

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)**

**MINUTES OF DECEMBER 16, 2005
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 9:05 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Steve House, Donald Rudy and Dub Yarbrough. Bernard Metzgar, SSCAFCA's attorney, David Stoliker, Executive Director, and members of the public were also present.

PLEDGE OF ALLEGIANCE.

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

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

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

CLOSED SESSION.

A motion was made by John Chaney to go into Closed Session on personnel items. It was seconded by Donald Rudy. Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion carried 5-0.

RESUME OPEN SESSION.

A motion was made by Donald Rudy to resume the Open Session. It was seconded by Steven House. The Board was back in open session at 10:05 a.m. Mr. Yarbrough stated that the only matters discussed in the Closed Session were the personnel items as listed and that no official action was taken.

1. Action/Approval of Personnel Items for Closed Session.
2. Action/Approval of Additional Engineer Hiring.

A motion was made by Steven House to approve Item #1, the new engineering position discussed and recommended by the Personnel Committee. The Personnel Committee has recommended a salary range between \$60,000.00 and \$65,000.00 per year for a registered engineer with 5 to 10 years of experience. It was seconded by Donald Rudy and passed unanimously.

Mr. Yarbrough stated that Mr. Stoliker had requested that SSCAFCA pay for his education in obtaining a master's degree from Anderson School of Management. The cost will be about \$30,000.00, all inclusive. Mr. Stoliker will front the funds as necessary. When he receives a passing grade in his classes, SSCAFCA will reimburse him for that portion. It will take approximately two years to complete the course. Mr. Metzgar stated that the commitment is that Mr. Stoliker will remain with SSCAFCA for at least two years after graduation.

A motion was made by Dub Yarbrough to approve SSCAFCA's reimbursement to Mr. Stoliker for his master's degree as outlined above. It was seconded by Steven House.

Mr. Stoliker stated that if he leaves before he completes the MBA program, he will reimburse SSCAFCA completely for everything spent to that point. Once he graduates, the reimbursement will be on a pro-rata share if he leaves early.

The motion passed unanimously.

Mr. Yarbrough stated that the Personnel Committee also discussed a bonus for the staff for this year for Jim Service, Bob Foglesong, Laura Davis and Erica Baca. The bonus will be \$250.00 for each mentioned employee for a total of \$1,000.00.

A motion was made by Dub Yarbrough to approve the bonuses as presented. It was seconded by Donald Rudy and passed unanimously.

Mr. Yarbrough stated to Erica Baca that the Board and staff has decided that she needed a special recognition plaque to thank her for all her hard work and effort she puts into her job. The plaque is for exceptional job performance, unceasing work ethic, and extraordinary service to SSCAFCA. Erica Baca accepted the plaque with gratitude.

CONSENT AGENDA.

1. Action/Approval of the Minutes of November 18, 2005.

A motion was made by John Chaney to approve the minutes of the November 18, 2005, Regular Board Meetings as presented. It was seconded by Mark Conkling and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR NOVEMBER 30, 2005.

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Donald Rudy presented the Treasurer's Report for November 30, 2005. There were no questions on the report.

1. Action/Approval of FY/05 Audit.

Mr. Rudy stated that the Board has received the audit and has had an exit interview with the auditor. SSCAFCA has received no criticism on its audit and has actually received commendations from its auditor for the level of SSCAFCA's financial performance.

Mr. Stoliker stated that with the ENRON issue it is now required that the Board look at the audit and read it. The Board is responsible for it. Mr. Stoliker stated that he has read it several times himself and it is acceptable for approval today. The second paragraph on page 5 states that "SSCAFCA's Board of Directors adopted a debt management policy in fiscal year '03 which provides that bonds be structured and issued in such a way as to keep the debt service mill rate constant at .87 mills and have a final maturity of 12 years." Staff will continue to try to hold to this policy. He stated that last year there were three items noted on the audit, which were corrected even before the audit was finalized. There are no audit findings for this current year.

Mr. Perry Baird stated that on page 3 there is a new section required by GASB 34 last year, which is repeated this year, and is updated each year. It is called a Management Discussion and Analysis. It is used to give some narrative to the financial statements rather than just present numbers. SSCAFCA has net assets of \$29 million, which is an increase of \$4 million. Much of this is AMREP donations of land.

A motion was made by Donald Rudy to approve the FY/05 Audit as presented. It was seconded by Mark Conkling and passed unanimously.

BOARD OF DIRECTORS' COMMENTS.

None.

ATTORNEY'S REPORT.

None.

EXECUTIVE DIRECTOR'S REPORT.

