

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF FEBRUARY 18, 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 8:45 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were Mark Conkling, Donald Rudy, and Dub Yarbrough. Mr. Chaney and Mr. House were noted as absent. Bernard Metzgar, SSCAFCA's attorney, 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.**

Mr. Yarbrough stated that due to certain circumstances, the Agenda needed to be changed so that action items could be heard before Mr. Conkling needed to leave. Mr. Stoliker stated that he would like to do item letter H first, followed by F.4, F.1, F.7, and then letter G. After that, the regular Agenda could be followed.

A motion was made by Mark Conkling to approve the Agenda as amended. 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.

**RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORTS FOR JANUARY 31, 2005.**

1. **Action/Acceptance of Resolution 2005-08 Fiscal Year 2005 Budget Adjustment.**

Mr. Perry Baird stated that this Resolution includes the recognition of the approval of the \$6 million bond question and the sale of \$3 million of those bonds last month, with the closing and receipt of funds on February 15, 2005. The money is invested at the State Treasurer's office at this time. Before any of this money is spent, the Board has to have an approved Budget Resolution and DFA approval is also required. DFA approval will most likely take less than a week.

A motion was made by Mark Conkling to approve Resolution 2005-08 as presented. It was seconded by Donald Rudy. Roll call vote: Mark Conkling, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion carried 3-0.

## **EXECUTIVE DIRECTOR ' S REPORT.**

### **1. Action/Acceptance of Contract Renewals.**

Mr. Stoliker stated that the contracts are set up so that they can be renewed annually. Mr. Stoliker stated that Perry Baird has requested a raise in his rates from \$45.00 to \$50.00 per hour. Staff highly recommends that this change be made. Mr. Stoliker stated that Santiago ' s Native Landscape Services is requesting a 5% across the board rate change, which still keeps them less than the previous contract. He stated that Sunny Fence is requesting an approximately a 2% - 3% increase; ASCG is requesting an increase of approximately 3%; Huitt-Zollars is requesting a 2% raise; and Surveying Control is a 2% - 4% raise. He recommended renewals of all of these contracts including those without changes.

#### **Renewals with Changes:**

- a. **Professional Accounting Services - Perry Baird;**
- b. **O & M - Santiago ' s Native Landscape Services;**
- c. **Fencing - Sunny Fence;**
- d. **Engineering - ASCG;**
- e. **Engineering/Surveying - Huitt Zollars;**
- f. **Surveying - Surveying Control.**

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

#### **Renewals without Changes:**

- a. **Surveying - Bohannon Huston;**
- b. **Surveying - ASTS;**
- c. **Surveying - Community Sciences;**
- d. **Engineering - Bohannon Huston;**
- e. **Engineering - Stantec.**

A motion was made by Donald Rudy to approve the contracts without changes as presented. It was seconded by Mark Conkling and passed unanimously.

### **2. Action/Acceptance to Build a New Fire Sub-station in the Village of Corrales.**

Mr. Stoliker stated that the Village is willing to allow SSCAFCA to retain control over the 100 feet around the Harvey Jones and Dulcelina Curtis Channel from the channel wall, which is about half the property. The Village would not place any structures in this area and it would be reserved for SSCAFCA to perform O & M and reconstruction of the

**BOARD OF DIRECTORS REGULAR MEETING**

**FEBRUARY 18, 2005**

Channels. The Village has also stated that they needed to keep about two acres in order to maintain the highest insurance rating, which is the best rating for the Village citizens. The Village wants to put a training structure just south of the building and they are willing to move the water tank as close to the parking lot as possible. Mr. Stoliker stated that a structural engineer from Bohannon Huston has reviewed the plans and he agreed that it looks like the remaining land will be satisfactory for SSCAFCA to do its maintenance work and reconstruction work as needed.

Mr. Yarbrough stated that he wanted to make sure that there is a minimum of 100 feet from the interior walls of both channels kept clear at all times. The site development plan for the sub-station will be brought to David for approval and any changes that need to be made on it will be worked out with the Village at that time. The site development plan will not be filed without SSCAFCA ' s approval.

