



**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF APRIL 29, 2005
BOARD OF DIRECTORS SPECIAL MEETING**

CALL TO ORDER.

The special meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 9:00 a.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, Mark Conkling, Donald Rudy, and Dub Yarbrough. David Stoliker, Executive Director, 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 Mark Conkling and passed unanimously.

ANNOUNCEMENTS.

Announcements were made by Dub Yarbrough that all electronic devices needed to be turned off during the meeting.

ACTION/ACCEPTANCE OF SCOPE OF WORK/TASK ORDER WITH ASCG AND BUDGET FOR COMPLETION OF THE QUALITY OF LIFE FLOOD CONTROL PLANNING PROJECT.

Mr. Stoliker stated that SSCAFCA recognizes that development has traditionally implemented approximately 75% of all drainage improvements within its jurisdiction. Proper planning performed at the earliest stages assists development in understanding what is needed and what is beneficial to the community. It also increases the likelihood of its implementation. It has always been SSCAFCA's desire to include quality of life attributes – recreation, open space and ground water infiltration areas in its flood control planning as illustrated in SSCAFCA's original goals. He stated that the goal is to recognize the value of land purchased or controlled for floodways as areas with multi-use potential, and to assist in the coordination of flood control with other entities for the common good of the public. He stated that Mr. Counts, of Community Sciences in Phoenix, Arizona, is the right person to develop the scope of work to address quality of life

flood control planning. A synopsis has been provided to the Board. However, the scope of work is not refined enough for an agreement.

Mr. Stoliker stated that ASCG and Community Sciences really want to work on this project. The current budget of \$150,000.00 appears to be right on target. It will take between eight and twelve months to complete. Everyone seems to agree that the City of Rio Rancho, the Town of Bernalillo, Sandoval County, and the Village of Corrales need to be involved in all stages of the project because they will be responsible for a major portion of the implementation and the O & M after construction.

Mr. Chaney stated that this type of planning project was brought up from day one as an eventual goal for SSCAFCA. It seems now that SSCAFCA has matured to the point where it is ready to tackle this project.

Mr. Conkling stated that he and John Chaney met with SSCAFCA staff, Community Sciences, and ASCG. They looked at the overall quality of life issue. They wanted to make sure they stayed focused on the primary purpose of SSCAFCA, which is flood control. Nevertheless, within the flood control boundaries and the flood control arroyos and associated structures, they continue to see opportunities for multi-use; especially low cost trails, naturalistic features, walking areas, and other items that can be planned together. The vision grew during the course of the meeting to include the entire flood control boundary of SSCAFCA. They have not yet defined the size of an arroyo that would be suitable for multi-use purposes, but one of the task orders would be to mark those and come up with criteria for those purposes. As the discussion went on, more ideas evolved, one of the more exciting being that if SSCAFCA could find a way to interact with the City Parks Department and make certain that the City's and SSCAFCA's planning incorporated ways of continually working together, it would be great. They came up with the idea of the largest park in New Mexico, with the greatest number of trails anywhere in the State, serving a primary function of controlling floods, but allowing public access for multi-use. He stated that this provided a golden opportunity on the Barrancas as the City Center evolves. There are parks throughout the 160 acres plan for the City Center that can tie into SSCAFCA's drainageways very nicely.

Mr. Conkling stated that if it is planned carefully, SSCAFCA could do a demonstration project in the middle of the City Center of how flood control, multi-use parks and public safety all go together. They then looked at the new school and the largest regional park planned by the City and saw another opportunity for a demonstration project with the same kind of impact as Haynes Park. By the end of the meeting, the scope of the work had increased to feature these demonstration projects and create excitement for all involved.

Mr. Chaney stated that they also discussed the risks involved if a Master Plan is created for the drainage system. If the other entities within SSCAFCA's jurisdiction do not go along with it, then this might not be able to be implemented. A strategic part of this program would be to get the other governmental entities behind SSCAFCA and, if necessary, implement new laws to enforce the plan.

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Mr. Cliff Spirock, of Community Sciences, stated that the primary purpose of planning is not implementation, it is communication. Another problem that will be faced, especially with dealing with a Board that normally deals with engineering contracts, is that SSCAFCA is familiar with defining a scope of work that has a relatively short fuse, and a defined objective going in. Planners don't necessarily work that way. They work with community focus plans that involve the stakeholders in the future. To look at a planning objective down the road is really to look at the process. As you go through the process, one of the important things at the front end is to deal both with the public entities, more particularly the City of Rio Rancho, and the community. From those meetings, SSCAFCA's objective may change. He stated that the communication will focus on SSCAFCA's goals 2 and 4, as well as benefit the community.