1. Action/Acceptance of Sonoran Ridge Village Center on Southeast Corner of Highway 528 and Corrales Road.

Mr. Stoliker stated that the Sonoran Ridge Valley Center is on the southeast corner of Corrales Road and 528 where the Lomitas Negras Arroyo comes into the Dulcelina

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Curtis Channel. The development is asking to place the arroyo in a box culvert and reclaim the corner. Staff is looking for a concept approval on this matter.

Mr. Chris Pacheco, counsel for Marty Mares, stated that the overall idea is to reclaim some of the property that is currently used as the drainage arroyo in the area and incorporate it into a retail center that Mr. Mares is developing on that corner. When they initially came in there were discussions about how to make exchanges for this property for the land that would be recovered and for different types of development that Mr. Mares would do. After October 27, 2005, there were additional discussions and meetings where there was a revised plan discussed that would accomplish Mr. Mares' goals and also speed up and simplify the process and allow Mr. Mares to do this project internally with SSCAFCA approval and without Board of Finance approval. The revised proposal is submitted today.

Mr. Pacheco stated that the tract that was formerly known as D-1-C, which is essentially the corner piece of that intersection, which was later incorporated into one large single tract of land that goes through the pond to the east, will be conveyed back to AMREP. AMREP maintained a reversionary interest that if the property was ever used for any reason other than drainage control, it would revert back to AMREP. SSCAFCA will agree that the property can revert back to AMREP subject to a drainage easement. Mr. Pacheco stated that Mr. Mares will then enter into a separate agreement with AMREP to acquire that property. The conveyance of the property will not happen until such time that the drainage improvements are completed. SSCAFCA will approve all the engineering for the improvements and will hold title to the property until Mr. Mares has completed his portion of the project. If there is some need to have title changed earlier, Mr. Mares can post a letter of credit or other financial guarantee to make sure that the improvements are completed.

Mr. Pacheco stated that Mr. Mares, at his expense, will go through the replat procedure with the City of Rio Rancho to incorporate the D-1-C parcel into his development and will show the location of the easement that will be retained by SSCAFCA for drainage purposes. Within that drainage easement, Mr. Mares is proposing to do a box culvert which will be constructed within the standards approved by SSCAFCA as designated by SSCAFCA and as sized for future development expansion upstream. The agreement would provide that all of those are subject to Mr. Stoliker's and staff's approval of all plans before construction. Mr. Mares will also construct the landscaping improvements on top and will have the surface maintenance, watering, and all other obligations related thereto.

Mr. Pacheco stated that SSCAFCA will provide the design and engineering for its pond downstream. As consideration for the maintenance obligations on the drainage improvements for which SSCAFCA will be responsible, Mr. Mares, at his cost, will remove the dirt from the pond up to 100,000 cubic yards. Discussions that are not part of the agreement at this time are that the understanding is that there may be some additional

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pipe or other improvements to the pond for which Mr. Mares will be responsible. SSCAFCA will be responsible for maintaining the pond and the drainage improvements, with the exception that if there is a need to disturb or penetrate through the surface improvements to access the drainage improvements, those maintenance repairs will remain Mr. Mares' responsibility.

Mr. Pacheco stated that the center being built will have the right to free discharge into the pond and into the drainage improvements. This is subject to any water quality control requirements requested by SSCAFCA. Mr. Mares has agreed to this.

Mr. Stoliker stated that the arroyo adjacent to the shopping center will be hard lined, filled in and covered over. They will put in a concrete box culvert and a parking structure on top. The City of Rio Rancho has already passed a resolution approving this project. This sort of facility will be more costly over time to SSCAFCA, but Mr. Mares is taking out 100,000 cubic yards of material and they are going to do the landscaping on top. There is a large cost savings to SSCAFCA by helping to construct the Lomitas Negras Dam. The Board has already approved Mr. Dodge to do the design on the dam.

Mr. Metzgar stated that there is some language in the letter that he does not feel that SSCAFCA should accept. The concept presented by Mr. Pacheco is accurate. By accepting the concept, SSCAFCA is not accepting what is contained in the December 14th letter.

Mr. Stoliker stated that the agreement must be written that if SSCAFCA ever has to dig through the landscaping or the pavement to repair it, whoever owns that property will be responsible for it. It is SSCAFCA's understanding that Mr. Mares and Mr. Pacheco are okay with this type of language. The property is currently owned by SSCAFCA with the reversionary clause to AMREP. It is his understanding that the box culvert will be owned by the development and the roadway will be owned by the City.

A motion was made by Mark Conkling for concept approval of the Sonoran Ridge Village Center as presented. It was seconded by Steve House and passed unanimously.