Marylin Hill, Village Administrator stated that this was acceptable to the Village.

Steve Grollman, an engineer for Larkin Group, stated that the sewer line runs along the north side of the north wall. It is the effluent line from the Rio Rancho treatment plant.

A motion was made by Donald Rudy to approve the Village of Corrales ' request for its fire station with the stipulations voiced by the Board and contained in the information prepared by staff and contained in the minutes. It was seconded by Mark Conkling and passed unanimously.

Marilyn Hill, Village Administrator, stated that she is very pleased with the work they have done with Mr. Stoliker and the Village agrees with Mr. Rudy ' s comments that this is a time to work together.

3. Request from M. Spangler for Condemnation Assistance to Acquire one Remaining Lot for a Regional Drainage Pond.

Mr. Stoliker stated that SSCAFCA has an approved Master Plan for the Northern Meadows area, which is a large subdivision with multiple phases to it. AMREP had agreed to do some off-site drainage ponds which are regional drainage ponds. AMREP has been doing this work, but it has now found out that it does not own some of the property where the ponds would be located. AMREP made offers to the property owners but has not been able to buy about three of the lots needed.

Mr. Rudy asked what the nature of the action is that SSCAFCA would be taking. Mr. Metzgar stated that SSCAFCA could, on a cooperative effort with AMREP, agree to use SSCAFCA ' s power of condemnation to acquire those lots subject to reimbursement for all costs by AMREP. SSCAFCA could not use its condemnation powers if the drainage features was only going to serve Northern Meadows or AMREP ' s project. However, the

**BOARD OF DIRECTORS REGULAR MEETING**

**FEBRUARY 18, 2005**

property is needed for a more regional use and the ponds will be protecting a lot of other lands. So long as that is the case, SSCAFCA can use its condemnation powers for this project. Mr. Metzgar stated that the U.S. Supreme Court has a pending case that may delineate more clearly how far any governmental entity can go with its condemnation powers.

Mr. Stoliker stated that the structures proposed to be built are included in regional drainage plans approved by SSCAFCA. Mr. Matt Spangler stated that the property holding up the project is right in the middle of property owned by AMREP and is owned by a man in New York. AMREP has attempted to contact him on several occasions and he is not interested in discussing the sale of his lot. Mr. Metzgar stated that SSCAFCA has received a letter from Mr. Wall of AMREP indicating that AMREP would reimburse SSCAFCA for its use of its eminent domain powers.

Mr. Spangler stated that there is also another lot they are attempting to acquire. On this particular lot, they were able to contact the owners in Arizona and they were initially interested in selling the lot, but then they moved and AMREP has been unable to contact them. Mr. Stoliker stated that once the pond is built, SSCAFCA will keep the land ownership and an agreement worked up to allow AMREP to construct the regional detention ponds. The lots have been acquired in the past for between \$5,000 to \$7,000.

Mr. Conkling stated that it would be better if SSCAFCA were to receive the donation of the remaining land from AMREP before the condemnation process started. Mr. Metzgar stated that if SSCAFCA was going to have the structures and maintain them in the end, then the argument that SSCAFCA would be turning over the property to a private developer does not apply. Mr. Stoliker stated that there would need to be some sort of written agreement with AMREP. He stated that this was done one other time in the Middle Venada.

A motion was made by Mr. Conkling to proceed with the acquisition and leave the details of ownership, maintenance and construction to respective counsel. It was seconded by Donald Rudy and passed unanimously.

**CONSENT AGENDA.**

1. Action/Acceptance of the Minutes of January 21, 2005 Regular Meeting and January 25, 2005 Special Meeting.

A motion was made by Mark Conkling to approve the minutes of the January 21, 2005 Regular Meeting and January 25, 2005 Special Meeting as presented. It was seconded by Donald Rudy and passed unanimously.

