in the Board's packets.

3. June 20, 2002 Letter to Governor Johnson Requesting a Temporary Appointment of Ms. Annette Jones to the SSCAFCA Board of Directors Replacing the Late Guy McDowell.

Mr. Stoliker stated that this is contained in the Board's packets. There has been no response from the Governor as of this date.

4. May 7, 2002 Letter from Kenneth Curtis Supporting Option B of the Black Arroyo DMP.

Mr. Stoliker stated that this is contained in the Board's packets.

5. SSCAFCA Building Update.

- i) Contractor's Application for Payment #3, #89,213.43;
- ii) July 1, 2002 Letter to Shannon Eubanks @ CORR Regarding the Recorded Mylar of the Building Site;
- iii) Approved Change Orders #2 and #3.

Mr. Stoliker stated that these are contained in the Board's packets. The building is past 50% completion and is a few weeks ahead of schedule. It seems to be going very well. General consensus was given for the change orders.

6. June 25, 2002 Letter to David Thompson Requesting Completion of the Unit 17 DMP.

Mr. Stoliker stated that this is contained in the Board's packets.

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7. Property Closing Statements for Middle Venada Parcels 3-BT and 6-BT.

Mr. Stoliker stated that this is contained in the Board' s packets.

8. Public Service Announcement.

Mr. Stoliker stated that this is contained in the Board' s packets.

9. Bond Election Brochure and Mass Mailing Update.

- i) June 26, 2002 Letter to SW Mail Center;
- ii) June 21, 2002 Article Published in the Albuquerque Journal.

Mr. Stoliker stated that these are contained in the Board' s packets.

10. Board of Directors Election Update.

- i) July 2, 2002 Letters to Candidates;
- ii) July 2002 Letter to Victoria Dunlap.

Mr. Stoliker stated that these are contained in the Board' s packets.

11. October 11, 1990 Board Meeting Minutes Setting a Price per Page for Copies.

Mr. Stoliker stated that this is contained in the Board' s packets.

12. Procedure for Initiating, Assigning and Numbering Task Orders.

Mr. Stoliker stated that this is contained in the Board' s packets.

13. Draft Copies of Final Memorial Plaque Design for Annette Hise Jones and Johnnie G. Losack.

Mr. Stoliker stated that this is contained in the Board' s packets.

14. July 7, 2002 Albuquerque Journal Article Regarding the Flycatcher Case.

Mr. Stoliker stated that this is contained in the Board' s packets.

15. June 19, 2002 Correspondence to Daniel Beaman, Village of Corrales, Regarding El Dorado De Corrales.

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Mr. Stoliker stated that this is contained in the Board's packets.

**CLOSED SESSION.**


Due to time constraints, there was no closed session.

**OTHER BUSINESS.**

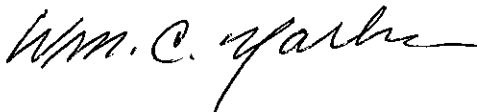
***Reminder: The Board meeting for August and September will be held in the Rio Rancho Council Chambers at City Hall.***

**ADJOURNMENT.**

A motion was made by John Chaney and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 5:30 p.m.

  
RICHARD DEUBEL  
Secretary

WM. C. YARBROUGH  
Chairman



DATE APPROVED:

20 AUG 02