2. Authorization to Establish Budget and Advertise Saratoga Road Crossing Project.

Mr. Rob Demeule, of Huitt-Zollars, stated that this project is being bid with an alternative, that being to utilize pre-cast boxes. By using pre-cast boxes it may be cheaper, but the original estimate doesn't show that it will be. The main base bid is approximately \$340,400.00; the bid alternative 1, with the pre-cast box is at \$396,089.00. They have final comments from the City and are anticipating final comments from Mr. Metzgar on the bid documents. Assuming the Board authorizes them to go to bid today, they anticipate to advertise for bids the first three weeks of January; hold a bid opening the third week in January, which will give the Board the opportunity to authorize the award to bid; pre-

construction meetings will be held in February; and construction is anticipated to begin at the end of February and be done before the rainy season starts in the summer. The bid includes a 10% contingency.

A motion was made by Steve House to approve the Saratoga Road Crossing Project budget and to go out for bid. It was seconded by Donald Rudy and passed unanimously.

3. Project Update on Quality of Life Flood Control Arroyo Planning.

Mr. Rick Counts, of CSC, stated that they would like the Board's advice as to whether or not they are pitching the master plan to the desired audience. They are significantly into the master plan draft production, with portions of each of the four sections completed; however, they are not as far as they had hoped to be by this date. They are going to expedite completion and are continuing research on a variety of subjects, including, but not limited to natural resources, wildlife, existing structures, etc. The current activities are that they are working on the facilities plan, section 3, which will include a watershed portfolio, which will have a separate subsection on each of the major SSCAFCA watersheds. An important feature of this overall plan is to have a relatively accurate grab on where and when development will be occurring in this rapidly growing jurisdiction. They will produce a manual for technical use, as well as one for more popular public use. The user manuals are intended, at this point in time, to be loose-leaf notebooks. In the master plan itself, they are stressing cross-references to the quality of life user manuals. All in all, they want to make sure that the master plan and the manuals are consistent with the Board's expectations and policies pertaining to the area.

Mr. Conkling stated that he and Mr. Chaney have suggested having a visionary link for all of the activity. The vision was the word "park" and they came up with some potential names - Millennium Park as an example. He would like to see this entire put together under one coherent vision which includes the word "park" providing that the Parks and Recreation Department with the City of Rio Rancho is actively involved.

Mr. Chaney stated that every meeting there are proposals from developers that eliminate open space and SSCAFCA's ability to create a park out of the arroyos. Without some sort of comprehensive vision and statutory implementation, it could all get chopped up over time. He would like to see more emphasis on how the entities working together could implement legislation.

Mr. Counts stated that it is important to stay focused on the fact that they are not just serving the residential development in Sandoval County, but they also want to have an effective interface with commercial properties. Mr. Conkling stated that there may be good reason to alter a LEE line, but it should never be at the expense of cutting off a trail.

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Mr. Counts stated that they will map the tributaries and believe that they are an important component of each watershed. One concept they are working on is that they would like to show in the profiles of each of the major arroyos where the velocities are at different stages as you go up into the headwaters. This would allow them to make recommendations as to whether it would be useful and worthwhile to recommend facilities, ponding or dams, higher up so as to reduce the amount of storm water that has to be transported lower.

Mr. Stoliker stated that because of this quality of life study that SSCAFCA is doing, Representative Tom Udall wants to tour SSCAFCA ' s facilities.

6. Concept Approval of 15 Acre Development Adjacent to Montoyas Arroyo West of Boys and Girls Club.

Mr. Stoliker stated that he wanted to move this issue item up and consider it now. It is a development by AMREP of a 15 acre site whereby AMREP would be willing to pay \$50,000.00 toward future facilities, which would reduce the LEE line for its development. AMREP would also provide that 1.08 acres be used for trail use. It would probably go to the City with SSCAFCA taking an easement. Staff is recommending approval.

Mr. Mike Castillo of AMREP stated that the LEE line is determined by an equation that was determined by scientists to determine the worst case scenario in an undeveloped area. The situation on this property clearly shows how much land can actually be used if the LEE line is moved.

Mr. Spangler stated that the area in yellow which is stated as being dedicated to SSCAFCA or the City may not end up being dedicated. It may end up being an easement or some other form of control. They had thought of putting it as a common area so that it could be maintained by a homeowners ' association or some other private entity.

A motion was made by Donald Rudy to approve the concept as presented. It was seconded by Mark Conkling and passed unanimously.

4. Action/Acceptance to Authorize \$20,000.00 for Digital Orthoimagery Mapping Through MRCOG.

Mr. Stoliker stated that the Council of Governments has requested assistance with mapping of the entire jurisdiction from Los Lunas and Belen all the way up into Cochiti Dam. This mapping will be done in 6 inch contours and will cost SSCAFCA \$20,000.00. This was programmed in SSCAFCA ' s budget, but since it is over his limit he needs Board approval to go forward.

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A motion was made by Mark Conkling to approve the \$20,000.00 expenditure for Digital Orthoimagery Mapping through MRCOG as presented. It was seconded by Donald Rudy and passed unanimously.