**ATTORNEY'S REPORT.**

Mr. Metzgar stated that Mr. Stoliker had asked him to prepare an exchange agreement between SSCAFCA and Iliff-Brown so that SSCAFCA would have enough property for a pond. He stated that the City of Rio Rancho was originally handling this and was going to acquire the property from Iliff and then transfer it to SSCAFCA. However, something happened along the way to prevent that from happening. The Executive Committee has approved this exchange, but he does not believe that it has been brought before the entire Board. This transaction must also go to the Board of Finance for approval, therefore, there must be Board minutes approving the exchange.

Mr. Metzgar stated that because SSCAFCA is acquiring a larger lot from the Iliffs in the trade, SSCAFCA must pay them \$9,000.00. The appraisals must be approved by the Taxation and Revenue Department and then, if they approve it, the matter will then proceed. It does not have to come back to the Board.

A motion was made by Donald Rudy to approve the exchange of the properties with payment by SSCAFCA. It was seconded by Mark Conkling and passed unanimously.

Mark Conkling left at 9:25 a.m. The meeting was officially adjourned due to lack of quorum. A discussion period only continued after this time.

**EXECUTIVE DIRECTOR'S REPORT (continued).**

4. Update on Drainage Policy Evaluation.

Clint Dodge, of ASCG, stated that he has been helping Mr. Stoliker evaluate the on lot ponding situation. The major problem that has been identified is that the on-lot run-off from single family residences in the single lot development areas is causing problems, including erosion and loading up downstream facilities. The second issue is that the subdivisions are required to pay for their own drainage, but the single lot owner of platted land doesn't have to pay anything. The third issue is the "catch up" projects which include the current deficiencies within the system.

The first alternate is the current policy and how it is currently being administered. The second is on-lot detention ponds. The third is on-lot retention ponds. In this option, there is no discharge from the single family lot. The fourth is the redevelopment option to have all new subdivisions in the redevelopment areas take care of their own drainage. The fifth is impact fees and how they work and what impact would they have on these two problems. There are two levels to the impact fees - one is with regional facilities which would be intended to cover all the drainage, both local and regional; the second is the impact fees without the SSCAFCA component. The next option is special assessment districts and how they relate to the funding and the run-off control. The next option they looked at is a Horizon year development boundary. The idea here is to decide at some

**BOARD OF DIRECTORS REGULAR MEETING**

**FEBRUARY 18, 2005**

point to restrict the run-off to historic run-off. Beyond that, there would need to be more facilities to control the run-off at historic rate. The last option is storm water utilities. A storm water utility charges based on the amount of run-off that the property has instead of the property value. This is considered a user charge and would be collected like a utility bill.

Mr. Stoliker stated that he would like to see done today is discussion of the Horizon boundary concept. Of all of SSCAFCA 's watersheds, only the Calabacillas is affected by this. Mr. Rudy stated that he has a problem with the Horizon boundary concept, which is that one of the problems is that by the time SSCAFCA begins to acquire property for a detention facility, the area is already platted, developed and partially built and the property is difficult to acquire. It seems that the Horizon boundary concept exaggerates that problem. Mr. Dodge stated that this is the problem with SSCAFCA being behind the growth. Mr. Metzgar stated that SSCAFCA can still acquire the property it needs for ponds, but the issue is the higher cost at which the property is acquired.

Mr. Dodge stated that Mr. Conkling had requested we look at this option because SSCAFCA is designing its facilities for fully developed flows that may come from areas that won't be developed for quite some time. Therefore, SSCAFCA is over designing based on that future development. Within the Watershed Management Plans, SSCAFCA already has identified development boundaries. On Tributary A in the Black 's Watershed Master Plan, which is in the bottom of Unit 10, there is essentially no development right now. SSCAFCA proposed a dam which doesn't need to be built until the area above it develops.