Mr. Spirock stated that for the Lomas Encantada, which used to be known as Enchanted Hills South, they did a land design, a plan was approved by the City and everything was going fine. Then, someone mentioned that the Venada Drainage Master Plan was in process and to hold up. Mr. Dodge and ASCG worked on the Venada Plan. Mr. Spirock and Community Sciences worked cooperatively with them and shared information. Adjustments were made to the Plan for the primary function of flood control. Then, it was ready to be implemented and some of the facilities seemed to be costly. The costs are absorbed over time by SSCAFCA and the public. Somewhere between 20% and 30% of that Plan is already funded. Because of the communication in the beginning, AMREP was convinced that they should start donating land, and part of the cost of implementing the Venada Plan was the acquisition of right-of-way. A great deal of that has been consummated because SSCAFCA had the foresight to articulate its vision, and the Plan was sold with its benefits and quality of life features. The City saw the network of trails, the accessibility, and the location that was fostered by SSCAFCA.

Mr. Spirock stated that at the southwest corner of Lomas Encantada a regional park was built. The school district was to build a school in the area that is adjacent to the park. There were also expectations for a higher density multi-family parcel right on the bank of the arroyo and right on the LEE line. It was suggested that the road be located on or near the LEE line. This prohibits development so the vistas will be preserved. If you do that, you can take the AMREP land, do your designs for the park and the school and return the City an equal amount of acreage that is now contiguous. This is good planning and was initiated by SSCAFCA.

Mr. Spirock stated that they have anticipated fees for the planning of approximately \$127,000.00 and to be finished by the February 6, 2006 Board meeting for final action. They are willing to incorporate bail out provisions in the contract if something goes wrong, where they get a 30 day notice and SSCAFCA is not committed to the fee. Their only request is that they have two separate contracts, one for CSE as Planners and one for

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ASCG as reviewers and working partners in this since they are most familiar with the facilities and the objective of the Board.

Mr. Chaney stated that one of his objectives was that SSCAFCA take a leadership position. SSCAFCA has the first opportunity on the land to control its character *vis-a-vis* flood control. He is pleased that SSCAFCA has taken the leadership at every opportunity. Mr. Chaney stated that SSCAFCA can look at major arroyos with high cfs flows, tributaries with medium cfs flows, or go the entire route and look at even the smallest drainage areas.

Mr. Spirock stated that at this time they don't have a defined objective. The honest answer is that they don't know what the scope of work will be. He can assure the Board that if they proceed in this direction and are contracted, the scope of work will evolve from what they are hired to do.

Mr. Rudy stated that SSCAFCA has a charter to develop the flood control areas. This takes SSCAFCA up the arroyos most of the way, but there are areas that are beyond where SSCAFCA needs to go. If this is coordinated with Parks and Recreation, then where SSCAFCA stops, they can pick up. This would guarantee that the flows into the arroyos that SSCAFCA controls are still rational and naturalistic, which would simplify SSCAFCA's job and their job as well.

Mr. Yarbrough stated that before this goes much further, SSCAFCA should get all the entities that might be involved and invite them into discussions on this project to get their agreement and input before SSCAFCA spends any money. Up until now, every time that SSCAFCA has had an opportunity to do anything in the way of recreation, SSCAFCA has gotten something in return for the money it expended on the recreation portion of the project. He wants to be very careful what SSCAFCA spends its money on. It took three tries to get the bond issue passed. If SSCAFCA doesn't do what it promised the public it would do with the funds, another bond issue won't pass for a long time. The City Center project seems to be a more urgent matter at this point. He has not yet seen a viable task order on this issue yet. He wants to give David Stoliker some breathing room to come up with an entire package and time to talk to the other entities that might be involved.

Mr. Rudy stated that he would hate to get sidetracked on specific projects at this point like the City Center, when everyone knows SSCAFCA has to get involved and do that work. It seems to him that the areas where SSCAFCA has excelled are the areas in which SSCAFCA has had its planning done ahead of the other entities. Right now, the thing he sees as the biggest headache SSCAFCA has deals with the acquisition of right-of-way for the facilities SSCAFCA knows it needs now. He believes that there is not much time to give David breathing room, SSCAFCA needs to get the planning done quickly.

Mr. Conkling stated that one of their discussions had to do with proceeding carefully and having things in return as SSCAFCA went along. They commented that one of the

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reasons that AMREP has been willing to donate land is that SSCAFCA has suggested its importance. Part of AMREP's corporate culture now is to donate land to SSCAFCA as needed. The Committee decided to give David Stoliker leeway up to his \$10,000.00 limit to create visionary photos or plans to go to the stakeholders and ask them what they think.