5. Sportsplex Dam Update.

Mr. Howard Stone, of Bohannon-Huston stated that the total construction costs, with contingencies, are roughly \$4.4 million; the total soft costs are about \$1.1 million, for a total project of \$5.5 million. He does not believe the right-of-way will cost \$208,000.00; right now it looks like it will be about \$100,000.00 to get the remaining pieces of right-of-way needed for the project. The trail is also still shown as an option. The water quality pond can be deferred until a later time, along with a flood pool structure. With these reductions, the total cost is roughly \$5 million. Right now, the total project budget is around \$4.9 million.

Mr. Stone stated that the special costs for this project included a web-site upgrade specifically for this project, along with a video recording of the process, which cost about \$44,000.00. The landscaping concepts and landscaping design are at \$27,000.00. The 404 and NPDES permitting processes are around \$34,000.00. The other issue that is unique to this project is culture investigation mitigation; the original fee for this was around \$7,000.00, but now with the mitigation that is being required to get the project moving will be up to \$22,000.00. The remaining ones are pieces mainly reserved for the construction side, such as observation, materials testing, and construction survey. They are also doing a more intense scour analysis for this project to satisfy the State Engineer's requirements for addressing flows going over the top of the dam.

Mr. Stone stated that the advertisement for the 404 permit for this project will occur either at the end of this week, or most likely the first week of January. It is a 30 day comment period once it is advertised. They anticipate that the permit would be deemed complete around mid-to the end of February 2006. They are intending to submit to the State Engineer the plans on the hydraulic analysis in January 2006. They anticipate approval from them around March 2006. The design plans would be concurrent with the submittal to the State Engineer's office in January. The construction plans would be deemed complete with the final comments in by February 2006. The project would then be advertised in March, which is two months later than first anticipated. Construction is projected to start in April 2006, with the project complete around February 2007. There are no drop structures downstream from the dam in the budget. Pulte will be doing one at the downstream end of its development. The last estimate for the drop structures was around \$300,000.00. One has not actually been designed yet to get the total details down.

7. Action/Acceptance of 19th Avenue Dam Concept Design Report.

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Mr. Clint Dodge, of ASCG, stated that this project is in the Black Watershed and is a dam that is at Unser and 19th Avenue, which is the future alignment of Westside Boulevard. The idea is to provide both a water quality and detention facility to reduce the flows to the capacity of the existing box culverts under Unser Boulevard. There are several pieces of property in the area of the project that SSCAFCA is currently in the process of acquiring. This concept design report documents the hydrology, the hydraulics, identifies the properties, and sets the stage for doing the next part of the project.

Mr. Stoliker stated that staff would like to get this design project done so that developments east of Unser will take out the dirt and do all of that work for SSCAFCA.

A motion was made by Mark Conkling to approve the 19th Avenue Dam Concept Design Report as presented. It was seconded by Dub Yarbrough and passed unanimously.

CHAIRMAN'S REPORT.

None.

PUBLIC FORUM.

None.

FOR BOARD INFORMATION,

Mr. Stoliker stated that the following was for Board information only and/or contained in the Board's packets:

1. Next Board Meeting will be held on Friday, January 20, 2006 at 9:00 a.m.
2. Revised Major Project Budget Summary.
3. November 18, 2005 Correspondence to Cliff Spirock Regarding Nakamura/Case & Ronald Brown Proposed Village of Corrales Plat Maps.
4. Copy of the City of Scottsdale Design Standards and Policies Manual as well as the Basic Zoning Ordinance and Select Cross Reference Sections are available at SSCAFCA's office for review.
5. November 2005 Newsletter Regarding the Quality of Life Flood Control Planning Study.

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6. The following developments/drainage plans were received for review and comments provided to the consultant:
a. Loma Colorado Subdivision comprising approximately 444 acres; approximate discharge of 1050 cfs; comments were provided to the consultant on November 22, 2005;

The following infrastructure plans were signed by the Executive Director:

- a. Sierra Vista @ Mariposa Construction Plans; the Executive Director signed the construction plans on November 18, 2005.
7. Sole Source Selection of Deluxe Engraving to Design and Construct AMREP Award.
8. December 6, 2005 correspondence to Kurt Browning regarding Quail Ranch Phase 1 DMP.
9. December 7, 2005 letter to PNM Granting Permission to Install Underground Dry Utility Crossing of the Montoyas Arroyo at Rainbow Boulevard.

OTHER BUSINESS.

Presentations were made to past Board members for their service.

ADJOURNMENT.

A motion was made by John Chaney to adjourn the meeting. It was seconded by Steve House and passed unanimously. The meeting was adjourned at 11:43 a.m.

~~WM. C. YARBROUGH~~
Chairman

John Chaney

JOHN CHANEY
Secretary

DATE APPROVED: 1/20/06