Mr. Dodge stated that in the Venada Watershed they have already started identifying and acquiring the lots that will be needed for ponding. Mr. Metzgar stated that if SSCAFCA decides within five years from the time of acquisition, that the property is no longer needed, SSCAFCA must offer it back to the person from whom the property was acquired at the price acquired, plus 6% interest per annum. If the five years is over, then you sell it as excess property. Mr. Dodge stated that the political will to form a storm water utility does not exist right now. It is not worthwhile to even keep this option on the list at this time. Mr. Rudy stated that he would like to see this option kept open. Mr. Dodge stated that there are about 500 storm water utilities in place in the United States. They all stated that the most important thing to be done is educate the public and get the public on board. Then, it is not a problem; it simply becomes an administrative issue.

Mr. Stoliker stated that the storm water utility option will be put on the back burner for now. Mr. Dodge stated that because special assessment districts are localized, they will not really be able to contribute to regional facilities. Mr. Stoliker stated that the SADs will most likely require subsidizing of the regional facilities and that is why these need to be incorporated with bonding or some other way to fund them through SSCAFCA. Mr. Rudy stated that a storm water utility would also take on the responsibility of drainage alongside

**BOARD OF DIRECTORS REGULAR MEETING**

**FEBRUARY 18, 2005**

the roads. The good side of this is that it would provide a total flood water control concept to the river; the downside is that there are a lot of existing political entities with which this option would conflict. The political conflict would be enormous.

Mr. Stoliker stated that the City is looking at implementing some sort of impact fee. SSCAFCA would position itself to receive the regional impact fee money for construction and build the facilities. His problem with this option is that if they do impact fees at 20% of the real costs, then SSCAFCA, or someone, would have to supplement. Mr. Rudy stated that impact fees large enough to have a significant value with respect to doing flood control will hinder development. If growth is hindered, the political forces in Rio Rancho will squash the impact fee.

5. Discussion/Review of Bond Project Task Orders:
  - a. Sunset, Sugar & Lisbon Dam Sites;

Mr. Clint Dodge, of ASCG, stated that the Black 's Watershed Management Plan shows that the channels that go through the existing subdivision are okay for existing conditions, but once houses are built they will not be big enough. Two dams were proposed originally in the Watershed Management Plan. Six months ago, a footprint analysis was done to identify the properties that would be needed. When that was done, it showed that it would be cheaper for SSCAFCA to build another dam just west of 10th Street. There are now three dams planned. These are on the list for high priority right-of-way acquisition.

Mr. Dodge stated that the first dam being proposed is the Sugar Dam and is on the Sugar branch of the Lisbon Channel. They selected this dam as the first to design because Wallen Builders has expressed an interest in purchasing dirt out of that dam site, in essence doing SSCAFCA 's grading for the dam. Mr. Stoliker stated that the proposed agreement for this was contained in the Board 's packets last month. SSCAFCA does not own the property yet. The task order for the design of the dam and the emergency spillway is \$37,000.00. Mr. Dodge stated that this dam has an emergency spillway, which is the roadway, and then it has a storm drain down to the start of the Sugar Channel, which is at Tulip Road. It was discussed that SSCAFCA go ahead and build the outlet while Wallen Builders was taking the dirt out. Mr. Rudy stated that, in the interim, SSCAFCA is actually reducing historical flows.

- b. Sportsplex Dam Site;

Mr. Howard Stone stated that this site is next to the Loma Colorado redevelopment project that the City of Rio Rancho is pushing forward. The Loma Colorado project will be influenced by the dam and vice versa. One of the big issues is a secondary transportation connection from High Resort Boulevard across the Montoyas Arroyo Dam to the Loma Colorado project. When the proposed footprint was put together, they weren 't really

**BOARD OF DIRECTORS REGULAR MEETING**

**FEBRUARY 18, 2005**

looking at any potential for a new transportation link; however, this appears to be exactly what the City is looking at. Moving forward with the dam design will need to be closely coordinated with Pulte Homes. Mr. Stone stated that Pulte Homes goes to the City in March to get their development agreement consummated with the City. Once that is done, then they can move forward with their planning efforts. He anticipates that in the beginning of April SSCAFCA will have an idea of what kind of road link Pulte Homes will have going from High Resort Boulevard into Loma Colorado. As part of their development, Pulte Homes will need to build flood control facilities - a minimum storm drain and they may have to build some detention ponds depending on how the property is developed. One option could be to put their flows into the dam. If they do that and SSCAFCA makes the dam a little bigger, Pulte Homes may be able to have free discharge with the flow that cannot go into the dam by gravity.