Mr. Metzgar stated that there is no question that anything that SSCAFCA does besides flood control SSCAFCA must have consideration for it. He is not sure that obtaining arroyo land from AMREP is the consideration for this planning project. He asked David Stoliker if plans for quality of life features serve a good flood control purpose, which he answered affirmatively because it might allow SSCAFCA to hold its LEE line by the trails, etc. He has no legal problem on doing the planning aspect of this project based on what he has been told. He stated that another problem is a separate contract for ASCG and for Community Sciences to do this planning. Right now, Community Sciences has a survey contract and ASCG has an on-call engineering services contract. This was proceeding under ASCG because it would have Community Sciences as a sub-contractor.

What SSCAFCA would have to do on an ordinary planning situation like this is put out an RFP. The only other way that this could be done otherwise is if this contract was given to Community Sciences as a sole source contract. Sole source procurement contracts may be awarded for services without competitive sealed bids if SSCAFCA has determined after conducting a good faith review of available sources that there is only one source for the required services. Written justification must be set forth in the procurement files. David would need to conduct negotiations as appropriate as to price, delivery and quantity in order to obtain the price most advantageous to SSCAFCA. In addition to this, SSCAFCA shall maintain, for a minimum of three years, records of sole source and emergency procurement. The records of each such procurement shall be public records and shall contain the following: contractor's name and address, the amount of the contract, a listing of the services procured under the contract, and the justification for the procurement method, and condition necessitating the procurement. In order to proceed in this way, that justification would have to be shown.

Mr. Conkling asked if Community Sciences could then procure services of other engineers to help them. Mr. Metzgar stated that in any contract you must be able to bring in the proper expertise that it needed. The contracts don't have to be combined. Mr. Stoliker stated that he can justify a sole source contract. There are not many people who do what Mr. Counts of Community Sciences can do. An extensive search was made several years ago and Mr. Counts was the only individual that had expertise in the high plain region of the Southwest. He stated that the planner, Community Sciences, wants to be independent of the engineer, ASCG.

A motion was made by Mark Conkling that the Board direct David Stoliker to bring back to the Board an identified scope of work on the quality of life flood control planning and that, in the meantime, he use his discretion to assemble graphics, talking points, and planners in appropriate meetings. It was seconded by Donald Rudy.

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Mr. Yarbrough stated that David has discretion to contract up to \$10,000.00. The only problem he has is that before a contract is issued, SSCAFCA needs an upper limit of what it will spend. By going forward with this issue so quickly, the Board can't lose sight of the fact that SSCAFCA has three dam projects that were big points on getting its bond issue passed. These projects can't be shoved aside. Mr. Metzgar stated that SSCAFCA would need to have a contract with Community Sciences specifying the work, including costs. It cannot be an open ended contract. The specifics of costs must be contained in the contract. Mr. Conkling stated that the contract can contain a certain amount for the scope of work. Contingencies can be contained in the contract where SSCAFCA can stop it at certain points or extend it at certain points, so long as it is contained in the scope of work in the beginning. Mr. Metzgar stated that the planning can be done in phases within the contract.

Mr. Stoliker stated that the City of Rio Rancho is moving forward very quickly in the City Center/Barranca project. He has no problem with doing a sole source contract with Community Sciences, having the scope of work on planning estimated at \$125,000.00, and add to that an extra scope of work for a demonstration project in two areas; one in the regional park and the other in the City Center/Barranca project. If this is not done now, the opportunity might be missed.

Mr. Spirock stated that he would like the contract to also include "bail out" provisions without penalty to SSCAFCA. Since the objective is not defined, something might go wrong and during the course of this project there may be other opportunities, or the City might be unwilling to participate, etc. He would also like to have the contract contain provisions directed toward the justification of sole source that Community Sciences Corporation also has engineering level errors and omissions insurance. They do employ engineers for the facilitation of the planning but that for specific design, such as a demonstration project, they would be relying on Mr. Stoliker and ASCG.

Mr. Metzgar stated that in all service contracts SSCAFCA has a 30 day termination provision for both parties. The sole source justification will not be contained in the contract. It is a separate and distinct file of how SSCAFCA determined sole source on this project.

The motion passed unanimously.

DISCUSSION OF FUTURE ACTIONS.

None.

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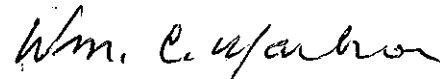
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ADJOURNMENT.

A motion was made by Donald Rudy to adjourn the meeting. It was seconded by John Chaney and passed unanimously. The meeting was adjourned at 10:13 a.m.



JOHN CHANEY
Secretary



WM. C. YARBROUGH
Chairman

DATE APPROVED:

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