Mr. Stone stated that when this initial concept study was done, they had shown a concept for expanding the Rio Rancho Complex. Right now, the area that is directly west of the existing sports complex facility is difficult to develop because it is part of the old arroyo flow path of the Montoyas Arroyo. It is lower land than what they could use to make it a valid facility. SSCAFCA proposed a concept there that will need to be coordinated closely with the City to see what its wishes are and if they can work together as a positive benefit to the community.

Mr. Stone stated that there are also some other impacts to deal with. One is the sanitary sewer that goes from Northern Meadows down to the treatment plant. This goes right through the middle of the arroyo and will need to be moved during this project. The surface area is roughly 20 acres. The volume of storage for the 100 year storm is about 280 acre feet. The flow coming in in the existing condition for the 100 year event is about 4,500 cfs and is being released at 3,470 cfs. It is being designed such that with the existing conditions, once the flow gets down to the Corrales area, specifically the Corrales Bridge, the flow will be less than 5,000 cfs that the bridge is currently handling. The berm height is being proposed at 20 feet. That may change based on the road link. The road will be combined with the berm, which will give a positive benefit for both entities because they can be combined for joint costs.

Mr. Stone stated that the interior slopes are about 6 to 1 and the exterior slopes are about 10 to 1. They are pretty flat and the reason for this is to make it less obtrusive and make it blend in better with the natural surroundings. Some undulations will most likely be done to the slopes to make them varied so it seems more natural rather than an engineered type facility. This also makes the facility safer because the flatter slope you have, the safer is the dam. Mr. Yarbrough stated that SSCAFCA will need a wider width at the top than with the road. Mr. Stone stated that the top of the berm will have to be hardened because of the requirements from the State Engineer to protect against the probable maximum flood and, this will also be something that SSCAFCA can derive a benefit from. This is a high hazard dam because of the potential of loss of life downstream



## **BOARD OF DIRECTORS REGULAR MEETING**

**FEBRUARY 18, 2005**

if this dam were to break. Mr. Stone stated that the State Engineer is very conservative in his calculations for a probable maximum flood. The flow being discussed is 180,000 cfs, which is immense and is roughly the annual average flow from the Mississippi River.

Mr. Stone stated that the estimated cost for the dam is \$3.6 million. The design fee is around \$210,000.00, or 5.7% of construction. He has also included the other components of the soft costs, which are the advertising award, construction inspection, full time inspection, materials testing and construction survey. All of these added up is about \$584,000.00. He also has included the costs that don't normally occur as part of the design fee as a part of the normal fees. These include the mapping costs, surveying, SWIP - these are the new requirements from NPDES to prepare for a pollution prevention plant, a 404 permit since this is in the arroyo (this also requires an endangered species and archaeological review), geotechnical evaluation to meet the State Engineer's requirements. They also have to meet new requirements from the State Engineer's office which is an operations and maintenance manual to describe how they will deal with the regular maintenance and how to operate the dam, an emergency action plan and landscaping. The total right now is at \$823,000.00, which was in the conceptual report brought to the Board last year.

c. Obregon/Saratoga Roads and Enchanted Hills Elementary School Drainage Improvements.

Mr. Kim Kemper of Huitt-Zollars discussed this project and its present status.

6. Discussion/Review of the Draft Annual Report for 2004.
7. Update on House Bill 591 SSCAFCA Boundary Change.

Mr. Stoliker discussed the present status of HB591. He said it had passed the House unanimously and was now going to the Senate for action.

### **CHAIRMAN'S REPORT.**

1. Discussion of Rearranging Board Room.
2. Meeting with City of Rio Rancho.

There was a general discussion of rearranging the Board Room in order to allow a better view of the screen during presentations. There was also a brief discussion of the meeting with Rio Rancho officials about on-lot ponding.

### **BOARD OF DIRECTORS' COMMENTS.**

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. Executive Committee Meeting Minutes for January 10, 2005 and January 24, 2005.
2. January 19, 2005 Correspondence with PNM Regarding Underground Dry Utility Crossing of the Lomitas Negras Arroyo on Idalia Road.
3. January 19, 2005 Letter from Hank Axen of Wallen Builders Regarding Sunset Dam MOA.
4. January 20, 2005 Letter to Dan Aguirre and Michael Castillo Regarding Northern Meadows Unit 11 Phase 1 & Phase 2 Construction Plans.
5. January 24, 2005 Letter from Mr. and Mrs. Pilgrim Regarding the Sale of Unit 17, Block 85, Lot 33.
6. February 2, 2005 Letter to Claudia Smith Regarding the Development of Lot B, Lands of Joe & Irene Mayhill.
7. February 3, 2005 Letter to Debbie Hayes Regarding the Montoya Road Drainage.
8. February 4, 2005 Letter to James M. Palenick Requesting a Meeting to Discuss Drainage Issues.
9. The Following Infrastructure Plans were Signed by the Executive Director:
  - a. Cabazon-Black East Branch Channel: The Executive Engineer signed the construction plans on January 18, 2005.

The Following Developments were Received for Review and Comments Provided to the Consultant:

- a. Northern Meadows Unit 12, located within the Northern Meadows development. Proposed subdivision compromises approximately 50 acres, 285 dwelling units, with an approximate discharge of 118 cfs. Comments were provided to the consultant on January 28, 2005.

**BOARD OF DIRECTORS REGULAR MEETING**

**FEBRUARY 18, 2005**

- b. Northern Meadows Unit 16 and Offsite Improvements, located within the Northern Meadows development. Proposed subdivision comprises approximately 151 acres, 190 dwelling units, with an approximate discharge of 143 cfs. Comments were provided to the consultant on January 28, 2005.
- 10. Completed Fencing the East Side of the Lower Venada Easement a Distance of Approximately 1,600 Linear Feet.
- 11. Summary Plat, Lot 2A, Parcel A-1 and Tracts A and B in Block A, Unit 20 Industrial Park (otherwise known as Joiner's Arroyo) was filed for record on January 18, 2005. This plat grants SSCAFCA an easement for operations and maintenance over Parcel A-1, comprising 5.691 acres. SSCAFCA will assume operations and maintenance after a final inspection is made and any deficiencies are corrected.
- 12. February 14, 2005 Letter from Ronald R. Bohannon Regarding the Summary Plat for the Northwest Corner of Unser and Southern Boulevards.
- 13. Developing RFP for ROW Acquisition Assistance.
- 14. February 8, 2005 Letter from Jerome Fossenier Regarding the Soil Cement Repair @ Paseo Tomas Montoyas Bridge Over the Harvey Jones Channel.
- 15. Middle Rio Grande Albuquerque Reach Watershed Group Formation.
- 16. State of New Mexico Middle Rio Grande Bacteria Source Identification and Tracking Project.

**OTHER BUSINESS.**

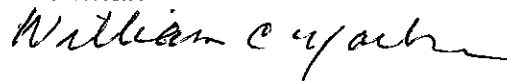
None.

**ADJOURNMENT.**

The discussion meeting adjourned at 11:00 a.m.

  
DONALD RUDY  
Acting Secretary

WM. C. YARBROUGH  
Chairman



DATE APPROVED:

C:\Documents and Settings\Administrator\My Documents\Board Minutes\Minutes.2.18.05.doc